

SOMALIA

Executive Summary

The country is fragmented into regions administered in whole or in part by different entities, including the central authority Transitional Federal Government (TFG), situated in Mogadishu; the semi-autonomous region of Puntland in the northeast, aligned with the TFG; and the self-declared independent Republic of Somaliland in the northwest. The Transitional Federal Charter (TFC) provides for freedom of religion, and the TFG generally respected religious freedom. However, it was not able to implement the TFC's protections in areas of the country outside its control, especially in the south and central regions. Somaliland and Puntland have their own constitutions, which provide some protection for religious freedom, although they both prohibit apostasy and the propagation of religions other than Islam. The prohibition on apostasy was also interpreted to mean that conversion from Islam to other religions was prohibited. Neither the TFG nor regional authorities in Puntland or Somaliland demonstrated a trend toward either improvement or deterioration in respect for and protection of the right to religious freedom, or made specific efforts to protect religious freedom during the year.

There were reports of societal abuses or discrimination based on religious affiliation, belief, or practice. During the year, much of the south and central regions remained under the control of the terrorist organization al-Shabaab, although military action by African Union Mission in Somalia (AMISOM), TFG, Ethiopian, and Kenyan forces liberated areas from its control. Al-Shabaab harassed persons suspected of converting from Islam, killed Sufi clerics who did not subscribe to its brand of violent Islam, maimed and killed those who failed to adhere to its edicts, and destroyed or desecrated Sufi graves and mosques.

The U.S. government did not maintain a diplomatic presence in the country, and travel by U.S. government officials was restricted. Within its Dual Track policy framework for the country, the U.S. government continued to support the Djibouti Peace Process, the TFG, and stakeholders in completing tasks required to end the transitional period by August 20, 2012 as called for in the Kampala Accord signed in June.

Section I. Religious Demography

The last census took place in 1975 and ongoing instability makes precise data collection impossible. A large majority of citizens are Sunni Muslims of a Sufi tradition. There is a small, low-profile Christian community and small numbers of followers of other religions. Conservative Salafi groups with politically prominent leaders are prevalent.

Section II. Status of Government Respect for Religious Freedom

Legal/Policy Framework

The TFC, which was drafted when the TFG was created in 2004, establishes Islam as the national religion; however, it also states that “(a)ll citizens of the Somali Republic...have the right to equal protection and equal benefit of the law without distinction of race, birth, language, religion, sex, or political affiliation.”

The TFC does not have a section that limits or protects religious practice. However, article 71 of the TFC decrees that “in respect of all matters not covered and not inconsistent with this charter,” the 1960 constitution and other national laws shall apply. The 1960 constitution specifically states: “Every person has the right to freedom of conscience and to profess freely his own religion and to worship it subject to any limitations which may be prescribed by law for the purpose of safeguarding morals, public health, [and] order.”

The Puntland constitution, which was approved by parliament in 2009 and adopted by a constituent assembly on April 18, states that no one can be forced to a faith different from one’s own beliefs. However, it also states that Muslims cannot commit apostasy (renounce their religion) and prohibits propagation of any religion other than Islam. This section of the Puntland constitution also is interpreted to mean that conversion from Islam to other religions is prohibited.

The Somaliland constitution states that it protects the right of freedom of belief. However, it also states that Islamic law does not accept that a Muslim person can renounce his beliefs (apostasy), prohibits preaching in a mosque on matters that would divide the nation, and prohibits the promotion of any religion other than Islam. This section of the Somaliland constitution also is interpreted to mean that conversion from Islam to other religions is prohibited.

The Somali Penal Code, which applies to all regions of the country, although not always enforced, does not prohibit conversion from Islam. However, it prohibits blasphemy or “defamation” of Islam. Chapter 1, Art. 313, of the Penal Code

states: “Whoever publicly brings the religion of Islam into contempt shall be punished with imprisonment of up to two years, and whoever publicly insults the religion of Islam by bringing into contempt persons professing it or places or objects dedicated to worship, shall be liable to the same punishment.”

The TFC and the Somaliland and Puntland constitutions require that one be a Muslim to become president. The Somaliland constitution states that candidates for president, vice president, and the House of Representatives must be Muslim. The TFC and the Puntland constitution require presidential candidates to be Muslim, but make no such requirement for ministerial, parliament, or prime ministerial positions.

In May 2009 the TFG ratified legislation to implement Islamic law nationwide. Article 8 of the TFC states that “(t)he Islamic Sharia shall be the basic source for national legislation.” The Somaliland constitution declares that the laws of the nation shall derive from and not contradict Islam. The Puntland constitution stipulates that all laws in the region be based on Islamic law.

The judiciary in most regions relies on Xeer (traditional and customary law), Islamic law, and the Penal Code of the pre-1991 Siad Barre government. Legal frameworks vary considerably since each community individually regulates and enforces religious expression, often inconsistently.

The Somaliland constitution restricts the formation of political parties based on a particular religious group, religious beliefs, or interpretation of religious doctrine. The Puntland constitution, the TFC, and the 1960 federal constitution do not link political party formation to religion.

The TFG Ministry of Religious Affairs is authorized to register religious organizations; however, it has little capacity to conduct these registrations. Groups can continue to operate without registration as there is very little capability to monitor and shut down operations. Much of the south and central regions remained outside of TFG control. In Puntland religious schools and places of worship are required to receive permission to operate from Puntland’s Ministry of Justice and Religious Affairs. In Somaliland the government requires religious schools and places of worship to obtain the Ministry of Religion’s permission to operate. There is no specific punishment or consequence in either Puntland or Somaliland for religious schools or places of worship that operate without permission.

The TFG, Puntland, and Somaliland administrations permit religious instruction in public schools. The TFC states in article 24: “Teaching of Islam shall be compulsory for pupils in both public and private schools. This does not apply to non-Muslim students.” Private schools provide the primary source of education in all regions, with the majority offering religious instruction. A significant number of externally funded madrassahs exist throughout the country, providing inexpensive basic education and generally adhering to Salafist ideology, especially in al-Shabaab-controlled areas.

Mogadishu University, the University of East Africa in Bosaso (Puntland), and many secondary schools in Mogadishu are externally funded and administered through organizations affiliated with the Al-Islah Islamic organization.

The TFG, Puntland, and Somaliland observe the following religious holidays as national holidays: Eid al-Fitr, Eid al-Adha, Muharam (Islamic New Year), and Mi’raaj. In addition Friday is designated a day of prayer.

Government Practices

There were no reports of TFG, Puntland, or Somaliland authorities abusing religious freedom, including incarcerating religious prisoners or detainees.

There were no known instances of persons being punished for apostasy, conversion to religions other than Islam, or proselytism in Somaliland, Puntland, or TFG-controlled areas during the year.

There were no public places of worship for non-Muslims.

There were no reports of religious prisoners or detainees in areas under the control of the TFG, Puntland, Somaliland, or Ahlu Sunnah Wal Jama’a (ASWJ)--a Sufi-based organization with militias adhering to its ideology. However, there were numerous reports of religious prisoners and detainees in al-Shabaab-controlled areas; the exact figure for the year was unknown.

Abuses by Rebel or Foreign Forces or Terrorist Organizations

Violent conflict between al-Shabaab and the TFG and forces allied to it continued. Al-Shabaab imposed its own interpretation of Islamic law and practices on other Muslims. In targeted killings, al-Shabaab militia killed TFG officials and their allies and declared them as non-Muslims or apostates. In the areas it controlled, al-

Shabaab systematically enforced bans on cinemas, music, and watching sporting events on television. It also prohibited the sale of khat (a narcotic) in towns, smoking, and any behavior it deemed “un-Islamic,” such as shaving beards, wearing bras, and inappropriate haircuts. Al-Shabaab also enforced a strict requirement that women be fully veiled.

Al-Shabaab continued its propaganda campaign to paint the AMISOM forces from Uganda and Burundi, and Ethiopian and Kenyan forces allied to the TFG, as “Christians” invading and occupying the country.

Al-Shabaab has, whenever possible, engaged in the persecution of minority Somali Christians in areas under its control. During the year, al-Shabaab executed citizens suspected to have converted to Christianity. For example, on September 2, al-Shabaab beheaded a Christian convert in the outskirts of Huddur, Bakol. On August 21, the decapitated body of another Christian convert was found dumped in the street after suspected al-Shabaab militants kidnapped him.

Al-Shabaab frequently conscripted children from madrassahs during the year. It also directed schools in areas under its control to teach a militant form of jihad as a subject matter.

Throughout the year, al-Shabaab carried out several asymmetric attacks in Mogadishu against what it termed the “apostate” TFG and those who supported it. In the most deadly attack on October 4 al-Shabaab detonated a vehicle-borne explosive device in a compound housing several TFG ministries. The explosion killed more than 100 persons, including several university students who were waiting in line to receive examination results for a scholarship.

Al-Shabaab continued to accuse humanitarian aid organizations, both secular and faith-based, of having an ulterior motive to convert Somalis to Christianity and threatened their staffs’ lives and work.

Throughout the year, al-Shabaab destroyed the graves of Sufi saints, prominent clerics, and members of other religious groups in areas under its control. For example, on November 26 in Bardhere, Gedo, al-Shabaab destroyed an estimated 40 graves. The ASWJ criticized the act and stated that al-Shabaab was intent on wiping out the history of traditional moderate Islam in Somalia. On April 20, al-Shabaab destroyed several grave sites in Mahaday, Middle Shabelle. Al-Shabaab executed several ASWJ-affiliated persons in parts of Galgaduud. In January ASWJ Banadir region spokesman Mohamud Ahmed Shuriye accused al-Shabaab

of arbitrary detention, beating, and harassment of ASWJ clerics in areas it controlled.

Section III. Status of Societal Respect for Religious Freedom

There were reports of societal abuses and discrimination based on religious affiliation, belief, and practice. There was strong societal pressure to respect traditions that reflected the traditional societal interpretation of Sunni Islam.

Non-Muslims who practiced their religion openly faced societal harassment. Conversion from Islam to another religion was socially unacceptable. Those suspected of conversion faced harassment or death at the hands of members of their community.

Section IV. U.S. Government Policy

The U.S. government did not maintain a diplomatic presence in the country, and travel by U.S. government officials was restricted. Within its Dual Track policy framework for the country, the U.S. government continued to support the Djibouti Peace Process, the TFG, and Somali stakeholders in completing tasks required to end the transitional period by August 2012, as called for in the Kampala Accord signed in June. U.S. government efforts to assist with promoting religious freedom in Somalia focused on supporting AMISOM's and the TFG's efforts to bring stability and reestablish the rule of law. Under the Dual Track policy, the U.S. government also strengthened assistance programs to Puntland and Somaliland, and initiated assistance programs with other emerging administrations, such as Galmuduug and areas in the central regions liberated from al-Shabaab. The Special Representative for Somalia in Nairobi and his staff emphasized that explicit protections for religious freedom and human rights should be included in the new constitution.