



## Somalia: Situation for homosexuals

- What is the penalty framework for homosexual acts in Somalia?
- How is the law practiced?
- What are the attitudes towards homosexuals in Somalia?

### Homosexuality in Somalia – a taboo subject

Homosexuality is a taboo subject in Somalia, as it is widely considered by the population to be in conflict with Somali culture and Islam. It is not uncommon to claim that homosexuality comes from outside and that it is due to unfortunate influences from the West.

Like most countries in Africa, homosexuality in Somalia is more often understood as a pattern of behaviour than a matter of identity. This means that the percentage of people who experience same-sex attraction and who also identify as homosexual is considerably lower than in our part of the world (Landinfo 2006). The reason for this is that the understanding of one's own sexuality is influenced by the general attitudes towards sexuality in Somali society. It is a common belief that homosexual acts are sinful, lead to religious perdition and bring shame on oneself and the social and familial communities one is part of (for example, see Ahmed 2021, p. 33-41; Hunt, Connor, Ciesinski, Abdi & Robinson 2018).

### Selection of sources

The U.S. Department of State reports that there are no known organisations that work with LGBT rights in the country and that there are few reported incidents of violence or discrimination (U.S. Department of State 2021, p. 36-37). In Landinfo's assessment, the absence of such reports is due to the fact that the heavy stigma associated with homosexuality prevents the topic from having any place in the public sphere (other than in condemnatory terms). There is thus very little available source material other than reports with a general scope and testimonies from individuals describing the living conditions of homosexuals or other sexual minorities in Somalia.

Available sources that can help paint a picture of the situation for homosexuals in Somalia and society's attitudes towards them mainly consist of news articles

linked to individual cases (BBC 2020; Bennett-Smith 2013; Guled 2017; Jama 2003) and studies conducted in Somali diaspora environments (Ahmed 2021; Hunt et al. 2018).

## **Homosexual acts are prohibited by law**

Homosexual acts are prohibited under Article 409 of the Somali Penal Code of 1962 and carry a sentence of three months to three years in prison.<sup>1</sup>

The Somali judiciary has a very limited capacity and is characterised by corruption. Many people prefer to instead use the clans' common law or Sharia courts. There is very little information that can shed light on anything relating to sentencing of persons accused of homosexual acts in any of these agencies other than a few cases where al-Shabaab-controlled Sharia courts have issued death sentences.

## **Execution of homosexuals by al-Shabaab**

In areas controlled by al-Shabaab, a far-reaching interpretation of Islamic *hudud* penalties<sup>2</sup> is practised where same-sex intercourse can be punished by stoning to death (Skjelderup 2014). In recent years, international media sources have reported on two cases in which men have been publicly executed by al-Shabaab for homosexual activity.

- In January 2017, al-Shabaab announced that they had carried out public executions of a 15-year-old boy and a 20-year-old man for homosexual intercourse in the city of Buale in Middle Juba (Guled 2017).
- In March 2013, several media sources reported that an 18-year-old man had been stoned to death in Barawa in Lower Shabelle after having been found guilty of homosexual intercourse by al-Shabaab. An article in the Huffington

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<sup>1</sup> Somaliland declared its independence from Somalia in 1991, but still applies the Somali Penal Code of 1962 (Somaliland Law, n.d.).

<sup>2</sup> In Islamic criminal law, hudud is considered to be crimes that violate "God's boundaries" and where the actual punishment is stipulated in the Koran (Vogt 2018). There are different interpretations of how homosexual intercourse should be punished in accordance with Islamic law. Several scholars consider the practice to be analogous to the hudud crime *zina* (infidelity) and that the punishment (100 lashes) should be applied accordingly. Other Islamic scholars believe that homosexual intercourse is less serious than (heterosexual) infidelity because it cannot result in children. There are also those who believe that such acts should result in the death penalty (Brown 2015).

Post points out that the Associated Press (AP) has confirmed the incident with a local man who witnessed the stoning (Bennett-Smith 2013).<sup>3</sup> However, the U.S. online magazine LGBTQ Nation has questioned whether the incident took place, as the original report from the Facebook group “Somali Gay Community” contained images of a stoning from 2008 and it has not been confirmed by other sources (Levesque 2013).

## **Attitudes towards and conditions for homosexuals in Somalia**

Landinfo is not aware of studies of LGBT environments or the majority’s attitudes towards homosexuals in Somalia. In her anthropological study of social life in Afgoye in the 1960s, Virginia Luling noted that homosexuality amongst both genders is recognised but not necessarily accepted. Luling writes that some men were identified as homosexuals. Women were not identified as lesbians in the same way, but could instead be the subject of gossip if, for example, they did not want to remarry (Luling 2002, p. 74).

In a study of attitudes towards homosexuality of Somali women in the U.S., it was found, amongst other things, that homosexuality is associated with religious perdition and constitutes a reason for exclusion from the family (Hunt et al. 2018). Experiences of religious torment and fear of being rejected are also repeated in a recent study of homosexual Swedish-Somali men. None of the nine men who participated in the study had told their family members about their orientation. Since their relationship with their families was important and valuable to the men, they chose to instead hide their sexuality and adapt their behaviour in interactions with family members (Ahmed 2021, p. 33-41). Landinfo assesses that there is reason to believe that the attitudes towards homosexuality and the strategies for hiding their orientation described in these studies also reflect the situation for homosexuals in Somalia.

This is supported by the few available news articles on the situation of homosexuals in Somalia, based on individuals’ own testimonies. In an article published by the BBC in 2020, a man who grew up in Hargeisa says that the family sent him to a “rehabilitation centre” as a 12-year-old because the family believed that the reason for his feminine behaviour was that he was obsessed with

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<sup>3</sup> The link to AP’s article does not work and searches in their archives indicate that it may have been depublished.

a female *jinn*.<sup>4</sup> The centre's methods reportedly included training in masculine behaviour and the use of traditional medicine that causes hallucinations. There were reportedly several boys at the centre, and both employees and other detainees is reported to have subjected some of the boys to rape at night. After being released from the centre, the man reportedly hid his orientation until one day he was discovered by a family member. He chose to flee the country after being told his family wanted to kill him (BBC 2020).

An article based on the story of another man who fled the country due to threats from the family states that it is not uncommon for boys to experiment sexually with each other, but that there is a clear expectation that this will cease at marriageable age. The man said he fled after his life was threatened by his father after refusing a marriage and telling his parents about his orientation (Jama 2003).

Based on available knowledge about attitudes towards homosexuality in Somalia, it is Landinfo's assessment that the above testimonies of exclusion and threats from the family reflect the general situation of people who identify as homosexual in Somalia.

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<sup>4</sup> *Jinn* are spiritual beings mentioned in the Koran who play an important role in Islamic folklore.

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Country of origin information presented in Landinfo's Query responses does not contain policy recommendations nor does it reflect official Norwegian views.

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