



HUMAN RIGHTS CENTER

HARGEISA SOMALILAND

THE CHAINED CONSTITUTION

The Occurrences of Human Rights Violations in Somaliland

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Human Rights Center

Sha'ab Area, Behind Hargeisa Orphanage Center

Hargeisa Somaliland

Phone: +252 (0)63 4468227/4472011

Email: dafac02@hotmail.com

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ABBREVIATIONS

HRC:	Human Rights Center
UDHR:	Universal Declaration of Human Rights
CPC:	Criminal Procedure Code
NEC:	National Electoral Commission
IDPs:	Internally Displaced Persons
RRU:	Rapid Reaction Unit
SNM:	Somali National Movement

EXECUTIVE SUMMARY

Somaliland was a British protectorate from 1884 to 26th June 1960. Somaliland amalgamated with Somalia without any condition on 1st July 1960. This political intermarriage aborted and finally led to a civil war, which caused the collapse of the state of Somali Republic. Finally, Somaliland declared unilaterally its independence from Somalia in 1991.

Somaliland's post conflict reconstruction was led by the traditional elders who successfully built a functioning government. Somaliland receives little support from the outside world. This gave the Somalilanders a potential strength to rely on what they do have rather than waiting aid. Business flourished with the peace and social institutions were reinstated. Thanks to the Diaspora support that remit money to families and friends, small businesses were started.

The traditional structured government was transformed into a democratic system of governance after constitution was approved in 2001. In a period of ten years (from 2002 to 2012), Somaliland peacefully held five elections. But, these elections were shrouded by irregularities.

The last municipality election held in 2012 caused bloodshed during the Election Day and after the National Electoral Commission declared the results. The peaceful demonstrations organized by the lost *Xaqsoor* party were cracked down by the government. Excessive multiple voting and ballot stuffing were reported.

Constant postponement of elections and extensions of terms have dragged the democratic system into uncertainty and hopelessness. No election was ever held on schedule.

Somaliland adopts presidential system of government whereby the constitution clearly establishes separation of power between the executive, the legislative and the judiciary. But, the judiciary does not enjoy the independence and the impartiality guaranteed by the constitution.

Violations of the freedom of expression and the independence of the media have increased in Somaliland. In this year 16 journalists were arrested. The headquarters of Hubaal newspaper was attacked by one Policeman and unidentified man. The manager of the paper was injured. Weeks after the attack, court suspended the newspaper and sentenced the editor and the manager of Hubaal newspaper. They were later released on presidential pardon. Journalists are constantly harassed by the authorities and some of them were beaten up by the Police.

Freedom of expression is a fundamental right granted by the international human rights law and the constitution of Somaliland.

The government of Somaliland refuses to grant license for radio stations. The only radio station based in Somaliland is the government owned *Radio Hargeisa*.

Demonstrations are not allowed in Somaliland except the government supported demonstrations and campaign rallies. The Police deal heavy handedly with the demonstrations and use live ammunitions. The Public Order Law is applied which gives the Ministry of Interior and the regional and district authorities the power to refuse demonstrations.

Illegal detention and arrest are very common in Somaliland. Somaliland Police enjoy impunity. The civilian courts cannot hear any case against Police member.

The judiciary failed to protect the human liberty and the Police are accountable to no one. Searches and seizures are not sought for warrants as obliged by the constitution, but the Police carry out without court warrant.

The recently established special Police unit, Rapid Reaction Unit (RRU) which receives support from UK, employs intimidating means and gives no respect the legal procedure. They raid houses, search and seize property without court warrant and arrests people without warrant.

The constitution guarantees equality irrespective of gender. But, the role of the women in the politics is very low. There is only one female member of the parliament whose members are 164. There

are three female ministers in the forty above ministers. There is no single female judge. The director generals and the heads of the administrative institutions are all male. The Parliament refused to pass proposed quota for women in the Lower House of the Parliament and the Local Councilors.

Rape and other sexual abuses increased this year according to the data collected in Hargeisa. Rape is the least reported offence, and those victims who dare to report face the challenge posed by the clan elders who interfere in the prosecution and arrange blood compensation.

Women also face discrimination in the employment of the private sector, particularly the business entities. Women do not have equal opportunity with their male counterparts at the private sector. Many conservative male employers discriminate women in the recruitment of female candidates.

Girls drop out the schools in early age as parents prefer boys and the hard house work assigned for girls alone downgraded their scholastic performance.

Somaliland hosts refugees whom most of them fled from the neighboring Ethiopia. The process of registering the asylum seekers takes long time. Most of the Ethiopians work in low paid jobs with no protection. Refugee children work under harsh conditions. The principle of non-refoulement is not observed. Human Rights Center received complaints of Ethiopians repatriated forcefully back to their country where they could face threat.

Internally displaced persons are the most vulnerable people who receive little attention. Government services are very limited in the IDPs centers. Crimes, water shortages, poor sanitation, inadequate health facilities and the lack of enough educational centers live with the IDPs. As poor and less educated, the IDPs are not strong people who can advocate for their causes.

Traditional health center known as “Cilaaj” pose very serious threat to both the health and the liberty of the people. “Cilaaji” centers are money oriented centers that most of them are not registered and are managed by uneducated people. The government has neither strategy nor the necessary protection to cope this threat. As they

gain more money from their clients, the lobby of the “Cilaaj” centers is very strong. The poor quality of the mental health centers provides opportunity the “Cilaaji” centers to attract many clients.

It is the responsibility of the government to safeguard and protect the rights of the child. Street children are harassed, harmed and live in misery. The children from poor families, particularly from IDPs and refugees, work in harsh conditions. The justice sector does not properly observe the Juvenile Justice Law. Juveniles are prosecuted as adults and are imprisoned with adults.

RECOMMENDATIONS

TO THE GOVERNMENT:

- Change the electoral laws to meet the international standards of democratic societies and conduct free, fair and genuine elections;
- Abandon the unnecessary postponement of elections and hold the elections periodically;
- Conduct voters registration which is authentic and gives all the eligible citizens equal opportunity to register;
- The illiteracy of the citizens shall be considered in the electoral process;
- The state media shall be open for all the political parties egalitarian manner;
- Make sure the state funds are not used in the election campaigns;
- The government employees shall not take part in the political campaigns;
- The rights granted by the constitution shall be promoted, protected and fulfilled;

- Grant permits for radio stations based in Somaliland;
- Protect and promote the rights of the journalisms;
- Ensure the safety and the liberty of journalists;
- Immediately prosecute the attackers of *Hubaal* newspaper;
- Change the laws of former regimes including the Penal Code and Criminal Procedure Code;
- Amend the Public Order Law and repeal all the provisions that are inconsistent with the constitution and the international human rights standards;
- Do not forcefully return the refugees and the asylums seekers to their countries or anywhere else;
- Take all the necessary measures to uphold the independence and the impartiality of the judiciary, and publicly affirm the independence of the judiciary from the Ministry of Justice;
- Reform Somaliland Police to establish a Police that protects the fundamental freedoms and rights guaranteed by the constitution and the international human rights laws;
- Immediately end the impunity of the Police;
- Eliminate all barriers against women's participation in the politics;
- End discrimination against women in all fields including employment and politics;
- Provide the girls legal protection from school drop outs;
- Outlaw clan elders interference in the prosecution of the rape cases;
- Support the victims of rape;
- Create strategy that protects the girls and women from rape and other sexual offences;

- Enact law that gives women legal protection from domestic violence;
- Take the responsibility of safeguarding the rights of the child, and take the necessary measures to protect the rights of the child;
- Stop child labor and practice the best interest of the child;
- Establish child care centers for street children;
- Immediately eliminate all forms of discrimination at the work places and discriminatory employee selection;
- Amend the Labor Law to meet the international standards;
- Review the traditional psychosocial center to make sure the people are not harmed and their basic rights are not violated;
- Extend support the IDPs and provide legal protection;
- Provide assistance the IDPs by providing the basic needs and protection.

TO THE PARLIAMENT:

- Pass the introduced quota for women;
- Pass electoral laws for the both houses of the Parliament.

METHODOLOGY

This report has been the result of data collected by Human Rights Center researchers from different sources. Interviews were conducted. The researchers visited many places and observed the situations on their eyes. Health and legal experts were interviewed. The researchers had detailed interviews with victims and alleged perpetrators. The data was primarily collected in Hargeisa, the capital and the most populous city in Somaliland. Due to logistic restraints, the researchers were not able to travel outside Hageisa.

HISTORICAL BACKGROUND

Republic of Somaliland gained its independence in 26th June 1960 from UK. In July 1960, Somaliland united with Somalia to form Somali Republic. Unfortunately, this union failed to continue. In 1991, Somaliland regained its independence from Somalia after long and bitter struggle led by Somali National Movement (SNM). Nevertheless, Somaliland still remains unrecognized.

97% approved a referendum held for new constitution in 2001. The constitution establishes democratic state that protects the fundamental freedoms and rights.

Somaliland has three state organs, namely the executive, the judiciary and the legislature. According to the constitution, the three organs of the state are separate from one another, but checks and balance each other

The system is presidential, and the president and the vice-president are elected in secret ballots by the people. The president appoints his/her cabinet members subject to the approval of the House of the Representatives (lower house of the parliament).

The parliament is bicameral; the House of Representatives (the Lower House) and the House of Elders (the Upper House). The upper house is also called Guurti.

Creating functioning state in post conflict situation was not an easy task. The people of Somaliland maintained peace and tranquility.

ELECTIONS: THE CRIPPLING DEMOCRATIC PROCESS OF SOMALILAND

Five elections were held in Somaliland. The first one was held 2002 and the last was conducted in 2012. The constitution provides the people the right to freely and fairly elect the members of the two houses of the Parliament, the President and the Vice-president, and the Local Councilors. A country in the troubled Horn of Africa to hold elections is a successful story. The Somalilanders chose this path as they refused dictatorship rule. Unfortunately, the joy of conducting elections superseded the contents of the elections. Both the international and local observers emphasize much on the peacefulness of the elections rather than its compliance with the international standards.

According to the constitution and the Universal Declaration of Human Rights, Somaliland citizens have the right to vote freely in periodic and genuine elections.

Elections were never held periodically in Somaliland.

Postponement of elections and extensions of terms have been used regularly. The members of the House of the Representatives were elected in 2005. Their term lapsed in 2010. Instead of electing new members, the tenure of the House has been extended twice. The members elected in 2005 still continue to serve against the will of the people.

The members of the House of the Elders (Guurti) have never been elected by the people. The serving members drew their legitimacy from 1997 Clan Elders Conference held in Hargeisa. Surprisingly, the House of Elders themselves extended their tenure twice.

The constitution sets very clear circumstances in which the elections can be postponed. Article 42(3) says: "If the election of

the House of Representatives cannot be conducted because of dire circumstances, the outgoing House shall continue in office until the end of these circumstances and a new House is elected. Dire circumstances are: a wide war, internal instability, serious natural disasters, such as earthquakes, epidemic diseases, (*and*) serious famines; and shall be determined and resolved by the House of Elders on the proposal of the Council of Government". But the elections were never postponed due to the reasons mention this article.

2012 local government councilors' election was the most troubled election in Somaliland. People died during the Election Day and after the announcement of the results. The freedom of assembly was refused to the lost political parties who were dissatisfied with the result. The government employed force against the people who demonstrated in Hargeisa, Sayla and Berbera. People died in these demonstrations and investigation was not carried out and no one was held accountable for the deaths of unarmed demonstrators.

The voters did not get the necessary voter education programs, particularly those who live in the remote areas and villages. Only when the elections are approaching the NEC carries poorly coordinated awareness campaign. The people have a right to civic education programs. The ruling party uses exclusively the state media.

NEC published the design of the ballot papers only few weeks before the Election Day. Therefore, it did not reach all the voters. The illiteracy is very high in Somaliland. This was not taken into account when the candidates were given numbers instead of symbols. It made illiterate people incompetent to mark their favorite candidate without assistance.

The people of eastern Somaliland (part of Sool, eastern Sanaag and Buuhoodle) did not get the opportunity to elect their representatives; therefore they are not participating in the political life of Somaliland.

Those in detentions whether convicted or accused were barred to vote.

Huge multiple voting occurred during the Election Day which spoiled the system.

Due to the international status of Somaliland, experienced observers are not sent to Somaliland. Additionally, the local observers are obsessed of protecting the national image rather than truly expressing what happens. The observers are very limited in number.

There is no census and the distribution of the ballot boxes is not based on geographical distribution. Last election was held without registration of the electors.

The electoral laws do not have penalties to protect the system.

As the tenure of the president and the vice president and the members of the House of Representatives expires 2015, voter registration is not yet made, and the electoral law is not ready for the House of the Representatives and the House of the Elders.

JUDICIARY INDEPENDENCE

Somaliland constitution provides judiciary branch which is independent from the other two branches, namely the executive branch and the legislative branch. But the judiciary lacks independence practically and its finance is managed by the Ministry of Justice which openly claims that the judiciary is accountable to the executive. There are not enough judges in all of the country which makes the people to rely much on the traditional system. The lack of accountability makes the judges to exercise more discretionary powers.

The Judiciary Commission which is responsible to manage the judiciary lacks the proper administrative structure as there is no regular staff and the majority of its members of the Commission fully work for other institutions.

Somaliland continues to apply Siyad Barre laws which predate the democratic constitution of Somaliland. This provides the Police and courts to sideline the constitution and instead apply the old laws.

The judiciary does not well perform its function as the guardians of human liberty.

The hand of the executive branch extends to the Judiciary. The weakness of the Judiciary gives the president's powers to emasculate all the other branches of the state.

FREEDOM OF EXPRESSION AND ASSEMBLY

Somaliland media enjoys considerable freedoms when compared with its neighbors. Independent newspapers, TV stations and websites are stationed in Somaliland, particularly the capital, Hargeisa. Government owned Somaliland National Television, Dawan newspaper and Radio Hargeisa are also based in Somaliland.

Somaliland constitution guarantees media independence and the freedom of expression, and prohibits all acts that subjugate them.

However, this year was not so good for the journalists. Journalists were arrested, detained and harassed by the Police. From February 2013 this year, Human Rights Center documented 16 arrests of journalists. Only 2 were ever tried before court. All were arrested in the course of their work. Journalists were detained without court warrant in violation of article 22 of the constitution and the Universal Declaration of Human Rights (UDH).

On 24th April 2013 two men raided the headquarters of Hubaal newspaper and injured the manager of the paper, Mohamed Ahmed Jama. One of the assailants has been captured and confirmed to be Policeman. The authorities do not charge the apprehended assailant. His accomplice has never been captured.

Tuesday, 11th June, weeks after the raid, Hubaal was suspended and the editor and the manager were prosecuted. 3rd July 2013, Hargeisa Regional Court sentenced Hussein Hassan Abdilahi, the editor and Mohamed Ahmed Jama, the manager. They were later released on presidential pardon and the suspension of the newspaper was lifted.

These acts violate article 32 of Somaliland constitution and the Universal Declaration of Human Rights which clearly guarantee the freedom of press.

Private radio stations are not allowed in Somaliland. The constitution provides the right of formation of independent media be radio, TV, print or in any other form. Only the government run Radio Hargeisa airs from Hargeisa.

Talking about corruption is very risk in Somaliland. Whistleblowers and the media both face government tight grip if they address on the issue of corruption. Whistleblowers are arrested.

The old laws of dictatorship regime of Mohamed Siyad Barre are applied against the media. Those put on trial were accused of defamation and false accusations and publication or circulation of False, exaggerated or tendencious news capable of disturbing public order.

Somaliland constitution guarantees the freedom of public demonstrations, but Somaliland authorities continue to refuse protests.

Except campaign rallies and government supported demonstrations, the government of Somaliland bans peaceful demonstrations.

The Police are not trained how to confront demonstrators and use life ammunition against the demonstrators.

The government uses the Public Order Law to halt the demonstrations. The Public Order Law requires license from the Minister of Interior to demonstrate. The Act gives the Minister of Interior discretionary powers to grant or refuse license. This clearly contravenes article 32 (2) of the Constitution.

ILLEGAL DETENTIONS

The Bill of Rights in the constitution and the Criminal Procedure Code guarantee fundamental rights for anyone whose liberty is deprived. The procedure of arresting, searching and seizing are very clear. Unfortunately, 21 years of dictatorship rule and subsequent unrest left the authoritarian culture to still remain powerful in the Police culture. The training and the structure of the Police did not change to accommodate the democratic constitution that Somalilanders freely chose.

The Police do not observe the Criminal Procedure Code (CPC) when they are conducting the arrests, searches and seizures. Article 28 of the Criminal Procedure Code provides that an arrest, with or without warrant, may only be made in those cases and in the manner expressly provided by the law.

According to article 29 of the CPC the person to be arrested has a right to be so informed, together with the reasons for the arrest. The Police did not observe this article and immediately arrest the person on sight without giving reason for arresting.

The Police use excessive force when they are conducting arrests in contrary to article 29 of CPC.

Article 32 of the CPS obliges the Police to strictly observe the provisions relating to arrests. It further provides the judge to whom the arrested person appears before to enquire if these provisions are strictly observed. Instead of doing so the courts easily remand on the request of the Police. This gives the Police opportunity to violate these provisions without being subject of any judicial enquiry. The term Xalaaleyn (literally meaning legitimizing) is very common in Somaliland. The Police arrest the persons in contrary to

the law and seeks the court to legitimize (xalaalayn) by ordering remand.

The Criminal Procure Code limits the power of arresting without court warrant only if the person is caught in the act of committing the offence. This rarely happens in Somaliland. People are arrested without court warrant and not being the state of committing the offence.

Article 57 obliges that those carrying out the search or seizure shall fully observe decency.

The Police mistreat the detainees and the persons they arrest. The Police stations are overcrowded and lack the necessary facilities. Hence the detainees depend on the provision of their families. Those without family to support do fall unsupported.

Police denies access to the Police stations for human organizations.

According to 27 of the constitution any person who is deprived of his/her liberty has a right to meet attorney. The Police refuse the detainees to exercise their right of attorney. Attorneys are not allowed to meet their clients at Police stations. This gives the defense attorneys no opportunity to meet with their clients. The attorneys are barred by the Police to stay with the client in the investigation period.

The courts do not grant enough time for the accused persons to prepare defense. The time given to the prosecution office is more than the one allowed for the accused persons.

Police use tactics to convince the accused to make confession. This includes by promising for the accused release.

The special Police unit named Rapid Reaction Unit raid dwelling houses without court warrants. They use intimidating means and give no respect at all the Criminal Procedure Code. This Police unit committed very serious actions that violated human rights.

Somaliland Police enjoy complete impunity. The Police are not subject to the civilian courts. The Police argue that they are under the jurisdiction of the military court. But the constitution clearly states that the military courts have the jurisdiction in hearing criminal cases against the military. As the civilians have no access to the military courts, the Police are above the law. Civilian courts are not able to question the actions of the Police officers. Therefore, the procedure laid down by the Criminal Procedure is irrelevant.

The Penal Code articles are misused to apply facts that are not offences under the Penal Law. This is violation of article 1 of the Penal Code which states that “no one shall be punished for an act which is not expressly made an offence by law or with a punishment which is not prescribed therefore.” Such misapplication of the law is against the rule of law and the principle of the legality.

The Penal Code is outdated as it was passed decades ago. There are articles that are incompatible with the democratic constitution of Somaliland which is the supreme law of the land. According to article 130(5) of the constitution, laws that were passed before the constitution which did not confront with the constitution shall be used in temporary means and new laws shall be promptly enacted. Unfortunately, the constitution is now over decade old and the Penal Code is still applies without one single change

WOMEN: THE NEGLECTED

Women in Somaliland play crucial role in the country. Increasing number of women are the breadwinners. As they struggle for the lives of their families, women contribute to the positive development of Somaliland. However, women face huge challenges in this conservative Somali society. Women in the decision making ranks of the country are incomparable to men. There is only one female member of the 164 members the parliament (both the lower house and the upper house), and there is only three ministers in the cabinet whose members are above forty. There is no single female director general. Women do not hold high ranking offices in the government institutions. Although president of Somaliland H.E Ahmed Mohamed Mohamoud publicly supported quota for women, he failed to appoint more women in his cabinet, director generals and the other offices he has discretionary powers to whom he may appoint to.

The clan structure and the political culture of Somaliland which is based on clan deny women to the equality guaranteed by the constitution.

As women at work are dramatically less than the men, men are richer and use their influence to discriminate women.

The political parties are led by men who do prefer men in the party level selection of candidates.

The constitution guarantees equality, but there is no single female judge in Somaliland. In 2012, four deputy attorney generals were appointed in the first time in the history of Somaliland. This was very positive development. Unfortunately, while those male deputy attorney generals appointed at the same time were promoted to be

head of regions, no female deputy attorney general was appointed to hold an office.

Women are not only marginalized at government institutions, but they face worst discrimination in the private sector. Many companies directly discriminated women at the jobs. There are companies that do not employ women. And those employed are harassed and are less paid. Business companies run by either conservative traditional men or radical religious men do not under any circumstance welcome women. Even those employed to serve for female customers when the service so necessitates face discrimination including under payment and restriction of interaction male colleagues.

Thanks to the new imposition of free education, the number of girls at schools increased last years. Nevertheless, girls remain to drop out the school in early age and there is no legal protection that enables the girls to be safe from early marriage, the huge housework that forces to stay out of school and to perform less than boys and parents' preference of boys over girls in the education.

Women are victims of sexual offences. Human Rights Center found that rape has increased dramatically in Somaliland in this year. Rape is the least reported offence in Somaliland. There is center called Baahi-koob that supports victims of rape in Hargeisa. In all the other regions there are no centers that assist rape victims as Baahi-koob in Hargeisa.

Clan elders interfere in the prosecution process. Many perpetrators were release due to agreement reached by the family of the victim and that of the perpetrator. Although Somaliland Penal Code prohibits such agreement, the Attorney General Office and the courts repeatedly accept and enforce such agreement.

In the Somali Customary Law there is no punishment and in any offence blood compensation shall be paid. Therefore, clan leaders' interference is the most serious danger to the justice. The courts fail to apply the Penal Code on the rape cases. They show lenience to the customary law, and as result many victims end without getting the justice they deserve.

According to the data collected by Human Rights Center most of the rape cases occur at the poor neighborhoods. These vulnerable people who are neglected and live where Police protection is very low become very vulnerable for rape.

To successfully prosecute evidence is required. It is great challenge that many victims report after 72 hours when the incident occurred. This minimizes the chance of winning the case before the court as tests can be only taken within 72 hours from the time the crime was committed.

The lack of specific training for the Police, the prosecutors and the judges deteriorate the situation.

The Police failed to safeguard the safety of the women and the girls. Police Stations are not places that welcome female complainants. The guards at the gates accustomed to question the purpose of anyone who is going to enter the station. This compels the female victims not to dare to go to the Police stations.

In most of the country, the investigators and those record crimes are men, except Hargeisa which has Baahi-koob center. Such Police structure discourages the victims to report to the Police.

Victims of domestic violence do not get legal protection. The only option for these victims is to go to the court to initiate civil suit. The criminality of assault committed by husbands is absent in Somaliland.

TRADITIONAL PSYCHOSOCIAL SUPPORT CENTERS IN SOMALILAND

In Somaliland, traditional psychosocial support system is a strong social institution. This institution provides psychosocial treatment to the people whom are suffering from mental disorder, trauma, and other cases associated with nervous system disorder through means of herbal treatment and religious approach.

However, the number of psychosocial centre is rapidly increasing, which signifies the existence of social problems. The traditional psychosocial support centers called in Somali (cillaaj) are privately owned and became well known in Somaliland just after the civil war. The fact is that, the impact of civil wars and economic crises led the people to depressions and the concerned government institution has not formally treated it. However, women are more affected than men; the other vulnerable groups are children under the age of 18 years, elderly and the physically disabled people in according to the information given by some of the centers.

In these centers (Cillaaj), no qualified medical doctors assess the status of the patient and vast majority of traditional doctors give their patients herbal mostly imported from Yemen. The centers (Cillaaj) are business oriented; clients pay \$100 to \$150 per month for treatment and admission. In fact all Cillaaj centers do not relay on patient's due fee, but some get funds from the UN and international organizations mostly owned by Arabs.

The general sanitation situations of centers are poor, and put together people of different medical status that can increase contamination of transmittable diseases. Most of the centers have wards to admit patients and admit them for unnecessary time, which leads the situation of the patient in disparity and became more frustrated than before.

The concerned governmental institutions are silent from this problem.

The centers (Cilaaj) are profit oriented institutions. Clan elders detain the members of the clan who disobey them in some centers. This made the centers illegal detention centers.

CHILDREN

Children are vulnerable people who need protection and care. It is the responsibility of the government to support the children and to make sure their wellbeing.

Children in Somaliland face very critical situation. Many children are involved in criminal activities and found themselves in to imprisonment. Diversion system is absolutely missing in Somaliland although juvenile justice law is in place. Children are detained with adults including criminals in the jail. There are no separate establishments or sections for the children.

The Juvenile Justice Law which provides fundamental rights for the children is not applied in the prosecution of juveniles. According to the Juvenile Justice Law, juveniles younger than 15 years are not criminally liable. But, the courts do not observe that.

Because of the absence of birth certificates the Police manipulate the age of the juveniles and boost into maturity to prosecute as adults.

Street children face the worst challenge. They suffer mistreatment, harassment, hurt, rape and other criminal acts. They addict drugs and live garbage areas in the main towns. Most of them end up in the prisons as they are caught for stealing or using drugs.

Mustaqbal Child Care Center in Hargeisa has been founded by an ideal citizen, Luul Hassan Matan who used her own talent to care

street children. The Center supports children. Human Rights Center found that some of the children were held in the Center against the will of their families. Separating child from his or her parents against their will is contrary to article 9 of the Convention on The Rights of The Child (1989). Therefore, it is necessary to make sure that the Center is not detention center.

October this year, the government took over the Center forcefully and arrested Luul Hasan days without court authorization. Luul argues that the Mustqabal Child Care Center is nongovernmental organization. The government shall not politicize child care activities.

Children are victims of sexual violence. The child sexual abuses are in alarming situation in Somaliland.

Some Madarisa teachers beat the children as there is no legal protection.

THE INTERNALLY DISPLACED PERSONS (IDPs)

Since the central government of Somalia collapsed in 1991, Somaliland enjoys peace, stability and tranquility. But rather encountered civil wars and natural disasters, all of which have triggered displacement of Thousands of Somalilanders, and re-integrations of those returned back from the neighboring countries. Likewise, people from southern Somalia came in Somaliland to have a durable peace, and to maintain their life with peace. These people are recognized as internally displaced persons by the international community and Somaliland recognizes as refugees.

However, IDPs continue facing risks to their lives, safety, security and dignity. The livelihood situation of IDPs is very poor. Each family consists of approximately in between 4-15 of individuals. They are economically disadvantaged people. Moreover, shelters of IDPs are the Somali traditional houses (aqalsoomaali/buul) that doesn't resist the rain, wintry and the temperature. Fire rises mostly in traditional houses of IDPs and cause damage of material and life.

Garbage collectors are not mostly available or work in IPDs settlements. In the rainy season, transmittable diseases spread in the IDPs centers/camps. Approximately 15 families share one toilet which deprives the privacy of individuals and contributes transmitting of diseases. There is a shortage of water; families get unclean water from the ponds.

The IDPs centers are unstable. Some centers have no police stations and other government institutions. Serious crimes occur in the IDPs centers in the daylight included gang rape, rape, theft, robbery and murder.

Under principle 3 of IDPs guiding principles, states have the primary duty and responsibility to provide protection and humanitarian assistance to internally displaced persons within their jurisdiction. This principle explicitly makes the government of Somaliland to have the primary responsibility to uphold the rights of the IDPs and ensure that rights of the IDPs are protected.

REFUGEES

Ethiopian refugees and asylum seekers live in Somaliland. The government of Somaliland does not have proper procedure and laws for the registration of the refugees and asylums seekers. Many Ethiopians live in the main cities particularly in Hargeisa. Refugee status determination processes takes longtime which cause asylum seekers to remain the country without legal documents.

The Ethiopian nationals work low-paid jobs and face discrimination from the local people. Christian Ethiopians in particular complain harassment because of their religion. Ethiopian nationals we have interviewed told Human Rights Center that the Ethiopian government pursues political asylums seekers who run from Ethiopia. They told HRC Ethiopian nationals who were deported back to Ethiopia forcefully in contrary to Somaliland law.

The Ethiopian refugees and asylums seekers live in overcrowded areas with very little government services.

LABOR

Employees in Somaliland work under alarming working conditions. The working conditions of many places are harsh and inhumane. Recruitment procedures are discriminatory on the basis of clan, religious believes, gender and other grounds in contravention to article 7 of the Labor Act.

The law does not limits the minimum wage per hour, therefore, employers pay very low wage that is not equal to the work done. Unfair dismissal of employees is very common.

Many employees work more than the eight hours prescribed by the law, and overtime is not paid.

Female employees does not enjoy the rights of maternity leave and breast feeding leave as provided in articles 15 and 16 of the Labor Act. There are employees who work the national holidays in contrary to article 11(3) of the Labor Law.

Many employees do not exercise their rights including the annual leave, sick leave, Eid bonus, compensations and medical assistance. There is no trade union in Somaliland although article 52 of the Labor Law permits its establishment.

It is the responsibility of the government to protect the rights of the employees and to make sure the application of the Labor Law. The Labor Directorate of the Ministry of the Labor and Social Affairs does not take the role given by the Labor Law.

