

Opinion – Human Rights Concerns as Somaliland Seeks International Recognition

Written by Jama Kayse

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JAMA KAYSE, JAN 13 2025

Somaliland, a self-declared nation in the Horn of Africa, prides itself on being a democratic state that holds regular elections and maintains stability in a tumultuous region. Subsequent governments in Somaliland intensified attempts to attain global recognition by persistently showcasing the region's beneficial attributes and its unique position. However, human rights violations in Somaliland may undermine the region's plea for legitimacy, perhaps hindering its ambitions to gain recognition from Western liberal democracies. This article highlights human rights abuses in Somaliland, particularly the restrictions on freedom of religion or belief and the protracted jail terms inflicted on gay men, which could potentially impede the nation's long-awaited recognition.

Somaliland unilaterally declared its independence following the collapse of Somalia's central government in 1991. Since then, Somaliland has been seeking global recognition, contending that it meets all statehood criteria outlined in the Montevideo Convention, including a permanent population, defined territory, and a functioning government, in addition to maintaining peace and conducting regular democratic elections effectively. Despite its compelling arguments, the international community has not yet endorsed Somaliland's request for international recognition.

In recent weeks, however, reports have emerged suggesting that the upcoming Trump administration may recognize Somaliland as an independent nation due to its strategic location along the Gulf of Aden and the Red Sea. In 2023, McPherson-Smith and Jendayi Frazer coauthored a paper arguing that Somaliland satisfies the four Kosovo conditions that resulted in U.S. recognition of Kosovo. Their analysis concluded that the similarities between Somaliland and Kosovo justify United States acknowledgment of Somaliland's independence. Additionally, Representative Scott Perry recently introduced a bill in the US House of Representatives for the recognition of Somaliland as a state.

These speculations provoke a debate among Somalis, dividing separatists and unionists about the issue of Somaliland's potential international recognition. Proponents of unity argue that Somaliland is an essential part of Somalia, thereby opposing any likelihood of independence. Particularly since the signing of the contentious Memorandum of Understanding between Somaliland and Ethiopia in January 2024, the Federal Government of Somalia views separatism as an existential threat to its sovereignty and security. Furthermore, different clans residing in Somaliland possess differing perspectives on separatism and statehood. The predominant Isaaq clan favors Somaliland's independence, although other notable clans, including the Dhulbahante, Warsangeli, and certain segments of Dir, have demonstrated considerable hesitation.

While the supporters of Somaliland's independence remain optimistic regarding its potential recognition, it seems that any efforts to promote it may encounter obstacles. Violations of human rights and restrictions on fundamental freedoms, including freedom of opinion, speech, and religion, might pose major barriers to Somaliland's pursuit of recognition from Western liberal democracies. As an individual who underwent arrest on charges of apostasy, I intend in this article to draw attention to the injustices perpetrated by the former Somaliland administration, particularly the violations of the freedom of religion or belief and the prolonged prison terms for homosexuals, which remain unaddressed locally.

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The International Bill of Human Rights documents collectively form the core international legal framework protecting freedom of religion or belief, guaranteeing the right to choose, change, and manifest one's beliefs without coercion or discrimination, urging nations to resist such intolerance and to foster understanding and respect for FoRB. Somaliland disregards this essential human right. The Somaliland Constitution is based on Islamic shariah and does not safeguard the rights of religious minorities. Article Five of the Somaliland Constitution declares Islam as the sole recognized religion in the country and prohibits the promotion or practice of any other faith. Although the constitution acknowledges the provision of religious freedom in Article 33, it clearly references Sharia law, which categorically prohibits conversion to another faith, thereby signifying the country's prohibition of such conversion!

The lack of official statistics makes it challenging to determine the number of religious minorities in Somaliland. The majority of Sunni Muslims in Somaliland disregard religious minority groups and beliefs, including Christians, atheists, and even Shi'a Muslims. In recent years, the number of atheists and individuals with secular beliefs has increased among Somalis, with Somaliland potentially holding a significant share of this population. One source estimates the existence of approximately 1.2 million Somali atheists engaged on social media. In 2019, a university lecturer in Somaliland faced arrest for questioning the effectiveness of prayer to God as a drought remedy in a Facebook post.

Concerning Christians, their precise number in Somaliland is also currently unknown. Somali Bible Society claims that there are several thousand Christian adherents in Somaliland. Since 2020, the former Muse Bihi administration in Somaliland has carried out anti-Christian operations and detained individuals accused of converting to Christianity. Authorities apprehended a countless number of Christians, including nationals from Somaliland and Ethiopia. In February 2021, officials detained me and others on allegations of apostasy and promoting Christianity without providing evidence or due process, resulting in a six-month imprisonment. In 2022, courts in Somaliland, located in Hargeisa, Gabiley, and Berbera, convicted three individuals (two women and one man) and imposed jail sentences ranging from three to seven years for leaving Islam. Even though the government of Somaliland released all individuals detained and charged with religious offenses because of international advocacy pressure, it has not amended its laws on freedom of religion or belief, thereby exposing those who choose to renounce Islam to potential imprisonment and punishment.

Likewise, Somaliland forbids expatriates from publicly practicing their religion and constructing churches and places of worship. This does not imply that the government opposes the reopening of churches, as Somaliland allowed the Catholic Church in Hargeisa to resume operations in 2017 but closed its doors shortly after protests against its reopening emerged. Prominent Islamists, like Sh. Mohamed Omer Dirir, justified their position on the church's closure by referencing Muslim jurists who supported the destruction of old church structures instead of the establishment and consecration of new ones. As a result, Somaliland's minister of religion at the time, Sh. Khalil, stated that the government has decided to permanently close the church due to considerable controversy. Jim Shannon, a member of the UK Parliament, rightly contested Gavin Williamson's proposal to recognize Somaliland, arguing that "human rights guarantees and religious freedom must be central to any agreement."

In addition to imposing restrictions on religious freedom and punishing individuals who deviate from Islam, Somaliland arrested a significant number of gay men in recent years, and many of them received long prison sentences. Article 409 of the Somali Penal Code, which Somaliland adopted, criminalizes same-sex relationships and exposes individuals who identify as LGBT+ to societal shame and persecution. While in jail, I encountered individuals incarcerated because of their sexual orientation. When I appeared in court as a defendant, Abdi Qawdhan, the presiding judge of the Marodi Jeh regional court at the time, told me that the court handles more severe cases related to homosexuality than those involving religious offenses and apostasy. Similarly, the Somaliland Upper Chamber (*Guurti*) initiated a discourse to deal with the rising number of such cases, acknowledging the imprisonment of forty individuals at that time in Somaliland's correctional facilities. This demonstrates that Somaliland's persecution in these matters is irreconcilable with western liberal democracies that uphold individual rights, including LGBT+ rights.

In summary, while Islamist terrorists have ravaged the conflict-ridden southern regions of Somalia, Somaliland has attained peace and relative stability, necessitating international recognition. Although Scott Perry's bill and other

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policy suggestions advocating for “the recognition of Somaliland statehood” are commendable for their potential to aid the US in advancing its strategic interests in the region, it is also crucial for the US to maintain a balance between its commitment to human and minority rights and its strategic and security priorities, with a primary emphasis on religious freedom. This implies that Somaliland’s recognition could depend on the cessation of all human rights abuses. Accordingly, Somaliland must seriously confront these human rights violations and guarantee the release of persons imprisoned for personal matters that do not contravene laws designed to uphold public order. The newly elected president, Abdirahman Irro, and his administration should consider implementing policy modifications to enhance the protection of the indivisible human rights while recognizing contextual and cultural limitations.

About the author:

Jama Kayse is the founder of a non-governmental humanitarian and developmental entity based in Somaliland. He possesses degrees in development and a BTh in Christian-Muslim Relations from Makene Yesus Seminary in Ethiopia, and a Master’s degree in International Relations and Global Studies from New Generation University College.