

Response

Somalia: Al-Shabaab and forced marriages

Topics/questions:

- Do al-Shabaab members force women into marriage?
- Is there a real risk of al-Shabaab not respecting a refusal, and are young women in danger of being forced to accept?
- What risks do mothers or fathers face if they deny an al-Shabaab member to marry their daughter?
- Does forced annulment of marriages occur?

Introduction

Information on what happens in areas controlled by al-Shabaab is limited, and there are very few written sources on al-Shabaab members and marriages in areas within its control. The UN-appointed special advisor for human rights in Somalia refers to marriages between foreign al-Shabaab members and local women in reports from 2009 and 2010 (UNHRC 2009 & 2010). Somali sources and certain advocates for international organisations who met with Landinfo in Nairobi in March 2011, also referred to such marriages. Their information were partially anecdotal, as with other information on conditions in the al-Shabaab areas. Their views have still been granted some, yet not decisive significance.

Traditional marriage: Forced marriage – arranged marriage

Arranged marriage is the norm in Somalia, and few women oppose the family's, i.e. the father's or male guardian's choices (Abdullahi 2001). The difference between an arranged marriage and a forced marriage can be subtle. Among the nomadic groups, marriage between members of neighbouring clans are important for building alliances in order to secure access to water and grazing areas. There is also a long tradition of peace agreements between clans sealed with the exchange of brides between the parties.

The social pressure to marry is strong, especially in cases of the first marriage, and for many young women it is virtually impossible to refuse marriage, as marrying and starting a family are fundamental in society. During discussions with both Somali and international sources in Nairobi in 2002, 2004 and 2005, all emphasised that women who refuse to marry the family's

chosen suitor risk being subjected to violence. The extent of such violence is not known. Those who eventually break free from the traditional social norms can not expect help or protection from family or other clan members. Murder of women is not socially accepted, and so-called honour killings of women have no traditional basis in Somalia.

Women who do not want to get married have few options. To oppose her family's choice of husband can mean that the woman must leave her family and home, and without any supporting relatives or acquaintances, life would become very difficult. There are differences – urban, educated women, in contrast to women from rural areas with little or no education, have higher possibilities of establishing themselves and making a living, yet generally estranged young women will be vulnerable to abuse and exploitation (interview with UNIFEM in Nairobi, April 2002; Timmons 2004). Yet even traditions relating to marriage and the potential choice of a partner have, as with other traditions, changed over the last decades.¹

The Centre for Research and Dialogue (CRD) in Mogadishu, conducted in 2002-2003 a project in southern and central Somalia where they evaluated the effects of civil war on the population. The report *Somalia: Path to Recovery Building a Sustainable Peace* (CRD 2004) is based on interviews and consultations with more than 13,000 people in all parts of the country. Within this report it states (p. 37):

In the decade and a half since the onset of the Somali crisis, the institution of marriage has undergone such a transformation as to be almost unrecognizable today. Many weddings now occur without the involvement, knowledge or blessing of parents. There has been a dramatic increase in the rate of teenage marriages and a proportional increase in the rate of teenage divorce – often leaving young mothers alone to raise their children. In the absence of parental involvement, newlyweds often lack the kind of financial and moral support that once ensured the durability of marriages.

“For other parts of the population, the Civil War had different consequences. Marriage between women from the so-called Benadir population and members of the Somali militias controlling Mogadishu, was partly the result of the need these groups had to protect themselves against various Somali militias and criminals plundering the local communities.”

These marriages were to a likely to have been largely characterised by a strong reluctance from both the woman's family and the woman herself, yet they found themselves having little choice (interviews with Somali and international sources in Nairobi in 2002, 2004 and 2005). Lack of choice is also characteristic of the current situation, both within and outside al-Shabaab areas.

¹ In Somali tradition, and within the Shafi'i school of religious law in Sunni Islam practiced in Somalia, women must also have a male guardian who permits the marriage, and who represents her at the actual ceremony (interviews with Somali sources in Nairobi in April 2002 and September 2005; Abdullahi, 2001). Traditionally, the woman's father (or male guardian) chooses a husband, and the choice is based on two factors: the bride price (Yarad) he is offered, and the alliances that the marriage can form. The bride price is payment for the woman's work capabilities, her ability to give birth and moral value, which benefit her husband and his family. Her family is to be compensated for the material loss which the marriage entails, and for providing her with a decent moral upbringing. In addition to the bride price, the woman – according to Islamic law – has a right to a dowry (Meher) from the groom. The dowry is stipulated in the marriage contract and is a prerequisite for a valid marriage.

Al-Shabaab and forced marriage

According to a study prepared by The Puntland Research and Development Centre in 2002, the differences between traditional Somali law and sharia are as follows:

[...] customary law (xeer) denies women rights that Sharia sanctions for them. These include free choice of spouse, and rights to property ownership [...] Sharia is against any type of forced marriage [...] the Xeer penalty for rape is much milder than both Sharia and secular law.

These views are supported by The Academy for Peace and Development (2002), and other literature.

Al-Shabaab's religious and ideological platforms have their roots in orthodox Wahhabism, and in accordance, the rebel movement advocates a strict interpretation of Islamic law and Islamic traditions. This tradition is alien to the majority of Somalis, but those who do not live in accordance with this interpretation, are deemed to be infidels in the eyes of al-Shabaab. Arranged marriages are, as mentioned, the norm in Somalia. The bride's parents and relatives often make decisions without consulting the girl, and forced marriage is therefore not a phenomenon that has originated from al-Shabaab.

A Somali theologian and other Somali sources who met with Landinfo in March 2011, believe that al-Shabaab distorts Islam, as well as introduces customs that conflict with Somali tradition. The impression these verbal sources convey, is that the forced marriage issue in al-Shabaab areas is complex. Neither the woman nor her male guardian has a real choice, if an al-Shabaab soldier has decided on marrying a woman. The soldier will usually contact the woman more than once, and he will usually ask her father for permission to marry her, in keeping with local tradition. Yet, if the girl and father refuse, he will help himself regardless. If al-Shabaab claims that the father is an infidel, that approach is even easier.

It is al-Shabaab's position of power and people's experience of powerlessness and fear of reactions that make such behaviour possible. Some women are subjected to brainwashing, while other women view marriage to an al-Shabaab soldier as their contribution to jihad. There have also been reported cases where the girl is physically taken and married off (interviews in Nairobi, March 2011).

Marriages between Somalis and non-Somalis, or between ethnicities, have not traditionally been common in Somalia (even if both parties are Muslims), yet the foreign jihadists are, according to some observers, virtually free to choose wives (interview in Nairobi, March 2011). Some families seek the benefits of having a son-in-law affiliated with al-Shabaab, as this can provide protection and opportunities, especially amongst minority groups and minor clans. This category of marriage differs little from the so-called 'black cat' marriages (in Somali: *mukulaal madoow*) from the days of the war-lords. Today's overlords have simply reinvented themselves – through religious means.

Many current al-Shabaab soldiers belong to marginalised minority groups or minor clans, and for some of them, marriage with women from major clans may be perceived as a form of revenge, or as prestige. The young, battle-ready al-Shabaab soldiers are permitted to marry – marriage signifies that the the suicide bomber is ready, and it is important that the warriors have descendants. However, the woman may not realise that the marriage can be short-lived. An international representative reported that a local Somali NGO had observed a number of young pregnant women and women with young children who were abandoned by their

husbands. The husbands were young al-Shabaab soldiers who had left for the front and had either been killed, or had left their wives for a new wife. Whatever the reason, these young girls were left on their own, without money or opportunities to support themselves and their children. However, the source believes that the girls would be taken care of by their families, if they chose to return to them (interview in Nairobi, March 2011).

Al-Shabaab has, according to various sources, also introduced its version of widow inheritance (*dumaal*). In the eyes of al-Shabaab, all al-Shabaab soldiers are brothers, and regardless of biological relation, al-Shabaab members may therefore apply this tradition and marry the widows of fallen fellow soldiers. These marriages follow a pattern, where the new husband has the same military rank as the deceased. Neither the woman nor her family is allowed to oppose such a marriage, unless they have a high-ranking al-Shabaab officer in the family. The only way out for a woman in such a situation who wishes to avoid the marriage, is to leave the homeland (interview in Nairobi, March 2011).

Annulment of marriage

Annulment of marriage against the couple's own wishes does occur (according to a Somali theologian), yet it happens very rarely (interview in Nairobi, March 2011). The inner circle of dogmatic Takfiri theologians² in al-Shabaab may argue that a man is an infidel, and consequently his marriage is invalid and must be dissolved. Thus, an al-Shabaab member can marry a woman if he so chooses. The theologian had heard of two or three such cases in the last two to three years.

According to Islamic law, abandoned women may demand a divorce / annulment of the marriage, and when asked whether al-Shabaab use this as an opportunity to pressure women they covet, the Somali theologian explained that such a practice would be disadvantageous for al-Shabaab. Many within the highest ranks of leadership are themselves Somalis of the diaspora from the UK, the USA, Sweden and Denmark. They have long absences from Somalia, and would therefore risk being subjected to such a problem themselves.

The Country of Origin Information Centre (Landinfo) is an independent body that collects and analyses information on current human rights situations and issues in foreign countries. It provides the Norwegian Directorate of Immigration (Utlendingsdirektoratet – UDI), Norway's Immigration Appeals Board (Utlendingsnemnda – UNE) and the Norwegian Ministry of Justice and the Police with the information they need to perform their functions.

A response consists of answers to specific questions presented to Landinfo by case workers within the Norwegian immigration authorities. Responses are not intended to provide exhaustive reviews of a topic or theme, but should answer the specific questions posed and include relevant background information.

Landinfo's responses are not intended to suggest what Norwegian immigration authorities should do in individual cases; nor do they express official Norwegian views on the issues and countries analysed in them.

² *Takfir* is the Islamic term of declaring other Muslims as infidels. This is a very serious accusation – if proven to be true, it can result in the accused individual being sentenced to death for apostasy of Islam (see Vikøy, 2003, p. 266-270).

References

Written sources

- Abdullahi, M.D. (2001). *Culture and customs of Somalia*. Westport / London: Greenwood
- CRD, i.e. the Centre for Research and Dialogue (2004, July). *Somalia: A path to recovery building a sustainable peace*. Mogadishu: CRD. Available from <http://www.somalijna.org/downloads/Somalia%20-%20Path%20to%20Recovery%20-%20final.pdf> [downloaded 21 July 2011]
- PDRC, i.e. Puntland Development Research Centre (2002). *Final Report on harmonization of Somali legal systems*. Garowe: PDRC. Available from http://www.dastuur.org/index.php?option=com_docman&task=doc_download&gid=65&Itemid=159 [downloaded 21 July 2011]
- The Academy for Peace and Development Hargeysa (2002, December). *Women's rights in Islam and Somali culture*. Hargeysa: UNICEF. Available from http://www.unicef.org/somalia/SOM_WomenInIslam.pdf [downloaded 21 July 2011]
- UNHRC, i.e. the United Nations Human Rights Council (2009, 17 September). *Report of the Independent Expert on the situation of human rights in Somalia, Shamsul Bari*. New York: UNHRC. Available from <http://www2.ohchr.org/english/bodies/hrcouncil/docs/12session/A.HRC.12.44.pdf> [downloaded 21 July 2011]
- UNHRC (2010, 16 September). *Report of the Independent Expert on the situation of human rights in Somalia, Shamsul Bari*. New York: UNHRC. Available from <http://www.unhcr.org/refworld/docid/4cd278d72.html> [downloaded 21 July 2011]
- Vikøyr, Knut S. (2003). *Mellom Gud og stat – Ei historie om islamsk lov og rettsvesen [Between God and state – A history of Islamic jurisprudence and legal system]*. Oslo: Spartacus.

Verbal sources

- UNIFEM. Interview in Nairobi, April 2002.
- Somali sources. Interviews in Nairobi, April 2002, January 2004, September 2005, March 2007, June 2008, March 2010 and March 2011.
- International sources. Interviews in Nairobi, April 2002, January 2004, September 2005, March 2007, June 2008, March 2010 and March 2011.

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