Somaliland

PARTLY FREE

**Political Rights**  19/40

**Civil Liberties**  24/60

LAST YEAR’S SCORE & STATUS

44/100  Partly Free

Global freedom statuses are calculated on a weighted scale. See the methodology.

* Indicates a territory as opposed to an independent country.
Overview

Elections in Somaliland—whose self-declared independence from Somalia is not internationally recognized—have been relatively free and fair, but years-long delays have meant that elected officials at all levels serve well beyond their original mandates. Journalists face pressure from authorities. Minor clans are subject to political and economic marginalization, and violence against women remains a serious problem.

Key Developments in 2018:

- Tensions between Somaliland and neighboring Puntland escalated after Somaliland’s forces took the strategically important town of Tukaraq in January, in the disputed Sool region. Ensuing clashes during the year killed dozens of troops on both sides and left thousands of people displaced.
- Throughout the year, authorities arrested journalists, activists, writers, and entertainers for controversial social media posts, threatening freedom of expression online.
- In November, the National Election Commission (NEC) announced that long-delayed House of Representatives elections, last held in 2005 and most recently scheduled for March 2019, would again be delayed, with plans to hold them by November 2019.

Political Rights

A. Electoral Process

A1  0-4 pts

| Was the current head of government or other chief national authority elected through free and fair elections? | 3/4 |
The president is directly elected for a maximum of two five-year terms and appoints the cabinet. In November 2017, after two years of delay, Somaliland held its third presidential election. Muse Bihi Abdi of the Peace, Unity, and Development Party (Kulmiye) won the contest with 55 percent of the vote, followed by Abdirahman Mohamed Abdullahi of the Wadani party with 40 percent, and Faisal Ali Warabe of the For Justice and Development (UCID) party with 4 percent.

Despite some irregularities, including un stamped ballot papers, underage voting, and tabulation delays, international observers concluded that the process was credible and that the problems did not significantly affect the final result.

**A2  0-4 pts**

| Were the current national legislative representatives elected through free and fair elections? | 0/4 |

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, the Guurti, are clan elders indirectly elected for six-year terms. The last lower house elections were held in 2005, and new elections due in 2010 have been repeatedly postponed. The NEC announced in November 2018 that the elections, most recently scheduled for March 2019, would again be delayed, with plans to hold them by November 2019. Local council elections, last held in 2012, will be held concurrently with the lower house polls.

Members of the Guurti were chosen for an initial term in 1997, but due to a lack of legal clarity on how elections are to be held, their mandates have been repeatedly extended. In practice, seats have been passed to family members when a member dies or retires.

**A3  0-4 pts**

| Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? | 2/4 |
The legal and administrative framework for elections is largely fair, but ambiguities in some laws as well as technical and logistical challenges have led to chronic election delays. The NEC is generally considered impartial, but the opposition Wadani party accused it of bias in the aftermath of the 2017 presidential vote.

**B. Political Pluralism and Participation**

**B1 0-4 pts**

| Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? | 3/4 |

The constitution allows for a maximum of three officially recognized political parties. The three groups that receive the most votes in local council elections are declared eligible to contest national elections, and compete freely in practice. The system is meant to encourage alliances across clan divisions, but clan and party affiliation remain closely aligned.

**B2 0-4 pts**

| Is there a realistic opportunity for the opposition to increase its support or gain power through elections? | 3/4 |

The political system allows democratic transfers of power between rival parties, with the most recent handover at the presidential level in 2010. Opposition parties hold positions in the legislature and in subnational governments, though election delays have impaired their ability to challenge incumbents.

**B3 0-4 pts**

| Are the people’s political choices free from domination by forces that are | |

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external to the political sphere, or by political forces that employ extrapoli
tical means?

Clan elders play an influential role in politics, both directly with their kinsmen and through the currently unelected Guurti, which has the authority to extend officials’ terms in office and approve election dates.

**B4** 0-4 pts

**Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities?**

Women and various clans formally enjoy equal political rights. However, larger clans tend to dominate political offices and leadership positions. Cultural barriers also limit women’s political participation. In June 2018, the cabinet approved legislation that would impose a 20 percent quota for women and minority clans in the legislature and local councils, which would come into effect for the 2019 elections. However, the quota remained stalled in the parliament at year’s end. The constitution requires that candidates for national office be Muslim.

**C. Functioning of Government**

**C1** 0-4 pts

**Do the freely elected head of government and national legislative representatives determine the policies of the government?**

The 2017 election improved the democratic legitimacy of the president in determining government policy, and decisions made by the national authorities are implemented in most of Somaliland’s claimed territory. However, clan leaders in the border regions maintain a separatist administration known as Khatumo State, over which Somaliland does not exercise full control.
Somaliland has few institutional safeguards against corruption and nepotism. Former president Ahmed Mohamed Mohamoud “Silanyo” took some measures to combat corruption, but the anticorruption commission he created in 2010 has been largely ineffective in recent years, and prosecutions of officials for malfeasance are rare. In August 2018, the parliamentary Public Accounts Committee (PAC) released a report detailing widespread misuse of government funds by high-ranking officials, particularly during the Silanyo administration. The committee’s request for the attorney general to investigate officials and entities named in the report was ignored. The chairman of the PAC, Nasir Ali Shire, was also removed from his chairmanship in August by the speaker of the parliament, after Shire exposed the undervaluing of public land sold to Dahabshiil, a money transfer company. Observers viewed Shire’s removal as an attempt to undermine the PAC’s anticorruption work and protect Dahabshiil.

The government operates with relative transparency in many respects, but it is more opaque regarding contracts for major projects. Journalists and civil society activists who attempt to scrutinize government activities often face harassment.
D1  0-4 pts

Are there free and independent media?  1/4

A variety of print, television, and online news outlets operate, but many have political affiliations, and the state-run broadcaster has a monopoly in the radio sector. The penal code criminalizes defamation and other vaguely defined press offenses, such as circulation of “false, exaggerated, or tendentious news.” The government has restricted the registration of new newspapers.

In June 2018, journalist Mohamed Adan Dirir, who was sentenced to 18 months in prison for publishing false news in 2017, was released by presidential pardon. In July, authorities lifted a 2014 ban on Haatuf Media Group for publishing false news and defaming government officials.

Despite these positive steps, the government continued to target journalists for covering controversial topics. Between December 2017 and December 2018, 28 journalists were arrested, although only 10 were prosecuted, and all those detained were ultimately released. The government targeted media outlets for covering the border dispute between Somaliland and Puntland. In May, authorities arrested and briefly detained Abdirahman Kayse Mohamed of Bulsho TV and Mohamed Ahmed Jama of SBS TV for reporting on the conflict. SBS TV was subsequently suspended, along with SOMNews TV, on the grounds that they were involved in “political campaigns” and a “propaganda war.” SOMNews was ultimately reinstated in June, while SBS TV remained suspended at year’s end.

D2  0-4 pts

Are individuals free to practice and express their religious faith or nonbelief in public and private?  2/4

Islam is the state religion. The constitution allows for freedom of belief, but prohibits conversion from Islam and proselytizing by members of other faiths. Places of
worship must obtain government permission to operate, though there is no mechanism to register religious organizations.

D3  0-4 pts

| Is there academic freedom, and is the educational system free from extensive political indoctrination? | 2/4 |

Teachers and professors are often able to pursue academic activities of a political and quasi-political nature without fear of intimidation. While funds allocated for public schools are uneven across the regions, they are generally free from overt political manipulation.

D4  0-4 pts

| Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? | 1/4 |

While individuals can express themselves with relative freedom on political matters, remarks on sensitive social and cultural issues are increasingly subject to censure and retribution. A spate of arrests and convictions during the year for controversial social media posts has contributed to greater self-censorship online among residents. In April 2018, writer Mohamed Kayse Mohamoud was sentenced to 18 months in prison for “offending the honor of the president,” over a Facebook post that allegedly undermined President Bihi’s role as “a national president.” The president pardoned Mohamoud in June, leading to his release. Also in April, poet Nacima Abwaan Qorane was sentenced to three years in prison for defaming the government, over a Facebook post that called for unity with Somalia and referred to Somaliland as a “region.” Following an international outcry, Qorane was released by presidential pardon in May.

Score Change: The score declined from 2 to 1 due to a spate of arrests and prosecutions for social media posts on controversial topics, which has discouraged other users from expressing their views online.
E. Associational and Organizational Rights

E1  0-4 pts

| Is there freedom of assembly? | 1/4 |

The constitution allows for freedom of assembly, but organized public demonstrations are infrequent, and the authorities have sometimes employed violence to disperse protests. In May 2018, 57 protesters in Las Anod, in the disputed Sool region, were arrested for destabilizing security. The demonstrators were advocating for Somaliland to rejoin the federal government of Somalia.

E2  0-4 pts

| Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work? | 2/4 |

Local and international nongovernmental organizations often operate without serious interference, but such groups can face harassment for their work.

E3  0-4 pts

| Is there freedom for trade unions and similar professional or labor organizations? | 2/4 |

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

F1  0-4 pts
Is there an independent judiciary? | 2/4

Although some progress has been made in reforming the judicial system in recent years, the judiciary lacks independence, sufficient funding, and proper training. Judges are often selected on the basis of clan or political affiliation and are subject to interference from the government.

F2  0-4 pts

Does due process prevail in civil and criminal matters? | 2/4

Due process is observed unevenly. Poverty and political factors play a role in how cases are charged and investigated, and whether there is adequate and timely representation for the defendant. Both customary law and Sharia (Islamic law) are used alongside civil law, which complicates adherence to statutory procedure. In practice, police often engage in arbitrary arrests and hold detainees without charge for extended periods. Lawyers are frequently denied access to detained clients. Long delays in court cases are common. According to the Somaliland Human Rights Centre (HRC), of the nearly 5,600 criminal cases brought to court as of November 2018, over half were still pending at the end of the year.

F3  0-4 pts

Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? | 1/4

Somaliland’s police and security forces have been accused of using excessive force. Conditions for detainees at police stations are harsh and overcrowded. In the contested border areas of Sool and Sanaag, Somaliland’s security forces clashed with Puntland government forces throughout the year, killing dozens of troops on both sides and leaving thousands displaced. The fighting intensified after January 2018, when Somaliland forces took control of Tukaraq, a strategically important town in
Sool only 56 miles from Puntland’s capital. Tensions remained high at year’s end, and inflammatory rhetoric from both sides threatened to escalate the conflict further.

**G. Personal Autonomy and Individual Rights**

**G1 0-4 pts**

| Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? | 2/4 |

Freedom of movement is respected to some extent, but traffic between Somaliland and Puntland is restricted, and the Somaliland government limits travel to and from Somalia’s federal capital, Mogadishu. Individuals’ ability to relocate within the territory is impaired by clan divisions.

**G2 0-4 pts**

| Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? | 2/4 |
Individuals are able to own property and operate private businesses without undue interference from the government. However, land disputes are common, as tenure is often complicated by lack of documentation and inconsistencies among different legal systems and state authorities.

**G3  0-4 pts**

Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance?  

Personal social freedoms are constrained by a number of factors. Marriages between members of major and minor clans are stigmatized. The practice of female genital mutilation (FGM) is common. In February 2018, the Ministry of Religious Affairs released a religious edict banning one common type of FGM, but human rights groups criticized the edict for not fully prohibiting the practice.

Domestic violence remains a serious problem, and rape is rarely reported to authorities due to social pressures against such complaints. In April, the parliament passed the Sexual Offenses Bill, which criminalized many forms of gender-based violence, including rape. Under the legislation, rape is punishable with a prison sentence of up to 25 years. The bill’s passage was considered a major step forward for women’s rights. Although the president signed the bill into law in August, a number of clerics expressed strong opposition to the legislation, and it was subsequently sent to the Ministry of Religious Affairs for review. The review continued through the end of the year, delaying the law’s implementation and leaving its future uncertain.

**G4  0-4 pts**

Do individuals enjoy equality of opportunity and freedom from economic exploitation?  

The informal sector, including traditional pastoral activities, accounts for much of the economy, and many households rely on remittances from relatives working in other
countries. Trafficking in persons for forced labor or sexual exploitation abroad is a serious problem. Refugees from neighboring countries, including Yemen and Ethiopia, and internally displaced people, are also vulnerable to exploitation.

**On Somaliland**
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**Country Facts**

Global Freedom Score

41/100  Partly Free

**Other Years**

2020

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