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4.2.3. Corporal punishments

COMMON ANALYSIS
Last update: October 2025

The analysis below is based on the following EUAA COI reports: Security 2025, 1.6.; Country Focus 2025, 1.1.1., 1.3.1., 1.3.2.; Country Guidance should not be referred to as a source of COI.

Corporal punishments for the so called *hudud* crimes in case of theft, banditry, unlawful sexual intercourse, alcohol consumption and drug abuse, as well as drug dealing and espionage may be imposed by Sharia or Al-Shabaab courts.

Corporal punishment in Somalia is not foreseen by the Provisional Constitution nor in the Penal Code and it is officially stated that such practices do not occur in Mogadishu's central prison. However, corporal punishment is widely accepted in the Somali society and not prohibited either in the home, schools or care settings, or as a sentence for crimes committed in penal institutions, or as a judicial sentence for children who have committed offences.

Under Sharia law, which operates alongside the formal system, corporal punishment, including flogging, stoning, and amputation, is lawful and recognized as a sentence for crime. However, it is rarely enforced for crimes, such as adultery, alcohol consumption, or theft due to high evidentiary standards. In Somaliland, corporal punishment is explicitly prohibited by its constitution and juvenile justice law. However, cases of physical assaults and beatings failing to 'return to Islam' were documented in Somaliland in the period 2019-2021.

In practice, corporal punishment remains widespread, particularly in areas under Al-Shabaab control, where it is imposed harshly and publicly by the group for offenses under Sharia, like adultery, sexual misconduct, homosexuality, and theft. Documented incidents between 2023 and 2025 included public flogging, amputations, injuring, and execution. During the reference period, Al-Shabaab demonstrated capacity to sanction adultery and sexual misconduct outside its control area with punishments, including flogging, amputation, injuring, and torture.

Corporal punishments, such as those described above, would meet the requirements of serious harm under Article 15(b) QD/QR. The home area of the applicant is to be taken into account when assessing the real risk of corporal punishment. Particularly where Al-Shabaab operates, there is a higher risk of corporal punishment.

Where there is no nexus to a reason for persecution under the refugee definition, and there is a reasonable degree of likelihood for the individual to be subjected to corporal punishment, this risk would qualify under Article 15(b) QD/QR.

In some cases, the corporal punishments would have been imposed for a serious crime committed by the applicant, or for other acts falling within the exclusion grounds (Article 17 QD/QR). Therefore, although the criteria of Article 15(b) QD/QR would be met, exclusion considerations should be examined (see 7. Exclusion).

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