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Somaliland *

Country:

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Year:

2016

Freedom Status:

Partly Free

Political Rights:

5

Civil Liberties:

5

Aggregate Score:

40

Freedom Rating:

5.0

Overview:

In May 2015, Somaliland's upper legislative chamber, the Guurti, announced that presidential and parliamentary elections would be postponed until 2017 and extended the current government's term by two years. President Ahmed Mohamed Mohamoud Silanyo's approval of this move was later upheld through a court decision, officially delaying elections—which were scheduled for June 2015—until March 2017. The delay contradicted the wishes of opposition parties and Somaliland's international donors, both of which had previously agreed on a 12-month election postponement to allow more time for voter registration. Opposition parties had expressed concern that the government was delaying election preparation, especially voter registration, in order to extend Silanyo's term.

Meanwhile, the government continued to suppress criticism in advance of the elections. While journalist arrests and harassment dropped, a climate of fear continues to characterize the media environment.

Somaliland declared independence from Somalia in 1991 following the outbreak of civil war. The regional administration lacks international recognition as an independent state. Talks between Somaliland and Somalia continued in early 2015, but stalled in March due to disagreements about the composition of the Somali negotiating team.

Political Rights and Civil Liberties:

Political Rights: 15 / 40 (-6) [Key]

A. Electoral Process: 2 / 12 (-3)

According to Somaliland's constitution, the president is directly elected for a maximum of two five-year terms and appoints the cabinet. The presidential election of 2010, originally scheduled for 2008, resulted in a smooth transfer of power from the United People's Democratic Party (UDUB) to Kulmiye, the main opposition party. Silanyo, the leader of Kulmiye, captured almost 50 percent of the vote, comfortably ahead of incumbent Dahir Riyale Kahin's 33 percent. International monitors identified some irregularities, but declared the vote free and fair. In May 2014, Silanyo announced his intention to run for a second term in the elections scheduled for 2015.

Members of the 82-seat lower legislative chamber, the House of Representatives, are directly elected for five-year terms, while members of the 82-seat upper chamber, or Guurti, are clan elders indirectly elected for six-year terms. The last parliamentary elections were held in 2005 and have been delayed since 2010. Again in 2015, terms for both houses and the president were extended until April 2017. Also in 2015, the Guurti clashed with the National Electoral Commission (NEC)—which had recommended a poll delay to June 2016 based on technical challenges—when the upper chamber announced the election postponement until March 2017. Opposition parties and international observers have vocally opposed further delay, and suggest that the government is using election postponements for political purposes.

In 2012, Somaliland held municipal elections, the first such elections in a decade. Though the elections were deemed free and fair by a coalition of local observers, large protests followed. Following the elections, Silanyo called for a new voter roll to be created, but as of the end of 2015, there were still major delays in initiating voter registration.

B. Political Pluralism and Participation: 9 / 16 (-1)

Although parties defined by region or clan are technically prohibited, party and clan affiliations often coincide. A constitutional restriction allows for a maximum of three officially recognized political parties. The Registration and Approval Committee (RAC) reviewed 18 parties and associations to determine which could participate in the 2012 local elections. From the seven parties that competed, the three parties that received the most votes were officially declared eligible for elections for the coming decade: Wadani, the UCID, and Kulmiye. Due to the 2015 election delays, the opposition has little chance to compete in elections or win political power in the near future.

C. Functioning of Government: 4 / 12 (-2)

Although the civilian government and legislature determine state policies, their legitimacy has been critically undermined by the Guurti's undue influence in delaying elections.

Electoral mandates for the House of Representatives and the presidency have technically expired.

Corruption in Somaliland was a serious problem under the government of former president Kahin, but there have been signs of improvement under Silanyo. A bill to strengthen the five-member Good Governance and Anti-Corruption Commission was passed by the legislature in 2012. In February 2014, the commission released a three-year anti-graft strategy. However, concerns in 2015 about Silanyo's opaque handling of the Berbera Oil Terminal's management led to skepticism about his intentions to tackle corruption.

Civil Liberties: 25 / 60

D. Freedom of Expression and Belief: 7 / 16

While freedoms of expression and the press are guaranteed by the constitution, these rights are limited in practice. The Silanyo administration has adopted a harsh approach to perceived critics in recent years, suspending several media outlets and levying heavy penalties on opposition journalists. Many journalists in Somaliland lack formal training and opportunities for professional development.

According to the Somaliland-based Human Rights Centre (HRC), the government detained 19 journalists in 2015, some on multiple occasions. In April 2015, authorities detained Kalsan TV journalist Ahmed Saed Mohamed after he published a controversial story about Berbera's Port Authority. He was released without charge after five days. In September, two journalists were arrested for their reporting on the same subject. In November, the HRC reported the arrest of two *Hubsad* journalists who were accused of running an unregistered newspaper. While the journalists have since been released, they still face criminal charges.

Somaliland's laws allow for the establishment of private radio stations, but the government makes licenses difficult to obtain. A press protection law, passed in 2004, has yet to be implemented due to the government's claims that it needs additional amendments. The government employs intimidation tactics, including sending the police or the paramilitary Rapid Reaction Unit to raid journalists' homes or offices, to limit unfriendly reporting.

In September 2015, four musicians—part of the Horn Stars band—were arrested after returning from a performance in Mogadishu, Somalia's capital. Reports suggest the group waved a Somali flag at the concert to “oppose” Somaliland's independence.

Islam is the state religion, and nearly all Somaliland residents are Sunni Muslims. While the constitution allows for the freedom of belief, it prohibits conversion from Islam and proselytizing by members of other faiths. It also requires that candidates for the presidency, vice presidency, and House of Representatives be Muslim. Academic freedom is less restricted than in neighboring Somalia. The territory has at least 10 universities and colleges of higher learning, though they are not adequately funded or staffed.

E. Associational and Organizational Rights: 5 / 12

Freedoms of assembly and association are constitutionally guaranteed. However, the government has been known to repress demonstrations in the past. After the announcement of election delays in May 2015, for example, widespread protests broke out in Hargeisa, Berbera, and Burco. The government reportedly withheld permission for the Wadani party to demonstrate, and both Wadani and the Justice and Welfare Party reported that authorities raided their offices soon after demonstrations began. Some 30 people were detained by the police, but later released, and government troops reportedly blocked media access to the protests.

Local and international nongovernmental organizations operate without serious interference. The constitution does not explicitly protect the right to strike, though it does permit collective bargaining. The right to belong to a union is generally respected.

F. Rule of Law: 7 / 16

The judiciary is underfunded and lacks independence, and the Supreme Court is largely ineffective, though the May 2015 appointment of a new chief justice, Adan H. Ali Ahmed, was welcomed by civil society. Somaliland has approximately 100 judges, most of whom lack formal legal training; judges are usually selected on the basis of clan or political affiliation, and are subject to interference from the government.

Somaliland's constitution allows for three legal systems based on Sharia (Islamic law), civil law, and customary law. Upon taking office, Silanyo pledged to strengthen the independence of the judiciary and release all prisoners who had not been charged with a crime, apart from those accused of terrorism or theft. In 2014, multiple members of the judiciary reported that they frequently face pressure from cabinet officials to make particular rulings or to release suspects.

Somaliland's police and security forces are sometimes accused of using excessive force. According to the HRC's 2015 annual report, many of Somaliland's police stations, which are intended to hold individuals for up to 48 hours, are used for long-term detention. These facilities have become overcrowded, and detainees are often held without food or other basic necessities.

In August 2015, police fired live ammunition into a crowd that had gathered to watch a land dispute between a Hargeisa family and the police. A young boy was killed, two men and a teenager were injured by gunshot, and one man was wounded after a police beating. In the same month, a police officer fired into a cell containing approximately eight inmates in a Hargeisa prison. Ahmed Dayib Abdi was killed in the incident; reports suggest he was initially detained for participating in a protest against excessive police force. The other inmates who had been detained with Ahmed were released without charge following his death. The officer who fired the shot that killed Ahmed was arrested, according to the HRC, though there has not been a thorough investigation of the incident.

In August 2015, Hargeisa's regional court dropped the criminal case against HRC founder Guleid Ahmed Jama, whose arrest was allegedly linked to the organization's 2014 report.

G. Personal Autonomy and Individual Rights: 6 / 16

Societal fault lines are largely clan-based. Larger, wealthier clans have more political clout than the less prominent groups, and clan elders often intervene to settle conflicts. Business opportunities are limited, and unemployment is high.

While society in Somaliland is patriarchal, women have made modest advances in public life. Quotas for political representation of women have been frequently discussed but never adopted. In 2010, Kulmiye expressed support for a 25 percent quota across all political institutions. In September 2015, parliament began reviewing a 10 percent quota contained within an elections law. There are no female judges, four women in high-level government positions, and one female legislator in the House of Representatives.

Violence against women, including rape, remains a major problem, though the establishment of the international donor–sponsored Baahi-Koob Sexual Assault Referral Centre in Hargeisa led to 399 reported rape cases, 191 related prosecutions, and 47 convictions in 2014 alone. The practice of female genital mutilation is widespread.

The Somaliland government has made attempts to combat human trafficking in recent years. The 2014 U.S. State Department *Trafficking in Persons Report* estimated that 50 Somaliland residents are smuggled out of the territory every month; 2015 saw an increase in the number of minors and unemployed university graduates being trafficked. The government has a specialized department within the Ministry of Labor and Social Affairs to investigate suspected trafficking.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

Full Methodology

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