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Immigration and
Refugee Board of Canada

Commission de l'immigration
et du statut de réfugié du Canada

Somalia: Somaliland, including government structure, security, and access for internally displaced persons (IDPs) from Somalia

Somaliland, located in the northwest of Somalia, is a self-declared independent republic (*The Europa World Year Book* 2011; Human Rights Watch 2011). It officially seceded from Somalia in 1991, but has not been recognized by the international community (MRG 2010, 17; *The Guardian* 26 Aug. 2011).

Government and Administration

Somaliland has a directly elected president and a bicameral legislature (US 8 Apr. 2011 Sec. 3; Human Rights Watch July 2009, 16-17) comprised of a house of representatives and a house of elders (*ibid.*; ACCORD Dec. 2009, 5). Its 2010 presidential elections were deemed to be generally free and fair by international observers (Human Rights Watch 2011; US 8 Apr. 2011, Sec. 3). The United States (US) Department of State notes that while the 2002 Somaliland constitution is based on democratic principles, the region also uses laws enacted prior to 1991, and does not recognize Somalia's Transitional Federal Charter (*ibid.*, Sec.1.e). Somaliland's administrative institutions are considered to be generally functional (*ibid.*, Sec. 3; ACCORD Dec. 2009, 5; *The Guardian* 26 Aug. 2011). However, sources also note that the government's limited revenue, due in part to its ineligibility for international development assistance as an unrecognized sovereign state, limits its ability to provide basic public services (*ibid.*; Human Rights Watch July 2009, 12; Freedom House 2011).

A report published by the Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD) and based on a lecture by Joakim Gundel, a political analyst specializing in Somali studies, states that Somaliland does not consider itself a clan-based state (ACCORD Dec. 2009, 2, 5). The US Department of State notes that the

government allows for proportional clan representation (8 Apr. 2011, Sec. 3). However, Freedom House states that while political parties defined by region and clan are "technically prohibited ..., party and clan affiliations tend to coincide" (2011).

According to the Somaliland's Civil Society Stakeholders' Coalition for the Universal Periodic Review (UPR), an umbrella organization comprising eight local human rights and development organizations, the legal system in Somaliland is an unofficial mixture of formal law, Sharia law and Somali customary law (1 Nov. 2010, 2, 3), or *xeer* (ACCORD Dec. 2009). However, the Somaliland constitution states that Somaliland laws cannot violate the principles of Islamic law (Somaliland's Civil Society Stakeholders' Coalition for the UPR 1 Nov. 2010, 3; Freedom House 2011).

Security Situation

Human Rights Watch stated in 2009 that Somaliland was largely peaceful and had generally avoided "serious internal conflict" since 1996 (July 2009, 10-11). However, the United Nations High Commissioner for Refugees (UNHCR) registered concerns about the emergence of new rebel movements with links to Islamist militia groups in south-central Somalia (UN 2011). These movements allegedly oppose the secession of Somaliland from Somalia (ibid.). The regions of Sool and Sanaag, located between Somaliland and Puntland, are contested by the two governments, which has increased insecurity in the region (Human Rights Watch 2011; US 8 Apr. 2011, Sec. 3; UN 5 May 2010, 8).

In 2010, a separatist clan militia known as Sool, Sanaag and Cayn emerged, reportedly seeking independence for the region from both Somaliland and Puntland (US 8 Apr. 2011, Sec. 3) and opposing the Somaliland government's presence in the Sool region (*Garowe Online* 15 Sept. 2010). Human Rights Watch reports that clan-based fighting over resources in the region displaced thousands of civilians in June 2010 (2011). According to a Mogadishu-based news service, fighting between Somaliland and Puntland forces broke out in Sool in August 2011 and caused at least three deaths and seven injuries (Shabelle Media Network 10 Aug. 2011).

Human Rights Situation

Several sources report that freedom of the press is restricted in Somaliland and that journalists and others perceived to be critical of the government are harassed and detained (UN 5 May 2010, 25; ibid. 21 Feb. 2011, para. 42, 45; RSF 23 Sept. 2011; Human Rights Watch 2011). Media sources report, for example, that a journalist from the independent newspaper *Waheen* was beaten and detained for 10 hours by the Somaliland Police's Special Protection Unit on 10 September 2011, allegedly because of the newspaper's criticism of government officials (RSF 23 Sept. 2011; IFEX Clearing House 14 Sept. 2011).

Female genital mutilation (FGM) is illegal in Somaliland, but sources state that the laws prohibiting FGM are not enforced (UK July 2010, 29; US 8 Apr. 2011, Sec. 3; UN 5 May 2010, 26). The Somaliland Civil Society Coalition for the UPR states that 99.5 percent of girls in Somaliland have undergone FGM (1 Nov. 2010, 5). Additionally, laws prohibit rape, but are reportedly not enforced (US 8 Apr. 2011, Sec. 3; UN 21 Feb. 2011, para. 20). Although the crime frequently goes unreported (US 8 Apr. 2011, Sec. 3), the US State Department notes that some rape cases were prosecuted in 2010 (ibid.). It also reports that gang rape is a particular problem in urban and poor areas populated by immigrants and displaced persons, and that it is largely perpetrated by "youth gangs, members of police forces, and male students" (ibid.).

Stakeholder submissions to the UN Human Rights Council working group on the UPR in 2011 attest that women are excluded from decision-making processes due to patriarchal social structures and that they have limited access to justice; conflicts involving women are often resolved by men through traditional mechanisms (UN 21 Feb. 2011, para. 20, 34; see also Somaliland's Civil Society Stakeholders' Coalition for the UPR 1 Nov. 2010, 4). In some cases, this results in rape victims being forced to marry the perpetrator (UN 21 Feb. 2011, para. 20).

According to a stakeholder submission to the UN Human Rights Council, a Human Rights Commission has been formed in Somaliland, but its mandate is unclear and it is not independent of political influence (ibid., para. 8). Minority Rights Group International (MRG) also notes that limited action by the Human Rights Commission has contributed to minority groups' vulnerability to human rights abuses (2010, 17).

Access and Admission to Somaliland

The UNHCR reports that 67,000 internally displaced persons (IDPs) were living in Somaliland at the end of 2009 (5 May 2010, 2). Sources indicate that Somaliland authorities admit to the territory only those individuals who originate from Somaliland or belong to a clan traditionally based in the territory (UK July 2010, 7; UN 5 May 2010, 9). The United Kingdom (UK) Border Agency notes that this generally includes those affiliated with the Isaaq clans (UK July 2010, 7). Additionally, the UNHCR reports that IDPs who are unable to prove their Somaliland clan affiliation may be detained or deported (5 May 2010, 9).

However, the Somaliland Civil Society Coalition for the UPR states that the Government of Somaliland does not have an official policy of accepting displaced Somalis, although it does consider them to be refugees and not IDPs (1 Nov. 2010, 6). In September 2011, the government of Somaliland gave notice to undocumented migrants to leave the territory within a month (UN 14 Sept. 2011; *Garowe Online* 5 Sept. 2011). The approximately 80,000 migrants targeted for deportation were reportedly primarily of Ethiopian origin; authorities stated that registered refugees and internally displaced Somalis were not being targeted for deportation (UN 14 Sept. 2011).

The UK Border Agency noted in 2010 that the main form of transportation between Somaliland and south-central Somalia is by truck, although flights exist between Mogadishu and Hargeisa (Somaliland); there are also taxis and 4x4 vehicles travelling between major towns in Somaliland and Puntland (July 2010, 7). However, in September 2011, the Transitional Federal Government (TFG) of Somalia reportedly banned Somali citizens from illegally immigrating to other countries (ALLAfrica 8 Sept. 2011; Radio Shabelle 7 Sept. 2011). Media sources report that the TFG announced that it had stopped at least 21 Somali youth from flying from Mogadishu to Boroma, Somaliand, en route to Yemen (ibid.).

Treatment of Foreigners, Including Internally Displaced Somalis

Minority Rights Group International states that the Somaliland government considers Somalis from Puntland or south-central Somalia to be "foreigners" (MRG 2010, 17), a statement corroborated by the Representative of the UN Secretary-General on the human rights of IDPs (UN 21 Jan. 2010, para. 47). According to Somaliland's citizenship law, citizenship is conferred only through the father, and can only be acquired by descendants of those who resided in the territory of Somaliland prior to 1960 (Somaliland 2002).

ACCORD notes that IDPs from south-central Somalia who do not belong to a majority clan in Somaliland can attain "a limited level of physical protection" from indiscriminate shelling and becoming victims of fighting (Dec. 2009, 23). However, sources show that IDPs and non-majority clan members in Somaliland have limited access to services and protections, and that they are particularly vulnerable to human rights abuses (UN 5 May 2010; ACCORD Dec. 2009, 23; UN 21 Feb. 2011, para. 68; ibid. 21 Jan. 2010, para. 47, 49). This is attributed in part to the loss or lack of traditional clan protection (ibid. 21 Jan. 2010, para. 48; ibid. 5 May 2010, 3). The UNHCR explains, further, that due to the dominance of the xeer system, foreigners are effectively excluded from access to justice through traditional mechanisms (ibid., 25). Additionally, southerners are reportedly treated with suspicion by locals and considered to be "threats to the peace" (ACCORD Dec. 2009, 24).

The Representative of the UN Secretary-General on the human rights of IDPs notes that IDPs primarily live in settlements alongside returned refugees, asylum seekers, and the

urban poor (UN 21 Jan 2010, para. 20). Sources report that IDPs cannot acquire property and are at risk of paying exorbitant rent (ibid., para. 47, 49) or of being forcibly evicted (ibid., para. 49; ibid. 5 May 2010, 35; ibid. 21 Feb. 2011, para. 68). They reportedly lack access to basic services such as food, water, shelter, health care, and education (ibid. 21 Jan. 2010, para. 49; ibid. 21 Feb. 2011, para. 71). There is a lack of employment opportunities for them since they are excluded from accessing public employment (ibid. 21 Jan 2010, para. 47).

Additionally, the ACCORD's summary of Joakim Gundel's comments indicates that Somalis who relocate from one area to another lose their livelihood and find it difficult to find employment (ACCORD Dec. 2009, 24). There is an identified risk of forced labour (UN 5 May 2010, 35) and the economic exploitation of children (ibid. 21 Jan 2010, para. 49). Physical insecurity, including vulnerability to rape, sexual and gender-based violence (ibid.), robbery, and harassment (ibid. 5 May 2010, 25) have also been identified as a concern.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

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