

SOMALIA 2012 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

From January through July, the Transitional Federal Charter (TFC) provided for freedom of religion in parts of the country administered from Mogadishu by the Transitional Federal Government (TFG), and the TFG generally respected religious freedom. On August 1, a provisional federal constitution replaced the TFC. In September a new parliament elected a new president and ended nearly eight years of transitional governance. The provisional constitution provides for freedom of religion, although it enshrines Islam as the state religion and prohibits proselytism for any religion other than Islam. The trend in the TFG's and the new government's respect for freedom of religion did not change significantly during the year. The TFG had limited capacity to enforce the TFC, and the new government had limited capacity to enforce the provisional constitution. In addition, the country was fragmented into regions administered by different entities, and neither the TFG nor the new government could implement the TFC or the provisional constitution in areas of the country outside their control.

Puntland State and Somaliland, a self-declared independent republic, have their own constitutions that provide some protection for religious freedom, although both documents prohibit apostasy, conversion from Islam, and propagation of religions other than Islam. The trend in the Somaliland's and Puntland's authorities' respect for religious freedom did not change significantly during the year.

The terrorist organization Al-Shabaab retained control of some rural areas of the south and central regions, but lost control over most major population centers it previously controlled. Al-Shabaab harassed and killed persons suspected of converting from Islam, and maimed and killed those who failed to adhere to its edicts.

There were reports of societal discrimination based on religious affiliation, belief, or practice. Conversion from Islam to another religion remained socially unacceptable. Those suspected of conversion faced harassment by members of their community.

There is no permanent U.S. diplomatic presence in the country. Travel by U.S. government officials was restricted. The U.S. government actively engaged the

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Somali drafters of the new provisional constitution to strengthen provisions for religious freedom.

Section I. Religious Demography

The last census took place in 1975, and ongoing instability makes precise data collection impossible. The population is approximately 10 million, according to a U.S. government source. A large majority of citizens are Sunni Muslims of a Sufi tradition. Conservative Salafist groups with politically prominent leaders are prevalent. There is thought to be a small, low profile Christian community and small numbers of members of other religious groups.

Section II. Status of Government Respect for Religious Freedom

Legal/Policy Framework

Through July, the Transitional Federal Charter (TFC) established Islam as the national religion, but stated 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 did not prohibit apostasy or the propagation of any religion other than Islam.

The provisional federal constitution replaced the TFC in August. It establishes Islam as the state religion and prohibits laws that do not comply with Sharia principles. It states that all citizens, regardless of religion, are afforded equal rights and duties before the law and that each person is free to practice his or her religion, but prohibits propagation of religions other than Islam. The provisional federal constitution does not explicitly prohibit apostasy or denouncing one’s religion.

The Puntland constitution, adopted by a constituent assembly on April 18, states that no one can be forced to adhere to a faith different from one’s own beliefs. It prohibits apostasy for Muslims and propagation of any religion other than Islam. The Puntland authorities interpret this section of the Puntland constitution to mean that conversion from Islam to other religions is prohibited.

The Somaliland constitution protects the right of freedom of belief. However, it states that Islamic law does not accept Muslim apostasy, prohibits preaching in a mosque on “matters that would divide the nation,” and prohibits the promotion of any religion other than Islam. Somaliland authorities interpret this portion of the

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Somaliland constitution to mean that conversion from Islam to other religions is prohibited.

The penal code developed in 1963 applies to all regions of the country. It does not prohibit conversion from Islam, but criminalizes blasphemy and defamation of Islam, which carry fines of up to two years in prison.

The provisional federal constitution requires that the president be Muslim. The Somaliland constitution requires that candidates for president, vice president, and the house of representatives be Muslim. The Puntland state constitution requires that its president be Muslim. The provisional federal constitution and Puntland state constitution make no such requirement for ministerial, parliamentary, or prime ministerial positions.

The provisional federal constitution describes the Federal Republic of Somalia as a Muslim country. The Somaliland constitution declares that its laws must derive from and not contradict Islam. The Puntland constitution stipulates that all laws be based on Islamic law.

The judiciary in most regions relies on Xeer (traditional and customary law), Islamic law, and the 1963 penal code. Legal frameworks vary considerably because 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 provisional federal constitution and the Puntland constitution do not link political party formation to religion.

Through July, the TFG Ministry of Justice, Endowments and Religious Affairs had authority to register religious groups, but little capacity to register or to shut down unregistered groups, some of which operated without registration. In November the federal parliament approved a new Ministry of Justice, Endowments, and Religious Affairs with 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 states explicit consequences for operating without permission.

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The new government, like its TFG predecessor and the Puntland and Somaliland administrations, requires Islamic instruction in schools. The TFC exempted non-Muslim students, while the provisional constitution exempts schools owned by non-Muslims.

Private schools are the primary source of education. The majority offer religious instruction. Externally funded madrassahs throughout the country provide inexpensive basic education and generally adhere to Salafist ideology, especially in al-Shabaab controlled areas.

Groups affiliated with the Al-Islah Islamic organization fund and administer Mogadishu University, the University of East Africa in Puntland, and many secondary schools in Mogadishu.

The new government and the authorities 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.

Government Practices

There were no reports of abuses of religious freedom by the TFG through July or by the new government from August through year's end, or by the Puntland or Somaliland authorities.

Abuses by Rebel or Foreign Forces or Terrorist Organizations

There were reports of abuses of religious freedom in areas controlled by the terrorist organization al-Shabaab. Violent conflict continued between al-Shabaab and the TFG and its allies through July, and subsequently between al-Shabaab and the new government and its allies. Al-Shabaab imposed its own interpretation of Islamic law and practices on other Muslims. Al-Shabaab militias killed TFG and new government officials and their allies, calling them non-Muslims or apostates. In the areas it controlled, al-Shabaab banned cinemas, music, and watching sporting events on television. It also prohibited the sale of khat (a popular narcotic) in towns, smoking, and any behavior it characterized as "un-Islamic," such as shaving beards. Al-Shabaab also enforced a strict requirement that women be fully veiled.

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Al-Shabaab persecuted minority Somali Christians in areas under its control, including executing suspected converts to Christianity. On November 15, al-Shabaab forces in Barava beheaded a 24-year-old man after accusing him of being a spy and a convert to Christianity.

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

There were numerous reports of religious prisoners and detainees in al-Shabaab controlled areas. The exact figure was unknown.

Fear of reprisals from al-Shabaab often prevented religious groups from operating freely. On March 12, in the outskirts of Mogadishu, al-Shabaab barred religious clerics from delivering sermons and lectures in mosques without authorization from its administrators. Al-Shabaab closed mosques in these areas after clerics refused to comply with directives to encourage the public to participate in fighting against TFG and African Union forces.

Al-Shabaab continued its propaganda campaign to characterize the African Union Mission in Somalia forces from Uganda, Burundi, and Kenya, and Ethiopian forces allied to the central government, as “Christians” intent on invading and occupying the country.

Al-Shabaab directed schools in areas under its control to teach a militant form of jihad.

Section III. Status of Societal Respect for Religious Freedom

There were reports of societal discrimination based on religious affiliation, belief, and practice. There was strong societal pressure to respect traditions associated with Sunni Islam.

Non-Muslims who practiced their religion openly were harassed. Conversion from Islam to another religion was socially unacceptable.

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

Section IV. U.S. Government Policy

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The U.S. government did not maintain a diplomatic presence in the country, and travel by U.S. government officials was restricted. U.S. government efforts to promote religious freedom focused on supporting efforts to bring stability and reestablish the rule of law. The Nairobi-based special representative for Somalia and his staff who traveled to Somalia emphasized with government officials that the provisional federal constitution should include explicit protections for religious freedom.