



SLNHRC

Republic of Somaliland

Somaliland National Human Rights Commission

ANNUAL REPORT 2020

ANNUAL REPORT OF SOMALILAND NATIONAL HUMAN RIGHTS COMMISSION 2020

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Hargeisa Somaliland

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CHAPTER ONE: HUMAN RIGHTS EDUCATION AND AWARENESS.....	1
1.1. SLNHRC Inaugurated New Regional Offices.....	1
1.2. Commemoration of World Human Rights Day, 10 December 2020.....	3
1.3. Strengthening the Relationship between Human Rights Stakeholders and Society.....	4
1.3.1. Introduction.....	4
1.3.2. Annual Report Meeting.....	5
1.3.3. Discussion and Analyzing Meeting on Somaliland’s Rape, Fornication and Other Related Offences Bill (Law No. 78/2020).....	7
1.3.4. Human Rights Coordination Meeting in Burao.....	9
1.3.5. High Level Meeting on Media Freedom.....	10
1.4. Human Rights Capacity Building Trainings.....	11
1.4.1. Introduction.....	11
1.4.2. Law Enforcement Agencies Training.....	12
1.4.3. Police Officers Training in Buroa, Borama and Hargeisa.....	12
1.4.4. Capacity Building Training to the SLNHRC Staff.....	14
1.5. Human Rights Awareness.....	15
1.5.1. Basic Rights Awareness.....	15
1.5.2. Awareness Rising on COVID-19.....	15
CHAPTER TWO: HUMAN RIGHTS COMPLAINT AND THEIR MANAGEMENT....	
2.1. Introduction.....	17
2.2. Complain Submission Procedure.....	17
2.2.1. Who Can File a Human Rights Complaint?.....	17
2.2.2. Human Rights Complaint Submission Procedure.....	17
2.2.3. Human Rights Complain Management.....	18
2.3. Challenges.....	19
2.4. Recommendations.....	19
CHAPTER THREE: PRISONS AND POLICE STATIONS MONITORING.....	20
3.1. Introduction	20
3.1.2. Review Inspection Monitoring Tools.....	21
3.1.3. The Commission’s Findings Summary on Detention Facilities	22
3.1.3.1. Prisons’ Buildings.....	22
3.1.3.2. Food and Light	23
3.1.3.3. Healthcare and Sanitation for Detainees.....	23
3.1.3.4. Work and Exercise.....	24
3.1.3.5. Visiting and Worship.....	24
3.1.3.6. Education.....	25
3.1.4. Recommendations.....	26
3.2. Police Stations.....	27

3.2.1. Buildings	27
3.2.2. Sanitation and Ventilation.....	27
3.2.3. Right to Food and Water.....	28
3.2.4. Access to Health Care.....	28
3.2.5. Incarceration of children with Adults.....	28
3.2.6. Visiting.....	28
3.2.7. Recommendations.....	28
CHAPTER FOUR: VULNERABLE GROUPS.....	29
4.1. Disability Rights.....	29
4.1.1. Conditions of people with Disabilities.....	29
4.1.2. Recommendations.....	30
4.2. Minority Rights Situation.....	30
4.2.1. Challenges Faced by Minority People.....	31
4.2.2. Recommendations.....	31
4.3. IDPs in Somaliland.....	32
4.3.1. Introduction.....	32
4.3.2. Concerned Issues in IDPs.....	32
4.3.2.1. Distance between Cities and IDPs.....	32
4.3.2.2. Force Eviction.....	33
4.3.2.3. Shelter.....	34
4.3.2.4. Healthcare Services.....	34
4.3.2.5. Education.....	35
4.3.2.6. Water.....	35
4.3.2.7. Human Rights Violations in IDPs.....	35
4.3.3. Recommendations.....	35
4.4. Refugee Rights.....	36
4.4.1. Estimated Figures of Refugees in Somaliland.....	36
4.4.2. SLNHRC Interventions.....	36
4.5. Child Rights.....	37
4.5.1. Street Children.....	37
4.5.1.1. Challenges.....	38
4.5.2. Child Labour.....	39
4.5.2.1. Introduction	39
4.5.2.2. Common Conditions of Working Children.....	40
4.5.2.3. Recommendations	41
4.6. Rights of People Living with HIV/AIDS.....	41
4.6.1. Number of people who live with HIV/AIDS.....	42
4.6.2. Human Rights and people with HIV/AIDS.....	42
4.6.3. Discriminations towards People Living with HIV/AIDS.....	42
4.7. Women’s Rights Situation.....	42

4.7.1 Introduction.....	42
4.7.2. Gender-based Violence	43
4.7.3. Female Genital Mutilation (FGM).....	43
4.7.3.1. Reasons for FGM.....	43
4.7.4. Domestic Abuse.....	44
4.7.5. Rape.....	44
4.7.5.1. Penal Discussions on Prevention of GBV.....	45
4.7.5.2. Penal Discussion on How to Reduce the Number of Rape Cases in the Country.....	47
4.7.6. Women Political Participations.....	47
4.7.7. Recommendation.....	49
CHAPTER FIVE: MEDIA AND FREEDOM OF EXPRESSION.....	50
5.1. Introduction.....	50
5.1.1. List of the Media Houses.....	51
5.1.2. Annual Detention Cases of Journalists, Restriction & Media House Shut-Downs.....	51
5.2. SLNHRC Interventions.....	51
5.3. Challenges Facing Somaliland Media.....	54
5.4. Recommendations.....	54
CHAPTER SIX: SOCIAL RIGHTS.....	55
6.1. Education Rights.....	55
6.1.1. Advances Made in Educational Quality.....	55
6.1.2. Education for Children with Special Needs.....	55
6.1.4. Special Needs Schools.....	56
6.1.5. School for Special needs.....	56
6.1.5. Impact of COVID-19 on Somaliland’s Education.....	56
6.1.6. Recommendations.....	57
6.2. Healthcare Rights.....	57
6.2.1. Access to Quality Healthcare Services.....	57
6.2.2. Healthcare Infrastructure.....	57
6.2.3. Challenges of Access to Medications.....	57
6.2.4. Challenges.....	57
6.2.5. Recommendations.....	58
6.3. Private Employees Rights.....	58
6.3.1. Introduction.....	58
6.3.2. Civil Labor Rights.....	58
6.3.3. Basic Rights of Civil Employees.....	59
6.3.3.1. The Right to Join a Trade Union.....	59
6.3.4. Challenges of Civil Labor Rights.....	59

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Our appreciation goes to the Police Commissioner and Commander of the Custodial Corps for their graceful support to the commission.

SLNHRC appreciates the support of UNDP for the publication of the 2020 report and their support for cooperating with the commission in providing training to law enforcement agencies and the media (Rule of law Project). Further appreciation also goes to the United Nations Office of the High Commissioner for Human Rights (UNSOM) for support of the 16 days activism campaign against gender-based violence and the commemoration of international human rights day, 10th December, and support community awareness programs through media.

The SLNHRC acknowledges the collaborations of CSOs, INGO, UN agencies and other stakeholders of human rights issues for their support in enabling the Commission implement its mandate.

Finally, the leadership and members of the Commission would like to thank all the staff of the National Human Rights Commission and their advisers for their dedicated work in compiling, editing, and publishing the Commission's annual report.



Mohamed Barud Ali

Chairman of Somaliland National Human Rights Commission

ACRONYMS

COVID-19	– Corona Virus Disease in 2019
CSOs	– Civil Society Organizations
DNA	– deoxyribonucleic acid
FGM	– Female Genital Mutilation
GBV	– Gender Based Violence
HIV/AIDS	– Human Immunodeficiency Virus / Acquired Immune Deficiency Syndrome
IDPs	– Internal Displaced People
JJL	– Juvenile Justice Law
MCH	– Maternal and Child Health
MESAF	– Ministry of Employment, Social and Family Affairs
MMTF	– Mixed Migration Task Force
MoJ	– Ministry of Justice
NDRA	– National Displacement and Refugee Agency
SLNHRC	– Somaliland National Human Rights Commission
SLSH	– Somaliland Shilling
SOLJA	– Somaliland Journalists Association
TB	– Tuberculosis
TVs	– Televisions
UK	– United Kingdom
UN	– United Nations
UNDP	– United Nations Development Program
UNHCR	– United Nations High Commissioner for Refugees
UNSOM	– United Nations Assistance Mission in Somalia

ABOUT THE SOMALILAND NATIONAL HUMAN RIGHTS COMMISSION

Mandate of the Commission

The functions of the Commission are provided for in Article 26 of the SLNHRC Act 39/2010 as follows:

1. To investigate independently a situation that they consider has caused social damage and deem important to be investigated.
2. Inspection of prisons, police stations and other canthers used as jails, in order to see the living conditions of prisoners and to give appropriate advice to the concerned parties.
3. Upgrading (enhancing) awareness and educating the community on human rights and the reasons why they need to be respected by using scientific research programs, media or events that the commission finds applicable.
4. To inspect government agencies related to human rights and advising them on ways of developing, protecting and promoting respect for human rights.
5. Proposing to the Parliament laws to be amended or effective methods of protecting and promoting human rights.
6. Making recommendations and giving technical advice to the cabinet ministers and other government agencies, which are all, aimed at improving the protection of human rights.
7. Strengthen the collaboration between the Commission and local organizations, which are engaged in the development of human rights, and at the same time contacting and working with the international agencies.
8. The Commission will give effective technical advice to the cabinet ministers and both houses of parliament towards improving and protecting human rights and basic freedom. This will include ratifying and approving laws and declarations.

Vision

SLNHRC envisions a democratic Somaliland, where human rights, freedoms and tenets of social justice are upheld.

Mission Statement

To lead the protection and promotion of human rights and develop a culture of respect and responsibility for human rights by governments and all people in Somaliland.

Core Values

1. Transparency and Accountability.
2. Independence and autonomy.
3. Equality.
4. Professionalism.
5. Accessibility.

EXECUTIVE SUMMARY

The Somaliland National Human Rights Commission Act No.39/2010 indicated the Commission's powers in the promotion, protection and enforcement of human rights. Article 38 of the Somaliland National Human Rights Commission Act requires the Commission to submit to the President and the Houses of the representatives and elders, a report on the Commission's activities each year.

This 2020 Annual Report is divided into two major sections: section one highlighting key activities of the commission in 2020 including: opening of regional offices of the commission to expand protection and to effectively observe human rights issues, the monitoring of prisons, police stations and other detention centers to assess the conditions of these facilities in terms of sanitation, prison population, categories of inmates, long and arbitrary detention, construction and renovation of buildings, food, water, information, clothing and bedding and personal hygiene.

Also this section highlighting the some collaborative stakeholder engagements like organizing the human rights coordination meetings, awareness and human rights education and trainings activities and highlights the complaint cases which the commission received in 2020 and how they are handled.

Section two of the report deals with the human right situation for the vulnerable groups in Somaliland like children, women and victims of gender-based violence, people with disabilities (PWDs), minorities, IDPs and Refugees Rights. Also this section highlighted the status of health, education and Labor rights in Somaliland. Finally, section two throws light on access to justice.

This report is based on the Commission's monitoring and investigation into the country's regions and interviews with human rights victims or their representatives, as well as reports by local human rights stakeholders.



CHAPTER ONE

HUMAN RIGHTS EDUCATION & AWARENESS

1.1. SLNHRC Inaugurated New Regional Offices

The Somaliland National Human Rights Commission has opened regional offices which are **Awdal, Togdheer, Sool and Sahil** as a means of promotion and protection of effective observation of the human rights issues, and assist in the implementation of human rights activities.

The mandates of the regional offices is based on the principals in charge of the promotion and protection of human rights through the integration of the human rights standards, legislation and implementation measures at the regional levels aiming to help and address human rights challenges in Somaliland regions. The regional offices will coordinate and collaborate with human rights stakeholders and the regional authorities to show redress and accountability of human right violations. Moreover, these newly opened regional offices were to focus on encouraging reform measures to achieve tangible improvement in the area of human rights promotion and protection. These regional offices will act upon individual complaints, routine detention center visits and monitoring the condition of human rights in their respective regions in general.



Inauguration of SLNHRC's Regional Office, Borama, Awdal



Opening ceremony of SLNHRC's Regional Office, Buroa, Togdheer



The Vice-chairman of SLNHRC, Waris X. Abshir Diirie at the SLNHRC's office in Las-Anod, Sool

In conclusion, these offices will gather information and take wider initiatives on the basis of reliable information regarding human rights violations suffered by individuals and promoting awareness of human rights in regional offices, by organizing and taking part in seminars and events on various human rights themes. The commission engages in permanent dialogue with government, civil society organizations and educational institutions in order to improve public awareness of human rights standards. Furthermore, these offices will contribute to the debate and the reflection on current and important human rights matters through contacts with the media, the publication of reports and current human rights issues.

1.2. Commemoration of World Human Rights Day, 10 December 2020

Every year, World Human Rights Day is celebrated on 10 December.

The celebration is a worldwide event. Most countries celebrate and reflect on current human rights issues and violations. Somaliland is among those who participate on raising of public awareness, protection and promotion of human rights. Somaliland Human Rights Commission has participated in the campaign of the sixteen days of activism against Gender Based Violence against women through panel discussions, debates and awareness raising by using slogans and stickers disseminating the message to the community to reduce human rights violations in particular GBV issues.



*Vice President of Rep. Somaliland, HE Abdirahman Abdillahi Sayli'i (Left) and the Chairman of the Somaliland National Human Rights Commission, Mr. Mohamed Barud Ali (Right) both delivering a speech on the Commemoration of World Human Rights Day, 10 December, 2020
Commemoration of World Human Rights Day, Hargeisa, 10 December, 2020*



Commemoration of World Human Rights Day in Hargeisa, 10 December, 2020



Commemoration of World Human Rights Day in Hargeisa, 10 December, 2020



Commemoration of World Human Rights Day in Buroa, 10 December, 2020

The celebrations were held in the eastern regions in Buroa and the western regions in Hargeisa and were attended by human rights stakeholders in the country, including: national leaders led by the Vice President of the Republic of Somaliland, HE Abdirahman Abdillahi Sayli'i, members of the Council of Ministers, the Attorney General, the Deputy General Solicitor, Parliament Members, Police and Custodial Corps, national opposition parties, Taiwanese government representatives, UN, international organizations, civil society organizations, the media and the different community members especially from disability groups, refugees and IDPs.

1.3. Strengthening the Relationship Between Human Rights Stakeholders and Society

1.3.1. Introduction

The mandate of Somaliland National Human Rights Commission is to strengthen the working relationships between the commission and human rights stakeholders engaged in the promotion of human rights and to establish a working relationship with international organizations.

The SLNHRC holds quarterly human rights coordination meetings in the regions. These meetings offer human rights stakeholders the opportunity to discuss issues of human rights, coordinate their work and meet with a range of stakeholders, including governmental

institutions, UN Agencies, international organizations and civil society organizations.

During the quarterly human rights coordination meetings with the Stakeholders, human rights violations are discussed and clearly analyzed, and recommendations are made by human rights stakeholders by considering and evaluating the outcome of the meetings.



Human Rights Stakeholders at the Annual Report Release Event, Jan 2020



SLNHRC's Chairman, 3 Members of the Commission, Maroodi-jeeh Regional Prosecutor, and Members from UNSOM

1.3.2. Annual Report Meeting

According to the Somaliland National Human Rights Commission Act (Law No. 39/2010), the commission shall issue a comprehensive report on the human rights situation in the country as a whole at the end of each year. Therefore, the Commission, in line with its mandate, presented its 2019 annual report to human rights stakeholders after being submitted to the Houses of Parliament and the President in late

2019 for their comments and suggestions.

After a long year and full of human rights protection and promotion activities, Somaliland National Human Rights Commission decided to distribute the annual report of 2019 to the human rights stakeholders. So, the main objectives of the coordination meeting were:

- ⊙ Discussing, making recommendations and feedback from the annual report in order to take into account for the next annual report;
- ⊙ Strengthening the coordination and working relationships between the human rights stakeholders and how they engage with each other;
- ⊙ Enhancing the effectiveness of human rights stakeholders and facilitating their work; and
- ⊙ Raising the concerns of human rights violations in discussions of the human rights stakeholders, by pinpointing the issues need to be reported regularly.

In conclusion, **Mohamed Barud Ali**, the Chairman of the Somaliland National Human Rights Commission thanked the participants from the international agencies, government institutions, civil society organizations and the staff of the Commission for their commitment and active participation in this meeting which the commission released and distributed the annual report of 2019.



Members of the SLNHRC, Executive Director and representatives from UNSOM

He fully underlined that the commission's mandate is to work with the vulnerable people to protect and promote their rights and make their voices heard.

The Chairman also informed the participants how the commission always ready to protect the rights of the people, by conducting training sessions for the police and judiciary in order to protect the rights of the people deprived from their freedom.

Finally he commended UNSOM, UNDP, UNHCR, the Attorney General, and the judiciary for their collaboration with the commission and he encouraged the civil society organizations to cooperate with the commission in their work to protect human rights.

1.3.3. Discussion and Analyzing Meeting on Somaliland's Rape, Fornication and Other Related Offences Bill (Law No. 78/2020)



Human Rights Stakeholders at the Meeting, Sep 2020

The Somaliland National Human Rights Commission by applying its **legal mandate** given by **the Act No. 39/2010** especially **article 26**, which gives it to make proposals to the Parliament on amendments to laws with the objective of promoting human rights and fundamental freedoms of citizens, and strengthening the working relationship between the commission and local human rights organizations engaged in the promotion of human rights and to establish a relationship with international organizations, hosted a meeting to discuss and analyze the **Somaliland's Rape, Fornication and other Related Offences Bill (Law No. 78/2020)** in **September**.

As violations of rape become widespread in our country, taking a measures to tackle the problem became necessary. Somaliland's House of Representatives passed **Somaliland's Rape, Fornication and other Related Offences Bill (Law No. 78/2020)** in late **August** in this year **2020**.



SLNHRC's Executive Director and some of Human Rights Stakeholders

After carefully discussing the newly passed bill by house of representatives with the human rights stakeholders and government institutions on how that Bill will contribute in countering the issue of rape in our society, the SLNHRC and other human rights stakeholders including government institutions released an Official Statement addressing the House of Elders to study the bill and make amendments to some articles in the Bill.

Moreover, due to the importance and magnitude of the bill, SLNHRC and other human rights stakeholders including government institutions urged the President of Republic of Somaliland and recommends to the House of Elders:-

1. To make **distinctions** between **Rape** and **Fornication** by separating them with **different bills** or provide **two different chapters** regarding the above two issues in Somaliland's Rape, Fornication and other Related Offences Bill (Law No. 78/2020).
2. To align the bill with the **Constitution of Republic of Somaliland** and other **national laws** related to **children** and the **Penal Code**.
3. To **correct the terminologies** and the **title** of the Bill.
4. To **clarify the punishment (sentence)** the bill mentions that is addressed in the **Sharia Law**.
5. To **align** the bill with the **International Laws on Human Rights**,

mentioned in article 10(2) of **Somaliland's Constitution**.

6. To **remove duplicate** and **confusingly** hard to understand **articles** of the Bill.
7. To **make the Bill** rely on **medical examination results** such as **DNA**.
8. To **clarify** how Somaliland's Rape, Fornication and other Related Offences Bill (Law No. 78/2020) is **related** to the **Penal Code**.
9. To **align** this bill with the **Islamic Sharia Law**.

1.3.4. Human Rights Coordination Meeting in Burao

The SLNHRC has opened offices in the regions and has organized regional coordination meetings in Burao, Togdheer region. Human rights stakeholders at regional levels have participated in the meeting to collectively promote and protect human rights.

The Somaliland national human rights commissions conducts such meetings in the regions regularly for increasing and creating a strong collaboration between civil societies, the national human rights commission, international human right organizations and the judicial organ here in Somaliland to move forward and achieve both national and international human rights standards and best practices.

The discussions were focused on human rights situation in the region and the way forward to strengthen regional referral mechanisms and future plan activities.



Rooda Axmed Yasin, a member of SLNHRC officially opened the meeting

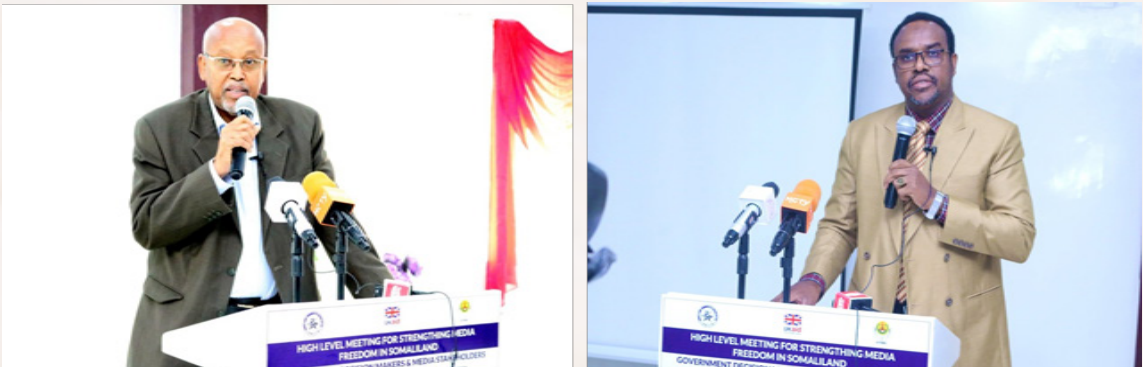


Human Rights Stakeholders at the Coordination Meeting in Buroa, Togdheer, Nov 2020

The participants got a clear understanding of the role of SLNHRC and requested to continue such meetings to increase the regions' human rights promotion and protection work.

1.3.5. High Level Meeting on Media Freedom

The Somaliland National Human Rights Commission, partnering UK office in Hargeisa, co-implement Somaliland Journalists Association (SOLJA), has organized a high level meeting at Ambassador Hotel, Hargeisa in which all human rights stakeholders including government institutions, civil society organizations, independent news agencies, Office of the Attorney General and international organizations working on media freedom and human rights.



The Chairman of the Somaliland National Human Rights Commission, Mr. Mohamed Barud Ali (left) and the Minister of Ministry of Information, Culture and National Mr. Saleban Ali Koore both delivering a speech on the High Level Meeting for Strengthening Media Freedom in Somaliland



Median Freedom Strengthening Conference in Hargeisa, 2020

During this meeting, the Somaliland National Human Rights Commission presented media freedom assessment findings from the regions that were conducted jointly with SOLJA that addressed the main challenges for both the media outlets, journalists and law enforcement actors and recommendation for future collaborations.

1.4. Human Rights Capacity Building Trainings.

1.4.1. Introduction

Somaliland National Human rights Commission (SLNHRC) with collaboration with UNDP “the Joint Rule of Law Programme” organized training workshops for law enforcement agencies and judges on freedom of expression.

Notably, the workshops and consultations were participating and extensively discussed the legal constraints/challenges/gaps and the way forward for all the participants in the area of the freedom of expression. The participants discussed the issue of the criminalizing of the media cases and detaining journalists without court warrants. At the end, the participants recommended solid solutions to the problem for all media and press stakeholders.

1.4.2. Law Enforcement Agencies Training

The Somaliland National Human Rights Commission regularly trains officers from the Police, Custodial Corps and Immigration. The purpose of the training is to increase the Law Enforcement Agencies' knowledge of the rights of prisoners, to analyze the commission's inspection tools and human rights principles.



1.4.3. Police Officers Training in Buroa, Borama and Hargeisa

The training workshops which were conducted in Buroa and Borama aimed at enhancing journalists and law enforcement agencies understanding on the national and international legal framework related to freedom of expression and opinion, the role of legal practitioners in the investigation and prosecution of crimes committed against journalists, as well as the need to reflect on the Somaliland constitution and other codes related to handling cases brought against journalists. The media representatives during the discussions argued that most of the arrests had been issued through unknown executive oral commands to Police. The trainings also examined previous cases involving arrests targeting journalists, among the cases reviewed 2020.



During the training workshop were discussed issues ranging from the importance of freedom of expression, the safety of journalists, defamation, and commitment to the international and African human rights frameworks. The training exposed judges to some of the landmark judicial decisions on freedom of expression and press freedom with specific reference to criminal defamation and safety of journalists and the issue of impunity.



Media freedom training to the Law Enforcement Agencies at Borama, 2020

1.4.4. Capacity Building Training to the SLNHRC Staff

SLNHRC has organized training workshop for SLNHRC's staff on monitoring tools for detention centers. The aim of the training workshop was to allow field staff to understand the theory and practice of field monitoring tools and reporting systems. The staff has gained skills acquired to work in terms of case studies, monitoring tools and reporting knowledge and skills.

The staff training participants were 30 from different regions, different departments and units of the commission.



SLNHRC staff analysis the Police Stations and Prison Monitoring Tools



Some of the SLNHRC staff presents the Police Stations and Prison Monitoring Tools analysis



SLNHRC Chairman, Mohamed Barud Ali and some of the SLNHRC staff at the training hall

1.5. Human Rights Awareness

1.5.1. Basic Rights Awareness

Recognizing the importance of educating the community on basic human rights, the commission conducts regular awareness campaigns on TVs, Radio Hargeisa and printing media educating the public about their rights and responsibilities and how they should learn about human rights.



1.5.2. Awareness Rising on COVID-19

The Somaliland National Human Rights Commission (SLNHRC) took part in combating the COVID-19 pandemic by rising awareness in line with government measures and guidelines. The commission's task in raising awareness about the dangers of the pandemic focused on inmates currently serving time in police stations and jails across the nation and measures in place. In addition, the Somaliland National Human Rights Commission released an official statement highlighting the importance of decreasing the number of inmates in jails and detention centers to minimize the risks of transmission of COVID-19 and prepared posters and educational materials to counter the pandemic to the inmates and general populations.

Understanding the dangers of COVID-19 in detention centers, the President of Somaliland pardoned 939 prisoners in two batches from all regions.



This cartoon explains how it's important to raise an awareness to the society to keep the distance in order to minimize the risk of Covid-19



Prison healthcare awareness raising cartoons during the COVID-19 Pandemic, 2020

CHAPTER TWO

HUMAN RIGHTS COMPLAINT AND THEIR MANAGEMENT

2.1. Introduction

The Somaliland National Human Rights Commission (SLNHRC) is a statutory body established by an Act of Parliament No. 39/2010 entitled “*The Somaliland National Human Rights Commission Act*”. The Act, which entered into force on December 2010, saw the full establishment of the Commission, clarification of the mandate, functions and institutional structure of the Commission.

To conduct an independent investigation on any issue where they consider that a human rights violation against the public has occurred, and an investigation is indispensable.

A complaint or case cannot be filed with the Commission more than one (1) year after the violation or maladministration complained of, except in cases of offences proscribed under Article 24 (4) of the SLNHRC’s act.

2.2. Complain Submission Procedure

2.2.1. Who Can File a Human Rights Complaint?

The Somaliland National Human Rights Commission can file a complaint with anyone who has a complaint about their basic rights, such as; complains of human rights abuses by his family or himself at the hands of governmental, non-governmental organizations and individuals in the community.

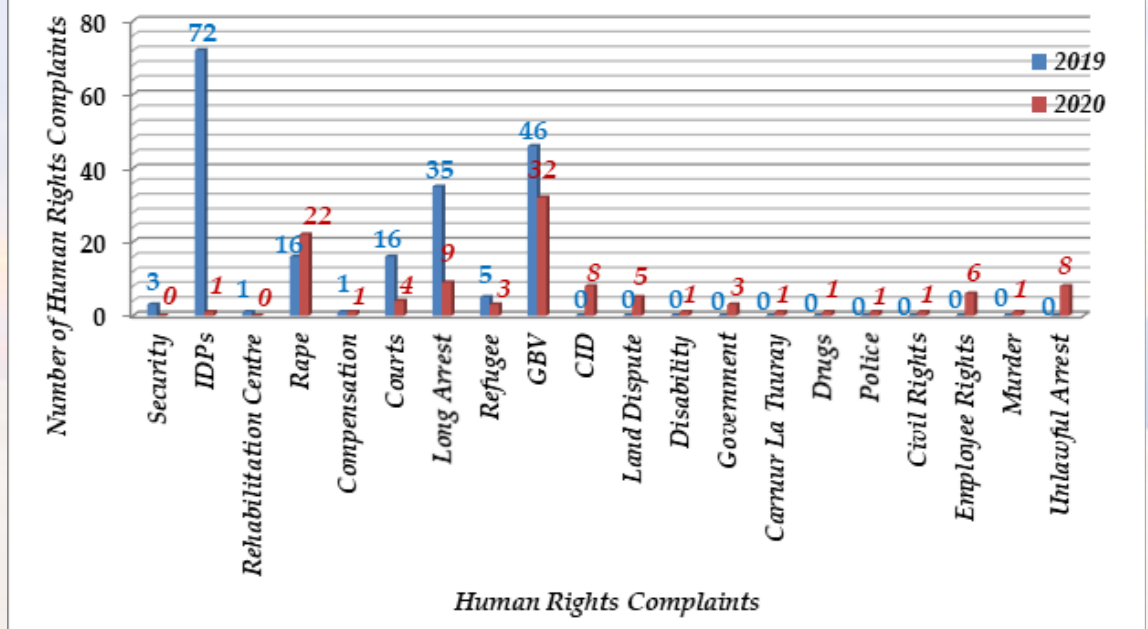
2.2.2. Human Rights Complaint Submission Procedure

Any human rights complaint can be submitted in writing - by submitting a document directly to the commission’s complaints management office or by e-mail, directly from the person complaining of human rights abuses to the offices of the commission and any other person who is aware of human rights abuses may report it to the offices of the commission.

As a result, during the year 2020, the Somaliland National Human Rights Commission received various complaints, including: migration,

Criminal Investigation Department, murder, rape, drugs, abandoned children, security, employee rights, family, civil rights, the press and illegal detention. The total number of human rights complaints received by the commission in this year was **101**.

So far, the number of complaints received by the commission this year is 101. It is noteworthy that **195** cases of human rights complaints were received by the commission during 2019. Therefore, compared to the number of human rights complaints received by the commission in 2020 and last year 2019, our data shows a significant difference between the two years. This year's human rights complaints are lower than in 2019 as shown in the chart above, due to the impact of COVID-19



SLNHRC's received complain cases in 2019 and 2020

2.2.3. Human Rights Complain Management

According to the National Human Rights Commission Act (Law No. 39/2010), complaints received by the commission are handled in a variety of ways including by investigating the complaint in consultation with both parties. The commission submits the complaint to the relevant government and local authorities. The commission also provides legal advice by providing complainants with advice and guidance on the legal process for filing a complaint.

This year, some of the complaints received by the commission have been referred to the relevant agencies such as; The Office of the

Attorney General, the courts, the Custodial Corps and the ministries concerned. Meanwhile, for the rest of the complaints the commission has conducted a thorough investigation, giving some complaints a legal service.

2.2.3. Challenges

1. Delayed investigation of cases detained by the Criminal Investigation Department.
2. Lack of understanding of the community of their rights to complain if it's violated.
3. A large part of the community are not aware the existence of the SLNHRC office and its mandate.

2.2.4. Recommendations

1. That the court cases should be completed as soon as possible under investigation and sentencing.
2. Awareness raising should be made into the existence of the commission, its mandate and regional offices.
3. Community should be educated into their rights and responsibilities.

CHAPTER THREE PRISONS AND POLICE STATIONS MONITORING

3.1. Introduction

The SLNHRC carried out monitoring missions to prisons and police stations throughout the regions to evaluate the conditions of the prisoners and detainees:

1. Number of inmates;
2. Conditions of buildings and overcrowding of rooms and cells;
3. Food, water, light and ventilation;
4. Healthcare and sanitation;
5. Recreation and work;
6. Visiting availability and worships facilities;
7. Education
8. Separation of adults and children;
9. Appeal and trial rights; and
10. Treatment of prisoners by officers.



Locations of Prisons in Somaliland Map

3.1.2. Review Inspection Monitoring Tools

The SLNHRC has organized training workshops to review the monitoring tools for detention centers. The workshops aimed to familiarize staff with the structures and methodologies in place for monitoring. The participants were from Police, CSOs, Custodial Cops, MoJ and academics who are experienced in their field, who contributed and produced effective tools used by SLNHRC in their field work. This was the first time a critical review and inputs were



Group discussions on the Monitoring Tools Review Training in Hargeisa, 2020

3.1.3. The Commission's Findings Summary on Detention Facilities

The Somaliland National Human Rights Commission (SLNHRC) observes the general condition of Somaliland's prisons. There was a shortage of medical supplies and health works in the prisons and the most common cases during the commission's oversight were rape, drug abuse, and murder. The table below shows the number of inmates in each prison in the regions.

Country's Prisons and number of Prisoners						
Name of the Prison	Male	Female	Juvenile	Total	Remand	Sentenced
Berbera Prison	134	4	2	140	22	118
Las-Anod Prison	45	1	2	48	48	-
Oodwayne Prison	-	-	-	-	-	-
Buroa Prison	381	5	70	456	109	347
Erigavo Prison	171	2	15	188	66	122
Gar-Adag Prison	31			31	1	30
Ainabo Prison	42			42	3	39
Hargeisa Prison	686	-	112	798	225	573
Gebilay Prison	198	66	0	264	2	262
Mandhera Prison	536	-	51	587	10	577
Balli-gubadle Prison	25	0	0	25	0	25
Borama Prison	62	6	0	68	53	15
Ceel Af-weyn Prison	7	12	0	19	7	12
Total	2,318	96	252	2,666	486	2120

3.1.3.1. Prisons' Buildings

Some of the prisons buildings were very fragile and in need of major rehabilitation. The Berbera prison needs completely rebuilding. In most prisons:

- ⊙ The cells are very small and the majority of the prisons don't have enough cells.
- ⊙ The water in the prisons was adequate but the water storage tanks need repairing which had not been done for a long time.
- ⊙ The construction of Oodweyne Prison is not yet completed and the only thing that is complete is fencing of the prison d there is a great regional demand for the prison to be completed.
- ⊙ Somaliland prisons except for Mandhera Prison they did not have a special cell with children and women.



One of the cells in the Berbera Prison

3.1.3.2. Food and Light

- ⊙ All prisons were equitable in terms of food which prisoners receive three times a day.
- ⊙ The prisons were all lighted with bulbs attached to the courtyards where inmates received light from prison windows at night.
- ⊙ Widespread shortage of clean water in prisons locating in hard water areas like, the prisons in Las-anod, Ainabo, Gar'Adag, Eil-afwayn and Erigavo

3.1.3.3. Healthcare and Sanitation for Detainees

- ⊙ The SLNHRC found during an interview with prison authorities that most of the prisons did not have adequate medical care due to medical drugs and limited staff.
- ⊙ The situations of the toilets/pit latrines in most of the prisons visited by the commission were very poor that is a large number of inmates shared limited toilets/pit latrines.



Water Container of the Berbera Prison



SLNHRC Staff with the Custodial Corps of Central Prison of Las' Anod

3.1.3.4. Work and Exercise

- ⊙ The detainees have the possibility to work only in certain detention sites. Inmates may work in the kitchen, as cleaners, doing landscaping, or clean-up work outdoors. A considerable number of inmates said they did not have any interest in working.
- ⊙ Recreational facilities are inadequate in all the prisons but some of the interviewed detainees told to commission that some of the prisoners are able to play football.

3.1.3.5. Visiting and Worship

- ⊙ The inmates generally received their family's visits two days a week.
- ⊙ All the prisons staffs and officers in charge have respected the freedom of worship. Prisoners told SLNHRC the officer in charge gave a place to pray as a mosque.



Members of the Commission and Staff of the Commission with Custodial Corps in the middle of the Oodweyne Prison

3.1.3.6. Education

Most prisons do not have regular education programs except for Qur'anic sessions. This year's inspection of the country's prisons revealed that the prisons in Hargeisa and Borama are running educational programs in collaboration with the Ministry of Justice and Beder International University. The program will also begin in Mandhera and Burao prisons.

This education program consists of four parts:

1. Basic education
2. University education
3. Non-formal education such as vocational training
4. Islamic knowledge

This year, 132 inmates in Hargeisa Prison have completed their various studies, including university diploma and 21 inmates who have graduated in vocational trainings.



The Chairman of Somaliland National Human Rights Commission, Mr. Mohamed Barud Ali giving speech and awards to the graduates of the Hargeisa prison educations



Some pictures from the Prisoners graduation ceremony in Hargeisa Prison, 2020

According to the Ministry of Justice, the implementation of this prison education program faces challenges including:

- 1] **Transfer of Prisoners:** Some prisoners who are studying were transferred to another prison where there is no education programme.
- ⊙ Most prisons do not have places to read and do not have books about what to study.
- ⊙ Prisons education programs with no curriculum to manage it.
- ⊙ The prison education policy is still in draft.
- ⊙ Education programs are limited to four prisons and need to be extended to all prisons in the country.
- ⊙ Inadequate vocational training equipment.

<i>Current Inmates Studying the Prison Education</i>		
<i>Prison</i>	<i>Level of Education</i>	<i>Number of Prisoners</i>
<i>Hargeisa Prison</i>	<i>University (Diploma)</i>	
	<i>Faculty of Sharia</i>	<i>10 Prisoners</i>
	<i>Faculty of Education</i>	<i>3 Prisoners</i>
	Total = 13	
	<i>Islamic Subjects</i>	<i>36 Prisoners</i>
	<i>Arabic Language</i>	<i>40 Prisoners</i>
	<i>Basic Education</i>	<i>97 Prisoners</i>
	<i>Vocational Trainings</i>	<i>20 Prisoners</i> <i>(10 Blumping and 10 Electricity)</i>
	<i>Hargeisa Prison Total Inmates = 206 Prisoners</i>	
<i>Borama Prison</i>	<i>Basic Education</i>	<i>40 Prisoners</i>

Source: Ministry of Justice

3.1.4. Recommendations

- ⊙ The Ministry of Justice should construct new and repair old buildings of the Prisons.
- ⊙ There is an urgent need to build a new prison in the Sahel region to replace the old one in Berbera.
- ⊙ The Ministry of Health should allocate medicines and drugs and professional staff to prisons.
- ⊙ The Ministry of Justices should arrange for prisons to get clean

water, electricity, transportation, and office stationery.

- ⊙ The government of Somaliland should invest in training of the Custodial Corps in human rights of inmates so that they have sufficient knowledge of human rights.

3.2. Police Stations

During its inspections, the Somaliland National Human Rights Commission found that one of the major issues was buildings of the police stations needed to be renovated and expanded. Some of the police station rooms were small and not secure to keep inmates.

3.2.1. Buildings

- ⊙ The SLNHRC found the buildings of some of the police stations are not appropriate to use as a police station.
- ⊙ Most of the Police stations are overcrowded and some even lack separate cells for women and children.
- ⊙ One of the stations in Berbera which has rooms had no shade from the sun. The inmates were in trouble the day because Berbera weather is so hot.

3.2.2. Sanitation and Ventilation

- ⊙ Sanitation in the police station is very poor. The general conditions of the cells need to be improved,
- ⊙ All the police stations have toilets but they are not well-maintained.
- ⊙ Some of the police stations monitored were noted that ventilation is bad as the cells are small and have no windows, also there is not sufficient circulation of air and there is a persistent foul smell.



The toilets of Central Police Station of Gebiley, 2020

3.2.3. Right to Food and Water

- ⊙ The Somaliland government did not allocate food to detainees in the police stations.
- ⊙ In all the police stations monitored there was no food provided for the inmates but the detainees' families are allowed to bring food.

3.2.4. Access to Health Care

- The health facilities are not adequate.

3.2.5. Incarceration of children with Adults

Most of the police stations do not have special cells for children and also women.

3.2.6. Visiting

- ⊙ As inmates reported, the inmates generally were visited by their families.
- ⊙ Some police stations did not allow the lawyers to come to them and meet their clients.



The Vice Chairperson, Ms. Waris Abshir X. Diirie and commission's staff monitoring the prison of Gebiley, 2020

3.2.7. Recommendations

- ⊙ To improve the sanitation facilities of the police stations.
- ⊙ To make extensions to the buildings of police stations especially for women & juvenile cells.
- ⊙ Improve access to health services at stations.
- ⊙ To train the police officers on the rights of inmates.

CHAPTER FOUR

VULNERABLE GROUPS

4.1. Disability Rights

4.1.1. Conditions of people with Disabilities

Somaliland National Human Rights Commission (SLNHRC) has found in its investigation that people with disabilities in Somaliland are generally marginalized and require a great deal of commitment from the nation as they encounter the following problems: -

- 1 **Lack of unemployment:** People with disabilities are not mainly given priority in job opportunities by being discriminated against due to their disability, and are considered not part of the work force. As a result, unemployment among people with special needs has led to life becoming unsatisfactory for themselves and their families, affecting many aspects, such as; health, education and many other rights they were entitled to.
- © Disabilities face many challenges in the areas of social service including:
 - a. The main challenges are that they do not have the support of the staff working in the public service areas, such as; healthcare facilities, educational institutions and without special facilities for people with disabilities.
 - b. Public service buildings such as hospitals and educational institutions are not designed in a way suitable for people with disabilities.
 - c. People with disabilities in hearing and vision impairments encounter difficulties accessing or connecting to community service facilities.
 - d. The general public has a misconception about disability which led to families hiding their disabled children.
 - e. People with disabilities face social stigma and discrimination that violates their rights.



Some of the disability members attended at the Commemoration of World Human Rights Day, 10 Dec, 2020 in Hargeisa, Somaliland

4.1.2. Recommendations

To improve and promote the rights of people with disabilities in Somaliland, the following must be accomplished:-

- a. Complete laws and policies that promote the rights of people with disabilities.
- b. Community service providers should be trained to be as accessible to people with disabilities with the same consideration they give to people with no physical difficulties.
- c. To properly implement and put to action the national disability policies

4.2. Minority Rights Situation

A minority community is a community that lives in all regions of the country and they are more vulnerable. Minority's resident areas are significantly lower than other areas, in terms of health services, education and infrastructure.

Therefore, after inspecting residential areas of minority community, the National Human Rights Commission found that these areas have limited basic services. Meanwhile, according to members of the minority community interviewed by the National Human Rights Commission, young people from this community often did not have the opportunity to work in workplaces such as government institutions. It should also be noted that there is still a barrier to social integration in marriage, which ultimately fuels discrimination against minority community.

As the world struggles with COVID-19 infection, Somaliland's population has also been severely affected in terms of health, education, economy and social mobility. Nevertheless, minority community was some of the most vulnerable to the COVID-19 pandemic. The minority community, which is economically disadvantaged in the country, was feeling the effects of the imposition of COVID-19 pandemic restrictions, since they work in a daily basis. On the other hand, minority community are not financially able to afford COVID-19 anti-infective health services.

Since returning to the country, the minority community has been far removed from the political arena. It has no political representation in the national assemblies, as we know that the House of Representatives has suspended the Quota Act for Women and Minorities which has been strongly advocated by the country's human rights stakeholders.

Successive governments have not fully involved minority community in the political arena and the decision-making body. Since the day Somaliland became an independent state, the society has not reached the level of a full-fledged minister, and this is an obstacle to the democratic process and the sharing of government.

4.2.1. Challenges Faced by Minority People

- ⊙ All basic services in the community inhabited by the minority community are very low and require significant government oversight.
- ⊙ Educational facilities of minority community have given less attention when it comes to priority needs of their residential areas.
- ⊙ These minority groups are excluded from the politics of the country such as national assemblies, various branches of government, and public functions.

4.2.2. Recommendations

- ⊙ To establish monitoring mechanisms to review the situation and basic needs of the minority community, so that the basic needs would be met.
- ⊙ The Ministry of Education should set up in education programs targeting minority resident areas and increase the number of

educational opportunities in their respective areas.

- ⊙ Government should establish proper policies that encourages and creates programs targeting to minority groups to be included decision making process in the country.

4.3. IDPs in Somaliland

4.3.1. Introduction

The Somaliland National Human Rights Commission has made nationwide monitoring visits across the country to understand the living situations of IDPs. Over the past two years, the number of IDPs increased specifically in the eastern regions of the country. Reasons for the rise can be described as many people from the rural areas to the urban since they lost most of their livestock and some could not even afford to cover their basic needs.

Number of Registered IDPs in Somaliland			
Region	Number of Household	Number of Persons	Percentage
Maroodi-jeh	17,241	103,446	17%
Sanaag	18,063	108,378	18%
Awdal	10,306	61,836	10%
Sahil	5,990	35,940	6%
Togdheer	29,276	175,656	29%
Sool	20,127	120,762	20%
Total	101,003	606,018	100%

Source: National Displacement and Refugee Agency, 2020

4.3.2. Concerned Issues in IDPs

4.3.2.1. Distance between Cities and IDPs

As the distance between the major cities and IDPs are significantly high, it is hard for the people in IDPs to get basic needs and necessities. For instance **BARAKO** IDP is located approximately 15km from Burao. Moreover, the IDPs centers have no sufficient for the basic services that affected mainly the children, women and disabilities.



SLNHRC staff with the Committee of one of the IDPs in Sool

4.3.2.2. Force Eviction

The Somaliland National Human Rights Commission observing the general situations in IDPs has found that the forced displacement remains one of the greatest threats to the poor families in some of the IDPs while about 160 families have been forcibly evicted from Xerogaasta camp in Burao in early August of 2020. They relocated 15 km from Burao, where they have limited access to water, food, or other assistances. Mainly these people are those who effected by prolong droughts and lost of their livestock.

Somaliland government has little role for supporting due to the limited funds and effective coordination mechanisms. This has resulted to deficiency of improving the standard livelihood of IDPs and food insecurity.



Some of the Internal Displaced People who are been forced evicted in Xerogaasta, Buroa 2020

4.3.2.3. Shelter

During the SLNHRC's monitoring visits has observed that some of the major issues that IDPs faces is struggling with having a shelter as they are mostly at a risk of flooding, insecurity, rainfalls and weather conditions. Materials used in IDPs for hats are temporary shelter which will not protect from rains.



Hats of the Barako IDP in Buroa

4.3.2.4. Healthcare Services

The SLNHRC have highlighted that the health conditions in IDPs are poor. Some of the IDPs do not have access to healthcare centers, particularly mothers and childcare.

In addition, IDPs are vulnerable to the contiguous diseases since they do not have sufficient and proper toilets with limited clean water.

4.3.2.5. Education

The SLNHRC monitored the current educational situations and challenges of the most IDPs. Some IDPs do not have access to schools due to the long distance from the camps. One of the IDP committees informed the commission that they had set up a tent as a school and they cannot afford to pay the teachers.

4.3.2.6. Water

Most of the IDPs visited do not have access to clean water. Most IDPs cannot afford the water price. Also there is a problem of women fetching water from long distance. The water storage of some IDPs collapsed and need urgent reconstruction.



One of the water containers destroyed after while in Barako IDP, Buroa

4.3.2.7. Human Rights Violations in IDPs

The commission found that the women and children in IDPs have been subject to violence of rape, domestic violence and GBV. The victims of IDPs do not report to the concerned authorities as they prefer hiding their situations for multiple reasons due to the lack of understanding where they should report to and culture barrier.

4.3.3. Recommendations

1. The National Displacement and Refugee Agency (NDRA) and other stakeholders should create a strong framework for cooperation in support of the protection and promotion the rights of IDPs by strengthening for addressing the living conditions.

2. Stakeholders and concerned institutions should improve effective programs to respond the basic needs of IDPs such as; health, education, livelihood and shelter.
3. Initiate awareness campaigns for IDPs to prevent violence.
4. The government should develop and implement policies to support vulnerable groups in IDPs.

4.4. Refugee Rights

Somaliland, with a long history of being a good host, has provided a welcoming environment for migrants, asylum seekers and refugees despite economic challenges. In compliance with the 1951 Refugee Protection Convention, provides protection for refugees and asylum seekers fleeing conflict, violence and other abuses to ensure the right of asylum seekers not to return to their countries of origin.

Registering and issuing legal documents to refugees and asylum seekers is the best way to protect their rights. The Somaliland government has not only provided protection to the refugees and asylum seekers but also allowed them to have access to services, including employment opportunities and other services provided by the government and other aid agencies including the United Nations agencies and other stakeholders.

4.4.1. Estimated Figures of Refugees in Somaliland

The current number of refugees in Somaliland can be estimated at 20,726 persons with 100% refugees and asylum seeking statuses. According to the latest figures released by the Refugee and Displacement Agency, there are 12,543 individuals or 3,973 households. Also; 8,233 individuals, equivalent to 5,146 households whose are waiting for their refugee status according to the Refugee and Displacement Agency

4.4.2. SLNHRC Interventions

The observation that SLNHRC has recently interventions carried out on the situation of migrants has highlighted that those people who lack access to financial and material resources or are otherwise at greater risk of human rights violations and even arbitrary or barriers to borders transit.

In Somaliland, many migrants are, therefore, in “vulnerable situations”

in particular children, persons with disabilities, older persons and women at risk can be inherently vulnerable which in these will often require specific protection interventions.

SLNHRC has seen observing the current situation of refugees particularly in recent 'large movements' from Ethiopia, Syria and Yemen with a significant gap in the understanding of the human rights protection, as well as to how can operationalize rights-based standards in practice.

Therefore, as Mixed Migration Task Force (MMTF) should be developing a set of principles and practical guidance based on existing laws and standards on the protection of human rights in large and/or mixed movements. Also to initiate a particular emphasis on the human rights protection to migrants in vulnerable situations in devising rights-based responses.

Key message is the urgent need for comprehensive, human rights-based migration and asylum governance measures, and SLNHRC advocates that rights-based and responsive migration governance measures are as important to have in place as fair and effective procedures, and we recommend these below factors:

- ⊙ Training programs of detention centers line/officers for safety and dignity of migrants and asylum seekers.
- ⊙ Awareness raising programs of border lines and human rights trainings of border managements.
- ⊙ Reasonable accommodation should be made for persons with disability, children and pregnant women and should have access to maternal and reproductive health service.
- ⊙ Conducting regular monitoring to ensure that there is no negative human rights impact and that all migrants must be able to access justice.

4.5. Child Rights

4.5.1. Street Children

The National Human Rights Commission monitored the situation of street children in Somaliland, the Commission has identified many circumstances surrounding street children also noted the violence against these children from communities and within themselves.

Poverty, family disputes, neglect, internal displacement, refugee and domestic violence seem to be the leading causes for the problem.

On the other hand, many children shifted from the rural to urban. Moreover, domestic violence is also one of the major factors causing for being a street child, because of by increasing cases of divorce. Children claimed that they suffered a severe situation when their parents separated which eventually led them to be a street child to survive his/her life. Drugs, poverty, severe living conditions and lack of parental counseling/directing are most indicators which contribute to the problems of street children.

4.5.1.2. Challenges

1. Homelessness is one of the challenges that these children face, which makes them vulnerable to physical and mental illness and abuse.
2. Substance abuse: street children use a variety of drugs that cause to illness mentally and physical and crime that leads to arrest.
3. Lack of health care: street children are vulnerable to infectious diseases.
4. Lack of adequate Food: According to some street children, access to food for street children is a major challenge, especially during the Covid-19 epidemic, when all the restaurant and hotels in the market were closed which resulted in the loss of leftover food.
5. Street children told the commission that bullying, beating and discrimination as one of the major challenges they face on the streets.
6. Lack of education: All children have the right to education but street children cannot access that right.

The problem of street children is multi-dimensional, but the most important factor is there is no official statistics concerned with street children, but there is a Maxamed Mooge Rehabilitation Center for Street Children in Hargeysa run by the Ministry of Family, Labor, and Social Affairs.

An inspection by the commission found that the center had undergone significant changes compared to previous years. The center is home

to 49 children between the ages of 6 to 17 old. The center has shown good progress with regard to education, playgrounds, dormitories and health and hygiene. Nevertheless, there are still many neglected children in urban areas who need to be addressed, and the government to pay attention to the plight of street children.



M/Mooge Rehabilitation and Child Care Center

4.5.2. Child Labour

4.5.2.1. Introduction

According to the country's laws, children are defined as anyone under the age of 15. Children are one of the most vulnerable people in the society in general, and working children in particular are very vulnerable to many forms of abuse from the rest of society.

In recent times there has been a significant increase in the number of working children, which many studies attribute to poverty, family breakdown, parental death, child abuse at home, and young children coming from our neighboring countries, such as Ethiopia are some of the main reasons for the influx of children into the country's labour workforce.

The clear evidence of this is that we see every day in our market places young children washing vehicles, shining shoes, and begging in the streets for food and cash. These jobs completely deprive them from the basic rights as children.

As a result, all children working in urban markets in the country face difficult circumstances in which their living conditions and basic child rights are ignored, in particular, they lack their rights for education, healthcare, and face a continuous abuse in the workplace.

4.5.2.2. Common Conditions of Working Children

The National Human Rights Commission has been monitoring the situation of working children by taking an in-depth look at a number of issues, including education, healthcare and so.

Similarly, all the hard work they're doing all day may not even provide enough food for them and their families. Young children also face abuse in the workplace, such as, working without being given what they were entitled to, and by being sent to hard jobs they could not do.

On the contrarily, working children are at great risk of dropping out of life and may eventually end up with homeless children in the streets who are also more vulnerable to the many abuses they often experience on daily basis. During this time, they become addicted to drugs that can endanger their general wellbeing both mentally and physically.

"I have been working as a shoe-shiner for three years now. My family is very poor and I work for my mother and siblings. I arrive at the local market (Hargeisa) at 7 in the morning and I return home after the evening prayers". Adnan

Adnan is 13 years old, working for three years as a shoe-shiner for his family of a mother and four siblings, and works 11 hours a day in the market. He earns a non-fixed income on daily basis, but most of the time he earns around 30,000 - 40,000 SLSH (\$3.8 – \$4 dollars), and then goes home at night which is very far away from the market. It is noteworthy that Adnan missed the best educational opportunities he could have had, but now he needs things to be changed and that he will be able to go school just like most children in his age.

Although Adnan works as a shoe shiner, Abdirahman 15, has been washing cars in the same market in Hargeisa for two years. He works 12 hours a day in the market and washes at about 4 to 6 cars a day, and he uses 30 to 40 liters of water daily which costs him around 5000 SLSH and he earns 50,000 SLSH at the end of the day.

Abdirahman left his mother and father in Wajale in August 2018, and that was his last chance to study at a Quranic school or madrassa. Abdirahman's job is to make ends meet and there is no one else to

help him in his life. Sometimes he may not be able to afford three meals a day.

Children working in marketplaces are often exposed to human rights abuses. As it happens, the children face in the market places insults, threats, physical abuses, and sometimes some girls may face sexual exploitations.

It is important to note that young girls who work in homes are often subjected to countless human rights abuses. They can't consistently get paid, they sometimes face constant beatings and insults. They also experience sexual violence that is often hidden and not fully disclosed due to the norms of the Somali culture which sometimes sadly packs sexual offenders.

4.5.2.3. Recommendations

- The Somaliland government should create a framework for change and cooperation to support the rights of children in general and vulnerable children in particular, bringing together civil society organizations and government agencies working to protect the rights of children.
- The government should protect children and young people and should set up child rehabilitation centers.
- Child protection stakeholders should initiate effective programs to respond to educational, health and child protection needs.
- Develop awareness programs through the media to report abuses against children.

4.6. Rights of People Living with HIV/AIDS

Monitoring activities conducted focusing on HIV/Aids by Somaliland National Human Rights Commission indicates that there is still discrimination and negligence towards people living with HIV/AIDS. Additionally, due limited awareness campaigns addressing the rights of people living with the condition do not contact healthcare providers for assistances eventually increasing their mortality rate.

4.6.1. Number of people who live with HIV/AIDS

Number of People Tested		Number of positive people		Number of HIV Patients taking Medication	
Male	1076	Male	57	Male	664
Female	1418	Female	83	Female	1023
Total	2494	Total	140	Total	1687

Source: Somaliland National Aids Commission Report, 2020

4.6.2. Human Rights and people with HIV/AIDS

People living with HIV should have the right to life including the right to freedom and security, the right to mental and physical stability, the right to non-discrimination and freedom of movement, the right to asylum, the right to privacy and finally the right to expression and freedom of speech.

4.6.3. Discriminations towards People Living with HIV/AIDS

The Somaliland National Human Rights Commission on its monitoring duties identified some of the discriminations experienced by people living with HIV/AIDS as follows:-

- Frequent insults
- Using derogatory terms (for instance – using “it’s the three letters” meaning HIV).
- Discrimination in healthcare centers.
- Discrimination in places they live and from societies (neighbors).
- Unable to rent houses due to their condition.
- General public negligence and discrimination, their children encounter problems getting better access to education.

4.7. Women’s Rights Situation

4.7.1 Introduction

Women in Somaliland are often vulnerable to violence and discrimination. Gender-based violence robs women of their fundamental right to live a dignified life. However, Somaliland’s social and cultural norms diminish women’s rights despite the fact that Islam has given women expansive rights.

4.7.2. Gender-based Violence

Women face a lot of challenges including gender-based violence, lack of political representation, access to employment opportunities, and justice.

4.7.3. Female Genital Mutilation (FGM)

FGM is the partial or total removal of the external female genitalia for non-medical reasons. FGM isn't a religious requirement but rather a customary/traditional practice. Women who undergo FGM experience a lot of health problems including irreparable damage to the reproductive organs, physical challenges and psychological problems. It has been reported that about 200 million girls around the world undergo FGM, and 44 million of them are under the age of 15.

4.7.3.1. Reasons for FGM

FGM is a universal practice exercised by people from different cultures, ethnic groups, and socioeconomic classes throughout Africa, Asia, and the Middle East. Some people practise FGM to preserve women's virginity while others think that it is a religious obligation. However, the international community condemns female genital mutilation because it violates women's rights, promotes child abuse, and infringes on females' right to lead healthy lives; therefore, there is a national consensus that the eradication of FGM is a global responsibility.



Female circumcision is often performed in rural areas and in IDP camps because people in those areas are often illiterate and more conservative.

The Human Rights Commission asserts that FGM is a human rights issue because the practice violates some of the basic fundamentals rights of human beings namely access to healthcare, the right to live, and the right to choose. Circumcised women experience a lot of health problems including infections, painful menstrual cycles, uncomfortable sexual experiences, hemorrhaging, transmission of Hepatitis and HIV/AIDS, and in some cases it leads to infertility.

4.7.4. Domestic Abuse

Domestic abuse and intimate partner violence are common. The emotional, psychological, or sexual abuses of women by their partners have tremendous effects on the physical, mental, and financial well-being of survivors. Domestic violence goes under-reported due to fear of further abuse and social pressure on survivors to not report. In 2020, 32 cases of domestic abuse have been reported to the Human Rights Commission, and the Commission has taken appropriate measures to address those cases.

4.7.5. Rape

Recently, there has been an increase in rape cases in Somaliland; unfortunately, there is a damaging rise in gang rapes and murders as well. Often in rape cases, traditional leaders, businessmen, and politicians intervene and take cases out of the court to be resolved between families. In these agreements, offenders usually walk free without proper punishment while the families of survivors suffer due to lack of access to justice. Most regions don't enforce the Attorney General's decree preventing prosecutors and judges from allowing families to solve rape cases through traditional channels.

On 25 August 2020, the Somaliland House of Representatives approved the Rape, Fornication and Other Related Offences Bill (Law no 78 of 2020) and submitted it to the Upper House of Parliament for debate and approval. The Human Rights Commission and other human rights advocates have expressed their disapproval of the law because the 2020 Sexual Offenses Bill falls short of its mandate to protect survivors of rape and punish perpetrators. The Commission in cooperation with multiple stakeholders sent a letter to the House of Elders detailing the shortcomings of the current bill.



Cartoons that SLNHRC uses to community awareness not to solve rape cases through traditional channels but rather to the formal justice system

In light of the lack of legal protections for women survivors of rape and domestic abuse, the Commission organized debates for legal experts to discuss the loopholes and gaps in the 2020 Sexual Offenses Bill, deliberate on how to reduce the number of rape cases, and ensure women have access to justice.

According to the office of the Attorney General and the National Human Rights Commission has been closely monitoring the prevalence of rape cases, the table below shows the total number of rapes in 2020, with the country's regions vary in the number of rapes that occurred. It should be noted that last year, 2019, the number of rape cases were 138 cases nationwide, which indicates that rape violence is still on the rise comparing to the 142 in this year 2020.

Nationwide Rape Cases in 2020		
<i>Region</i>	<i>Number of Cases</i>	
1	Sool	37
2	Maroodi-jeeh	25
3	Togdheer	25
4	Sahil	17
5	Awdal	14
6	Sanaag	13
7	Saraar	7
8	Gebiley	4
<i>Total Number of Rape Cases</i>		142

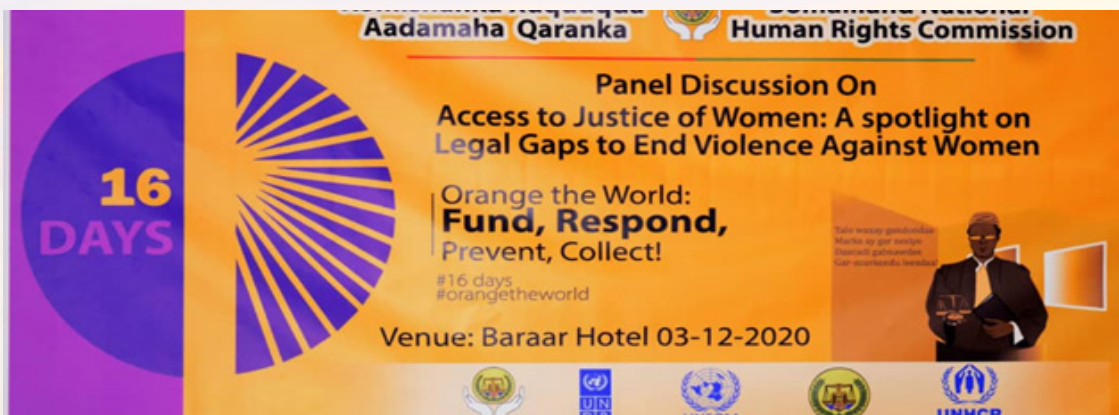
4.7.5.1. Penal Discussions on Prevention of GPV

The first debate was on the lack of legal framework to address sexual and gender-based violence. The debate guests were representing the Human Rights Commission and the Ministry of justice and they

deliberated on the barriers that hinder women from accessing justice. The guest experts emphasized that lack of women judges contributes to the absence of an enabling environment that allows women to seek and get access to the justice system. They have also mentioned that some cases don't get properly investigated.

The two experts stressed the need for more laws that protect women, and some of their proposed recommendations include

1. Making amendments, urgently, to the Rape, Fornication and Other Related Offences Bill (Law no 78 of 2020).
2. Drafting a family bill.
3. Drafting a bill that protects the reproductive rights of women, and
4. Strengthening efforts to eradicate FGM.



Panelist from SL National Human Rights Commission and Ministry of Justice



Panelist from SL National Human Rights Commission and Ministry of Justice

4.7.5.2. Penal Discussion on How to Reduce the Number of Rape Cases in the Country

The second debate was a discussion on how to reduce the number of rape cases in the country. The second debate guests were the Coordinator of Baahi-Koob and the Executive Director of the department of family affairs at the Ministry of Employment, Social Affairs and Family, and they discussed ways to reduce the frequency of rape cases and address the recent trend of rape and murder cases.

The main points and recommendations of the debaters are summarized below:

1. Perpetrators of sexual offenses must be given harsh and appropriate punishments.
2. The implementation of the sexual offenses law needs to go into effect quickly in order to address the absence of legal framework on rape.
3. The use of customary laws to solve cases of rape and sexual violence must be prohibited.
4. Increase awareness raising campaigns against rape.

4.7.6. Women Political Participations

The Human Rights Commission had an interview with some of the prominent women's rights activists in Somaliland to get a better understanding of the challenges to women political representation, the present challenges to the realization of women political participation, and the progress made in the past couple years.



Cartoons that SLNHRC uses to community awareness to the importance of the right of women's political participation

All the interviewees agreed that there hasn't been a significant progress towards women's accessibility to participate in political life. However, they mentioned that there are a lot of women running for the upcoming local and parliamentary elections despite the fact that the two houses of parliament have denied the bill on establishing gender quotas.

The interviewees mentioned that some of the biggest challenges women faces in running for political offices are lack of financial resources and the exclusionary nature/hostility of the political system towards women political leaders.



Women's political participation panel discussion participants from the different human rights stakeholders

Guests of the debate were female parliamentary candidates, women activists, and the Executive Director of Family Affairs at the Ministry of Employment, Social Affairs, and Family. They have all highlighted that having female political leaders would have an impact on establishing legislation against gender based violence.

The participants have also agreed that if women were represented in various roles of government; establishing laws that protect the rights of women would have been prioritized. The following points summarize the main points of the debate

1. More women need to run for local and parliamentary elections
2. Strengthen efforts to encourage more women to run for political

offices

3. Establishing a gender quota to increase women representation

4.7.7. Recommendation

The Human rights Commission has the following recommendations in order to develop and implement legal framework that address violence against women:

1. Establishing comprehensive social support for victims of FGM
2. Giving trainings to health professionals, by the Ministry of Health, on the health risks associated with FGM and how to care for survivors of FGM
3. Implementation of the 2015 directive by the Attorney General to stop taking rape cases out of the formal justice system
4. Amending the sexual offenses bill that is currently with the House of Elders
5. Getting a clear commitment from the government in developing mechanisms that promote equal participation and representation of women in all levels of economic and political life

CHAPTER FIVE

MEDIA AND FREEDOM OF EXPRESSION

5.1. Introduction

Since Somaliland declared its independence from Somalia in 1991, it has made significant progresses towards democratization and consolidation of democratic institutions, beginning with mimeographed newsletters in the major towns. Among other things, it has constitutionally guaranteed democratic rights and freedoms to its citizens including a commitment to freedom of press to promote democratic society. In this regard, the government of Somaliland has taken decisive measures necessary for the dissemination of information and diverse opinions.

Moreover, the government also introduced press and media law in 2004 in order create a healthy environment for the media so as to boost awareness and participation of public by feeding them reliable information. In this connection, it played an important role in building democratic governance and political stability in Somaliland by making government and public officials transparent and accountable to the public. By and large, it can be argued that progress has not been without its own challenges which are the legal gaps existing, and it has a direct impact on democratization process and political stability.

Previously, there have been more newspapers as many as 13 active newspapers, few televisions and very few websites. Nevertheless, after a decade there is increase television stations, around 24 televisions operating in Somaliland, the newspapers have declined to around 6-7 a-active newspapers but generally are 11 in total maximum and over 100 websites according to SOLJA records in 2020.

The current situation of Somaliland freedom of press is frangible; only this year of 2020 SOLJA reported 20 cases of detention recorded and several other incidents of infringement of freedom of expression, where media personnel were arrested and detained and finally released without charge while performing their work or expressing their opinion.

5.1.1. List of the Media Houses

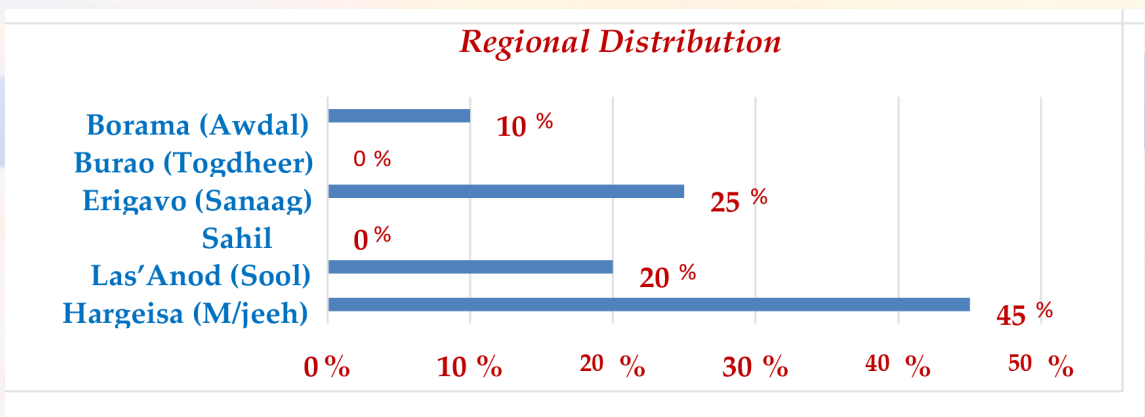
Television	Radios	Newspapers	Websites
24	4	11	100+

Source: SOLJA

5.1.2. Annual Detention Cases of Journalists, Restriction & Media House Shut-Downs

Number of Journalists in Arrested 2020	
Male	19
Female	1
Wadar	20
With Warrant	2
Without Warrant	18

Analysis of annual journalists' detention cases in regional distribution



5.2. SLNHRC Interventions

Within the framework of the SLNHRC mandate to promote free press and freedom of expression the Somaliland National Commission of Human Rights has received complaints about Media Freedoms across Somaliland Regions, in response to that the Commission has conducted five Training Workshops for judges and Prosecutors on respecting of free press and media freedom rights, these trainings targeted 116 beneficiaries from Media, Police, Judges and Persecutors. These trainings was held across the regions particularly at Hargeisa, Burao and Borama in Marodijeh, Togdheer and Awdal respectively on this year

These trainings aimed to provide participants with an overview of the national and regional legal framework & underpinning free press and the right to freedom of expression, it is designed for judges and Prosecutors in those regions, as they are essential partners in the respect, promotion, interpretation, implementation and enforcement of laws related to freedom of expression, press freedom of journalists.

The purpose of the training was to get the judges and prosecutors learn the essential and concepts of human rights on respecting of free press and media freedom rights and to have better understand the standards, treaties, conventions and declaration on human rights that all respects free press & freedom of expressions and to overcome the challenges and gaps on Somaliland freedom of press and the law enforcement role in protecting rights of media workers during detention, Investigation, Search and trail.

These trainings is part of the objectives of SLNHRC to promote freedom of expression, free press and to support the capacity building & media development to strengthen the respect of Human Rights over the country



Photo-Group: Workshop for Police, Prosecutors and Journalists on respecting of free press and media freedom rights in Hargeisa, Somaliland





Discussions and group work sessions during the workshop for Prosecutors and Journalists on respecting the free press and media freedom rights in Hargeisa, Somaliland



Police, Prosecutors and Journalists participated in the workshop for Prosecutors and Journalists on respecting the free press and media freedom rights in Hargeisa, Somaliland



Members from Custodial Corps, Police Officers and Prosecutors discussing and participating group work activity for Prosecutors and Journalists on respecting the free press and media freedom rights in Borama, Somaliland



Photo-Group: Workshop for Police, Prosecutors and Journalists on respecting of free press and media freedom rights in Borama, Somaliland

5.3. Challenges Facing Somaliland Media

Common challenges facing Somaliland Media are:

- ⊙ The absence of comprehensive media law.
- ⊙ Poor professionalism and lack of journalism education/training.
- ⊙ Lack of distinction between professional journalism and personal crimes.
- ⊙ Lack of understanding and confidence between police and media workers.
- ⊙ Media arrests without the due to the process of law.
- ⊙ Media workers earn fewer payments.
- ⊙ The government officials have limited knowledge about role of media in the society.

5.4. Recommendations

1. All Media rights stakeholders should plan development programs to improve the knowledge of journalists.
2. The new amended media law should be finalized and its draft should involve the law enforcement agencies such as the prosecutors, judges and police.
3. There should be a comprehensive code of conduct that outlines how to discipline and who disciplines journalists.
4. There should be different laws for the different sections of the Media.
5. An independent media body should be established.
6. The Somaliland Journalists Association should be represented in all regions of the country.

CHAPTER SIX

SOCIAL RIGHTS

6.1. Education Rights

6.1.1. Advances Made in Educational Quality

The Somaliland National Human Rights Commission (SLNHRC) has assessed the overall state of education and confirms that changes have been made to expand education while the year had been impacted by the COVID-19 infection, yet it became possible for all students in the country to sit for their yearly nationwide exams.



Commissioner Omer and members of the staff of the Commission with the Chairman of Gebiley Regional Education authority

6.1.2. Education for Children with Special Needs

As the Somaliland National Human Rights Commission's (SLNHRC) monitoring activities show, due to many challenges in the country including the weak economy, the children with special needs have a unique challenge to access the education opportunities. Almost all educational facilities can be categorized as non-friendly to children with special needs as they do not have wheelchair stairs and other services that would facilitate the use and access of their educational rights.

The impact of COVID-19 on children with special needs has hampered their education, particularly for the children with impaired hearing, as they are not able to take full advantage of the Ministry's radio and broadcasting educational programs. Additionally, during the post lockdown, those with visually impairment did not return to classes as they couldn't have access to mentors.

6.1.4. Special Needs Schools

Number of Special Needs Schools and their Students				
Name of the School		Location/City	Level	Number of Students
1	Hargeisa School For Special Needs	Hargeisa	Primary	130
2	Ubad Gargaar Special Needs	Hargeisa	Primary	41
Total				171

Source: Ministry of Education and Science, 2020

Children with hearing impairments encounter many challenges in high schools, colleges or Universities. There are no exclusive high schools or university for children with hearing impairments here in Somaliland. There are two high schools namely 26 June and Sh. Ali Ibrahim, who provide sign languages interpretation for students with hearing impairments when classes are in progress.

6.1.5. School for Special needs

Number of Schools for Special Needs in the Country				
#	Location	Level	Number of Schools	Number of Students
1	Hargeisa	Primary/secondary	2	350
2	Borama	Primary/secondary	1	110
3	Gabiley	Primary	1	40
4	Burao	Primary	1	250
5	Erigavo	Primary	1	25
6	Buhodle	Primary	1	17
Total			7	792

This table indicates the number of schools for special needs and their students

6.1.5. Impact of COVID-19 on Somaliland's Education

By following the measures and guidelines issued by the Somaliland National COVID-19 Pandemic Prevention Committee, all educational institutions starting from 19th March to 31st of July 2020 in the Republic of Somaliland were closed. In contrast, The Somaliland National Human Rights Commission was unsure that people with special needs received the awareness and education system which was the basis during the COVID-19 lockdown, as they require a frequent assessing of their situation to protect their rights.

6.1.6. Recommendations

- ⊙ Establishing a curriculum consisting civic education and civil rights.
- ⊙ Encouraging high school students to take part in community participation promoting youth patriotism.
- ⊙ Training teachers in promoting knowledge of civil and patriotic rights.
- ⊙ Establishing facilities for people with special needs to improve their quality of education and other life opportunities.

6.2. Healthcare Rights

6.2.1. Access to Quality Healthcare Services

The Somaliland National Human Rights Commission's monitoring activities inspecting healthcare institutions focusing on both public and private owned facilities found that people are complaining about lack of transportation, scarcity in basic supplies and some facilities are without Maternal and Child Health (MCH) facilities.

6.2.2. Healthcare Infrastructure

This report highlights the country's health infrastructure as in line with the standard but has not yet reached the required level as shown below:

- 17 hospitals
- 201 Maternal and Child Health (MCH) facilities.
- 300 healthcare centers
- 24-25 Tuberculosis (TB) admission hospitals

6.2.3. Challenges of Access to Medications

The availability of complaints and concerns about the quality and safety of medicines imported from multiple resources are concerning. Societies with economic challenges tend to find it difficult access to quality medication and some necessary hospital services.

6.2.4. Challenges

- Quality of imported medications are uncertain.
- People with economic difficulties are unable to access free medication from Maternal and Child Health (MCH) facilities.
- Lack of transportation in rural areas and the provision of health services particularly in Maternal and Child Health (MCH) facilities.

6.2.5. Recommendations

- The ministry of Health should increase the number and quality of health professionals.
- The ministry of health must increase institutions teaching healthcare educations.
- The ministry of health must continuously and closely monitor hospitals operating in the country and the service quality they provide.
- The government of Somaliland must take measures improving the general quality of healthcare services nationwide.
- The ministry of health must increase awareness campaigns tackling the COVID-19 Pandemic and other infectious diseases.

6.3. Private Employees Rights

6.3.1. Introduction

The National Human Rights Commission, in the performance of its mandate to monitor the civil employee situations in various areas of work, such as employee rights and Somaliland national human rights commission has received 'complaints who are concerning to provide legal assistance or direct and refer them to the relevant authorities. In Somaliland, there is existing law on the rights of civil employee rights. Law (No. 31/2004) this labor law provides for the rights and responsibilities of the employer and employees.

Workers are the most important part of the nation because they are the backbone of national development, so it is important that their basic rights are protected and that they are not abused

6.3.2. Civil Labor Rights

Civil labor rights are entitled the relevant laws for basic rights and all their own rights. These are many rights set out the law (No. 31/2004) this law applies to both the employer and the employees and includes: holiday rights, working hours right, wage right, legal rights, and all the basic rights that the public service law gives to workers. Private servants also have the right not to be abuse during work, such as rape, murder etc. Other rights include the provision of legal aid and monitoring of their situation which the National Human Rights Commissions stands to monitor, receive complaints and resolution mechanism.

6.3.3. Basic Rights of Civil Employees

The basic rights of private servants are set out in Article 7 of the LR-31/2004. It covers all the basic rights of private servants and discusses this article in detail.

6.3.3.1. The Right to Join a Trade Union

According to Article 52 of the (No. 31/2004) non-state employees in the corporate and private workplaces have the right to form their own unions, in accordance with the law. Therefore, every member of the trade union has the right to join a trade union, to form a trade union, to establish its own constitution and bylaws for each trade union or employer, and to carry out its administration and activities in accordance with the law and general principles of democracy. According to the law, all citizens of Somaliland can join a trade union.

6.3.4. Challenges of Civil Labor Rights

Somaliland National Human Rights Commission has supervised and observed some of areas were civil employee work and below are the main observed points:

- ⊙ No written agreement/contract in most private sector are places.
- ⊙ Culture; most Somalis believe that workers are only entitled to wages.
- ⊙ Lack of awareness as a result of which citizens do not know much about civil service law in the republic of Somaliland.
- ⊙ There is no rule on the minimum wage that an employee can earn (minimum wage act).

6.3.5. Recommendation

- ⊙ To strengthening the awareness for labor rights on their knowledge about basic rights and relevant regulations of work.
- ⊙ MESAF should have continuous supervisions to private employee work places.
- ⊙ Private Employee Law (No. 31/2004) should be fully implemented.
- ⊙ Minimum wage standards should be agreed on and established.
- ⊙ To encourage independent labor associations and advocacy rights.

CHAPTER SEVEN

ACCESS TO JUSTICE

7.1. Introduction

The Somaliland National Human Rights Commission is tasked to promote and protect human rights across the nation and access to justice is crucial part of ensuring society rights. The Somaliland National human Rights Commission takes in-depth monitoring activities and releases an annual report addressing multiple societal rights and shares those reports with human rights stakeholders and other interested parties.

7.2. Access to Justice – Somaliland

The Somaliland Constitution, Article 28 guarantees each and every individual the rights of access to justice. Moreover, it guarantees the right to have public attorney for individuals that cannot afford private attorneys. The article also provides the right to appeal as the government is responsible to ensure equal access to all constitutional rights of the public. Access to justice of vulnerable groups such as women, children and people with disabilities is fundamental for the promotion of Human rights.



SLNHRC's staff making assessments on how case hearings always occurs, Erigavo Regional Court

3. Access to Justice Challenges

7.3.1. The Structure of the Laws

Some of the Somaliland major laws such as the Penal Code and Civil Code can be categorized as outdated as these laws were drafted prior the constitution of Somaliland and they might create obstacles in the effort to reach an equal access to justice here in Somaliland.

In addition, putting laws including traditional laws, the officially drafted laws of the land and Islamic sharia law in effect simultaneously might create difficulties.

7.3.2. Advocacy on Legal Matters

The Somaliland national human rights commission understands the general public's knowledge about the existence of judicial bodies but lacks an in detail understanding on how these branch works, therefore these creates a gap knowing about their rights.

7.3.3. Interfering with the Judicial System

The majority of the Somalilanders rely on the traditional/cultural laws and practices when it comes to resolving problems. Having the judiciary system with the interference of the traditional laws enforced by the traditional elders, businessmen and the politicians without the existence of procedures to separate the two processes results in difficulties and weakens the role of the judicial system.

7.3.4. Access to Legal Aid

The Somaliland National Human Right Commission monitors the lack of access to legal aid services in most part of the nation and even on how some totally lack these services. These scarcities of the legal aid services in parts of the country might present difficulties in getting a fair representation in trials. Some of the legal aid providers rely on assistances from non-governmental organizations which cannot be sustainable and might result in economic difficulties for them to properly function.

7.3.5. The Right to Appeal

The right to appeal is a fundamental right of the inmates. The Somaliland National Human Rights Commission on its monitoring duties met prisoners from multiple correctional facilities that were sentenced by the regional courts. When these prisoners took an appeal to the appeal courts they completed their sentences before their appeal was accepted to a hearing. These practices of not respecting the prisoner's right to appeal and access to justice dominate those with the poor who cannot afford lawyers.

"I was sentenced to one and half years in prison. I took an appeal to the appeal court. My sentence was completed before my appeal was allowed!"

One of prisoners of Mandhera Prison

Similarly, Somaliland National Human Rights Commission heard that other prisoners complaining about the length of time that they remain in remand without being charged.

"I was in remand in Hargeisa Prison in 5 years without being charged. Then I was sentenced to 3 years after I finished the 5 years of remand and I am still in prison. I lost my trust in Somaliland justice."

One of the prisoners of Hargeisa Prison

7.3.6. Juvenile Imprisonment

Given the presence of Somaliland Juvenile Justice Law (JJL) here in Somaliland, clearly stating the internationally defined standards of children's rights and how to deal with them when they break the law, it's a fact that assigned entities to take part in matters regarding Juveniles are not functional here in Somaliland. As a result children are becoming victims of arrests and are not properly getting the necessary assistance they are entitled to.

7.3.7. Gender Based Violence

Here in Somaliland, cases related to the Gender Based Violence (GBV), can be categorized as a sensitive and challenging when it comes to ensuring justice. The Somaliland National Human Rights Commission are finding a clear evidences on how some of the offenders families of GBV victims intentionally avoiding the Justice system by accepting financial gains or due to pressure from the offenders families in order to weaken evidence. Even though the Attorney General's office issued a decree againts mediation when dealing with GBV cases, yet the commission verified these problems are still present in some parts of the country.

The House of Representatives passed a law against Rape, Fornication and other related offenses (Law. No 78/2020). The Human Rights Commission and other stakeholders requested for an amendment to the law before its final release as the law is currently present at the House of Elders for a final approval.

7.4. Recommendations

1. To create a strong working relations amongst judicial organs.
2. To create efforts of having legal aid services.
3. To establish a national plan of training judges and prosecutors.
4. To increase community wide awareness raising and advocacy towards the judicial system.
5. To increase the frequency of the mobile courts going to the areas where there are no regular courts.
6. To implement the Juvenile Justice Law and other laws.

ABOUT THE SOMALILAND NATIONAL HUMAN RIGHTS COMMISSION

The Commission is an independent State institution free to discharge its obligations in accordance with its mandate of the Law no. 39/2010, the Somaliland Constitution, regional and international human rights standards, the Universal Declaration of Human Rights, and principles of justice and good governance.

The Commission has independent powers to carry out investigations without any interference or hindrance, in line with the Somaliland National Human Rights Act (Law no. 39/2010).

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