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Somalia

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

July-December, 2010 International Religious Freedom Report

Report

September 13, 2011

Although the Transitional Federal Charter (TFC) provides for freedom of religion, there were limits on the extent to which this right was respected in practice.

Active violent conflict among extremist groups and the Transitional Federal Government (TFG) continued during the reporting period. The TFG generally did not enforce legal protections of religious freedom in practice. There was a decline in the status of respect for religious freedom during the reporting period, primarily as a result of continued control by extremist groups over significant amounts of territory in the country.

There were reports of societal abuses and discrimination based on religious affiliation, belief, and practice. Extremist groups, particularly the U.S.-designated Foreign Terrorist Organization (FTO) al-Shabaab and others aligned with it, harassed persons suspected of conversion from Islam, killed Sufi clerics, and destroyed Sufi graves and mosques. There were also reports that suspected non-Muslim citizens experienced discrimination, violence, and detention because of their religious beliefs.

The U.S. government does not maintain a diplomatic presence in the country, and travel to the country by U.S. government officials is restricted; however, the U.S. government discusses religious freedom with its contacts in the country and with regional authorities as part of its overall policy to promote human rights.

Section I. Religious Demography

The country has an area of 246,200 square miles and an estimated population of seven million; however, 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 are a small, low-profile Christian community and small numbers of followers of other religions. The number of adherents of strains of conservative Islam and the number of Islamic schools supported by religiously conservative sources continued to grow during the reporting period.

Section II. Status of Government Respect for Religious Freedom

Legal/Policy Framework

Please refer to Appendix C in the *Country Reports on Human Rights Practices* for the status of the government's acceptance of international legal standards <http://www.state.gov/g/drl/rls/hrrpt/2010/appendices/index.htm>.

The constitution and other laws and policies protect religious freedom; however, in practice, the government generally did not have the police and judicial capacity to enforce these protections. The TFC establishes Islam as the national religion; however, the TFC also establishes norms for protecting religious freedom. It states: "All 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."

Although the charter does not have a section that limits or protects religious practice, article 71 decrees that the 1960 constitution and other national laws shall apply "in respect of all matters not covered and not inconsistent with this charter." Article 29 of the constitution 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 TFG controls approximately 50 percent of Mogadishu, the country's capital, and remote pockets of some regions. The self-declared Republic of Somaliland in the Northwest, which has its own constitution and legal and policy framework, does not recognize the charter or the transitional process and is seeking recognition as an independent country. The semiautonomous region of Puntland in the northeast part of the country, which does not seek independence, also has its own interim constitution and legal framework.

A political process to establish peace and stability in the country continued under the terms of the 2008 Djibouti Agreement between the TFG and the Alliance for the Reliberation of Somalia (ARS). In January 2009 the TFG and ARS formed a unity government, extended the transitional period by two years, and elected Sharif Sheikh Ahmed as the TFG president. On March 15, as part of the implementation of the Djibouti peace process, members of the Sufi organization Ahlu Sunna Wal Jama'a (ASWJ) signed an agreement to join and support the TFG against armed terrorist and extremist groups opposed to peace and stability.

The constitution and charters governing the various regions provided the right to study and discuss the religion of one's choice; however, proselytizing for any religion other than Islam is strictly prohibited. Due to insecurity and lack of legal capacity to enforce the charter and constitution, the TFG neither observed nor enforced constitutional provisions providing for the free exercise of religion. Moreover, statutes and regulations provided no effective recourse for violations of religious freedom.

Similarly, Somaliland and Puntland established Islam as the official religion in their regions. The Somaliland constitution prohibits the promotion of any religion other than Islam. The Somaliland criminal code outlines penalties for Muslims who change their religion, although there were no known instances of this prohibition being enforced. The constitution states that candidates for president, vice president, or the House of Representatives must be Muslim; it further stipulates that Islamic education is compulsory at all levels and that the promotion of Qur'anic schools is the responsibility of the government. The constitution additionally states that the laws of the nation shall derive from and not contradict Islam.

The Puntland constitution provides for the freedom to worship; however, it also states that Muslims cannot renounce their religion. In May 2009 the Puntland cabinet approved a new constitution; in June 2009 the Puntland parliament approved the constitution, and it went into effect immediately. The constitution prohibits propagation of any religion other than Islam.

It states that non-Muslims are free to practice their religion and cannot be forced to convert; however, the same article prohibits Muslims from converting from Islam. Puntland security forces closely monitored religious activities.

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In May 2009 the TFG ratified legislation to implement Sharia (Islamic law) nationwide. In practice the TFG does not have the capacity or mechanisms to implement the legislation uniformly since it controls only a small portion of the country. TFG courts now operate in Mogadishu, where the government maintains some authority; however, since the TFG's ratification of the legislation, there have been no reports of its implementation.

The judiciary in most regions relies on some combination of Sharia, traditional and customary law (known as Xeer), 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 interpretations of religious doctrine; however, the Puntland constitution has no such restriction on the formation of political parties based on religious orientation.

The Ministry of Religious Affairs is authorized to register religious organizations; however, the ministry has no capacity to conduct these registrations.

In Somaliland the government requires religious schools and places of worship to obtain the Ministry of Religion's permission to operate. In Puntland religious schools and places of worship must receive permission to operate from Puntland's Ministry of Justice and Religious Affairs.

The TFG and the Somaliland and Puntland administrations permit religious instruction in public schools. 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 adhering to conservative Islamic practices, especially in al-Shabaab-controlled areas. Al-Shabaab also directs schools in areas under its control to teach jihad as a subject matter. Mogadishu University, the University of East Africa in Bosasso, Puntland, and many secondary schools in Mogadishu are externally funded and administered through organizations affiliated with Al-Islah, a moderate Islamic organization.

The TFG and regional administrations in 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.

Restrictions on Religious Freedom

There was no change in the status of respect for religious freedom by the TFG during the reporting period. The TFG generally did not enforce legal restrictions or protections concerning religious freedom.

There were no public places of worship for non-Muslims. Although it is illegal to convert from Islam in Somaliland and Puntland, there were no reported cases of persons being punished for doing so. Proselytizing for any religion except Islam was prohibited in Puntland and Somaliland and was effectively blocked by informal societal consensus elsewhere.

Abuses of Religious Freedom

There were reports of abuses of religious freedom in the country, including religious prisoners and detainees.

The TFG engaged in armed conflict with extremist groups, all of which adhered to radical Islamic beliefs, including al-Shabaab and Hisbul Islam. As in 2009, there were instances of significant fighting between al-Shabaab and militias associated with Ahlu Sunna wal Jamaa (ASWJ – a traditional Sufi nation-wide organization aligned with the TFG against al-Shabaab) in the Galgaduud and Banadir regions.

There were no developments reported in the case of Abdi Welli Ahmed, a Kenyan citizen and Christian convert from Islam, reportedly detained and assaulted by Somaliland border officials in Wajaale in February 2009 as he tried to cross the border from Ethiopia.

There were no reports of religious prisoners or detainees in areas under Puntland, Somaliland, TFG, ASWJ, or TFG-affiliated clan-based administrations in the country. However, there were numerous credible reports of religious prisoners and detainees in al-Shabaab-controlled areas; the exact figure was unknown.

Abuses by Rebel or Foreign Forces or Terrorist Organizations

Violent conflict between jihadist groups and the TFG continued during the reporting period. These groups were aligned with al-Shabaab, which the U.S. Secretary of State designated as an FTO in 2008.

In the areas it controlled, al-Shabaab systematically enforced bans on cinemas and forbade watching the World Cup on television. It also prohibited the sale of khat (a narcotic) in towns, smoking, music, and any behavior it deemed un-Islamic such as shaving beards and inappropriate haircuts. Al Shabaab also enforced a strict requirement that women be fully veiled.

Throughout the reporting period, al-Shabaab continued to destroy graves of Sufi saints, prominent clerics, and members of other religious groups in areas under its control, igniting conflict with the ASWJ. While there were no reports of al-Shabaab militias killing prominent leaders as they did in the previous reporting period, al-Shabaab executed several ASWJ-affiliated persons in parts of the Galgaduud Region.

On May 21 and 23, Hisbul Islam and al-Shabaab, respectively, banned the use of beads as a prayer aid. They claimed the beads were an invention and, therefore, disallowed in Islam. The ban was targeted at the ASWJ and adherents of Sufi Islam, who commonly use beads while praying.

In early June Hisbul Islam militia issued a prohibition on watching World Cup games. On June 12, Hisbul Islam militia stormed a structure where youth were watching a game. The militia reportedly shot two boys as they fled to avoid arrest. Some World Cup fans abandoned their homes in Hisbul Islam-controlled areas in Mogadishu to watch the games in TFG-controlled areas of the city.

On July 10, Sheikh Mohamed Abdi Mohamed, Hisbul Islam's head of Islamic propagation, warned unidentified persons to stop proselytizing for Christianity in internally displaced persons camps between Afgoe and Mogadishu.

On July 25, al-Shabaab banned persons from keeping television sets and satellite dishes in their homes and ordered them to surrender their equipment.

On August 21, al-Shabaab arrested an estimated 20 men in Kismayu for chewing khat, smoking cigarettes, or eating before sunset during the month of Ramadan. Al-Shabaab made similar arrests in Dinsoor, Bay Region; those arrested were each given 25 strokes with a cane for nonobservance of the fasting period.

On August 22, in Galgaduud Region, in a rare incident for ASWJ, the group ordered women to wear the hijab and banned residents from viewing films in public video parlors and from using mobile phones. These bans were only in effect during the month of Ramadan.

On November 1, al-Shabaab militia in Jowhar arrested an estimated 20 men for refusing al-Shabaab orders to grow beards, trim moustaches, and shorten pants.

On November 10, al-Shabaab militia beheaded four persons in Waradhumale in Galgaduud Region for their association with ASWJ.

On November 16, al-Shabaab militias kidnapped Sheikh Abdirahman Ahmed Roble, a prominent imam, shortly after he led Eid prayers in Mogadishu's Livestock Market neighborhood. It is not clear why Roble was kidnapped. On the same day in a separate incident, al-Shabaab militia attacked worshippers in Baidoa mosques for disobeying al-Shabaab orders to conduct Eid-al-Adha prayers only at the main Baidoa football stadium.

On November 22, al-Shabaab flogged a young woman and man in the central Somali town of Jalalqsi allegedly for eloping.

On November 28, al-Shabaab arrested an estimated 30 women khat traders for selling khat inside Kismayu Town. In 2009 al-Shabaab gave orders that khat can only be sold in designated areas outside the towns they control.

Section III. Status of Societal Actions Affecting Enjoyment of 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 interpretation of Sunni Islam.

Non-Muslims who practiced their religion openly faced occasional societal harassment. Conversion from Islam to another religion was considered socially unacceptable. Those suspected of conversion faced harassment or even death from members of their community. On June 15, Muslim parents of a Somali teenage girl beat her severely for converting to Christianity from Islam. Reports indicated that she had been tied to a tree on a regular basis from May 10 when her family became aware of her conversion, and she had also been badly beaten when she refused to recant her Christian faith. On November 25, she was shot and killed by two unidentified men approximately 200 meters from the home where she had taken refuge.

Al-Shabaab and affiliated organizations imposed their own interpretations of Islamic laws and practices on other Muslims. Al-Shabaab destroyed the tombs of Sufi clerics and killed clerics, civilians, and government officials of Sufi orientation. In targeted assassinations, members of these extremist groups killed TFG officials and their allies and denounced them as non-Muslims or apostates.

Section IV. U.S. Government Policy

The U.S. government does not maintain a diplomatic presence in Somalia, and travel to the country by U.S. government officials is restricted. However, the U.S. government continued to discuss religious freedom with its contacts in the country and with regional authorities as part of its overall policy to promote human rights.

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