

Response

Somalia: Al-Shabaab and forced marriage

Topics/questions:

- Do al-Shabaab members force women into marriage?
- Is there a real risk that al-Shabaab does not respect a refusal, and that young women are at risk of having to accept this?
- What do mothers and fathers risk if they refuse someone from al-Shabaab marrying their daughter?
- Does forced dissolution of marriage occur?

Introduction

The information about what occurs in the Shabaab-controlled areas is limited, and it is difficult to obtain written sources that discuss Shabaab members and marriages in the areas this movement controls. The UN-appointed special advisor on human rights in Somalia refers to marriage between foreign Shabaab members and local women in their reports from 2009 and 2010 (UNHRC 2009, 2010). Somali resource persons and individual advocates for international organisations Landinfo met in Nairobi in March 2011 also discussed such marriages. The information at the time showed signs of being somewhat anecdotal, similar to other information regarding conditions in the Shabaab areas. In meetings with both local and international resource persons in Nairobi and Mogadishu in February 2012, however, several of Landinfo's interlocutors believed that forced marriages were spreading in the areas where Shabaab has control. Originally, the girls were married off to foreign jihadists, but today, marriage to Somali Shabaab soldiers is much more widespread.

This information is also anecdotal, but it is consistent with information from a number of female refugees who have recently arrived at the Dadaab camps in Kenya (UNHCR 2012).

Traditional marriage: forced marriage – arranged marriage

Arranged marriages are the norm in Somalia, and few women oppose their family's choice, which is to say their father or guardian's choice (Abdullahi 2001). The difference between an arranged marriage and a forced marriage can be subtle. Among nomadic groups, marriage to members of neighbouring clans is important for building alliances in order to ensure access to

Response **Somalia: Al-Shabaab and forced marriage**

water and pasture areas. There is also a long tradition of peace arrangements between clans, sealed with an exchange of brides between the parties.

The social pressure for entering marriage is strong, especially for a first marriage, and for many young women it is almost unthinkable to oppose being married, because marrying and raising a family is fundamental in society. In conversations with both Somali and international resource persons during stays in Nairobi in 2002, 2004 and 2005, everyone pointed out that women who refuse to marry their family's choice may risk being exposed to violence. The extent of such violence is unknown. Those who do break with the traditional social standards cannot expect help or protection from family or other clan members. However, killing women is not socially accepted, and so-called "honour killings" of women have no tradition in Somalia.

Women who don't want to get married have few options. Opposing the family's choice may mean that she has to leave her family and home, and without other benevolent relatives or acquaintances, life would be very difficult. However, there are differences here – urban educated women, as opposed to women from rural areas with little or no education, may have better opportunities to establish themselves and make a living, but in general, outcast young women are vulnerable to abuse and exploitation (conversation with UNIFEM in Nairobi, April 2002, Somali resource persons in Nairobi, March 2010 and March 2011, Timmons 2004). However, traditions connected to marriage and opportunities for choice of partner have, like other traditions, changed in the course of recent decades.¹

The Centre for Research and Dialogue (CRD) in Mogadishu implemented a project in 2002-3 in South and Central Somalia in which the repercussions of the civil war on the population were assessed. 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. This says, amongst other things (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.

However, for other parts of the population, the civil war had other consequences. Marriages between women from the so-called Benadir population and members of the Somali military who controlled Mogadishu were partly the result of the need these groups had for protecting themselves against various Somali military groups and criminals who ravaged local communities.

¹ In Somali tradition, and within the *shafi'i* school of law of Sunni Islam practised in Somalia, in general the woman must have a male guardian who consents to the marriage, and who represents her at the ceremony itself (interviews with Somali resource persons in Nairobi in April 2002 and September 2005; Abdullahi 2001). Traditionally, it is the woman's father (or guardian) who chooses a husband, and the choice is based on two factors: the bride price (*yarad*) that he offers, and the alliances that the marriage can lead to. The bride price is the payment for the woman's capacity for work, ability to give birth and moral standards which benefit the husband and his family. Her family must be compensated for the material loss the marriage causes, and for having given her a high-quality moral education. In addition to the bride price, the woman is entitled to a dowry (*meher*) from the husband in accordance with Islamic law. The dowry is established in the marriage contract and is a prerequisite for a valid marriage.

These marriages were probably largely characterised by strong reluctance from both the woman's family and the woman herself, but they found themselves with little choice in the matter (interviews with Somali and international resource persons in Nairobi in 2002, 2004 and 2005). A lack of options also characterises today's situation, inside and outside the Shabaab areas.

Al-Shabaab and forced marriage

According to a study prepared by Puntland Research and Development Centre in 2002, there are differences between traditional Somali rights and Sharia:

[...] 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 specialist literature.

However, al-Shabaab's religious and ideological platform has its roots in the dogmatic Wahhabism, and in line with this movement, it advocates a strict interpretation of Islamic rights and Islamic traditions. This tradition is foreign to most Somalis, but those who do not live in accordance with this interpretation are infidels in Shabaab's eyes. As mentioned, arranged marriages are the norm in Somalia. The bride and groom's parents and relatives often make decisions without consulting the girl, and therefore forced marriages are not a phenomenon that came with Shabaab.

A Somali theologian and other Somali resource persons Landinfo met in March 2011 believed that Shabaab distorts Islam, and introduces practices that break with Somali tradition. The impression conveyed by the oral sources was that the forced marriage problem in Shabaab areas is complicated. The impression was unchanged after conversations in Nairobi and Mogadishu in February 2012.

Neither the woman nor her guardian usually has any real choice if a Shabaab soldier has decided on a woman. The soldier will usually approach the woman more than once, and he will usually ask her father to marry her, in keeping with local tradition. But if the girl and her father refuse, he will take the law into his own hands. Should Shabaab claim the father is an infidel, this method becomes even easier.

However, there are some examples of women having refused to marry a Shabaab soldier without known consequences. The examples discussed come from Baidoa,² and the prerequisite for success is that one belongs to a large and important local clan (conversation with the representative of an international organisation in Nairobi, 21 February 2012). This report confirms the impression that there are local variations that particularly depend on the Shabaab administration, or the commander, having local clan ties. There are many stories of Shabaab and forced marriage. A Somali resource person was able to tell about family members who live in settlements for internally displaced people in the Afgoye corridor. This area was Shabaab-controlled at the time,³ and the family's four daughters were sent to

² Ethiopian forces in cooperation with Somali government forces captured Baidoa on 22 February 2012 (BBC 2012), but the examples come from the time under Shabaab control.

³ The Afgoye corridor was occupied by AMISOM and TFG on 25 May 2012.

Mogadishu for education (since Shabaab does not allow girls to go to school), and to avoid Shabaab marriage. Another relative had received a despairing phone call from a family member in Beled Weyne⁴ because a Shabaab soldier wanted to marry their daughter, and they dared not refuse (conversation in Nairobi 24 February 2012).

It is Shabaab's position of power and people's experience of powerlessness and fear of reprisals that make such behaviour possible. Some women are subjected to brainwashing, while other women see a marriage with a Shabaab soldier as their contribution to *jihad*. There is also talk of cases where girls are abducted and married (interviews in Nairobi in March 2011). As Shabaab weakened, their propaganda and rhetoric became more powerful. All families must contribute with their boys as soldiers and girls as wives and mothers for more future recruits (conversations in Nairobi, 21 February 2012 and 22 February 2012 in Mogadishu).

Young Shabaab soldiers ready for combat get married – the marriage signals, amongst other things, that a suicide bomber is prepared, and it is important that combatants have descendants. However, the woman is not aware that the marriage may be short-term. An international representative stated that a local Somali NGO had noticed in general a number of young, pregnant women and women with small children who had been abandoned by their husbands. The men were young Shabaab soldiers who had gone to the front and possibly been killed, or had abandoned the wife in favour of a new wife. Regardless of the reason, these young girls were left on their own, without money or opportunities to support themselves and the child. However, the source believed that the girls would be taken care of by their families, if they chose to go back to them (conversation in Nairobi, March 2011).

Marriage between Somalis and non-Somalis, or across ethnic lines, have traditionally not been common in Somalia (even if both parties are Muslims), but the foreign jihadists are almost completely free to choose wives, according to some observers (interview in Nairobi, March 2011). However, many of the foreign jihadists must have left Somalia in recent months (conversations in Nairobi and Mogadishu in February 2012), and this means that even more women and children are left on their own.

Some families see a benefit in a Shabaab-affiliated in-law because it provides protection and opportunities, this is particularly true among minority groups and small clans. This category of marriage differs little from the so-called *black cat* marriages (*mukulaal madoow*) in the warlord days. Those in power today have only put on a different hat – the religious one. However, many of today's Shabaab soldiers themselves belong to marginalised minority groups or small clans, and for some of them, marriage with women from majority clans may be perceived as a form of revenge or prestige.

According to various sources, Shabaab has also introduced its version of widow inheritance (*dumaal*). In Shabaab's eyes, all Shabaab soldiers are brothers, and therefore Shabaab members can invoke this tradition and marry the widows of fallen comrades, regardless of biological relation. These marriages follow a pattern in which the new husband has the same rank as the deceased. Neither the woman nor her family can oppose such a marriage, unless they have a high-ranking Shabaab officer in the family. The only way out for a woman in

⁴ Beled Weyne was occupied by Ethiopian soldiers at the end of December 2011 (BBC 2011). The incident discussed occurred before this.

such a situation who wants to avoid marriage is to leave her native country (interview in Nairobi in March 2011).

Annulment of marriage

Annulment of marriage against the husband and wife's wishes occurs, but happens very rarely, according to a Somali theologian (interview in Nairobi, March 2011). The inner circle of dogmatic *takfiri* theologians⁵ in Shabaab might argue that a man is an infidel, and consequently his marriage is not valid and must be dissolved. Thus, a Shabaab member can marry the woman he has decided on. The theologian had heard of two or three such cases in the last two or three years prior to the meeting with Landinfo in March 2011.

In accordance with Islamic law, abandoned women may demand a dissolution/annulment of the marriage, and on the question of whether Shabaab uses this opportunity to put pressure on women they want to marry, the Somali theologian explained that such a practice would not be very appropriate for Shabaab. Many senior executives are themselves diasporic Somalis from the UK, the USA, Sweden and Denmark. They have long been away from Somalia, and would thus risk being affected 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 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, and the variety of sources consulted may not be as comprehensive as in our reports. Responses are prepared within time constraints and do not necessarily include 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.

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⁵ *Takfir* is the Islamic concept of defining other Muslims as infidels. This is a very serious accusation, because if proven, it can mean that the person in question is sentenced to death for apostasy from Islam (see Vikøy 2003, p. 266-270).

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