

## 5.1.2. Authorities of Somaliland

### COMMON ANALYSIS

Last update: June 2022

*\*Minor updates: August 2023*

The authorities of Somaliland dispose their own legislative, executive and judiciary branches.

Despite some issues experienced by the Somaliland armed forces, such as limited resources and accessibility to more remote areas, they have managed to deny Al-Shabaab a foothold in the area [[Actors](#), 7.7.1., p. 110].

Justice provision in Somaliland operates similarly to that in the rest of Somalia, whereby it combines statutory courts with both xeer and Sharia. All three systems are recognised by the Constitution of Somaliland. [[Actors](#), 7.7.4., p. 113]

In Somaliland, defendants generally enjoyed a presumption of innocence and the right to a fair trial. Somaliland doubled the number of (statutory) judges in less than a decade and has introduced mobile courts to deal with the access to justice for rural areas harder to reach. Other positive developments have been the rollout of mobile courts to each region of Somaliland, and the appointment of female prosecutors and court registrars. However, a number of issues still affect (statutory) justice in Somaliland, such as lengthy legal procedures, high legal fees, shortage of trained judges and lawyers, limited presence in rural areas and nomadic communities of judiciary institutions, low implementation of court decisions and widespread allegations of corruption. It was reported that Somaliland residents often opted for either xeer or Sharia to avoid the high fees for lawyers and to find a resolution in a matter of days rather than wait for several weeks to be heard by a statutory court. [[Actors](#), 7.7, pp. 114-115]

Approximately 30% of all cases arbitrated in Somaliland are resolved through Sharia courts and Islamic scholars.

Restrictions to access to customary justice for children and women apply also in Somaliland. See more information under [5.1.1. The Somali State](#) and sub-profile [3.13.1. Violence against women and girls: overview](#).

Minority group members often lack protection by the authorities [[Targeting](#), 4.1., p. 66].

It can be concluded that the authorities of Somaliland, in areas under their control, may, depending on the individual circumstances of the case, be considered able and willing to provide protection that meets the requirements of Article 7 QD. In disputed areas between Somaliland and Puntland, the criteria under Article 7 QD would generally not be met.

When assessing the availability of protection by the authorities of Somaliland, individual circumstances such as home area, age, gender, clan, social and economic situation, actor of persecution and type of human rights violation must be taken into account. Protection by the Somaliland authorities is generally not considered available for members of minority groups, LGBTIQ persons and women, especially in cases of sexual and gender-based violence.

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See other topics concerning the State as an actor of protection:

- [5.1.1. The Somali State](#)
- *5.1.2. Authorities of Somaliland*

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