Please cite as: EUAA, '3.10. Persons with diverse SOGIESC' in *Country Guidance: Somalia*, October 2025.

3.10. Persons with diverse SOGIESC

COMMON ANALYSIS
Last update: October 2025

This profile refers to persons who are perceived as not conforming to state, religious and/or social norms because of their sexual orientation (SO) and/or gender identity and expression (GIE), and sex characteristics (SC), including the treatment of lesbian, gay, bi-sexual or trans-gender, intersex and queer, also commonly referred to as LGBTIQ+ persons.

The analysis below is based on the following EUAA COI reports: Country Focus 2025, 1.8.; Targeting 2021, 8.; Country Guidance should not be referred to as a source of COI.

Step 1: Do the reported acts amount to persecution?

Acts to which persons with diverse SOGIESC could be exposed are of such severe nature that they would amount to persecution. More specifically, state-sanctioned acts include penalisation of same-sex relationships and enforcement of the relevant provisions with penalties including imprisonment from three months to three years, or even eight years in Somaliland. Discrimination and other forms of bias-motivated crimes based on sexual orientation or gender identity is not prohibited or prosecuted. Although the death penalty for homosexuality is not possible under Somali criminal law, a strict interpretation of Sharia law can legitimise its use.

Socially, any behavior deviating from the heterosexual norm is considered a sin and an ‘illness’ to be cured by incarceration of the ‘ill’ individual in ‘correction’ facilities, where beatings, starvation and rape were reported. Persons with diverse SOGIESC were subjected to s tigmatisation, exclusion, harassment, even killings. In addition, LGBTIQ persons cannot access healthcare services for issues connected to their sexual life.

Al-Shabaab courts have issued and executed death sentences for homosexuality in the recent past.

Step 2: What is the level of risk of persecution?

A well-founded fear of persecution would in general be substantiated in the case of persons with diverse SOGIESC, in the whole of Somalia, including South-Central

Somalia, Puntland and Somaliland, given the criminalisation of same-sex relationships, the severity of punishments and the pervasive social stigma.

It has to be noted that an applicant cannot be expected to conceal their sexual orientation or gender identity to avoid persecution.

Step 3: Is there a ground for persecution?

Persecution of individuals under this profile is highly likely to be for reasons of **membership of a particular social group**, based on the shared characteristic or belief that is so fundamental to the identity of the applicant, that they should not be forced to renounce it as well as their distinct identity in Somalia. Persecution of individuals under this profile may also be for reasons of **religion**, since in matters that are not governed by any legislative text, the courts apply the Sharia.

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