

SOMALIA 2014 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The provisional federal constitution (PFC) provides for the right of individuals to practice their religion, within limits. The PFC makes Islam the state religion, prohibits the propagation of any religion other than Islam, and stipulates all laws must comply with the general principles of sharia. The federal government was unable to implement the PFC in areas of the country outside its control. Regional administrations, including the self-declared Republic of Somaliland, Puntland State, the Interim Juba Administration (IJA), and the Interim South West Administration (ISWA) governed parts of the country. The constitutions of Somaliland and Puntland State enshrine Islam as the state religion, prohibit Muslims from converting to another religion, bar the propagation of any religion other than Islam, and stipulate all laws must comply with the general principles of sharia. The constitution of Somaliland also stipulates freedom of belief. Puntland's constitution stipulates non-Muslims shall enjoy the freedom of their faith and not be coerced to convert to another religion; there were no reports of abuses of that right by the Puntland State authorities. The newly formed IJA and smaller regional governments did not create laws directly addressing religious freedom.

The terrorist group Al-Shabaab harassed, maimed, or killed persons suspected of converting from Islam or those who failed to adhere to the group's edicts. African Union and Somali national army forces successfully reestablished federal government authority over many rural areas and significant population centers in south-central Somalia formerly controlled by al-Shabaab.

There was strong societal pressure to adhere to traditions associated with Sunni Islam. Conversion from Islam to another religion remained socially unacceptable in all areas. Those suspected of conversion faced harassment by members of their community.

The United States had no permanent diplomatic presence in the country. U.S. government officials traveled to Somalia when security conditions permitted. U.S. government efforts to promote religious freedom focused on supporting efforts to bring stability and reestablish the rule of law.

Section I. Religious Demography

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The U.S. government estimates the total population at 10.4 million (July 2014 estimate). The overwhelming majority is Sunni Muslim. Groups that combined constitute less than one percent of the population include a small Christian community and other religious groups, including an unknown number of Shia Muslims. Some immigrants, including foreign workers from Kenya, belong to other religious groups.

The federal government does not keep official data on the prevalence of religious groups in the population.

Section II. Status of Government Respect for Religious Freedom

Legal Framework

The provisional federal constitution (PFC) provides for the right of individuals to practice their religion, but prohibits the propagation of any religion other than Islam. It states all citizens, regardless of religion, have equal rights and duties before the law, but establishes Islam as the state religion and requires laws to comply with sharia principles. There are no exemptions from application of sharia legal principles for non-Muslims. The PFC does not explicitly prohibit Muslims from converting to other religions.

The constitutions of the regional administrations of the self-declared Republic of Somaliland in the northwest, and Puntland in the northeast, make Islam the state religion, prohibit Muslims from converting, prohibit the propagation of any religion other than Islam, and stipulate all laws must comply with the general principles of sharia.

The Somaliland constitution protects freedom of belief. The Puntland State constitution prohibits any law or culture that contravenes Islam and prohibits demonstrations contrary to Islam. The constitution and other laws of Puntland State do not define what is in contravention of Islam.

Because the newly formed Interim Juba Administration (IJA) and Interim South West Administration (ISWA) and other emerging interim administrations did not form “state” constitutions, the PFC continues to apply to those regions.

The penal code developed in 1963 remains generally valid in all regions of the country. It does not prohibit conversion from Islam to another religion, but

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criminalizes blasphemy and defamation of Islam, which carry fines of up to two years in prison. According to federal, Puntland, and Somaliland officials, there were no individuals tried on charges of apostasy, blasphemy, or defamation of Islam.

The PFC requires the president, but not other office holders, to be Muslim. The Puntland constitution requires its president, but not other office holders, to be Muslim. The Somaliland constitution requires, in addition to Somaliland's president, candidates for vice president and the house of representatives to be Muslim.

The judiciary in most areas relies on *xeer* (traditional and customary law), sharia, and the 1963 penal code. Legal frameworks vary considerably because each community individually regulates and enforces religious expression, often inconsistently.

The Somaliland constitution, but not the PFC or Puntland constitution, prohibits the formation of political parties based on a particular religious group, religious beliefs, or interpretation of religious doctrine.

The federal ministry of religious affairs has legal authority to register religious groups.

In Puntland, religious schools and places of worship must obtain permission to operate from the ministry of justice and religious affairs. In Somaliland, religious schools and places of worship must obtain permission to operate from the ministry of religion. Neither Puntland nor Somaliland law delineates consequences for operating without permission.

Federal and regional authorities require Islamic instruction in all schools, public or private, except those owned by non-Muslims. There is no national curriculum regulating Islamic instruction. Non-Muslims students attending public schools may, at their request, be exempted from Islamic instruction, but according to federal and regional authorities, there were no such requests.

The federal ministry of education has the mandate to regulate religious instruction across Somalia. The ministry has not yet developed national guidelines for instruction. Puntland and Somaliland authorities regulate religious instruction within their jurisdictions.

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Government Practices

In January then-Deputy Minister of Justice and Religious Affairs Fahmo Nur rescinded a government ban, announced on December 24, 2013, on Christmas celebrations in Somalia.

Federal and regional governments maintained a ban on propagation of religions other than Islam, but did not enforce it.

During the year, the federal ministry of religious affairs registered the Council of Religious Scholars of Somalia as a religious organization. As a rule, the government only sought to register religious groups opening schools for lay or religious instruction. Many religious groups chose not to register, but the government did not pursue adverse actions against them.

Somaliland did not have a mechanism in place to register religious organizations or specific requirements to register Islamic groups. However, the Somaliland Ministry of Religious Affairs required all religious schools and centers to obtain government approval. The Somaliland government neither banned unregistered religious groups nor imposed financial penalties on any religious groups.

The Puntland government also did not have any laws or a mechanism to register religious groups and neither banned nor imposed financial penalties on any religious groups.

Abuses by Rebel or Foreign Forces or Terrorist Organizations

Violent conflicts continued between the terrorist organization al-Shabaab and the federal government and its allies. Al-Shabaab maintained control of some towns and rural areas, but by year's end lost control of the port city of Barawe and several other towns and villages in the south and central regions. Al-Shabaab violently imposed its own interpretation of Islamic law and practices on other Muslims.

Throughout the year, al-Shabaab harassed and arrested members of al-Takfir, another Salafist organization based in Gedo region, due to differences over their interpretation of Islam.

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On July 7, unknown gunmen killed influential religious leader Moalim Ali in the Hawlwadaag district of Mogadishu. Ali regularly lectured on Islam on Radio Mogadishu, stressing moderation. His assassination was generally attributed to al-Shabaab.

Al-Shabaab militias killed federal government officials and their allies, calling them non-Muslims or apostates.

On April 21, al-Shabaab militants assassinated federal member of parliament Isaq Mohammed Rino by attaching an improvised explosive device to his vehicle. The following day, al-Shabaab gunmen killed Abdiaziz Isaq Mursal, another member of parliament. Al-Shabaab military spokesperson Sheikh Abdiasis Abu Musab later released a statement claiming al-Shabaab had killed the two members of parliament because the federal government allowed Christianity in Somalia.

Al-Shabaab persecuted minority Somali Christians in areas under its control, including executing suspected converts to Christianity. There were reports al-Shabaab insurgents in Barawe, Lower Shabelle Region in March publicly executed a mother of two and her cousin while her children watched, on suspicions the family was Christian. The family reportedly had returned recently to Barawe after living in Kenya for several years.

In the areas it controlled, al-Shabaab banned cinemas, television, music, the internet, and watching sporting events. It prohibited the sale of *khat* (a popular stimulant drug), smoking, and any behavior it characterized as un-Islamic, such as shaving beards. Al-Shabaab also enforced a strict requirement women wear full veils.

In July al-Shabaab militants burned colorful clothing items belonging to villagers in the small villages of Mir Tugo, al-Baraf, and Adley in Middle Shabelle region, stating only Christians used colorful clothing.

There were numerous reports of individuals imprisoned or detained for religious reasons in al-Shabaab-controlled areas. The exact figure remained unknown.

Al-Shabaab continued to harass numerous secular and faith-based humanitarian aid organizations, threatening the lives of their personnel and accusing them of seeking to convert Somalis to Christianity.

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Fear of reprisals from al-Shabaab often prevented religious groups from operating freely. Al-Shabaab reportedly closed mosques in areas it controlled. Al-Shabaab closed the Nuur and al-Hudaa mosques in Bardhere, Gedo region over a disagreement with the resident clerics' interpretation of Islam.

Al-Shabaab continued its campaign to characterize the African Union's African Mission in Somalia (AMISOM) peacekeeping forces as "Christians" intent on invading and occupying the country.

On February 24, there were reports al-Shabaab forced two Kenyan hostages, abducted from Kenya and Somalia in 2011, to announce publicly their conversion to Islam. The two captives reportedly were subsequently freed. Al-Shabaab justified their capture due to what it characterized as the Kenyan government's invasion of Somalia.

Al-Shabaab directed schools in areas under its control to teach a militant form of jihad emphasizing students should wage war against infidels, including regional countries, the federal government, and AMISOM.

Section III. Status of Societal Respect for Religious Freedom

There was strong societal pressure to adhere to traditions associated with Sunni Islam.

The small Christian community and other non-Islamic groups maintained a low profile.

According to local media reports in April, a prominent religious leader in Hargeisa, Somaliland, Sheikh Ismail Abdi, accused an international NGO of acting against the Somaliland constitution by promoting Christianity. He warned the local community not to engage with organizations that promoted Christian beliefs.

In August prominent religious leaders in Somaliland warned the Somaliland government not to introduce western banking practices, including paying interest on saving accounts, as these contradicted fundamental principles of Islam. They lobbied the Somaliland parliament and government to allow only Islamic banking.

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Non-Muslims who practiced their religion openly suffered from harassment. Conversion from Islam to another religion was socially unacceptable, and communities harassed those suspected of conversion.

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

Private schools were the primary source of education. The majority offered religious instruction in Islam. Externally funded madrassahs throughout the country provided inexpensive basic education and many adhered to Salafist ideology, especially in al-Shabaab controlled areas.

Section IV. U.S. Government Policy

The U.S. government did not maintain a permanent diplomatic presence in the country, and travel by U.S. government officials remained limited to selected areas when security conditions permitted such trips. U.S. government efforts to promote religious freedom focused on supporting efforts to bring stability and reestablish the rule of law.