Somaliland*

PARTLY FREE

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<td>Political Rights</td>
<td>19/40</td>
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<td>Civil Liberties</td>
<td>25/60</td>
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LAST YEAR’S SCORE & STATUS

40/100  Partly Free

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

* Indicates a territory as opposed to an independent country.
Ratings Change

Somaliland’s political rights rating improved from 5 to 4 due to the holding of a long-delayed presidential election.

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 serve well beyond their original mandates. Journalists face pressure from authorities, and police have employed excessive force and engaged in arbitrary detention. Minor clans are subject to political and economic marginalization, and violence against women remains a serious problem.

Key Developments in 2017

- In March, the upper legislative chamber, the Guurti, voted to further postpone the presidential election until November and the parliamentary and local elections until April 2019.
- The presidential election, originally due in 2015, proceeded in November. Ruling party candidate Muse Bihi Abdi won with 55 percent of the vote and took office in December.
- Harassment of journalists remained a problem, with the Somaliland Human Rights Centre (HRC) reporting that 25 journalists were detained during the year.

Political Rights

A. Electoral Process

<table>
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<tr>
<th>A1</th>
<th>0-4 pts</th>
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<td></td>
<td>Was the current head of government or other chief national authority</td>
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elected through free and fair elections?

The president is directly elected for a maximum of two five-year terms and appoints the cabinet. The electoral mandate of incumbent president Ahmed Mohamed Mohamoud “Silanyo” of the Peace, Unity, and Development Party (Kulmiye) expired in 2015, but the presidential election due that year was not held until November 2017. Bihi, the Kulmiye candidate, won the contest with 55 percent of the vote, followed by Abdurahman Mohamed Abdullahi of the opposition Wadani party with 40 percent and Faisal Ali Warabe of the For Justice and Development (UCID) party with 4 percent.

International monitors identified some irregularities in the process—including unstamped ballot papers and underage voting—and there was an outbreak of violence while results were being finalized, with police firing on pro-Wadani protesters amid suspicions of fraud. However, the observers concluded that such problems did not significantly affect the final result, which Wadani ultimately accepted in the public interest.

Score Change: The score improved from 0 to 3 because Somaliland held a competitive presidential election, ending a two-year period in which the chief executive lacked an electoral mandate.

A2  0-4 pts

Were the current national legislative representatives elected through free and fair elections?

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. Members of the current Guurti were chosen for an initial term in 1997, but due to a lack of legal clarity on how new 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.
The last lower house elections were held in 2005, and new elections due in 2010 have been repeatedly postponed since then. In March 2017, the Guurti voted to postpone House of Representatives elections until April 2019, along with local council elections that were last held in 2012.

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. International observers noted flaws in the voter registration process that preceded the 2017 presidential election.

The National Electoral Commission (NEC) consists of seven members, with two nominated by the president, two by the Guurti, and one each by the three registered political parties; all are then appointed through a majority vote in the House of Representatives. The NEC is generally considered impartial, but Wadani accused it of bias in the aftermath of the 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 subsequent national elections, and they compete freely in practice. The system is meant to encourage alliances across clan-based divisions, but clan and party affiliation are still 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 such handover at the presidential level occurring in 2010. Opposition forces continue to hold positions in the legislature and in subnational governments. Long-running election delays have impaired the ability of opposition parties to challenge incumbent leaders, but the presidential vote held in 2017 removed one important obstacle.

*Score Change: The score improved from 2 to 3 because the opposition was able to compete in the overdue presidential election.*

**B3** 0-4 pts

| Are the people’s political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapoliitical means? | 2/4 |

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. There were isolated reports of partisan violence and intimidation during the 2017 election period.

**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? | 2/4 |
Women and various clan groups formally enjoy equal political rights. However, the larger, higher-status clans tend to dominate political offices and leadership positions, marginalizing smaller and lower-status groups. Cultural barriers also limit women’s political participation, and only two women had seats in the House of Representatives in 2017. Women are generally excluded from the Guurti, as clan elders are traditionally men, though women have occasionally inherited seats from their husbands. The constitution requires that candidates for the presidency, vice presidency, and House of Representatives 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? | 1/4 |

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 eastern border regions of Sool, Sanaag, and a portion of Togdheer maintain a separatist administration known as the Khatumo State, over which Somaliland does not exercise full control.

Score Change: The score improved from 0 to 1 because an elected president took office, partially restoring the national leadership’s democratic legitimacy.

C2  0-4 pts

| Are safeguards against official corruption strong and effective? | 1/4 |

There are almost no institutional safeguards against corruption and nepotism. Former president Silanyo took some measures to combat corruption earlier in his tenure, but the anticorruption commission he created in 2010 has been largely
ineffective in recent years, and prosecutions of officials for malfeasance are rare. The government’s opaque 2016 decision to award a 30-year port management concession in Berbera to the Emirati company DP World raised concerns about corruption. Under a related agreement in 2017, the United Arab Emirates began construction of a military base near the port.

*Score Change: The score declined from 2 to 1 because the anticorruption commission and other mechanisms for combating graft have proven ineffective in recent years.*

**C3 0-4 pts**

<table>
<thead>
<tr>
<th>Does the government operate with openness and transparency?</th>
<th>2/4</th>
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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.

**Civil Liberties**

**D. Freedom of Expression and Belief**

**D1 0-4 pts**

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<tr>
<th>Are there free and independent media?</th>
<th>1/4</th>
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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, and in 2017 it obtained court orders to block several websites for allegedly carrying false news. Social media were blocked for several days after the presidential election. According to the HRC, a total of 25 journalists were detained during the year, though most were released without charges; one remained in prison as of December, serving an 18-month sentence for defamation and publishing false news.

**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 it prohibits conversion from Islam and proselytizing by members of other faiths. Places of worship must obtain government permission to operate, though there are no clear penalties for noncompliance, and there is no mechanism to register religious organizations. In 2017, citing pressure from Muslim leaders and residents, the government reversed an earlier decision to allow the reopening of the only Roman Catholic church in Hargeisa, the de facto capital, which had been closed for decades.

**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? | 2/4 |
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 from nonstate actors.

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. Shortly after the presidential election in November 2017, security forces used live ammunition against opposition supporters protesting alleged fraud, killing at least four people and injuring several others.

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. In February 2017, the leader of the HRC was interrogated by police, and its spokesperson was arrested, after the organization launched a petition for police reform. They were accused of defamation and disseminating false news. Activists gathering signatures for the petition also faced intimidation. The spokesperson was released and the charges were dropped after the HRC discontinued its campaign.

E3  0-4 pts

| Is there freedom for trade unions and similar professional or labor | |
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  o-4 pts

Is there an independent judiciary?  

2/4

The judiciary lacks independence, sufficient funding, and proper training. Judges are usually selected on the basis of clan or political affiliation and are subject to interference from the government. The chief justice appointed in 2015 has made some progress in reforming the judicial system.

F2  o-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 in use alongside civil law, which complicates adherence to statutory procedure. In practice, police often engage in arbitrary arrests and hold detainees without charge for longer than the legal limit of 48 hours. Lawyers are frequently denied access to detained clients.

F3  o-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, and any cases against them must be adjudicated in military courts, which contributes to impunity for abuses. Conditions for detainees at police stations are harsh and overcrowded. In the contested eastern border area, security forces have periodically clashed with local separatists or the forces of the neighboring Puntland region.

**F4 0-4 pts**

| Do laws, policies, and practices guarantee equal treatment of various segments of the population? | 2/4 |

Members of smaller, marginalized clans face societal discrimination, limited access to public services, and prejudice in the justice system. Clan connections play a critical role in securing employment. Women also suffer from inequality, including in the Sharia and customary legal systems. Same-sex sexual activity is a criminal offense, and LGBT (lesbian, gay, bisexual, and transgender) people generally do not acknowledge their sexual orientation or gender identity publicly.

**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?

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. Corruption is also a concern. In the wake of the 2016 agreement with the United Arab Emirates to develop the port of Berbera, publicly owned land in the area has allegedly been sold to wealthy investors or those with personal connections to officials.

**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. There is no law to address widespread domestic violence, and rape is rarely reported to authorities due to social pressures against such complaints. The practice of female genital mutilation is common, and no law prohibits it.

**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 are also vulnerable to exploitation within Somaliland.
On Somaliland
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Country Facts

Global Freedom Score
41/100 Partly Free

Other Years

2020

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