



Puntland Human
Rights Defender

2ND
ANNUAL
REPORT
2016/2017



The Defender Visiting Inmates at Bosaso Central
Police Station 29th January 2017

His Excellency, Honorable Abdiweli Mohamed Ali

President of Puntland State of Somalia

LETTER OF TRANSMITTAL

Pursuant to article 118(9) of the Puntland State Constitution 2009 and article 12 (7) of Puntland Human Rights Defender's Act 2011, I have the honour of submitting to you our office second annual report covering the period from November 2016 to November 2017.

Please accept, Your Excellency the assurance of our highest consideration.

A handwritten signature in blue ink, appearing to be 'M. Ali', is written over a faint, illegible printed name.

Cc,

Speaker of Puntland House of Representatives

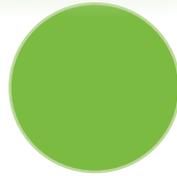
First Deputy Speaker of Puntland House of Representatives

Second Deputy Speaker of Puntland House of Representatives

Contents

Foreword	3
Executive Summary	4
Introduction	6
CHAPTER 1 - Overview of Puntland Human Rights Defender	7
CHAPTER 2	10
Key Results 1: OPHRD capacitated as a strong professional and sustainable institution	
Objective 1: To ensure growth and development of the OPHRD	
CHAPTER 3	13
Key Result 2: Better knowledge management has been achieved	
Objective: Obtaining updated information on the human rights situation in Puntland	
CHAPTER 4	15
Key Result 3: Increased knowledge and practice of human rights, principles and standards in public and private spheres	
Objective 3: Promote human rights awareness through public and private spheres	
CHAPTER 5	20
Key Results 4: Women, children, and people with special needs are equally accessed to exercise and enjoy their rights	
Objective 4: To promote advocacy of human rights protection of women, children and people with special needs	
CHAPTER 6	25
Key Result 5: Created equitable, complementary and sustainable strategic partnership for the promotion and protection of human rights efforts	
Objective 5: To improve coordination and networking protection mechanisms among human rights partners through effective partnership engagement	
CHAPTER 7	26
Key Results 6: Reduced systematic human rights violations in Puntland	
Objective 6: To enhance protection of human rights through monitoring, investigations, redress and referrals	

CHAPTER 8	34
Key Results 7: Increased applications of human rights principles and standards in Puntland	
Objective 7: To advocate for increased compliance and adherence to human rights principles	
<hr/>	
CHAPTER 9	35
Key Results 8: Increased compliance and adherence to the rule of law in Puntland	
Objective 8: To promote adherence to the rule of law	
<hr/>	
CHAPTER 10	37
Summary of Human Rights Abuses and Challenges in Puntland	
Recommendations for the Protection and Promotion of Human Rights	



Foreword

It was on 27th November 2014 when state MPs have elected the first Puntland Human Rights Defender as enshrined by articles 64(9) and 117 in Puntland constitution. Since then the OPHRD has been operational filling a vacuum hole that was open in Puntland governance system.



Apart of the establishment of the office which was itself a big success for state and people of Puntland, it is worth mentioning that the office focused on the protection and promotion of human rights principles enshrined in local and international laws particularly in the past years. Similarly, this the 2nd annual report which highlights in detail office activities in last two years 2016/2017; in the areas of promotion, protection and awareness raising of human rights, access to justice, implementation of human rights treaties, improving office capacity and identifying challenges and solutions for office activities.

OPHRD has made improvement in public awareness and knowledge of human rights principles, feeling of responsibility by government institutions/agencies and waged campaign against impunity (perpetrators who escape from justice). OPHRD provided opportunity to public who feel their rights were transgressed to lodge complaints at the office. It has paid every effort to restore back to victims denied their rights through advocacy and by providing legal counselling and representation before the courts and in other law enforcement institutions.

Despite Somalia as a whole including Puntland is recovering from the civil war and clan conflicts, human rights defenders in Puntland work in a difficult and dangerous environment. However, positive signs of improvement in human rights promotion and protection are underway as evidenced in this report. Furthermore, if the collaboration between authorities and communities

is improved on the basis of mutual accountability and state institutions/agencies respect their obligation towards rights and freedoms of the people, additional developments in that regard will be realized without doubt.

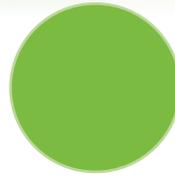
During this reporting period, many challenges were encountered by OPHRD office mainly on financial limitations- annual salaries were only received by half in the past year two years. This surely poses a negative impact on the morale of the staff and reduces motivation for work performance of the office mandates. However, human rights defender team were committed to fulfil most of targeted objectives with the support of external partners (UN & International agencies) working in the field.

OPHRD will continue to work on the promotion and protection of human rights in Puntland improving the cooperation with state institutions and agencies, local and international organizations. We highly appreciate the opportunity availed to the office by the Puntland Government, Judiciary, House of Representatives and the Puntland community. We thank everyone who contributed or supported us performing our mandated activity.

Mohamed Yusuf Ali

Human Rights Defender, Puntland-Somali

Garowe



Executive Summary

In the period of 2016/2017, OPHRD activities are guided by the strategic objectives noted in the 3 year office strategic plan 2015-2017. The office is performing its mandates and responsibilities enshrined in article 118 of Puntland Constitution, and article 12 of the Human Rights Defender Act, collected complaints from communities, monitored government offices, conducted human rights trainings and workshops to the government institutions and civil society organizations, provided legal advises to government institutions, extended legal advocacy services for vulnerable groups before courts finally issued this report. Here is displayed the summary of the report.

1. OPHRD conducted multiple monitoring and investigation, follow up visits to Bosaso, Carmo, Iskushuban, Waaciye, Badhan, Dhahar, Qardho, Dangorayo, Puntland, Godobjiiraan, Burtinle, Boocame, Xarfo, Galdogob, Gaalkacyo and Buuhoodle. During those visits, we focused most on police stations, prisons, courts and situation of the basic services delivery to local communities.
2. Cooperation between OPHRD and the police was formed. The established relationship aimed police awareness raising on human rights protection and provided training courses on human rights, police obligations and community policing. OPHRD trained 336 police cadets scattered in 14 districts. Although multiple trainings and awareness programmes were provided to police ranks and officers, unfortunately violations of human rights occur in police stations and by the hands of the different ranks of police officers.
3. OPHRD has conducted trainings to 180 members of civil society groups in 12 districts. These trainings focused on the protection of human rights, community and police partnerships, and advocacy of rights of children and women. Furthermore, 720 women received trainings and awareness on their constitutional and legal rights, legal course available in the case of violation and abuses.
4. OPHRD has forged close working relationship and cooperation with the Ministry of Justice, Ministry of Women in regard to the protection of women and children's rights. The office has played different roles in contribution to draft legislations forwarded by ministries; Ministry of Justice, Ministry of Women, Ministry of Interior and Ministry of Information such as Puntland Juvenile Justice Act, Sexual Offence Act, Puntland Refugee Act and Children's Rehabilitation Policy.
5. In Puntland, the number of remanded prisoners has increased, as well as the overtime remanded prisoners. The remanded inmates are mostly detained by military court, although a number of them are arrested under civil court orders. Judiciary decisions are sometimes interfered by government, particularly cases related to the arbitrary arrest of media persons and politicians against the exercise of freedom of speech and freedom of expression. The government influences to the judicial decisions and takes place the different levels of the courts, and causes denial or violation of rights and freedoms.
6. The role of the ministries and government agencies in the protection and promotion of human rights in different government services is very poor, or sometimes government institution does not

appreciate their constitutional obligations, which leads to less respect of human rights in those institutions, denial of freedoms and enjoyment of rights.

7. Issue of Access: The public continuously complain challenges they face in meeting public officers, particularly those in charge of service delivery agencies. It is somehow difficult for the ordinary citizen to get an opportunity to meet with officials of ministries and agencies.
8. Issue of non-payment of employees' Salaries and benefits: No progress has been made until now to solve salary arrears of the government employees yet. In 2016, average annual payment was only half of the sum paid, while in 2017, only 7 months were paid in general. As per articles 37 and 38 of Puntland Constitution, OPHRD has made advocacy of the situation but with no success. The ministry of finance is unwilling to honour its obligations.
9. Government and the House of the Representatives nominated a new electoral commission and HoR approved the members of the commission. The commission unveiled the program which leads to one man one vote in Puntland. This would have reflected a development on political rights and freedoms if realized accordingly.
10. It worth mentioning here that in Mudug region armed conflicts between Puntland and Galmudug took place periodically of which the most painful one occurred inside Galkaio town in October and November 2016. The armed conflicts has caused civilian displacement, civilian death, the ceasing of community services such as education, health services, deterioration of trade activities etc. and finally the result was increase of poverty and orphans.
11. On July and August 2017, several public protests against fake Somali money (shillings) printing and the accompanied inflation of necessary commodities took place in Puntland, Bosaso, Galkaio, Qardho, Burtinle. Instead of addressing the problem the government tried to silence the public outcry, which is unfortunate.
12. Human rights abuses and violations against women, children, disabled and displaced persons and minorities still occur in Puntland. Similarly, journalist/media houses are suppressed and sometimes get threats from local authority. Several arbitrary arrests took place in the reporting period, and the courts facilitated government illegal actions.
13. Puntland prisons still lag behind in making any development in improving of detention centre facilities, particularly health services, provision of quality food and education and rehabilitation programmes.
14. The reporting period of 2016/2017 about 198 complaints were received. 181 cases were either resolved or referred to the other concerned parties, while only 9 cases are still pending at the office.
15. OPHRD printed booklets as part of its public awareness and human rights advocacy programme. The booklets consists of, know Your Rights, Convention on the Rights of the Child (CRC), Conflict Management Framework booklet, Human rights Advocacy Framework, Human Rights Monitoring and Investigation guidelines.

Introduction

The periodical annual report of 2016/2017 focuses on what has been accomplished in the annual year plan with reference to results and objectives of the 3 year strategic plan of the office (2015-2017). The report also contains challenges hindering the protection and promotion of human rights and the suitable recommendations to the challenges.

The report consists of 10 chapters which covers diversity issues in scope of human rights;

- + **Chapter 1:** Overview the establishment of the OPHRD, its legal framework, duties and responsibilities, powers and objectives, vision and mission, general principles and strategies of the office.
- + **Chapter 2:** Focuses on the capacity and performance level of the office, assessments and information gathered, trainings provided, work frameworks and guidelines developed. It also highlights increasing of office staff.
- + **Chapter 3:** Describes the management of information related to human rights issues in Puntland. It also reports and explains the expansion and outreach programmes of the office to new localities and districts.
- + **Chapter 4:** Exhibits increasing knowledge of human rights principles and laws by using awareness raising workshops, training of government agencies including police cadets , open forum discussions through media; TVs, Radio, websites and social media. Efforts of human rights principles public education extended to schools and universities by establishing students' human rights clubs and distributing human rights booklets to the students.
- + **Chapter 5:** Concentrates on the initiated efforts and advocacy programmes for minority, disabled people, women and children to live and enjoy decent life as others, their rights respected and protected according the human rights principles in Puntland/Somalia constitution and in international conventions.
- + **Chapter 6:** Highlights the establishment of sustainable strategic partnership with human rights partners for the purpose of coordinating, improving and developing human rights initiatives in Puntland by creating cooperation arrangement and working groups.
- + **Chapter 7:** Focuses on the decrease of systematic human rights violations in Puntland through promoting efforts of protecting human rights and monitoring, data collection, effective investigations and addressing public complaints.
- + **Chapter 8:** Recounts the application of human rights principles and standards in accordance with the national and international laws through advocacy, lobbying and public awareness, also domestication of international laws and amending national laws.
- + **Chapter 9:** Emphasizes the implementation of the principle of rule of law, equality before the law and fair justice for everyone including the weaker section of the society.
- + **Chapter 10:** Summarizes challenges encountered in the course of the work of human rights protection and promotion, and the appropriate recommendations to solve human rights challenges in Puntland.

CHAPTER 1

Overview of Puntland Human Rights Defender

1.1 Establishment of the Office

This office was created in accordance with articles 116, 117 of the Puntland Constitution and article 6 of the Human Rights Defender's Act. The procedure followed to nominate and select candidates for the position of Defender and his/her subsequent election is set out in article 117 of the Puntland Constitution and article 6 of the Human Rights Defender's Act. The Ministry of Justice, Rehabilitation and Religious Affairs was the mandated ministry to manage the process. On July 2014, the Council of Ministers discussed the candidates and short listed four from the list provided by the Ministry. On November 4, HE Abdiwali Mohamed Ali, the President of Puntland issued letter number MW/DPS/815/2014 requesting the House of Representative to elect one of the three candidates tabled before the House.

The Office of the Speaker of Puntland House of Representatives issued decree no XGGW/DPL/124//2014 reflecting the process of the defender's election noting that Mohamed Yusuf Ali won by a clear majority on

27/11/2014, resulting in his appointment as the first human rights defender in Puntland for a renewable term of five years (November 2014-November 2019) to come. The office launched officially on 12 March 2015 by the Puntland President HE Abdiwali Mohamed Ali and SRSG Ambassador Nicolas Kay.

1.2 The Legal basis for the OPHRD

The OPHRD is an independent and autonomous state institution that has a legal status and immunity. Its establishment is enshrined in the Constitution, chapter five - autonomous institutions of the state, articles 116,117,118 and 119. Human Rights Defender Act (Law no. 11 of 2011): Articles 1-21. The office complies with international human rights law and the UN Paris Principles on the Establishment of National Human Rights Institutions.



Launching Ceremony of OPHRD; from left the Defender, SRSG, Puntland President 12th March 2015, Garowe

1.3 Purpose of PHRD

- ⊕ To safeguard human dignity of Puntland citizens
- ⊕ To protect and defend the basic rights and fundamental freedoms of every individual living in Puntland
- ⊕ To combat human rights abuses including violence, abuses, exploitation, and deprivation of justice of any kind.
- ⊕ To address complaints from people living in Puntland
- ⊕ To investigate different abuses complained and closely share it with concerned authority and law enforcement agencies to take appropriate action.
- ⊕ To support victims of human rights violations, and defend these victims in court or in public.
- ⊕ To appoint special commissions to fulfil his/her duties.
- ⊕ To monitor places where he/she suspects human rights violations have been or are taking place.
- ⊕ To campaign for the reform of laws or administrative procedures in order to increase the protection of and respect for human rights.
- ⊕ To issue an annual report on the condition of human rights in Puntland State.
- ⊕ To submit to the Council of Ministers proposed legislation related to human rights.
- ⊕ All other powers and responsibilities that the laws of Puntland extend to this office.

1.4 Powers and Responsibilities of the Human Rights Defender

The Human Rights Defender shall have the following responsibilities and powers:

- ⊕ To prevent violations of human rights by providing advice to the relevant authorities.
- ⊕ To promote awareness and respect, among the public and public officials, of the importance of protecting human rights that are enshrined in the Constitution and the laws of Puntland, as well as in international protocols and human rights conventions.
- ⊕ To protect human rights that are enshrined in this Constitution and other laws.
- ⊕ To investigate any claim by citizens or social organizations regarding violations of human rights, to present the results of those investigations to the relevant authorities and the public and to make recommendations to protect human rights in Puntland State.

1.5 Vision

OPHRD vision is to create a society where dignity and human rights of all persons, including refugees, IDPs, minorities, women, disabled, aged and children living in the Puntland State of Somalia, are fully respected, realized and protected by the rule of law.

1.6 Mission

The OPHRD is committed to the full implementation of all human rights protection and promotion set forth in the Puntland Constitution, national laws as well as international human rights standards at the community, local and Puntland State levels in accordance with the conventions signed by Somali State and the guiding principles called Paris Principles.

1.7 Values

The activities of OPHRD will be guided by the following principles:

- + Independency and autonomy
- + Impartiality and neutrality
- + Equity and equality
- + Accessibility and Outreach

1.8 Key Focus Areas of OPHRD 2015/2016

1. To ensure growth and development of the OPHRD
2. To Obtain updated information on the human rights situation in Puntland
3. To Promote human rights awareness through public and private spheres
4. To promote advocacy of human rights protection of women, children and people with special needs
5. To Improve coordination and networking protection mechanisms among human rights partners through effective partnership engagement
6. To enhance protection of human rights through investigations, redress and referrals
7. To advocate for increasing compliance and adherence to human rights principles
8. To promote adherence to the rule of law

CHAPTER 2

Key Results 1: OPHRD capacitated as a strong professional and sustainable institution

Objective 1: To ensure growth and development of the OPHRD

Evaluation of office performance capacity

For the office to perform its mandated activities, it is necessary to acquire skilled personnel, work facilities, and systems in place that guide daily office work. As a result, the office sees as a priority to conduct a baseline assessment of its capacity to measure progress aftermath.

Since the implementation of the 1st objective of assessing the capacity of office performance requires financial and technical resources, the office has requested support from Diakonia. After approval of our request, Diakonia hired Basemark consultancy firm, which carried out the comprehensive Organizational Capacity Assessment (OCA) January 2017.

In the assessment report, the consultancy firm recommended the following:

- i) Develop and implement a human resource manual customized to the needs of OPHRD.
- ii) Develop and administrative procedures manual to capture all office management, logistics and administration issues.
- iii) Develop and implement a financial manual.
- iv) Develop and implement M & E system for the organization with tools for data collection tools and plans.

- v) Develop staff training and develop policy and procedure to ensure that institutional memory is in place
- vi) Put in place and use standard operating procedures, accountability framework and a complaints response mechanism
- vii) Develop and implement a resource mobilization strategy with an action plan to diversify donor and internal fundraising
- viii) Develop and implement an advocacy policy with clearly defined advocacy issues
- ix) Develop and implement a risk management plan and a security plan for the organization

OPHRD and Diakonia jointly agreed the outcomes and recommendations from the baseline assessment should come under implementation between the years 2018-2020. However, the execution of those recommendations will be sequenced according to the OPHRD priorities. Development of policies, strategic plans, hand manuals which are mentioned in the recommendation will put into action first as of January 2018.

1. Training of Office staff

OPHRD staff had received training and seminars related to their specific work as well as human rights protection and promotion in general.



OPHRD and
UNSOM staffs
pose for group
photo at the end
of human rights
training 2016

- a. UNSOM/UNICEF/SSF conducted Training of Trainers for OPHRD staff on how to train Police Officers on human rights issues.
- b. UNICEF conducted for OPHRD staff training on Case Management related to gender violence against women and children
- c. UNICEF conducted for OPHRD staff Training on child rights and justice.

It is worth noting that OPHRD in collaboration with Diakonia had planned to send 7 OPHRD departmental directors to Kenya Human Rights Commission for learning tour in order to gain more knowledge. However, this activity was not undertaken due to political instability as a result of Kenyan elections in 2017 and the Kenya Human Rights Commission engaged in the election political situation in Kenya. The learning tour again is planned to be conducted in 2018 with also finding other options including Rwanda.

2. Writing and composing of hand manuals, work manuals, and guides on human rights

In reference of Article 118, section 2 in Puntland constitution mandating the office to improve the

knowledge and capacity of human rights, OPHRD developed in the period 2016/2017 the following manuals to raise human rights awareness among office staff, government institutions, civil society, media and humanitarian partners.

Following are the manuals, guidelines and educational materials composed by the OPHRD:

- + Pocket book on Know Your Rights 2017 in Somali. To educate people residing in Puntland about the basic human rights which they simply inherited as human beings. Those rights were derived from Islamic Sharia, Puntland constitution, international and regional conventions and treaties.
- + Guideline on human rights monitoring and investigations in Somali - The purpose of this guideline is to guide the OPHRD field staff and practitioners in the best practices of monitoring and investigations of human rights violations including reporting of violations, case management and response mechanisms.
- + Human rights advocacy framework in Somali. This framework facilitates the engagement of partners in the involvement of human rights advocacy with clear roles

and responsibilities in order to improve complimentary and synergy of advocacy, protection and promotion of human rights interventions in Puntland. It presents tactics for human rights advocacy and facilitates those involved in human rights advocacy to develop strategy, joint action plan and implementation of procedures in the agreed framework.

- ⊕ Conflict management framework in Somali. This framework helps staff and other practitioners in understanding conflict management from human rights perspective and to facilitate joint actions in preventing and mitigating conflicts.

OPHRD staffs have been trained on the usage and implementation of the human rights monitoring and investigation guideline and developed human rights and conflict management frameworks. The trainees came from different departments of the OPHRD with divergent experiences and backgrounds. The training was participatory, interactive and informative.

In conclusion, we are very delighted that OPHRD has been given an opportunity to perform its constitutional duties, and we hope that one day our State will be accountable to its people in all issues including human rights protection, promotion and fulfilment.

3. Recruitment of new staff

In the year 2016/2017, OPHRD became operational in new locations that were not previously covered. In a presidential decree, the President nominated regional representatives of OPHRD in all the 9 regions of Puntland. All nominated officers are operating in their respective regions except one officer – due to logistical reasons (Gardafu region).

Similarly, the Human Rights Defender nominated as monitoring officers for 9 districts. Generally OPHRD is operational in 18 districts including the state capital. That helped the community to gain insights for human rights issues and the work of human rights defender. In addition, office staff had a 51% (18 persons) increase which reflects development of the office in 2016/2017; therefore the current staff is 35.

CHAPTER 3

Key Result 2: Better knowledge management has been achieved

Objective: Obtaining updated information on the human rights situation in Puntland

1. Outreach to Badhan and Dhahar Districts

For the first year of its establishment, OPHRD was operating in only four regions located along the tarmac. Remote areas that lie off the highway road have not been reached due to office financial constraints. However, the House of Representatives (HoR) highlighted the need for OPHRD to operate in all Puntland regions including the remote ones such as Sanaag, Gardaafuu and Haylaan.

In 2016, OPHRD received support from UNDP for field visits to both Sanaag and Haylaan regions. Those field visits were aimed at assessing the human rights situations in those regions. Each region were allocated five days field visit with different activities such as human rights awareness raising, educating the local communities in regard to the mandate of OPHRD and carrying general assessment of human rights situations in those areas.

Objectives of the outreach

1. To educate the local communities in Sanaag and Haylaan regions for the mandate and services provided by OPHRD as well as raising the community's awareness towards human rights and gathering information regarding human rights complaints and violations.
2. To strengthen the role of communities and human rights agencies in the protection and promotion of human rights issues.
3. To record information related to violations of human rights against vulnerable groups in the communities such as IDPs, refugees, women and children, marginalized groups and people with disabilities.
4. To share with community different ways they could reach out to OPHRD office when reporting human rights violations. This includes the usage of the 'free hotline number 323 and office email addresses.

Outcomes of the Outreach

1. Local communities in Baran and Dhahar towns acquainted OPHRD responsibilities, duties and its contact information
2. For the first time, OPHRD had conducted training on human rights awareness raising to local communities, police officers and judges in both Baran and Dhahar districts.
3. Local communities in both towns acquired basic understanding on the principles of human rights during the training period or through the coverage of activities by the local media.
4. OPHRD got insights of human rights situation in Baran and Dhahar districts.



Mayor of district,
local police
commander
and his staff
with OPHRD
Team in front
of Devastated
Dhahar Police
Station 2016

Challenges

1. Both Baran and Dhahar police stations are in miserable conditions to the point that detainees are no longer kept in there for the fear of a total building collapse
2. In Baran District, a rented house is used for the court.
3. Awareness of the importance of human rights protection is generally low in both districts.
4. Police and judicial staff lack sufficient human rights training.
5. Due to the absence of most humanitarian and developmental agencies in those regions, they are less developed compared to other regions in Puntland.

Recommendations

1. To advocate in rebuilding the premises of the law enforcement institutions such as police stations, correction facilities (prisons) and court premises to protect the rights of the prisoners.
2. To conduct more trainings on the protection of human rights in both these towns as well as to the entire region.
3. To strength the capacity of police and judges in order to fully perform their roles in protecting human rights and hold violators accountable for their crimes.

Outcomes of the police training

Community and police partnerships reinforced to maintain dialogue on human rights issues and exchange of information on the purpose of preserving peace and tranquility in the area.

- + Improvement of human rights situation and upholding police service provision to the public and police detainees.
- + Respect of basic human rights and personnel freedom to maintain peace on the belief that all people are equal before the law.
- + Police and community sign memorandum of understanding for cooperation
- + Number of female Police officers is very limited compared to their male counterparts. In certain police stations, there are no female officers at all.
- + Most police officers do not have access to police uniform which makes it difficult to distinguish them from civilians.

- + Police trainees always complain about lack of salary payments causing them to suffer from low job morale which affects their performance of duties.

2. Conducting forums, seminars and open debates using media outlets including TVs, Radios and Social media

OPHRD's responsibilities as written in Article 118, section 2 of Puntland constitution and in other international and regional treaties and conventions include: Raising awareness of the community and Government Institutions on the importance of protection and promotion of human rights. Pursuant on the above, the Office implemented awareness raising campaign which is directed to communities, public servants and institutions that focus on human rights issues.

- OPHRD in collaboration with international organizations (Diakonia Sweden) aired messages aimed to the protection of children's and women's rights using local media outlets such as Daljir Radio, Sahar Radio, and Puntland TV:**



Police Commissioner and HR Defender with opening of police training workshop inside Police headquarter, Puntland June 2016

- + **Islamic Shariah:** Islamic principle for the protection of women and children's rights is based on the dignity bestowed to human being as per the verses in the Holy Quran and other narrations from the Prophet PBUH.
 - + **Puntland constitution:** Article 35 states and affirms women's rights, and Article 31 on children's rights.
 - + **International law:** Somalia is obliged to honour the international conventions part to it, hence Puntland is obliged to Protect the rights of women and children and avail justice to the victims.
 - + **Puntland Rape law;** Admitting that rape became a negative phenomena in Somali communities and poses fatal danger to the lives and the well-being of the society and the rape victims especially women and children and the fact that the customary and Somali penal laws failed to tackle rape issues, Puntland government has passed a Sexual Violence Act in 03/09/2016 to provide tougher punishments against sexual offences.
- b. **OPHRD in collaboration with UNICEF aired on Puntland TV awareness message about**

the International Convention of Rights of the Children 1989

- + On 20th January 2015, Federal Government of Somalia signed International Convention of the Rights of the Child which was established in 1989. The convention which consists of 54 articles and it has come into force on 31st October 2015 in Somalia for the first time.
 - + The International Convention of Rights of the Child declares that children should not be discriminated on the basis of language, ethnicity, race and should be protected from abusive words, rape, FGM, human trafficking, child soldiers, labor exploitation, corporal abuse, detention, and protected against drugs addiction.
- c. **OPHRD in collaboration with Save the Children aired below message about rights of disabled children through Sahar Radio.**
- + **Role of OPHRD on Disabled Children:** Based on Puntland Constitution principles and international convention on protection of rights of disabled children based on OPHRD act. It is the duty and responsibility of OPHRD to protect the rights of disabled children and assure that



Group photo of Alwaha Secondary School Students Human Rights Club

the government of Puntland is accountable to the protection and promotion of their rights in equal footing with other able children.

- + **Parent's role:** parents face different problems that hinder the provision of sufficient help to their disabled children. However, it became clear that parents have the strongest effect on the development of their disabled children. But there are different ways whereby parents could extend support to their disabled children; to fully know the extent of disability to their children and stand advocating to meet their needs.; to integrate the disabled children to the community; to contribute improve their knowledge to achieve success in their future; to promote and encourage their ego in order to reduce the stigma in the disability.
- + **Puntland Government Role:** to ensure that the disabled children acquire basic services such as education, health, and to develop their lives and reduce difficulties they face in government institution in dealing with disabled children by issuing relevant regulations and statutory.

3. Establishment of human rights clubs in universities and high school students

In collaboration with UNICEF, OPHRD established 7 students' human rights clubs that advocate for human rights protection in universities and high schools in Puntland. Out of 7 clubs- 3 in universities (PSU, EAU, UOB) in Puntland and 4 in secondary schools (Gambol, Alwaxa, AlNawawi, and Nugal School)

Objectives of the establishment of students' human rights clubs are;

- + To sensitize principles of human rights and shoulder responsibility for protecting it.

- + To create culture of respecting human dignity among students.
- + To increase the human rights knowledge and awareness and the same time recognize the importance of international declaration of human rights and other agreements such the charter of children's rights.

4. The publication and distribution of human rights booklets

OPHRD carried out awareness-raising campaigns through the available local media outlets including TVs, websites, and social media as well as office website via www.ophrd.org, and distributed the following printed materials to the government institutions, MPs, judiciary staff, judges, law enforcement, district and regional officials.

- + 1200 copies distributed of the booklet under the name "know your rights" Somali copy
- + 500 copies distributed of booklet on convention on the rights of the child (CRC) Somali copy
- + Distributed copies of Occurrence Books (OB) and criminal registers to 18 district police stations in all the regions of Puntland, Somali copy
- + Conflict Management Framework booklet, published 2017, Somali copy
- + Human rights Advocacy Framework booklet, published 2017, Somali copy
- + Human Rights Monitoring and Investigation guidelines, published 2017, Somali copy

Beneficiaries of media campaigns and human rights awareness educational materials

Serial No	District	# of beneficiaries reached	Gender Disaggregation	
			Male	Female
	Harfo	24,443	17,110	9,777
	Boame	27,615	16,569	11,046
	Dangorayo	41,824	25,094	16,729
	Wa'iyee	33,257	19,954	13,302
	Armo	34,952.5	20,971	13,981
	Badhan	57,674	34,604	23,069
	Garowe	45,000	27,000	18,000
	Galkacyo	51,333.5	30,800	20,533
	Bossaso	500,000	300,000	200,000
	Qardho	47,400	28,440	18,960
	Dhahar	8,759	5,255	3,503
	Iskushuban	7,540	4,524	3,016
	Godobjiran	34,674	20,804	13,869
	Burtinle	9000	5,400	3,600
	Galdogob	155,433	93,259	62,173
	Aluula	6,100	3,660	2,440
	Buuhoodle	54,675	32,805	21,870



Glimpse images of booklets distributed- Dec 10 2017

CHAPTER 5

Key Results 4: Women, children, and people with special needs are equally accessed to exercise and enjoy their rights

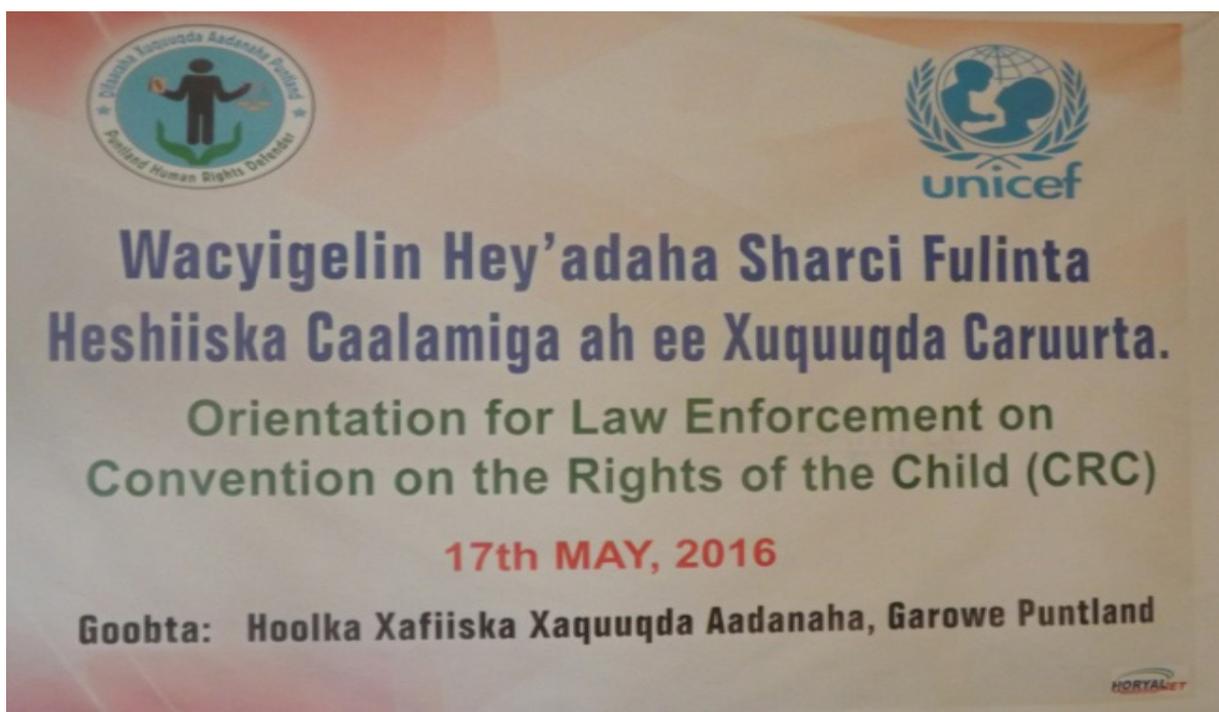
Objective 4: To promote advocacy of human rights protection of women, children and people with special needs

1. Implementation of Convention on the Rights of the Child (CRC)

OPHRD convened a number of seminars, discussion meetings and awareness-raising programs to government ministries, police, courts, attorney general, correction institutions, lawyers, and civil society groups. The focus of those seminars and meetings was the dissemination and informing the concerned institutions of the convention on the rights of the child of which Somalia joined on 20th January 2015.

Objectives of the seminars were:

- To inform and disseminate to the participants the Convention of Rights of Child in which the Federal Government of Somalia is among the member states recently signed.
- To play an important role for the protection of rights of children who are detained in Puntland correction centers
- To play an important role on the protection of human rights as accorded on Puntland Constitution, other





Workshop on women's education their rights at Godobjiran District, 2016

laws of the country and international human rights laws as well

- + To raise community awareness on the importance of child rights protection as enshrined in our religion, Puntland Constitution, Federal Constitution and international conventions and treaties as well.

2. Women's Rights

In Puntland, the abuses and violence against women is widespread and the administration seems does not have plan in stopping SGBV issues. In this reporting period 2016/2017, serious rape cases were reported of which those occurred in Galdogob, Bosaso and Ufayn towns were considered the ever worst cases to happen in Puntland. In later years, rape victims are heavily tortured, sometimes sustaining fatal damages that risk their lives. In 2017 number of rape cases reported to our office reached to 48, while domestic violence recorded was 20 cases in the same year.

OPHRD, has advocated for women's rights by training up to 720 women distributed among 12 districts while the indirect beneficiaries reached about 4,500 members. These training courses focused on raising the knowledge of women on their rights as declared in Puntland Constitution and international treaties and the laws that protect women's rights.

As stipulated in Article 35 of Puntland Constitution, women have the same rights as men except the distinction between the two sexes ordained by Allah. The women have the right to live within their constitutional rights; right to education, right to health services, have the same right as men to employment, have the same right to justice and to politics etc.

To give examples, abuses to women and girls include physical and psychological mistreatments such as beating women or insulting them, sexual exploitation, denial of conjugal rights, denial of inheritance to her blood kin. Law enforcement agencies has the national and international obligations to protect people in vulnerable situations, particularly detain and put before court perpetrators sexual and gender

based violence whether being a public figure, member of law enforcement agencies or an ordinary person.

3. Rights of Minority Communities (Discriminated Communities)

OPHRD organized a forum to discuss issues of human rights violations against discriminated “minority” communities and how to advocate for their rights:

- a) **Education difficulties;** these communities are financially poor, there are no schools in their localities, no affirmative action for those who finished secondary education. Recommendation: construction of schools in their villages and localities. Support school teachers. Give quota of scholarship opportunities to minority students.
- b) **Obstacles in Health Services:** their localities can't provide health services to communities because no health infrastructure is available there such MCHs, HPs and ambulances. HH income is very low, may be lowest of all communities. Recommendation: construction of health facilities. Creation of employment opportunities for the discriminated families.
- c) **Obstacles in Access to Justice:** marginalized groups do not have equal access to justice compared to other communities. There is lack of equal access to justice when it comes to land ownership disputes or other disputes that need legal assistance. In most cases, Police do not provide equal treatment in terms of complaints registration. Recommendation: provision of equal access to justice ensured, police must handle complaints with no discrimination based on gender, class or clan affiliation
- d) **Political challenges:** Minority communities lack actual political representation in the different tiers of government due to not having ISSIMO (traditional advocacy leaders), lack of economic presence, and living in scattered villages. Recommendation; form unified leaders, to promote political participation and inclusion of their priorities and accommodate their opinions and increase their working skills, and education.
- e) **Income creation opportunities and investment to promote working skills;** minority groups were famous in making handcraft industry such as making spears, knives, shields, arrows and bows, shoes etc. Reviving such related skills will allow job opportunities for minority groups. Challenges faced: the old productions of the minority communities is replaced by new production facilitated by modern imported machines. Recommendation: Investments to revive handcraft making to promote job opportunities for jobless and raise living standards.\
- f) **Job opportunities and employment:** lack of participation and representation in state politics, absence from public offices, lack of investment to traditional handcraft, lack of integration into active local civil society groups, social taboo of making traditional handcraft such as shoe and iron tools, all led minority groups to deteriorated social life and poverty. Recommendation: issue state policies promoting employment opportunities for minority groups. Give representation quota in political institutions under the clan style formula. Make investment to improve traditional handcraft opportunities. Provide awareness raising programs to promote social integration. Carry out social research on causes of discrimination, problems created and solutions.

4. Advocacy for People with Disabilities, IDPs and Refugees

OPHRD gives priority to provide advocacy for human rights protection and promotion of vulnerable groups, particularly disabled people, internally displaced persons, and refugees. It is worth mentioning that vulnerable groups such as children, women, disabled people, IDPs and refugees experience basic human rights violations from public institutions and within the



Advocacy meeting for disabled Children in Garowe, September 2017



Advocacy meeting for human rights protection of disabled; from right; chairman PDON, , Human Rights Defender, Minister of Woman Development and Family Affairs, Deputy Minister MOE, UNICEF head children's section and Deputy Chairman of Puntland Supreme Court. Sep 2017

communities they live. OPHRD carries out monitoring missions to investigate violations of human rights in IDP camps, disabled groups and to other places where complaints are received.

In this reporting period 2016/2017, the office staff visited, monitored, investigated and overseen the following areas:

1. IDP camps in Bosaso, Qardho, Puntland and Galkacyo
2. Somali Returnees from Yemen and Yemeni refugees centers in Bosaso, Qardho and Puntland
3. Allah Wakiil Disabled camp in Puntland, and PDON head office Puntland
4. IDPs and disabled children's schools in Puntland

OPHRD organized meetings to leaders of IDPs and Refugee camps to discuss the best ways of getting support for their needs, ways of sharing human rights complaints

and response to it, procedures for receiving legal advises from the office and the OPHRD contacts in the 15 districts located including the hotline system 323 and the website www.ophrd.org

Similarly, OPHRD convened awareness raising sessions and advocacy meeting to government institutions, human rights stakeholders, local organizations and advocators for human rights of disabled children. The meeting took place at the head office of Puntland Disability Organizations Network in Puntland. Participants exchanged information about the situation of disabled people in general and disabled children in Puntland in particular. Participants unanimously agreed on the implementation of the Puntland Disability Policy and the meeting recommendations

CHAPTER 6

Key Result 5: Created equitable, complementary and sustainable strategic partnership for the promotion and protection of human rights efforts

Objective 5: To improve coordination and networking protection mechanisms among human rights partners through effective partnership engagement

1. Cooperation and Coordination among Human Rights Partners

Based on our strategic objectives cited above, OPHRD focused to bring together human rights partners of local and international organizations based in Puntland in order to forge a robust cooperation and communication among the stakeholders, exchange of reports of human rights violations to speed up solutions, to plan together interventions on human rights protection and promotion in Puntland. Though the idea was new, however, it has received the attention of all stakeholders and human right partners, including, government institutions, local and international organizations.

Coordination and information sharing meetings on human rights issues: OPHRD has had exclusive meetings on the above purpose with Members of Parliament, Ministry of Justice, Ministry of Women Development and Family Affairs, Courts, Attorney General, Police Commanders, Correction Officers, local offices of UNICEF, UNDP, UNSOM, SSF, Diakonia and Save the Children.

Sector Working Groups Meetings; OPHRD is an active member on a periodic working group meetings co-chaired by different ministries and international agencies. These working groups include GBV working group, child rights working group, case management

meetings. Meetings are discussed cases related to abuses and violations against women and children, IDPs, refugees and disabled people in Puntland.

Furthermore, local civil society organizations such as Tadamun and the project of Maato-Kaal under Muslim Aid are also considered our close partners whereby we exchange information, refer cases as per organization mandates and services they provide. The services provided to human rights abuses victims include legal counselling and representation, medical support, psychosocial support, dignity kit, safe house.

As of 2018, the OPHRD office is planning to organize monthly human rights working group co-chaired by human rights defender, ministry of justice and UNSOM human rights programme and participated by both local and international organizations. The human rights stakeholder meetings are aimed at addressing human rights situation in Puntland, planning together human rights interventions, agreeing ways of sharing human rights violation cases, case management, lobbying and ensuring actions taken by concerned agencies and finally advocating human rights protection and promotion.

CHAPTER 7

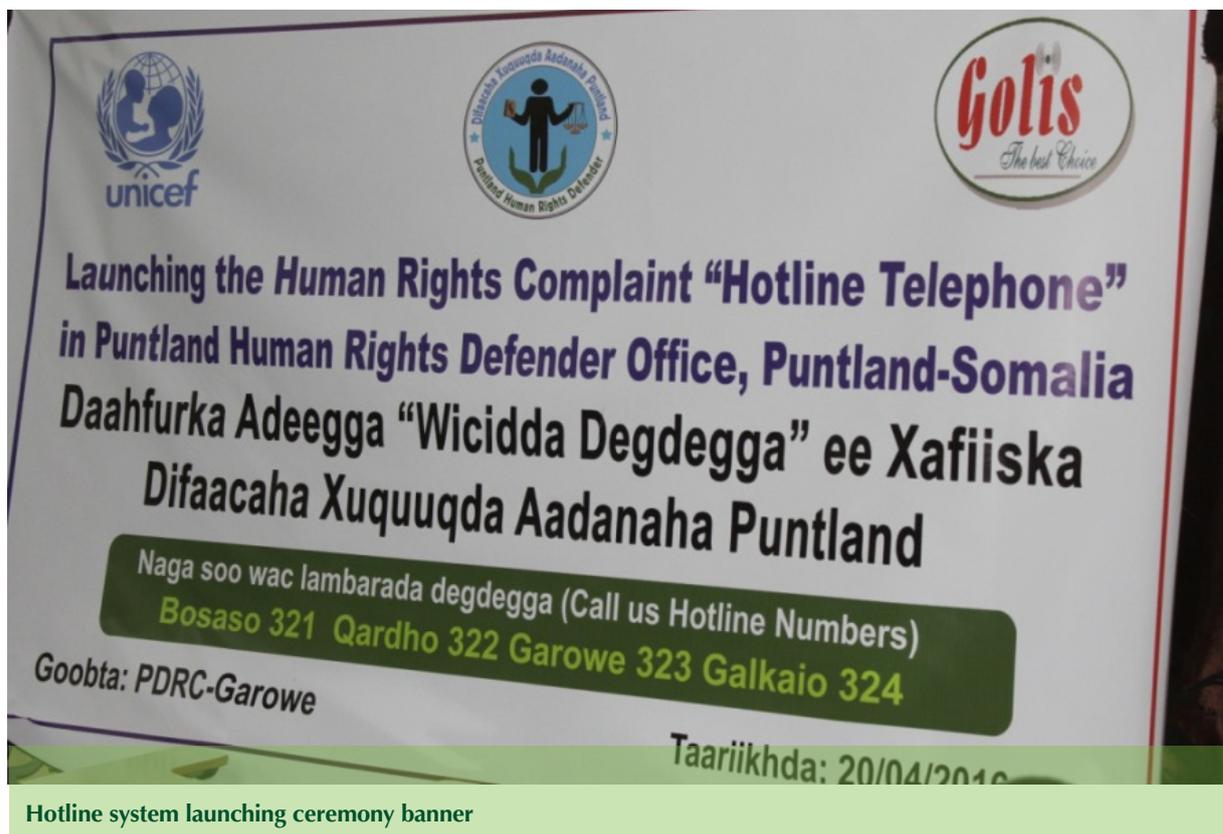
Key Results 6: Reduced systematic human rights violations in Puntland

Objective 6: To enhance protection of human rights through monitoring, investigations, redress and referrals

1. Establishment Free Hotline System

On 20th March 2016, OPHRD launched four hotline stations in order people reach the office and lodge their complaints, and share any human rights abuses and violation they witness in their localities. The hotline numbers are assigned in the main towns; Bosaso (321),

Qardho (322), Puntland (323) and Galkaio (324). However, after 6 months service, nearly all the numbers were disconnected due to financial constraints faced by the office in covering the high costs of the line charges. Currently only the hotline number (323) is operational and could be called from any part of Puntland without caller charges.



Hotline system launching ceremony banner

2. Complaints Receipt and Advocacy for Victims of Human Rights Abuses

B. Complaints received by OPHRD in the year 2016

Table 1: List of complaints received by the OPHRD and their regional distribution

Regions	# of Cases	Percentage
Nugal	65	53.7%
Karkaar	27	22.3%
Bari	23	19%
Mudug	6	5%
Sanag	0	0
Sool	0	0
Cayn	0	0
Hayland	0	0
Gardafuul	0	0
Total	121	100%

Table 2: Modes complaints received

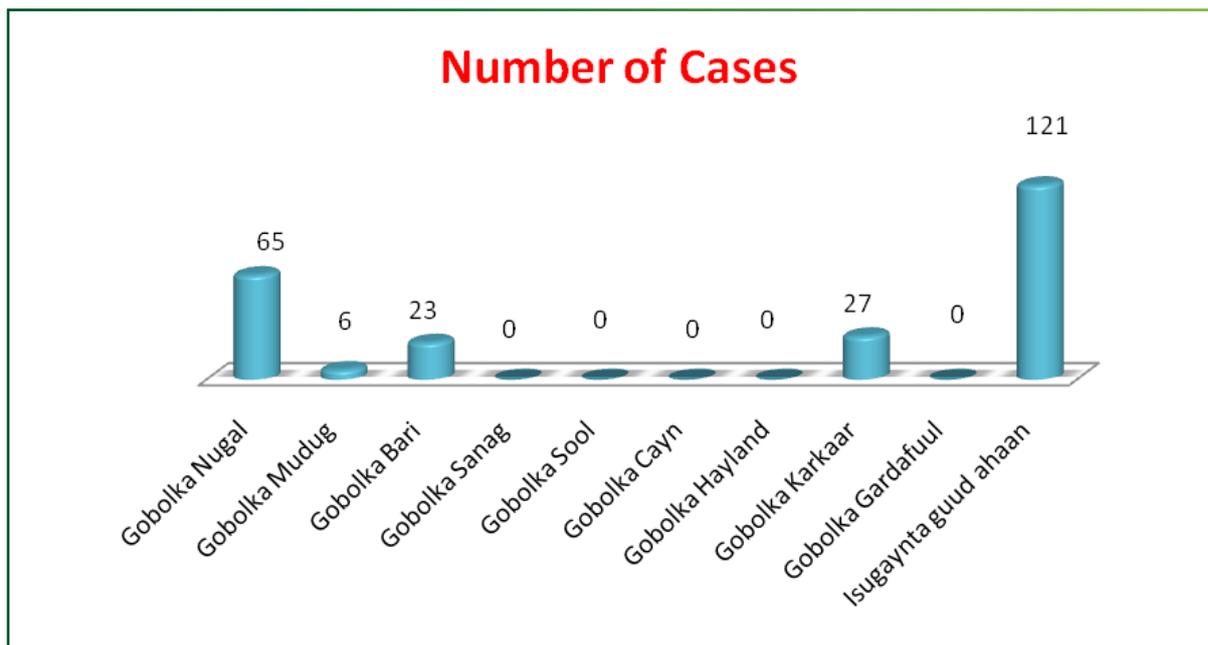
Mode	Number	Percentage
By visiting the office	77	63.6%
By phone	42	34.7%
By email	2	1.7%
On website form	0	0
Total	121	100%

Table 3: Complainer Gender wise Distribution

Region	Male	Female
Nugal	35	31
Karkar	18	7
Bari	7	17
Mudug	3	3
Sanag	0	0
Sool	0	0
Gardaful	0	0
Hayland	0	0
Cayn	0	0
Total	63 (52%)	58 (48%)

Table 4: Responses to complaints (case status)

Cases Open	Cases Finalized	Total
44 cases	77 cases	121



B. Complaints received by OPHRD in the year 2017

Table 1: List of complaints received by the OPHRD and their regional distribution

Regions	# of cases	Percentage
Nugal	25	33%
Mudug	18	23.6%
Karkaar	17	22.2%
Bari	9	12%
Sanag	4	5.2%
Sool	3	4%
Cayn	0	0
Hayland	0	0
Gardafuul	0	0
Total	76	100%

Table 2; Modes complaints received

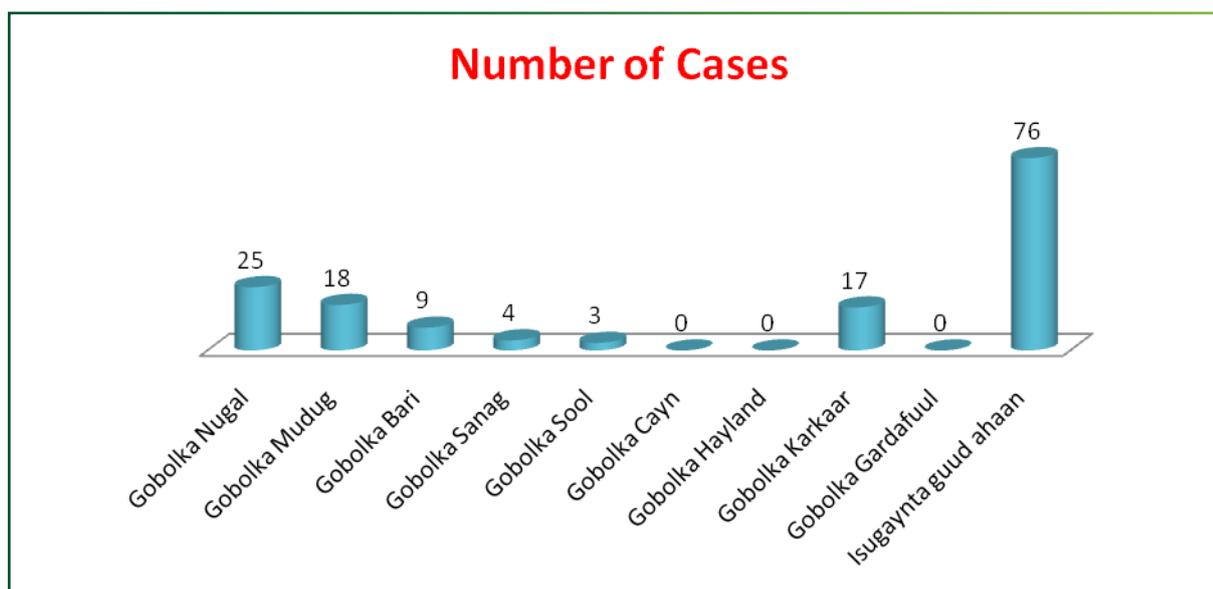
Mode	Numbers	Percentage
By visiting the office	48	63%
By phone	25	33%
By email	3	4%
On website form	0	0
Total	76	100%

Table 3: Complainer Gender wise Distribution

Region	Male	Female
Nugal	8	17
Mudug	5	13
Bari	1	8
Sanag	1	3
Sool	1	2
Karkar	5	12
Total	21(28%)	55 (72%)

Table 4: Reponses to complaints (case status)

Cases Open	Cases Finalized	Total
9 cases	67 cases	76 cases



- ⊕ The office received a number of complaints from several clan elders in protest of how the 2016 federal parliament election in Puntland was unjustly managed. The elders were upset about how the selection process was conducted and requested from OPHRD office to take up the matter with concerned bodies of both Puntland and federal level. The office has followed up the complaint with SEIT with no result.
- ⊕ Tribal chiefs from Bari Region have filled a case against the Puntland Government at the Puntland High Court and copied the OPHRD. The case is a protest by the Chiefs on the terms of the agreement between Puntland and DP world and the transfer of Bosaso port management to P&O. After reviewing the complaint and following the case, the chief justice confirmed to OPHRD that the case is being sent to the state lawyer for response.
- ⊕ The chairman of UDAD (a Political Party) has filled a case at the Puntland High court and shared copy of the complaint with OPHRD. The case was centred on a complaint against the printing illegal money by the current Puntland administration which has caused inflation to the Somali Shilling. The OPHRD reviewed the complaint and also discussed with the Chief Justice who confirmed the receipt of the document and sending the same to the state lawyer for response.
- ⊕ On 13th October, 2017, Puntland security arbitrarily arrested 3 politicians and within two days they were transferred to Bosaso Prison. During their arrest, authorities denied lawyers from the OPHRD and met the victims of arbitrary arrest. The detainees were released on 18th of October without any charges pressed by the authority or being tried at the court of law. After their release, the arbitrarily arrested politicians contacted the office and informed that the authority has been denying their right of association, freedom of expression and and freedom of views as guaranteed by the

national and international law.

3. Types of complaints received by the Office

- a. Complaints against Discrimination, Unequal Employment Opportunity
- b. Complaints denial of Employees Rights
- c. Complaints Delay of Court Hearing and courts not following Fair Trial process
- d. Complaints denial Blood Compensation
- e. Women complaints Domestic Violence/Denial of Conjugal Right complaint
- f. Complaints denial Media and Freedom of expression
- g. Complaints against police and security agencies for Arbitrary Arrest and Forced Disappearance.
- h. Complaints of Politicians against arbitrary Arrest/ Denial Right to Freedom of Expression
- i. Complaints of citizens against Police and Security agencies Brutality
- j. Complaints Children Corporal Punishment and endangering their wellbeing
- k. Complaints lack of access health and education services and other government services
- l. Complaints of Refugees and IDPs basic rights of shelter and security
- m. Complaints from citizens against officials' security staff who deny access to public buildings and meeting government officials.
- n. Complaints resource distribution, Power Abuse
- o. Complaints citizens' Rights of life, dignity and Safety

4. Rape: provision of legal services

Abuses and violence against women is still an ongoing problem, with apparently no prompt solution in Somalia.

A number of barbaric rape cases occurred in Galdogob and Bosaso towns in 2016 and 2017. Furthermore, rape victims are inflicted severe injuries which risk their lives. Since 2017 the number of rape cases reported to the office reached to 48 cases, while domestic violence was 20 cases.

It is worth noting that the total number of 68 is only for the rape cases reported to OPHRD up to November 2017. However, office of Puntland Attorney General reported 181, 123 rape cases in 2015 and 2016 respectively. Again the office of Attorney General is expected to release rape cases reported to his office in 2017.

2017

Region	Rape	Violence	Ruled	Ongoing case	Agreement
Bari	11	1	9	3	
Gardafu	1		1		
Sanaag	3		1	1	1
Haylaan					
Karkaar	9	9	7	2	9
Nugaal	15	3	6	6	6
Sool	2				2
Mudug	7	7	5	5	4
Cayn					
Total	48	20	29	17	22

5. Monitoring and investigation of police stations, and prisons

In this reporting period 2016/2017: OPHRD had conducted monitoring and investigation visits to prisons in Bosaso, Qardho, Galkacyo and Puntland to ensure that the rights of detainees are being respected while in detention. Similarly the office makes weekly visits to police station in all the 17 location covered by office operations.

Prison Remands waiting trial in 2016

Prison	Total Detainees	Total Remands	Remands overtime			Military court	Civil court
				MCQS	MM		
Bosaso prison	365	133	62	50	12	90	43
Qardho prison	108	35	13				
Garowe prison	262	50	19	15	4	32	18
Galkayo prison	108	45	10	3	7		
Total	843	263					

Prison Remands waiting trial in 2017¹

Prison	Total Detainees	Total Remands	Remands Overtime			Military court	Civil court
			MCQS	MM			
Bosaso prison	408	119				81	38
Qardho prison	109	25				2	23
Garowe prison	301	76				57	19
Galkayo prison	112	70				42	28
Total	930	290				182	108

Detainees' complaints

- + Justice is delayed or justice denied)
- + Extended detention/remand without trials
- + Poor or unavailability of health services inside detention centers.
- + Most detainees complain unfairness of court decisions/rulings based false accusations. Most detainees claim that the accusation levelled is not compatible with court decisions.
- + Many detainees/remands with extended trial period don't know why they are detained and they are not formally informed by the court.
- + Detainees complain about the poor quality of food, which we have verified and confirmed
- + Due to poor structural building, on 25th March 2017, detainees tried to flee from Galkaio prison after breaking the prison wall, after brief clashes between prison guards and detainees at the end prison guards succeeded in overcoming the rebellious detainees which in turn led detainees to be transferred to Puntland prison.
- + After rehabilitation of Galkaio prison, all the transferred prisoners were taken back.

Recommendation

1. The office of Attorney General has to conduct regular visits to prisons and detentions centers to monitor detainees' legal and human rights situation.
2. Judges follow up the condition of accused/suspects with court extended detention order for investigation purposes.
3. Quality Food and health services for detainees be improved.
4. Those prisoners who completed their prison terms but not paid court punitive damages, court review in their condition and negotiate for payment deals.

Protection of media rights

Journalist members covering in Puntland regions are from time to time experience arrests and threats from government institutions. In 2016/2017 a number of journalists were either detained or intimidated and sometimes their facilities were destroyed. In 2016, three journalists were arrested arbitrary and another number of journalists were intimidated. In 2017, it has been reported at least 5 incidents of journalist harassment.

Furthermore in one last case, during public demonstrations against DP World a number of journalists were detained in a lorry mounted cell for four hours and were threatened to be transferred from, main prison if they release media coverage to the on-going demonstrations at that time in Bosaso port city.

In its 38th Parliament session, 14th meeting of 2016, the Puntland Parliament voted for approval on amendments made on Puntland Media Law. MAP carried out several seminars, workshop to discuss the best way to implement

the new Media Law and that disagreements between the media and the government institution must be solved through the implementation of this law through the courts.



**Stakeholder
coordination
meetings
between
Human Rights
Defender, SSF
representative,
Police
Commissioner**

CHAPTER 8

Key Results 7: Increased applications of human rights principles and standards in Puntland

Objective 7: To advocate for increased compliance and adherence to human rights principles

1.1. Advocacy for promulgating policies and Acts which are in conformity with Puntland constitution, laws and international conventions on human rights

OPHRD in close collaboration with Puntland Parliament and line Ministries played a major role in realizing the OPHRD result 7 which aims to advocate for the development of laws, policies and acts that protect human rights and are in line with Puntland Constitution and international treaties and conventions;

The outcome was:

- a. Puntland Sexual Offence Act 2016
- b. Puntland Juvenile Justice Act 2016
- c. Puntland Refugee Act 2017
- d. Puntland Media Act 2016

Moreover, there are several other policies formulated by Ministry of Women and Family Affairs and Puntland Disability Network. Those policies contribute to the development and protection of basic rights and freedoms of the people in Puntland. There are also other policies and acts that are still pending and awaiting approval from state institutions. If approved, these policies and laws will positively contribute to the improvement of human rights conditions in Puntland

It is worth mentioning here that some ministries and agencies forwarded draft policies and acts without consulting with the human rights defender. The lack of consultations contradict with OPHRD powers and responsibilities that are enshrined in Puntland Constitution particularly Article 118, section 10.

We hope from state institutions to ensure that policies and acts are consulted with the human rights defender to ensure the alignment with national and international principles of human rights protection and promotion. Consistency

2. Ensuring Consistency of Puntland Constitution and Laws with the International conventions

In OPHRD's first Annual Report 2014/2015, the defender recommended the formation of special committee for review of Puntland laws as well as to draft new laws that ensure people's enjoyment basic rights and freedoms in accordance with the Puntland constitution and international human rights principles party to Somalia. However, though some of those laws were formulated such as Rape law, Children's law, IDPs and Refugee law, there are a number of important laws which are currently need to be developed.

Furthermore, the government didn't form the Law Review Committee till now. It was an important recommendation which need to be considered at any moment and be reminded to the government if no action taken.

CHAPTER 9

Key Results 8: Increased compliance and adherence to the rule of law in Puntland

Objective 8: To promote adherence to the rule of law

1. Equal access to justice for all

Access to justice and equality before the law is an issue that poses a worry for many people in Puntland. This reflects a negative impact on the protection of human rights as enshrined by Quranic teachings, Puntland State Constitution and other local and international human rights laws.

If we look back to the types of complaints reaching OPHRD such as delays of court hearing and the many pending cases recorded, we get a sufficient proof that courts are not upholding their responsibilities which in turn leads to disregard of the law and disrespect to human rights as well. Furthermore courts heed no attention to rights of detainees who are held without charges for months and sometimes for years.

In 2016, 2017, 263 and 290 detainees respectively were on remand-without trial (exceeding the legal detention period limits).

To address the public complaints regarding against the justice sector, OPHRD carried out a number of monitoring visits to different level courts and to the office of Attorney General. One of our findings in those missions was the unaccountability that reigned in the different level courts. None of the judges or staff is punished for preaching the law.

It happens that a mere transfer to another location or even a promotion to a higher office is rewarded for an official after public protests against him/her is received. On the other hand, the judge may discourage the appellant/complainant when s/he resorts to a higher court by

extending dates of hearing the cases beyond weeks, or even months.

Judicial Independence: Government intervention is deep into judiciary institution; particularly cases related to media and opposition politicians. The slightest favors governments' agencies ask judges to legalize of arbitrary arrests, authorization of prolonged detention periods to hold journalists and political figures in jail.

Military Court: OPHRD frequently receives complaints against military court judgments. The complainants mainly accuse that the military court disregards the fair trial rules by adjudicating the cases sometimes without lawyer, other times the court rejects evidences and witnesses of the accused person.

Similarly the military court doesn't usually respond to calls for appeal and review of lower court decisions, sometimes appeal cases are waited indefinite time which amounts justice denial. OPHRD Office has grave concerns over military court verdicts against suspects charged with terrorist crimes, particularly to cases involving hasty death sentences.

Legal Aid Services; Apart from OPHRD legal representation and legal aid services, there are other legal aid service provider agencies who advocate for vulnerable groups and they are namely; Puntland Legal Aid Centre, PSU LEGAL CLINIC and PUNTLAND WOMEN LAWYERS

ASSOCIATION, they are active in Bosaso, Qradho, Puntland and Galkaio. However, apart from the main cities, only OPHRD covers 15 other districts most of them in remote areas.

Challenges facing Judiciary Sector

1. The government of Puntland failed to pay regularly the monthly salaries and operation costs to judges and other judicial staff. The defender raised the issue with the president of Puntland and the minister of finance; both have not presented reasonable justifications
2. No sufficient security is provided to judges and other judiciary staff especially to those living in Bosaso and Galkaio towns who are obvious targets for terrorist groups and other criminal entities.
3. Judicial staff does not receive capacity building trainings and their refreshing courses. This could promote their ability to dispense adequate justice and adopt the changes principles of justice dispensation, particularly adopting human rights cases which are very new to justice sector.
4. Direct and indirect Intervention to judiciary sector by government and law enforcement agencies aimed at obstruction of justice.

CHAPTER 10

Summary of Human Rights Abuses and Challenges in Puntland

1. Police brutality against human rights influenced by poor leadership, mismanagement, lack of discipline and lack of accountability. Also non-regular payment of salary and incentives to police forces has led to poor performance and widespread of human rights violations.
2. Judiciary staff frequently complains lack of training to improve their skills, safety and security threats from armed groups, and non-regular payment of judges and staff salaries and incentives. Furthermore, in 2016 all sitting judges in high court (Supreme Court) were replaced and while the new judges were struggling to adapt to the court, a decline of quality of justice delivery and widespread mismanagement. In addition, many appeal cases were delayed its hearings (justice delayed justice denied) and the detention remands without trial multiplied due to lack of proper case management and internal accountability.
3. Public Confusion; Court decisions couldn't be anticipated for diversity of legal systems and variance of judge system referral; Shariah Law, Customary Law or Conventional Law.
4. Impunity against Women and Children's abuses occur frequently, most of the perpetrators escape from the justice, due to lack of coordination between the law enforcement agencies and judiciary. Recent increase of sexual offences is living evidence, particularly cases happened in Galdogob, Bosaso and Ufayn.
5. The provision of public services are below the average, not much achieved since the last annual report, due to lack of vision at the ministries and agencies entrusted to deliver the public services. This has denied people enjoyment of their basic human rights and fundamental freedoms.
6. Security staff of state officials and heads of agencies and watchman of government offices don't allow public visitors to meet and tell their demands/complaints to the government officials. Furthermore, members of those security staff and watchman treat community members, media and other civil society organization representatives in an unethical manner. For instance, OPHRD received complaints from community members that experienced abuses in the hands of security members in certain government institutions such as in police stations, ministries, and the even in the House of Representatives.
7. Government employees are regularly complaining non-regular payment of their salaries and allowances particularly those from ministries, judiciary, autonomous agencies, police and custodial and dervish forces.
8. Communities in remote localities such as Sanaag, Haylaan, Sool and Buhoodle towns usually complain from lack of basic services delivery and development projects from the government and international agencies.

Recommendations for the Protection and Promotion of Human Rights

1. In order to improve the police forces management, discipline, accountability and service delivery; government should pay regularly salaries and other allowances of police forces.
2. Judiciary staff should be regularly paid monthly salaries and allowances, and to provide security force for protection, and get relevant training for skills promotion, particularly case management and internal oversight system.
3. Government has to appoint law review committee to look back all laws which are operational in Puntland and reconcile and harmonize with the conflicting articles of the Puntland Constitution and the international law while at the same time producing draft bills to cover all legal gaps for parliament enactment.
4. To prevent or reduce rape crimes against women and children, courts must decide their verdicts in accordance Puntland Sexual Offence Law that enacted to protect women human rights. Similarly, Police and Attorney General must carry out comprehensive investigations of rape cases to provide justice for women and children.
5. Accountability and transparency sprit, internal and external evaluation must be conducted in the government ministries and agencies that are mandated the provision of services to the public. Similarly, a scrutinizing eye should be directed on practices directly and indirectly result human rights denial for the people of Puntland.
6. In order to improve relationships between the government and the public relations trainings and human rights awareness has to be given to ministries and other government institutional and security staff to respect human right when dealing with the public.
7. Employees should get paid equally and regularly monthly salaries and allowances and other benefits. There is also a need to issue a regulatory civil service manual which highlights the well-being and protection package of public and private employees to protect employee's rights.
8. Government should equally distribute development programmes and public services, particular consideration should be given to regions and districts which are under-developed and in the remote locations.

Praise be to Allah

Allaa Mahad Leh



**All complaints and information should be directed to
THE OFFICE OF PUNTLAND HUMAN RIGHTS DEFENDER**

Hotline 323

Email: mohamed.yusuf@ophrd.org ophrd2014@gmail.com

info@ophrd.org complaint@ophrd.org

www.ophrd.org

Garowe, Puntland, Somalia