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Actors of protection

GUIDANCE NOTE
Last update: August 2023

The State

The Somali State

The Somali multi-faceted justice system is still experiencing significant weaknesses and is unable to effectively detect, prosecute and punish acts that constitute persecution or serious harm. Furthermore, law enforcement is continuously challenged by the different conflicts taking place in **South-Central Somalia and Puntland**, including the conflict with Al-Shabaab. Therefore, it can be concluded that, in general, the Somali State would not be considered an actor of protection meeting the criteria under Article 7 QD.

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Authorities of Somaliland

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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Parties or organisations, including international organisations

Al-Shabaab

The lack of due process and the nature of the punishments would not qualify the parallel justice mechanism operated by Al-Shabaab as a legitimate form of protection. Further taking into account its record of human rights violations, it can be concluded that Al-Shabaab does not qualify as an actor of protection who is able to provide effective, non-temporary and accessible protection.

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Considerations on clan support

Most Somalis rely on support from patrilineal clan relatives. Clans can provide different forms of support for their members.
Under the *xeer* system, clan elders act as mediators or arbiters, and play a central role in the resolution of local and intra-clan disputes.

The support provided by clans in Somalia cannot be considered as meeting the requirements of Article 7 QD.

Read more in the common analysis

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