

Somaliland

Country context: the Somaliland National Human Rights Commission's 2023 Annual Report shows an increase of 22.8% of rape cases in 2023. The report further indicates 752 reported rape cases in 2023, of which only 271 were reported to the prosecution office, suggesting that 63.9% of cases were resolved outside the formal judicial system.

Regional laws ratified

- Somaliland is not internationally recognised as a sovereign state and therefore cannot formally ratify treaties.
- **Constitution of the Republic of Somaliland, 2001** affirms compliance with treaties formerly signed by Somalia, provided they do not conflict with Somaliland's interests. Based on this, the only instrument which applies is the **African Charter on Human and Peoples' Rights**, which was ratified by Somalia on 31 July 1985.

National legislation

Constitution of Somaliland, 2001

- Affirms equality of all citizens before the law.
- Guarantees personal security and prohibits torture or mutilation.
- Mandates the State to protect women's rights and dignity, but allows interpretation within Islamic Sharia principles.

Penal Code, 1962

- Criminalises rape with a penalty of 5–15 years' imprisonment.
- Criminalises abduction for purposes of marriage with a penalty of 1–3 years.

Pending legislation

Rape, Fornication/Zina and Other Related Offences Bill (Bill No. 78/2020)

- Currently awaiting approval in the **Guurti (Upper House)**.
- Criminalises rape
- **Penalty:** death or 5–15 years' imprisonment; 10–20 years if the survivor is a child or vulnerable person.
- Establishes offences of gang rape, sextortion, sexual harassment, forced marriage, and sex trafficking.
- Permits forgiveness or blood-money settlements by families.

Policy framework

Somaliland National Child Protection Policy, 2015

- Calls for the prohibition of GBV, child marriage, and FGM.
- Promotes coordinated legal and social protection responses for children.

Somaliland National Anti-FGM Policy, 2024

- Declares zero tolerance for all forms of FGM.
- Commits to awareness and prevention efforts.

Support mechanisms

- **Ministry of Labour, Social Affairs and Family (MOLSAF):** coordinates protection services for survivors of GBV.
- **Legal aid and psychosocial support:** offered by local NGOs and international partners; available mainly in Hargeisa and major towns.
- **Safe houses and medical services:** operate in urban areas but remain limited or absent in rural regions.

Legal gaps and implementation challenges

- The Rape and Zina Bill undermines survivor protection by criminalising consensual sex and permitting forced marriage and family settlements for rape cases.
- There is no national FGM ban, resulting in the FGM prevalence remaining extremely high.
- Customary (Xeer) justice dominates, often resolving rape cases through clan compensation or forced marriage.
- Police and judiciary often lack training, and GBV services are unevenly distributed, limiting access to justice and protection, especially in rural areas.

Scan to learn more about laws and protections on ending violence against women and girls in Somaliland.

