

SOMALIA 2013 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The Provisional Federal Constitution (PFC) provides for the right of each individual to practice one's religion. There were no reports the Federal Government of Somalia (FGS) had failed to uphold that right in the parts of the country it controlled. The PFC enshrines Islam as the state religion, prohibits the propagation of any religion other than Islam, and stipulates all laws must comply with the general principles of sharia (Islamic law). Regional administrations controlled various parts of the country, and the FGS was unable to implement the PFC in areas of the country outside its control.

Regional administrations, including the self-declared Republic of Somaliland in the northwest, Puntland State in the northeast, and the Interim Juba Administration in the southwest, provided governance functions in much 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, but Somaliland enforced its ban against the propagation of religions other than Islam. The Puntland State constitution stipulates non-Muslims shall enjoy the freedom of their faith and shall not be coerced to convert to another religion; there were no reports of abuses of that right by the Puntland State authorities.

The terrorist organization al-Shabaab retained control of many rural areas in the south and central regions. Except for Xuddur, capital of Bakool Region, al-Shabaab could not reassert itself over the major population centers it previously controlled. Al-Shabaab maimed and killed persons suspected of converting from Islam or those who failed to adhere to the group's edicts.

There were reports of societal discrimination based on religious affiliation, belief, or practice. 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 has 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

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bring stability and reestablish the rule of law and urging respect for provisions for religious rights in the PFC, Puntland State, and Somaliland constitutions.

Section I. Religious Demography

The U.S. government estimates the total population at 10.3 million (July 2013 estimate). A large majority is Sunni Muslim. Conservative Salafist groups with politically prominent leaders are prevalent. A small, low-profile Christian community and small numbers of members of other religious groups reportedly reside in parts of the country.

Section II. Status of Government Respect for Religious Freedom

Legal/Policy Framework

The PFC provides for the right of each individual to practice one's religion, but prohibits the propagation of any religion other than Islam. It states all citizens, regardless of religion, enjoy equal rights and duties before the law, but establishes Islam as the state religion and requires laws to comply with sharia principles. In contrast to the constitutions of Somaliland and Puntland State, the PFC does not explicitly prohibit Muslims from converting to other religions.

The constitutions of both regional administrations enshrine Islam as the state religion, prohibit Muslims from converting and 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, but prohibits preaching in a mosque on "matters that would divide the nation." The Puntland State constitution prohibits any law or culture that contravenes Islam and prohibits demonstrations contrary to Islam.

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

The PFC and Puntland State constitutions require the respective presidents, but not other office holders, to be Muslim. The Somaliland constitution requires, in addition to the president, candidates for vice president, and the House of Representatives to be Muslim.

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

The FGS Ministry of Justice, Endowments, and Religious Affairs has legal authority to register religious groups, but little capacity to register or shut down unregistered 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.

The FGS requires Islamic instruction in all schools except those owned by non-Muslims.

Government Practices

There were no reports of significant government actions affecting religious freedom by the federal government or by the Puntland State authorities. Somaliland enforced its ban against the propagation of religions other than Islam.

In March Somaliland regional authorities deported to Kenya a Kenyan engineer working for the United Nations Human Settlements Program in Hargeisa after accusing him of distributing Christian literature to the local population.

Abuses by Rebel or Foreign Forces or Terrorist Organizations

Violent conflicts continued between the terrorist organization al-Shabaab and the FGS and its allies. Through violence, Al-Shabaab imposed its own interpretation of Islamic law and practices on other Muslims. Al-Shabaab militias killed FGS 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

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television. It prohibited the sale of khat (a popular narcotic), smoking, and any behavior it characterized as “un-Islamic,” such as shaving beards. Al-Shabaab also enforced a strict requirement that women wear full veils.

On February 15, al-Shabaab assassinated renowned Puntland cleric Sheikh Abdulkadir Noor Farah “Ga’amey” at a mosque in Garowe, Nugaal Region, in retribution for his advocacy against al-Shabaab’s interpretation of jihad.

Al-Shabaab persecuted minority Somali Christians in areas under its control, including by executing suspected converts to Christianity. Al-Shabaab insurgents in Jamaame reportedly executed Hassan Hurshe in June on suspicion of having converted 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 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 remained unknown.

Fear of reprisals from al-Shabaab often prevented religious groups from operating freely. Al-Shabaab reportedly closed mosques in areas it controlled after clerics refused to comply with directives to encourage the public to participate in fighting against the FGS and the African Union Mission in Somalia (AMISOM) forces.

Al-Shabaab continued its propaganda campaign to characterize the AMISOM forces from Uganda, Burundi, Sierra Leone, and Kenya, as well as Ethiopian forces allied to the FGS, 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 adhere to traditions associated with Sunni Islam.

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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. Externally funded madrassahs throughout the country provided inexpensive basic education and generally adhered to Salafist ideology, especially in al-Shabaab controlled areas.

Groups affiliated with the al-Islah Islamic organization funded and administered Mogadishu University, the University of East Africa in Puntland, and many secondary schools in Mogadishu.

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. In discussions with Somali federal and regional officials, U.S. officials emphasized the importance of upholding those protections for religious freedom included in the PFC, Puntland State, and Somaliland constitutions.