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5.1. The State

COMMON ANALYSIS
Last update: October 2025

5.1.1. The Somali State

The analysis below is based on the following EUAA COI reports: Security 2025, 1.1., 1.2. , 1.2.3., 1.3., 1.5., 2.6.2.; Actors 2021, 2.1., 2.3., 2.3.1., 2.3.2., 2.3.4., 2.4., 2.4.3., 3.2., 5.1., 5.2., 7.6., 7.6.1., 7.6.2., 7.6.4., 7.7.4.; Country Guidance should not be referred to as a source of COI.

Somalia is a Federal State, composed of the FGS and several FFMS, which include both state and local governments. The country's political and governance structures were reported fragmented, with overlapping responsibilities between federal and state authorities. The judiciary, composed of constitutional, federal, and state-level courts, was constitutionally independent but practically compromised by political interference, clan influence, corruption, and resource limitations.

Puntland developed significant institution-building and governance mechanisms, and it demonstrated the most advanced (formal) judicial infrastructure among the FMS. However, it was still affected by security, humanitarian, political, and socio-economic challenges, such as tensions with FGS, clashes with Somaliland, Galmudug, ISS and Al-Shabaab, and clan rivalries. As from 31 March 2024, Puntland does not recognise the FGS.

The Somali justice system relied heavily on three co-existing mechanisms: the official state justice system, customary law (xeer), and Sharia courts. Most Somalis resolved disputes through customary systems. Over 80% of civil and criminal cases were handled outside the formal system due to greater accessibility, perceived fairness, and

enforceability. However, major issues undermined the statutory justice system, including chronic underfunding, lack of qualified personnel, and poor enforcement of court decisions. Corruption and clan political influence frequently obstructed the fair administration of justice.

Moreover, access to justice was reported deeply unequal. Women and children faced cultural and legal restrictions, especially within the *xeer* system, which they could only access through a male representative. Sharia courts offered somewhat better access for women, but patriarchal norms still dominated. Minority groups were particularly vulnerable, often lacking effective access to either customary or statutory justice mechanisms. These groups faced marginalization based on clan status and economic disadvantages, further diminishing their ability to seek protection or redress.

Somalia’s state security architecture remained fragmented and weak. The FGS struggles to assert authority over the FMS, many of which act independently, with overlapping or competing mandates. Most FMS security forces remained under-resourced, factionalised, or politically manipulated. The SNA faced capacity issues due to poor training, insufficient equipment, and infiltration by Al-Shabaab. Key security agencies, like NISA were undermined by Al-Shabaab infiltration and political manipulation. Notably, special units like Danab and Gorgor, often supported by foreign allies such as the US, conducted the bulk of counterterrorism operations.

Within the FMS, Puntland's state police was the only functioning police service. However, paramilitary forces like the PMPF and PSF operated autonomously and were heavily involved in internal politics and clan disputes, operating outside Somalia’s national constitutional framework.

International forces, such as AUSSOM and AFRICOM also contributed to Somalia’s security, despite their limited effectiveness due to underfunding, mandate restrictions, and logistical challenges. Although the U.S. military resumed operations in Somalia in 2022, international efforts have not resulted in a coherent, sustainable security or justice system.

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/QR.

○ 5.1.2. Authorities of Somaliland

The analysis below is based on the following EUAA COI reports: Actors 2021, 7.7., 7.7.1, 7.7.4.; Targeting 2021, 4.1.; Country Guidance should not be referred to as a source of COI.

The authorities of Somaliland dispose their own legislative, executive and judiciary branches and have generally maintained control over their territory, successfully preventing Al-Shabaab from establishing a presence. The justice system integrates statutory courts, customary law (xeer), and Sharia, all recognised under Somaliland's Constitution. While steps have been taken to improve access to justice -including doubling the number of judges, introducing mobile courts, and appointing female legal professionals- challenges remained. These included lengthy procedures, high legal fees, a shortage of legal professionals, limited rural access, poor enforcement of court rulings, and corruption. Many residents preferred the competence of xeer or Sharia courts for quicker and more affordable resolutions. Even though fair trial rights are generally respected, women, children, and minority groups still faced restrictions in accessing justice, especially within customary systems.

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.

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/QR. **In disputed areas between Somaliland and Puntland**, the criteria under Article 7 QD/QR **would generally not be met**.

Protection by the Somaliland authorities is generally not considered available for members of minority groups, persons with diverse SOGIESC, children and women, including girls, especially in cases of sexual and gender-based violence.

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