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Freedom in the World 2012 - Somaliland

2012 Scores

Status: Partly Free
Freedom Rating: 4.5
Civil Liberties: 5
Political Rights: 4

Overview

Somaliland celebrated the twentieth anniversary of its declaration of independence from Somalia in May 2011, though international recognition of its claims for statehood remained elusive. Relations with neighboring Puntland deteriorated following heavy fighting in a contested border area.

The modern state of Somalia was formed in 1960 when the newly independent protectorates of British Somaliland and Italian Somaliland agreed to unite. In 1969, General Siad Barre seized power, ushering in a violent era of clan rivalries and political repression. Barre was deposed in 1991. The current Somaliland, largely conforming to the borders of the former British Somaliland in the northwestern corner of the country, took advantage of the resulting political chaos and declared independence later that year.

In a series of conferences, Somaliland's leaders formed a government system combining democratic elements, including a parliament, with traditional political structures, such as an upper house consisting of clan elders. Somaliland's first two presidents were appointed by clan elders. In 2003, Dahir Riyale Kahin became Somaliland's first elected president, and direct elections for members of the lower house of parliament were held for the first time in 2005, with no reports of widespread intimidation or fraud. The president's United People's Democratic Party (UDUB) captured the most seats, followed closely by the Peace, Unity, and Development Party (Kulmiye) and the Justice and Development Party (UCID).

In 2006, Riyale violated the constitution by postponing elections for the upper house and extending its term by four years. The presidential election was repeatedly delayed, until June 2010, eight months after Riyale's extended term officially expired. The leader of Kulmiye, Ahmed Mohamed Silanyo, captured almost 50 percent of the vote, comfortably ahead of Riyale, who received 33 percent. Monitors from Europe and the United States identified some irregularities, but declared the vote to have been free and fair. While the presidential elections were a success, long overdue legislative elections were postponed once again in September 2010, and had yet to be held by the end of 2011.

Somaliland's democratic progress and steady economic development added impetus to its campaign for international recognition. Hopes were raised when South Sudan was granted independence in July 2011, which was seen by many in Somaliland as an important precedent. But formal recognition remained elusive, and international partners continued to express their preference for a united Somalia.

Somaliland has had difficult relations with the rest of Somalia, particularly the autonomous region of Puntland. The two neighbors have rival claims to the Sool, Sanaag, and Cayn regions, currently under the control of Somaliland. In February 2011, clashes between Somaliland's military and a pro-Puntland militia led to the deaths of at least 30 people and the displacement of over 3,000. Approximately 150 soldiers from Somaliland's army defected in protest of the operation, which they said was directed at members of their sub-clan. The Puntland president accused Somaliland of massacring civilians and harboring terrorists from the Shabaab, a radical Islamist militant group that controlled parts of southern and central Somalia. In August, a court in Puntland sentenced four Somaliland officials from Sool to 10 years for political sabotage.

The most devastating drought to hit the Horn of Africa in six decades caused serious hardship in Somaliland, though the authorities responded fairly well to the crisis, assisted by international aid organizations.

Political Rights and Civil Liberties

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 the smooth transfer of power from the UDUB party to the main opposition party Kulmiye. Members of Somaliland's 82-seat lower house of parliament, the House of Representatives, are directly elected for five-year terms, while members of the 82-seat upper house (Guurti) are indirectly elected by local communities for six-year terms. Both houses extended their terms in September 2010, arguing that Somaliland could not organize another election so soon after the presidential poll. The Guurti voted to increase its term by another three years in addition to the four it had already been granted. The House of Representatives, whose term was supposed to expire in December 2010, gave itself an extension of two years and eight months.

A constitutional restriction that allowed for a maximum of three political parties was relaxed in 2011 following a vote in parliament. The new multiparty law was criticized for excluding anyone under the age of 36 from forming a new party. In August, Somaliland's interior minister resigned, reportedly to launch a new opposition movement. In October, a new party, Waddani, was formed by breakaway members of the UCID party. Although parties defined by region or clan are technically prohibited, party and clan affiliations tend to coincide.

Corruption in Somaliland was a serious problem under the government of President Dahir Riyale Kahin, but there are signs of improvement under his successor. President Ahmed Mohamed Silanyo has set up an anticorruption commission, and efforts have been made to crack down on the misuse of public funds. In August 2011, two public officials were given prison sentences of five years each for misappropriating money.

While freedoms of expression and the press are guaranteed by Somaliland's constitution, these rights are limited in practice. It is not acceptable for citizens to express views in support of union with Somalia. Journalists faced increased interference and harassment in 2011 despite the new government's pledge to uphold press freedom. The editor of the daily newspaper *Waheen* was jailed for three years in January after being found guilty of defaming two senior officials he accused of nepotism; he was pardoned a month later. In September, a *Waheen* reporter was arrested and detained without charge for one week after publishing a story about a political dispute involving a regional governor. The security forces prevented journalists from attending public events, attacking a reporter who tried to cover the swearing-in of the new interior minister in September. In October, a television reporter was beaten by police in Hargeisa, who took exception to some photographs he had taken. Defamation charges were filed against the Somaliland Journalist Association after it condemned the decision to temporarily suspend the registration of new private media outlets, and its chairman was arrested and briefly

detained in December. The government owns the only radio station in Somaliland, Radio Hargeisa, and prohibits the establishment of private stations. There are seven private daily newspapers in Somaliland in addition to the state-owned *Mandeeq*, although they have limited circulations. The government does not restrict access to the internet.

Nearly all Somaliland residents are Sunni Muslims, and Islam is the state religion. Proselytizing by members of other faiths is prohibited. Academic freedom in Somaliland is less restricted than in neighboring Somalia. The territory has at least 10 universities and colleges of higher learning, although none are adequately resourced.

Freedoms of assembly and association are constitutionally guaranteed. International and local nongovernmental organizations (NGOs) operate without serious interference. However, concerns were raised about a new NGO Act, signed into law in May 2011. International NGOs complained that a provision compelling them to partner with local organizations would limit their effectiveness given the lack of technical expertise on the ground. They also expressed unease that the new law could open the way for increased government interference in the delivery of humanitarian aid. The constitution does not specifically mention the right to strike, though it does permit collective bargaining. The right to belong to a union is generally respected, though there was one arrest of a union leader in 2011.

Somaliland's constitution allows for three legal systems, based on Sharia (Islamic law), civil law, and customary law. The Riyale government bypassed the courts and used secret security committees to try many defendants without due process. Upon taking office, Silanyo pledged to uphold the rule of law, 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. The president followed through on that promise in May 2011, when 751 prisoners were pardoned to mark Somaliland's twentieth anniversary. Somaliland arrests approximately 200 children each month, who are often detained with adults and tried in the adult criminal justice system, in violation of a 2007 juvenile justice law.

The judiciary is underfunded and lacks independence, while the Supreme Court is largely ineffective. Somaliland has approximately 100 judges, most of whom do not have formal legal training. Silanyo fired the chairman of the high court and eight high court judges in June 2011, accusing them of nepotism and corruption. Somaliland's police and security forces, while more professional than those in Somalia, have at times used excessive force. For example, in October, police fired on civilians protesting their forceful eviction from a site in Hargeisa, killing one and injuring three.

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. There has been increased discrimination against foreigners. In September 2011, the government threatened to expel all unregistered foreigners within a month. In Sool, where outsiders have been blamed for fomenting disorder, the authorities in October rounded up and deported 100 internally displaced people who had fled famine-affected areas of southern Somalia.

While society in Somaliland is patriarchal, women have made modest advances in public life. Silanyo appointed two women to his 20-member cabinet. There are two women in the House of Representatives, one woman in the Guurti, and a woman was elected chairperson of the Somaliland Human Rights Commission. Female genital mutilation, while illegal, is practiced on the vast majority of women.

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