



PUNTLAND HUMAN RIGHTS DEFENDER

FIRST ANNUAL REPORT

2014/2015



Figure: 12 year old boy in Garowe IDP camp permanently injured on gunfire by a policeman

Photo courtesy: PHRD Complaint Unit

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 first annual report of our office covering the period from November 2014 to November 2015.

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

Mohamed Yusuf Ali
Defender

Cc,
Speaker of Puntland House of Representatives

First Deputy Speaker of Puntland House of Representatives

Second Deputy Speaker of Puntland House of Representatives

Foreword

It was 27th November 2014 when by a majority vote the Puntland House of Representatives elected me according to articles 64(9) and 117 of the Puntland State Constitution to become Puntland's first Human Rights Defender for a five year term. As this is a new office and not part of the State structure established in 1998, it has been my duty and honour to begin the work of ensuring that our people understand and know how to use their Constitutional rights.

The establishment of the PHRD office follows a period where Somalia has experienced destruction, anarchy and civil war, all negatively impacting the country and its people. Our people have suffered decades of human rights violations, which of course have specially affected those in the particularly vulnerable situations, such as women and children.

Consequently, Somalia has faced a range of social and institutional challenges in an environment where the community fabric and has been torn and, at times, shredded. In many cases, documented by the OPHRD, Government action is not grounded in law or the principle that all the people are equal before the law, but rather based on resources and power.

In short the OPHRD has observed that a two-pronged perception about the state prevails; first that those who govern are self-interested and do not have the confidence of the population; and second, that those who govern treat citizens as objects and not subjects who have rights.

There is little or no accountability system for Government action even when corruption and inefficiencies are patently visible, nor is there a justice system which has the public confidence, largely due to lack of judicial activism and capacity that could respond to society's human rights concerns.

Given this context, the creation of the OPHRD was a vital step forward in terms of seeking to ensure good governance, accountability, and compliance with Puntland's Constitution and international legal obligations.

The OPHRD has taken the following actions to ensure we are as operational as possible to fulfil its mandate:

- Established a physical office to serve as the OPHRD HQ which is reasonably equipped
- Formulated a three-year plan for the office (2015-2017) and accordingly prepared an operational budget.
- OPHRD support staff recruited
- OPHRD officially Launched for public notice
- Conducted meetings, public forums and visits to Kenya, Ghana and USA.
- Exchanged information and mutual introduction with government agencies and ministries.
- Developed different essential forms for office including monitoring forms, complaint form, referral form, incident form and legal representation
- Conducted seminars and workshops for key state institutions

It is significant for us that we release our first report as we commemorate our first anniversary. This report intends to highlight the OPHRD's activities in the past year, challenges encountered, locations visited, and what remains to be done.



It further focused on the full range of human rights violations (civil, political, economic, cultural and social) that occurred in Puntland during the past year. In addition, the report presents recommendations on how to improve protection of human rights against violations and how to develop the knowledge and perception on the importance of protecting human dignity by government institutions and community at large. We extend our gratitude to the government, judiciary and legislation bodies of our state for hailing our office and the provision of their support in time of need. Similarly, we must acknowledge the magnitude of the encouragement and trust given to us by Puntland people to carry out our mandated tasks. We also appreciate the support extended to us by the national and international organizations, to name few UNSOM, PUNSAA and MAP.

Finally, to advocate for rights of people and protection of environment in the best way, we welcome any recommendations, support and mutual work from government, judiciary, and legislation and Puntland society at large.

“To preserve your rights, protect others' rights”

Mohamed Yusuf Ali
Defender

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Abbreviated Letters

PHRD	Puntland Human Rights Defender
OPHRD	Office of Puntland Human Rights Defender
HRD	Human Rights Defender
CSG	Civil Society Groups
IDPs	Internally Displaced People
PHU	Puntland Handicap Umbrella
PUNSA	Puntland non-state Actors Association
UNSOM	United Nations Mission in Somalia
MAP	Puntland Media Association
ICT	Information, Communication and Technology
PUWLA	Puntland Women Lawyers Association
PLAC	Puntland Legal Aid Centre
PSU	Puntland State University
VOA	Voice of America
UNHCR	United Nations High Commission for Refugees
PDF	Puntland Diaspora Forum

Chapter I: Preface

1.1 Introduction

We present here the first annual report issued by the OPHRD which coincides with the commemoration of its first anniversary. During our first year, we concentrated on setting up this office in all Puntland's regions and to outreach to different communities to explain what the OPHRD's objective and the services we offer. To that end, we held a substantial number of meetings with civil society groups, elders, women, and youth and government officials to highlight the importance of this office and its role in reducing human rights violations in Puntland.

Furthermore we visited government institutions including courts, correction prisons, and police stations in Garowe, Bosaso, Galkaio and Qardho towns to monitor violations. These visits were also used as an opportunity to raise awareness about obligations.. In addition we held discussions with registered Puntland CSGs such as PUNSAA, Para legal centers, the PHU Association, psychiatric centers, College and Universities. IDP camps and Yemen returnee's sites in Bosaso were also included in our monitoring and outreach.

We also sought to strengthen partnerships and ties of relationship and collaboration with local and international agencies working in the areas of human rights in Puntland in the purpose of putting more synergy into the action to support our mandate.

In our first year, we received 49 complaints of human rights violations and succeeded in resolving at least half. The remaining complaints are being handled by the courts and other concerned agencies after we reviewed and referred. In addition, we provided legal consultation services to a number of people who were having complaints which are not related to human rights.

Finally this report is to serve as institutional memory, setting benchmarks against which we will measure progress in the protection and promotion of human rights in Puntland.

1.2 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 by 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 Abdiweli Mohamed Ali and SRSG Ambassador Nicolas Kay.



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

1.3 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.

1.4 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 etc
- Address complaints from people living in Puntland
- Investigate different abuses complained and closely share it with concerned authority and law enforcement agencies to take appropriate action.

1.5 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.
- To support victims of human rights violations, and defend these victims in court or in public.
- To appoint special commissions to fulfill 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.

1.6 Vision

PIOHRD 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.

1.7 Mission

The POHRD 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.

1.8 Values

Furthermore the activities of POHRD will be guided by the following principles:

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

1.9 Office Staff

Based on a needs assessment for the OPHRD's effective operation, the following positions were deemed required:

1. The Defender
2. Regional Representatives
3. Director of Administration and Finance Department

4. Director of Human Rights Department
5. Director of Legal and Complaints Department
6. Executive Assistant
7. Accountant
8. Human Resources and Procurement Officer
9. Media and ICT Officer
10. Specific Rights Officer
11. Complaints Officer
12. Advocacy and Awareness Raising Officer
13. Cleaning staff
14. Drivers
15. Security Guards



Member of OPHRD Staff pose with trainers at OPHRD Headquarter

Chapter 2

Human Rights Situation in Puntland

Based on the duties and responsibilities stated in Articles 118 of the Puntland State Constitution and Articles 11, 12 of the Human Rights Defender Act, and observing the international human rights obligations, the office has conducted comprehensive monitoring, visits and data collection activities on the level of human rights violations in Puntland.

2.1 Government Institutions

Data collection from different ministries was planned to measure the level of protection and promotion for human rights in all structures under their mandate as well as their response to principles of protecting human rights enshrined in articles 12 throughout 47 of State Constitution. The gathering of data has taken place in 16 of the 19 ministries established in Puntland.

- Ministry of Women Development and Family Affairs
- Ministry of Planning and International Cooperation
- Ministry of Public Works
- Ministry of Security and DDR
- Ministry of Labour, Youth and Sports
- Ministry of Education and Higher Education
- Ministry of Health
- Ministry of Environment, Wild life and Tourism
- Ministry of Justice, Rehabilitation and Religious Affairs
- Ministry of Information, Telecommunication and Culture
- Ministry of Aviation
- Ministry of Interior
- Ministry of Commerce and Industrialization
- Ministry of Livestock
- Ministry of Constitution, Democratization and Federal Affairs
- Ministry of Fishery and Marine Resource

The result from the survey concluded the following:

- All the Ministries have a legal responsibility to promote, protect and fulfill human rights in their work.
- About half of the ministries visited, a human rights protection office is in full gear acting as watchdog for monitoring human rights abuses in their backyard while another 4 ministries plan to follow suit in the near future

- About 5 ministries have not attached HR monitoring offices in their structure which could mean the insignificance of the protection of human dignity in their eyes
- Knowledge of the seriousness of human rights violation is very poor, particularly in the legal related ministries such ministry of justice and ministry of constitutional affairs
- For some ministries there is a clear policy for improving human rights status in their backyard while some other ministries didn't show up any commitment policy to this regard till now.
- Some other government institutions did not illustrate any perception of relationship between human rights issues and their mandated tasks.

2.2 Judiciary and Attorney General

Judiciary is an independent counsel as the other two branches of the state. It provides justice services to both citizens and residents of the state using a mixed system of Shariah, Customary and Secular laws to reach legal decisions. Some of the laws used in courts such as the penal law, civil law is outdated which was formed long time ago as 1st June 1963 so they might be inapplicable now in terms of penalty amount and human rights standards because there are many enactments and legal principles which were passed in later dates but were not reconciled with it, and so is the currency values that changed since that date.

Most cases on human rights abuses are reported by vulnerable people, especially IDPs women and children such as rape and abuse. However there is no separate law enacted to end violence against women and children, except the penal law which deals in general manner. It is mostly solved through clan arbitration models unfavorable to the victims of human rights violations.

2.2.1 Courts

There are courts in almost all the district centres of Puntland. In addition mobile courts are used to deliver justice services in to the remote areas. Unfortunately the judges and other court staff perform their duties in a very difficult situation of less/or no payment, insecurity and poor infrastructure Facilities.

Nevertheless, most judges have little capacity to handle cases in a professional manner which affects how justice is delivered. This is partly due to the simultaneous use of three different justice systems in Somalia courts namely Sharia, Customary law and Secular law.

Complaints from the society towards justice system are many including:

- Delay of justice dispensation by the judges due to courts poor management and missing salaries of judges.
- Most of court rulings are not executed by law enforcement.
- Judges looks a blind eye on illegal detentions that are held in police stations and illegal remands in the prisons.

- There are number of cases overstayed in prisons or other detention centers waiting for trails.
- Justice system in Puntland has not evolved to respond the immediate needs of the people, particularly Refugees and IDPs in Puntland.
- No juvenile justice is included in Puntland judiciary system and hence principles of international child rights are not contained nor use it in courts.

Challenges in the Courts

- Judges and other supporting staff seldom get their salaries.
- There are no designed judicial trainings focused to improve judges understanding on human rights.
- International human rights laws and agreements such as International Convention on Rights of Children are not considered law; hence they are not implemented in Puntland courts.

2.2.2 Attorney General

The Office of Attorney General is an integral part of the judiciary system and it is responsible for investigating crimes, filing cases and producing criminal evidence of the suspects in front of the courts. The Office also represents anyone who needs of legal support, inspects prisons, police stations and rehabilitation centers. However, despite these powers, detainees overstay in prisons without appearing in courts for 5 months or even more, a violation of due process rights. Monitoring results indicated that police stations and entry checkpoints in major towns were in particular breach; the Attorney General have the authority to inspect and strictly instruct the application of the law, or else deprive them to secure un-procedural remand letter.

2.2.3 Military Courts

Military courts, in addition to its original jurisdiction try cases under the Anti-terrorism Act of 2011, which involve life sentence or death verdicts of ordinary citizens. There's need for that law to be amended to give back the civilian courts its mandate to try these cases.

Of note:

- Military courts in terms of salary payments, office premise and equipment are far worse than the poor condition of civil courts;
- There are no government commissioned lawyers to provide legal defense for those accused and appearing before a military court
- Suspected individuals who are remanded sometimes exceed over 200 inmates and might overstay in detention centers for a year or more.
- Court hearings at military courts are not public; hence there is reaction fairness of the trials held in closed courts.
- Two IDP women jailed 5 months without court ruling which were released from prison after OPHRD advocated for their freedom.

2.3 Prisons and Police Stations

A fact-finding mission from the OPHRD comprising the office lawyer, the heads of the complaint and human rights section as well as the Defender have conducted several visits between March and November to prisons of Bosaso, Garowe, Qardho, and Galkaio towns, as well as police stations and detention centers at entry checkpoints of those towns.

2.3.1 Condition of prisoners

- Overall numbers of prisoners are 356 in Bosaso, 225 in Garowe, 86 Galkaio and 86 Qardho. Total 783
- Many prisoners were not sentenced; Bosaso 124, Garowe 43, Galkaio 26 and Qardho 19. Total 212
- Juvenile prisoners aged 13, 15 were among the inmates.
- A psychiatric patient and a person with a disability were among the prisoners in Bossaso and the facilities were not responsive to their needs.
- The categories of sentenced prisoners are a mix of death penalty and long term prisoners.
- The detained women in Bossaso prison 7, Garowe 19, both prisons does not original has separate building for women.

2.3.2 Observations during prison visits

- Inmates receive meals three times a day
- They are allocated time to exercise outside
- Relatives are allowed to visit on week ends
- Their physical appearances were normal and there are no visible signs of malnutrition
- Corporal punishment and any other kind of physical abuses were not reported

2.3.3 Inmates' complaints

- Some inmates complained they are not allowed to see relatives
- Most of the prisoners complain that their court rulings was not fair for two main reasons a)the accusations were fabricated or b) the trial was not fair
- A large number of inmates locked up for "rehabilitation purposes" without court sentencing.
- Few inmates of Piracy Cases transferred from Seychelles complain health care problems, since the prison does not have health examination equipments; they are not allowed external clinics.

2.3.4 Other Observations in Bosaso and Qardho Prisons

- Inmates were used to plough farms
- Vocational training is underway inside the Bosaso prison. So far 120 have completed the course and fresh 60 detainees will soon start

1. March 25, June 8, July 9, August 4, September 7, 15, and November 12.

2. In addition there are no separate child correction centers in Puntland

3. At a time we had separate interviews, some inmates informed they are not allowed to see their relative, the reason we found was due to security concern

the training. Training courses include masonry, tailoring and carpentry

- In Qardho, inmates also perform farming activities together with their security guards as well.

2.3.5 Prison Management Recommendations

- All the staff complain about lack of salary payments or long delays in receiving payment
- Constructions of new boreholes are an urgent need for Bosaso and Garowe prisons. They always face water pump breakdown with no alternative for the time to repair the borehole.
- Juvenile wings adjacent the prisons compounds is a top priority
- Charity money ought to be channeled to compensate amounts indebted to them in the month of Ramadan
- Human rights protection training to be given to prison guards for effective results
- Galkaio prison has no prison vehicles to transport inmates to courts and back or for staff and management use at
- A new prison facility for Galkaio town is an urgent need since the existing one is decrepit and cannot securely contain the rising number of inmates.

2.3.6 Police stations

Interval visits of weekly and sometimes monthly bases to inspect the situation of inmates of police station has found that human rights situation of police stations in Puntland are:

- Detention cells are small and old
- Number of inmates in each cell is greater than the capacity of the cell
- The hygienic conditions are appalling (causing illness?)
- The toilets have almost nearly collapsed or unmaintained
- Inmates confidentially reported Suspects in police station cells of serious crimes are tortured
- Low consciousness of the local police on human rights principles
- Prisoners are jailed with no warrants and could remain there more than the legal period allowed for detention-48 hours



Commandar of Community Policing Unit of Puntland official visit to the Defender

2.4 Observation on Specific Constitutional Rights

2.4.1 Labour Rights of Civil Servants

The OPHRD receives many complaints from civil servants and military personnel about lack of salary payments in months. Salary is constitutional right for everyone who do specific job for private or public institutions as indicated by article 37 of state constitution after prior job agreement between the two sides. Similarly the employees need employment related social security as highlighted in article 38 of the constitution. The lack of salary also impacts other rights, such as health care, education, food and shelter. Furthermore there are no different labor associations that can advocate on behalf of civil servants.

OPHRD had meeting with the Ministry of Labor and Ministry of Finance informing both the concerns of civil servants and military personnel of no payment and the magnitude of plight in order to take proper action but so far none of them responded. The public claim that if there is political will, the resources to cover salaries are readily available in the state revenue.

2.4.2 Transparency and Accountability

Puntland citizens have expressed concern on how their collected taxes are managed and dispensed since the basic services they had the right to enjoy are not accessible. However, there is little accountability and transparency system in Puntland. Although there is an established office of good governance and anti corruption, it exists nominally but with rare activities in fighting corruption thus far. Up to now no one was brought to court on corruption charges by law enforcement agencies and attorney general nor did the government institutions present their financial accounts in a transparent way. Due to that, basic social needs of the society including women and children are not met.



Defender holding press statement inside Garowe District court on the Acquital of Radio Sahan

2.4.3 Freedom of Media and Safety of Journalists

According to article 22 of the State Constitution, the press and media are independent bodies free from government intervention and un-necessary censorship. It is guided by special law called Puntland Media Law which was created in 2014. Unfortunately, the Government interfere the media by threatening journalists to imprison, intimidation and destroying of equipments.

In the past year, there have been 10 incidents of mistreatment to journalists including detention, revoking of reporting permit or suing in courts. Furthermore there is conflict over Puntland's Media Law which was passed by the Parliament last year, with MAP challenging the compatibility of the law press freedoms.

4.The four major town's central stations are constructed before approximately 30 years ago with no major rehabilitations.

Key incidents with respect to the unlawful raid to media houses and detaining reporters are as follows:

- On 17/01/2015 an armed group raided to Radio Galkaio center and seriously wounded a reporter in the center.
- On 20/01/2015 following Presidential instructions five websites were closed by Golis Telecommunication Company.
- On 23/05/2015 two reporters in Radio Daljir, Garowe branch were detained by the security agencies and then released without trial.
- On 21/06/2015 three reporters were beaten up by Puntland forces in the town of Galkaio and their equipment destroyed without reparation.
- On 29/07/2015 the Attorney General filed a case against Radio Sahan following a request from the Ministry of Information. However the 1st instance court of Garowe has dismissed the charges due to lack of sufficient evidence.
- On 29/07/2015 the Ministry of Information withdrew transmission permission of VOA broadcast through local FMs. OPHRD and MAP issued statements challenging Ministry action and requesting government respect for Media Freedom
- On 19/11/2015 a TV presenter on Somali channel TV was detained without trial for 11 days and later released without a court appearance. OPHRD challenges the government action.

2.4.4 Freedom of Expression

During the reporting period, a number of citizens were detained by government for participating in peaceful demonstrations in Puntland, a violation of freedom of expression and opinion as no legal justification was presented by the authorities. The arrests were without warrant and not one of the individuals was brought before court, and their detention exceeded legally allowed time for police detention. Examples include a government employee who was dismissed following his participation in a demonstration as well as a former MP who was arrested for speaking to the media expressing his political views.



Members of OPHRD & MAP pose with released journalist Jama Deperani in front of Garowe Central Prison

The illegal arrests and detention of citizens is clearly violation of article 14 in the Puntland State Constitution and certainly inconsistent with a democratic state.

Those who got damaged from illegal imprisonments include;

- On 24/12/2014 Government employee detained for participating peaceful demonstration to express views against government decision.
- On 29/11/2015 another resident of Garowe who is Ex Federal MP was detained for expressing political views in the media.

2.4.5 Democratization and Political Representation

The Puntland Constitution requires that a multi party system be implemented to ensure all citizens have an opportunity to participate in the Government decisions that affect them. However, measures have not been put in place to implement such right to political participation. Complaints received include unjust distribution of Parliament seats, administrative positions and discrimination of clans.

2.4.6 Rights of Minorities

The Puntland Constitution protects the rights of all citizens and residents in Puntland including minority clans; however social prejudice and subsequent traditional malpractice are rooted deeply in the society and is difficult to overcome unless a real and comprehensive democratization process takes place. On 10th December of each year is marked for the commemoration day to remember of human suffering by outcastes and minority groups in Puntland, an awareness raising program is vital to conduct across the state to counter social and institutional discrimination against those groups. Furthermore while there is firm commitment from the government side on the protection on rights of minority groups, yet we don't observe any tangible action in the law enforcement and courts.

2.4.7 Rights of People with Disabilities

As recognized by article 34 of the Puntland Constitution, people with disabilities encounter particular discriminations, including lack of access to basic services such as healthcare, education, and living support. Relevant authorities do not have programs required to address the basic rights and needs of persons with disabilities. To date, a policy paper has been developed, but not implemented.

Approximately 13 persons with disabilities associations operate in Puntland, and coordinate through the Disabled Persons Organizations Umbrella founded in 2012. However, due to lack of support including from the government, it is feared that the umbrella organization may have to cease activities in the near future which will affect support to the disability community scattered across the state.

Of note, in the urban centres, there are socially sponsored psychiatric centers charge services they provide such special care to individuals

suffering with mental and psychological problems. For that purpose, those centers are in need to get medical supplies and other equipments support, assistance in doctors, psychiatric nurses, food and cooking equipments and last not least professional and human rights training.

2.4.8 Rights of IDPs and Refugees

As enshrined in the Puntland State Constitution, both citizens and residents-IDPs, refugees are equal regarding the protection of their rights and dignity. These rights have been given expression in a policy paper on IDPs which has been approved by the Government and incorporates commitment for all local and international laws in the regard.

The OPHRD has thoroughly investigated the human rights situation of IDP camps in most of the towns while our eyes are on articles 21; security and shelter, 32; education, 33; health, 31; children's rights, and 34; people with disabilities. The condition of the camps in terms of education, shelter, health and security is very poor. The most difficult factor is a land problem, particularly in Garowe and Bossaso. Likewise there are continuous abuses inflicted to IDP people by security agencies and host community, and this happens with impunity due to the specific vulnerabilities of lack of protection.



Talking to Yemen Refugees in Bosaso Reception Centre

2.4.8 Children Rights

The condition of children is neither better with regard to child rearing practices and development nor facilities. The majority of children do not receive proper nutrition (noting that 73% percent of the populations live under poverty line). In addition, corporal punishment against the children is still practiced at homes, schools and in other learning centers. Similarly there are no recreation centers that children could entertain in their free or leisure time.



Visiting Bosaso Reception Centre for Yemen Refugees and Somali Returnees

As per the article 31 in the Puntland State Constitution, the government is yet to create special programs that address for physical and psychological wellbeing of children. However, a child focused policies and bills were drafted recently which incorporates all principles in the international law that protect the child's rights but its adoption and implementation would still be awaited.

On the other hand, the International Convention on the Rights of the Children has been ratified by the federal government of Somalia on 20th January 2015 in Mogadishu, however the implementation and adoption of the law is to be again materialized. There are crimes usually committed against children such as child trafficking, rape and other abuses which still occur in IDP camps. Similarly orphaned and disabled children live in a miserable life with no education and health facilities for most of their life.

5. <http://www.so.undp.org/content/somalia/en/home/countryinfo.html>

2.4.9 Women Rights

Women mostly encounter different kinds of abuses such as rape, sexual violence, physical torture, stripping of properties and intimidation from family or social level. The most vulnerable to those crimes are IDP women, women with special needs, refugees and outcastes/minority women. Article 35 of Puntland State Constitution guarantees the rights of women in Puntland. With so many positive changes since the creation of MOWDAFA, their political representation is below the normal level. Similarly women role in the law enforcement and judiciary departments is absent.



Complaint Officer interviewing IDP Woman in Qardho

Chapter 3 Protection and Respect of Human Rights

Our office is mandated to protect and promote human rights in Puntland. For that sake, we receive people complaints, investigate violations of human rights, litigate those suspected before courts, represent victims, and monitor the condition of human rights in jails, prisons and other detention centers.

3.1 Complaints received in the reporting period

The OPHRD received a total of 49 cases during the reporting period. The OPHRD has sought to respond these complaints, through advocacy and engagement with the relevant authorities. However, there have been certain limitations, including financial constraints which has prevented outreach to remote locations (hence complaints originating mainly from urban centres) and the ability to respond to all complaints

Details of complaints received are following:

3.1.1 Table 1: Regional complaints

No	Region	Number of complaints	Percentage %
1	Nugal	27	55
2	Mudug	2	4
3	Bari	16	33
4	Sanaag	0	0
5	Sool	0	0
6	Ayn	0	0
7	Karkaar	4	8
	Total	49	100

3.2.1 Table 2: Complaint delivery Mode

Delivery mode	No of complaints	Percentage %	
Visiting the office	45	92	
On the phone	2	4	
By email	2	4	
Website	0	0	
Total	49	100	

3.1.3 Table 3: Complaints by Gender

No	Region	Male	Female
1	Nugaal	15	12
2	Mudug	1	1
3	Bari	9	7
4	Sanaag	0	0
5	Sool	0	0
6	Karkaar	3	1
7	Ayn	0	0
	Total	28-57%	21-43%

3.1.4 Table 4: Categories of Complaints

Complaints against Courts, law enforcement agencies and ministries	Complaints against Civilians	Complaints against International Relief Agencies	Special Cases	Total
16	27	2	4	49

3.1.5 Table 5: Status of complaints

Open cases	Finalized cases	Total
30	19	49

Chapter 4

Promotion and Advocacy of Human Rights

The office of Human Rights defender in its mission of promotion and fulfillment peoples' rights, has carried out several campaigns for increasing human rights awareness in Puntland such as conducting seminars, workshops, trainings, disseminating information, TV and radio programmes that all point out the fulfillment of rights and freedoms for every individual.

4.1 Commemoration of International Human Rights Day

The office has organized well in marking occasion of the International Human Rights Day on 10th December 2014 and in Puntland. We emphasized on that importance of applying principles of human rights in the state constitution as well as in other international conventions using leaflets, speeches, posters, Radio and TV programs etc.

4.2 Collaboration agreements

To put more synergy in our action and speed up the quality provision of HRD services to our people, we signed bilateral agreements with local organizations which focus on human rights issues on the purpose of exchanging information, consultations, promotion on status of human rights, and sharing up with violations cases.

Those organizations include

1. Puntland Diaspora Forum (PDF)
2. Puntland Non State Actors Association PUNSAA
3. Puntland legal aid centre (PLAC)
4. PSU legal clinic Center
5. Puntland Women Lawyers Association (PUWLA)

4.3 Establishment of Students' Human Rights Clubs

Comprehending the importance of students and schools in the development of human rights promotion and by awakening them the significance of principles of human rights, we encouraged them to create HR clubs in all learning centers in Puntland. In addition we arranged



OPHRD awarded Human Rights Friends and Activists on the occasion of International Human Rights Day 10 December 2015

the first human rights club at faculty of Shariah and law in PSU to participate all office awareness activities and events to increase their involvement visibility across the stakeholders. In the plan are to establish student clubs at other learning centres. oversee all students' legal club activities.

4.4 Human Rights Training

Our office has carried out human rights training to MPs on the purpose of increasing their awareness of human rights issues, increase their advocacy on protection of human rights and bolster a working relationship with the office.



Unicef Child Section visiting OPHRD

4.5 Visits and Meetings

- The office has arranged with the support of the UNSOM Garowe office a broad meeting that gathered civil society organizations to grow better understanding and together defending human rights in Puntland.
- A number of meetings with local youth organizations and intellectuals in Garowe and Bossaso were convened to introduce human rights office, highlight youth challenges on enjoying their rights, abuses on human rights, how to prevent before occurrence and how to protect victims' rights through the law after happening.
- Periodical meetings are held with international organizations in Garowe, Muqdisho and Nairobi for introducing the office and sharing information and ways of cooperation.
- Participation of the Somalia preparation of Universal Periodic Review report to the UN Human Rights Council.

4.6 External Relations

The office has travelled to USA and Kenya, approached several international agencies to start working relationship and win their support the office in carrying out its duties, assist in legal trainings of the staff and to support office to conduct human rights researches. They welcomed our request and promised close working relationship with the office.



Meeting with Swedish, Danish and Netherland Embassy in Nairobi



Meeting with Kenya National Human Rights Commission

Chapter 5

Development of the Office and the Annual Financial Report

Since the office was a newly established one, our first priority was to set up the work skeleton and functional structure of the office and ensure office has the proper staff and office space. The steps taken included the following:

5.1 1st Phase

- Preparation of office budget-2015
- Preparation of job description document for the staff
- Recruitment of the staff
- Inception and induction training for the staff
- commissioning of the office website
- Launching the start of office activities on March 13 2015

5.2 2nd Phase

- 2nd on job training for the staff particularly on duties and responsibilities of office which are enshrined the constitution, human rights defender act and Paris principles, also we trained on international human rights law in terms of protection, promotion and fulfillment.
- Preparation and printing complaints form, legal representation authorization form
- Formulation of 3 year plan of the office 2015-2017
- Preparation of daily attendance forms
- Formulation of financial management forms

In short, we have succeeded in the setting up this office in a very short period including staff recruitment and renting office space, and today our service is available to the public.

5.3 Challenges of Office Development

Since the office is a national independent institution established to serve the people of Puntland, the allocation of operating budget is the responsibility of the state government and should be included in annual budget of the state. However as the office is a newly created one, we have met the following challenges;

- For the past 12 months, salaries and office running costs of only 6 months were received from the Government.
- Mutual relationship between the office and government institutions is below our expectation level, which hampers the office efforts

to the protection and promotion of HR.

Regional offices budgets were rejected to be allocated in the state annual budget.

5.4 Planed Strategies and expected Results for 2016/2017

The main strategies planned for the year 2016/2017 for achieving the office objectives and mandates are:

Planned Strategy:

1. PIOHRD capacitated as a strong professional and sustainable institution
2. Better knowledge management has been achieved
3. increased knowledge and practice on human rights, principles and standards in Public and private spheres
4. women, children, and people with special needs are equally accessed to exercise and enjoy their rights
5. Created equitable, complementary and sustainable strategic partnership for the promotion and protection of human rights efforts
6. Reduced systematic human right violations in Puntland
7. Increased applications of human rights principles and standards in Puntland
8. Increased compliance and adherence to the rule of law in Puntland

Expected Result

1. To ensure growth and development of the PIOHRD
2. Obtaining of updated information on the human rights situation in Puntland.
3. 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 6 Recommendations

We share with the three branches of the State, executive, judicial and the legislative, the following recommendations are vital for the complementing state efforts for democratization, justice and development as well as the realization of peoples' human rights and fundamental freedoms.

1. To draft legislation that can properly defend human rights by incorporating principles of Shari'ah and the international law that can respond to the current needs such Juvenile justice bill, FGM bill, and the Sexual Offences Bill.
2. To review certain laws, including the Media Law, Anti-Terrorism Law, Civil and Penal Laws.
3. To increase the capacity of judiciary, training of judges, lawyers and attorney general staff on human rights obligations national and international, regular payment of judiciary salary and operations and strengthen cooperation of law enforcement with the judiciary for justice delivery to all.
4. To train police and correction forces how to protect the human rights to preserve the fundamental rights of inmates and accused, to contribute to the peace, stability, social well being and harmony among community groups.
5. To allocate funds for human rights education, particularly public education on their constitutional and legal rights also commission awareness rising programs in public and private institutions including.
6. To ensure that Ministries and other government agencies implement constitutional rights ranging from articles 12 to article 47 to ensure each citizen/resident have access to enjoy their rights also the institution must link development programmes to the promotion and protection of human rights and fundamental freedoms.
7. To introduce educational programmes including literacy and numeracy and skill programmes in all 4 prison of Puntland.
8. The government must avoid the violation of human rights on justification of combating terrorism activities. Civilians accused with acts of terrorism and piracy must have fair trial with the presence of legal counselor for the accused.
9. The police commanders should monitor behavioral activities of police forces, read out human rights principles in any given mission to decrease human rights violations committed by the police forces, particularly in the IDP camps and against women and children.
10. The government must take action in against landlords who distort illegal money from IDPs settling in their lands constructed by humanitarian agencies, particularly Garowe and Bosaso camps bring those involved before the law.
11. The Government Commitment for implementation of democratization process in Puntland should be honored to provide people enjoy their constitutional right of voting and contribute promotion of human rights.
12. The Government must avail women and minority groups opportunity in realizing of their political aspirations and obtaining their share of administrative positions.

13. There should be a fair share of development projects to all Puntland communities, particularly to those living in remote locations and Sool, Sanaag and Ceyn.
14. The government should guarantee and implement freedom of speech whereby law enforcement agencies ought to stop illegal and arbitrary arrest and detentions of journalists and other opposition figures.
15. The government should abide by its commitment to financially sponsor office budget to strength the office to provide better service to Puntland people.



Photo Group participants of OPHRD Strategic Planning for 2015-2017, UNSOM Compound Garowe

DAWLADDA PUNTLAND

EE SOOMAALIYA

GOLAHA WAKIILADA



ولاية بونت لاند الصومال

مجلس النواب

Office of the Speaker

Ref:- XGGW/DPL/ 124 /2014 Garowe Date:- 01/12/2014

Subject: Establishment and Election of Puntland Human Rights Defender Office

The Speaker of Puntland House of Representatives

After having seen: Article 64.9 of the Puntland Constitution

After having seen: Article 117.1 of the Puntland Constitution

After having seen: The List of candidates for the seat of Puntland Human Rights Defender forwarded by the office president of Puntland state of Somalia Reference number **MW/DPS/B15/2014** dated on **04/11/2014**

After having seen: The election result of the candidates contested for the seat (Puntland Human Rights Defender on **27/11/2014**)

He acknowledged and endorsed:

That Mr. Mohamed Yusuf Ali has been elected to Puntland Human Rights Defender gaining house majority votes of 37.

All Thanks to Allah

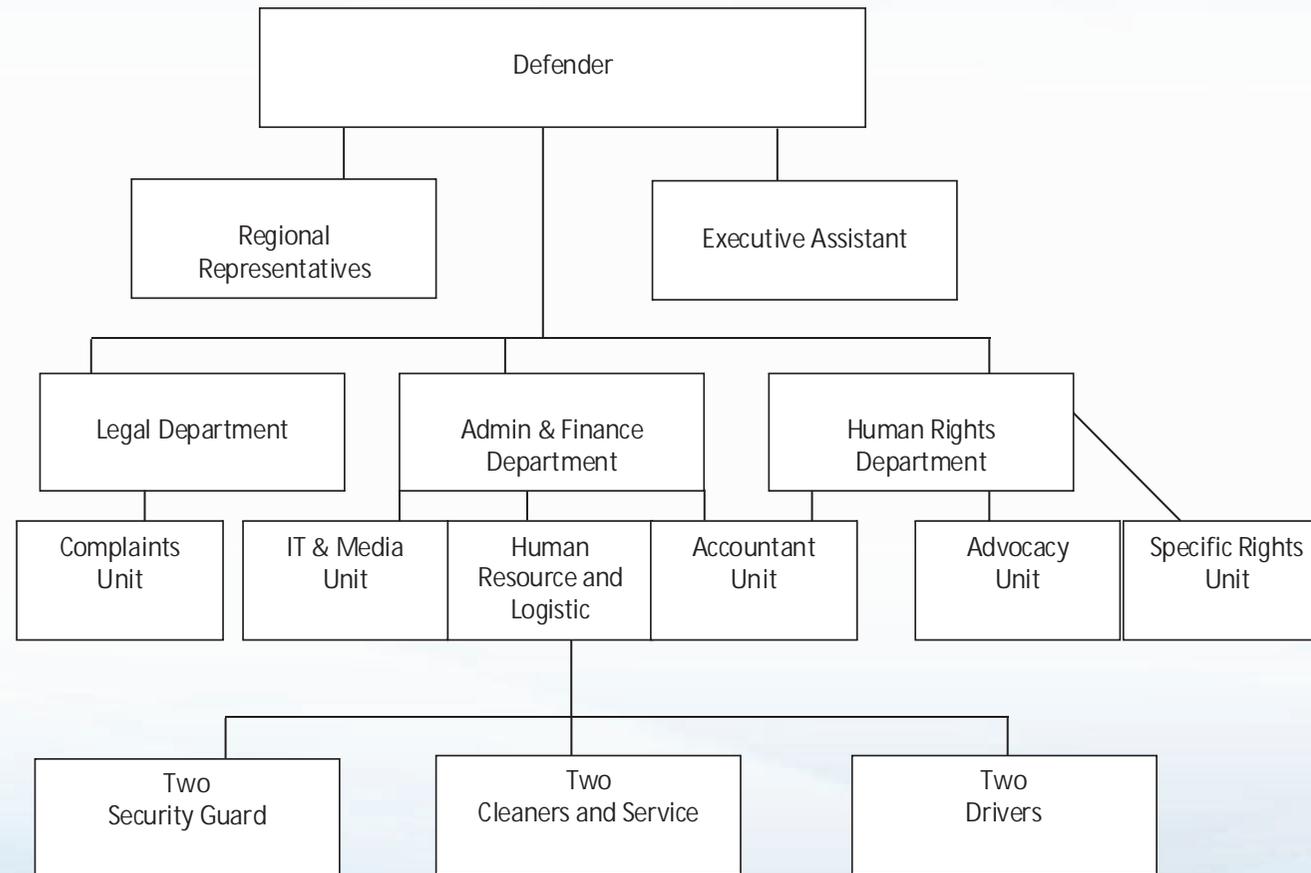
Hon. Said Hassan Shire

Speaker of the House of Representatives





Structure of Puntland Human Right Defender Office





Office of Puntland Human Rights Defender

Annual Income and Expenditure Statement (January-December, 2015)			
Type of Currency: USD			
Income Description	Year-2015		
	Allocated Budget	Actual Budget	Deficit
Government Budget Support			
Salaries and Incentives for 12 months	\$76,479.10	\$9,856.00	\$66,623.10
Operation Cost for 12 months	\$60,000.00	\$45,708.00	\$14,292.00
Total Cost of Government Income	\$136,479.10	\$55,564.00	\$80,915.10
UN and International Organizations Grants			
Grant from UNHCR	\$1,700.00	\$1,700.00	\$0.00
Grant form UNSOM	\$9,670.00	\$9,670.00	\$0.00
Grant form Save the Children (SCI UK)	\$1,770.00	\$1,770.00	\$0.00
Grant form UNSOM	\$5,170.00	\$5,170.00	\$0.00
Total Grants form UN Agencies and International NGOs	\$18,310.00	\$18,310.00	\$0.00
Grand Total	\$154,789.10	\$73,874.00	\$80,915.10
Expenditure Description			
Office Expenditure of Government Budget Support			
Staff Salaries and Incentives	\$76,479.10	\$9,856.00	\$66,623.10
Operation Cost	\$60,000.00	\$45,708.00	\$14,292.00
Total	\$136,479.10	\$55,564.00	\$80,915.10
Office Expenditure Grant Support			
UNHCR (Support for PHRD Launching Ceremony)	\$1,700.00	\$1,700.00	\$0.00
UNSOM (Support for PHRD Capacity Building)	\$9,670.00	\$9,670.00	\$0.00
SCI UK (Monitoring Mission Bosasso Yemen Refugees/Returnees)	\$1,770.00	\$1,770.00	\$0.00
UNSOM (16 days Activism Campaign for Women & child)en	\$5,170.00	\$5,170.00	\$0.00
Total Cost of International Grants	\$18,310.00	\$18,310.00	\$0.00

NB: The Deficit of the year from January to December, 2015 is total Salary of \$ 66,623 10 and Operation of \$ 14,292

Mohamed Yusuf Ali
Defender

Yasin Ali Mohamed
Director of Finance and Administration



PUNTLAND HUMAN RIGHTS DEFENDER

This Report was published by:

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