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3.7.2. Individuals (perceived as) contravening religious (and customary) tenets outside Al-Shabaab controlled areas

Common analysis
Last update: October 2025

This sub-profile focuses on individuals (perceived as) contravening Islamic and customary tenets, including apostates, converts, blasphemers, individuals belonging to religious minorities or (perceived) having committed *hudud* crimes and other individuals perceived as contravening moral norms, in areas outside the control of Al-Shabaab.

The analysis below is based on the following EUAA COI reports: Country Focus 2025, 1.3.2.; Actors 2021, 2.3.; Targeting 2021, 3.2.; Country Guidance should not be referred to as a source of COI.

Step 1: Do the reported acts amount to persecution?

Some acts to which individuals (perceived as) contravening social or religious laws/tenets outside Al-Shabaab controlled areas could be exposed are of such severe nature that they would amount to persecution. More specifically, under Sharia law, corporal punishment, such as stoning, amputation or flogging, is lawful as a sentence for crime, except possibly in Somaliland. Sharia law prescribes corporal punishments for theft, unless justified by need or hunger, however ‘minor’ crimes of theft or stealing are usually taken care of by family elders. Nevertheless, corporal punishments by Sharia courts, outside Al-Shabaab controlled areas, are rarely enforced.

Prosecution for acts which are not considered criminal according to international standards (e.g. adultery) would also amount to persecution. Adultery in Somalia is punished with imprisonment up to two years under the Penal Code, however, adjudication is usually referred to elders or family members. Somalia de facto maintains the death penalty for apostasy. Conversion from Islam to another religion is prohibited and sanctioned with imprisonment up to two years and is socially unacceptable. In Puntland and in Somaliland conversion from Islam is explicitly prohibited by the constitution. Somaliland courts have imposed imprisonment penalties for

alleged conversion from Islam to Christianity, apostasy and blasphemy. Suspicion of conversion is punished with imprisonment, harassment and intimidation, including death threats by members of their community. Open worship or religious gatherings of non-Islamic religious groups (including Christians, Shia Muslims, Hindus, Buddhists, Jews, and those not affiliated with any religion) can result in violent reprisals, forced divorces, or even execution by extremist groups. Also, the consumption and trading the leaves of the khat plant, which are chewed by Somalis for the stimulatory effects, is forbidden and punished.

Al-Shabaab's moral policing extends well beyond their controlled areas and the group has targeted individuals in areas outside their control, and in contested areas, including with abductions, attacks, tortures and killings.

The severity and/or repetitiveness of other acts that individuals (perceived as) contravening social or religious laws/tenets outside Al-Shabaab controlled areas could be subjected to, such as restrictions to freedom of religion, and whether they occur as an accumulation of various measures should be considered.

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

In the case of (those perceived as) apostates, converts, proselytisers or blasphemers, in general, a well-founded fear of persecution would be substantiated in the whole of Somalia, including South-Central Somalia, Puntland and Somaliland, given the criminalisation of such acts and the severity of the punishments.

In the case of individuals (perceived as) contravening other social or religious laws/tenets areas outside Al-Shabaab controlled areas, the individual assessment of whether there is a reasonable degree of likelihood to face persecution should take into account **risk-impacting circumstances**, such as:

- **Belonging to a religious minority**: Religious minorities such as Christians and individuals not belonging to any religion or being perceived or suspected as converts from Islam, would have a higher risk of persecution.

- **Nature and visibility of the act**: The nature of the specific norm transgressed and the (perceived) gravity and potential repetitiveness of such transgression could impact the risk. For example, adultery may be perceived as a more serious offence compared to consuming khat. Furthermore, the public character of the activity may put an applicant at a higher risk (e.g. trading khat compared to consuming).

- **Home area and operational capacity of Al-Shabaab**: Al-Shabaab sanctioned offences in areas outside their control, notably in Lower Shabelle, Bay and Lower Juba. Given Al-Shabaab's limited operational capacity in Somaliland, individuals contravening other social norms would be at a lower risk.

- It should be highlighted that no applicant under this profile can reasonably be expected to abstain from their religious practices in order to avoid persecution[6].

Step 3: Is there a ground for persecution?

Where well-founded fear of persecution is substantiated for an applicant under this profile, this is highly likely to be for reasons of **religion**. In some cases, persecution may be also substantiated for reasons of **membership of a particular social group**, For example, where the individual is seen as transgressing moral norms due to either past behaviour which cannot be changed or because they hold beliefs or characteristics fundamental to their identity or conscience. They may also be considered to have a distinct identity in Somalia, as they may be viewed as being different from the surrounding society (e.g. stigmatisation).

A thorough individual assessment should take place as to whether the particular characteristic or belief is fundamental to the identity or conscience of the applicant.

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  CJEU, Minister voor Immigratie en Asiel v X and Y and Z v Minister voor Immigratie en Asiel, joined cases C-199/12 to C-201/12 judgment of 7 November 2013, operative part (Court's ruling),

  https://curia.europa.eu/juris/document/document.jsf?text=&docid=144215&pageIndex=0&doclan

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