

SOMALIA 2016 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The provisional federal constitution (PFC) provides for the right of individuals to practice their religion, 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 beyond greater Mogadishu; other areas of the country were outside its control. Federal state and interim regional administrations, including Somaliland, Puntland, the Interim Juba Administration (IJA), the Interim South West Administration (ISWA), and the Interim Galmudug Administration (IGA), governed their respective jurisdictions through local legislation. The constitutions of Somaliland and Puntland declare Islam as the state religion, prohibit Muslims from converting to another religion, bar the propagation of any religion other than Islam, and require all laws to comply with the general principles of sharia.

The terrorist group al-Shabaab killed, maimed, or harassed persons suspected of converting from Islam or those who failed to adhere to the group's religious edicts. During the year, al-Shabaab was responsible for the killings of civilians, government officials, members of parliament, Somali national armed forces and police, and troops from contributing countries of the African Union Mission in Somalia (AMISOM). On October 26, pro-ISIS fighters occupied a small coastal town in Puntland and proclaimed sharia until Puntland security forces expelled them in early December.

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

The U.S. government did not maintain a permanent diplomatic presence in the country. However, travel by U.S. government officials to Somalia increased from previous years, although trips remained limited to selected areas when security conditions permitted. U.S. government engagement to promote religious freedom focused on supporting efforts to bring stability, reestablish rule of law, and advocate for freedom of speech and assembly.

Section I. Religious Demography

The U.S. government estimates the total population at 10.8 million (July 2016 estimate). According to the federal Ministry of Religious Affairs, more than 99 percent of the Somali population is Sunni Muslim. Members of other religious groups combined constitute less than 1 percent of the population, and include a small Christian community, a small Sufi community, and an unknown number of Shia Muslims. Immigrants and foreign workers, who are mainly from East African countries, belong mainly to other religious groups.

Section II. Status of Government Respect for Religious Freedom

Legal Framework

The 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. No exemptions from application of sharia legal principles exist for non-Muslims. The PFC does not explicitly prohibit Muslims from converting to other religions.

The constitutions of the regional administrations 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 states: “Every person shall have the right to freedom of belief and shall not be compelled to adopt another belief. Islamic Sharia does not accept that a Muslim can renounce his beliefs.” The Puntland constitution prohibits any law or culture that contravenes Islam and prohibits demonstrations contrary to Islam. The constitution and other laws of Puntland do not define contravention of Islam.

Other regional administrations, including the IJA, ISWA, and IGA, have constitutions identifying Islam as the official religion. These constitutions stipulate all laws must comply with the general principles of sharia. The IGA and ISWA have not enacted laws directly addressing religious freedom.

The Penal Code developed in 1962 generally remains valid in all regions of the country. It does not prohibit conversion from Islam to another religion, but criminalizes blasphemy and “defamation of Islam,” which carry penalties of up to two years in prison.

The PFC and the Puntland constitution require the president, but not other office holders, to be Muslim. The Somaliland constitution requires, in addition to Somaliland's president, the 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 Penal Code. Each community individually regulates and enforces religious expression, often inconsistently.

The Somaliland constitution prohibits the formation of political parties based on a particular religious group, religious beliefs, or interpretation of religious doctrine, while the PFC and the approved constitutions of other regional administrations do not contain this prohibition.

The Ministry of Religious Affairs (MRA) has legal authority to register religious groups. Guidance on how to register or what is required is inconsistent. The ministry has no ability to enforce such requirements outside of Mogadishu.

Somaliland does not have a mechanism to register religious organizations or specific requirements to register Islamic groups. The Puntland government does not have any laws governing registration or a mechanism to register religious groups. Other regional administrations do not have a mechanism to register religious organizations.

In Puntland, religious schools and places of worship must obtain permission to operate from the Puntland Ministry of Justice and Religious Affairs. In Somaliland, religious schools and places of worship must obtain permission to operate from the Somaliland Ministry of Religion. Neither Puntland nor Somaliland law delineates consequences for operating without permission. All other regional administrations require places of worship and religious schools to obtain permission to operate from local authorities.

The federal Ministry of Education has the mandate to regulate religious instruction throughout the country. Federal and regional authorities require Islamic instruction in all schools, public or private, except those operated by non-Muslims. The federal government is reviewing and taking steps to standardize the national curriculum, in part to regulate Islamic instruction. Non-Muslim students attending public schools may request an exemption from Islamic instruction, but according to federal and regional authorities, there were no such requests.

The country is a party to the International Covenant on Political and Civil Rights.

Government Practices

Federal and regional governments maintained bans on the propagation of religions other than Islam, but there were no reports of enforcement. According to federal and regional government officials, there were no cases of individuals charged with apostasy, blasphemy, or defamation of Islam.

The government reportedly did not strictly enforce the registration requirement for religious groups opening schools for lay or religious instruction. Many religious groups did not register, but some religious groups said that the government did not pursue adverse actions against them.

The Somaliland government neither banned unregistered religious groups nor imposed financial penalties on any religious groups. In October Somaliland authorities allowed the reopening of a Catholic church in Hargeisa. The authorities said they had closed the church for several years because of the danger Christians faced in the overwhelmingly Muslim country.

The Puntland government neither banned nor imposed financial penalties on any religious groups.

On October 4, the minister of religious affairs and endowment said the ministry wanted to “create spaces for non-Muslim and religious minorities” to worship, but the current security environment undermined those efforts. He added that the ministry also contended with what he stated was Wahhabi influence from some Gulf countries.

Abuses by Foreign Forces and Nonstate Actors

Al-Shabaab continued to impose violently its own interpretation of Islamic law and practices on other Muslims. Violent conflicts continued between al-Shabaab and the federal government and its allies. Al-Shabaab retained control of some towns and rural areas, from which it regrouped to strike into urban areas using a wide variety of tactics. The group recaptured towns, including Tiye glow, El-Alif, and Halgan, after Ethiopian forces withdrew from areas in southwestern and central Somalia.

Al-Shabaab forces targeted and killed federal government officials and their allies, calling them non-Muslims or apostates. On July 27, al-Shabaab militants targeted an AMISOM base in Mogadishu, killing at least 13 people, nine of whom were UN security personnel. Al-Shabaab spokesperson Abdulaziz Abu Muscab said the group targeted the base as a symbol of foreign forces' occupation of their Muslim country. Al-Shabaab continued its campaign to characterize the AMISOM peacekeeping forces as "Christians" intent on invading and occupying the country. In January al-Shabaab took credit for the attack on the El Adde base, in which more than 140 mostly Christian, Kenyan soldiers serving under AMISOM died. The attackers stated "the attack [was a] message to the Kenyan Government that... invasion of Muslim lands...by the Kenyan crusaders will not be without severe consequences."

Al-Shabaab continued to threaten to execute anyone suspected of converting to Christianity. In the areas it controlled, al-Shabaab continued to ban cinemas, television, music, the internet, and watching sporting events. It prohibited the sale of khat (a popular stimulant drug), smoking, and behavior it characterized as un-Islamic, such as shaving beards. It also enforced a strict requirement that women wear full veils.

Al-Shabaab continued to harass secular and faith-based humanitarian aid organizations, threatening the lives of their personnel and accusing them of seeking to convert Somalis to Christianity. A high-level Catholic Church official, who helped reopened the Catholic church in Hargeisa in October, said "there is no way of having a presence in Mogadishu...all pastoral work is done secretly."

Fear of reprisals from al-Shabaab often prevented religious groups from operating freely. Al-Shabaab reportedly threatened to close mosques in areas it controlled if the mosques' teachings did not conform to the group's interpretation of Islam.

In areas under its control, al-Shabaab continued to mandate schools teach a militant form of jihad emphasizing that students should wage war against those it deemed infidels, including countries in the region, the federal government, and AMISOM.

Some al-Shabaab sympathizers, particularly in strongholds such as Barawe, Lower Shabelle, reportedly viewed the group as protecting Islam.

Ahlu Sunna Wal Jama'a, a regional militia consisting of Sufis opposed to the strict interpretations of Islam propagated by groups such as al-Shabaab, controlled Dhusamareb, a small town in central Somalia, and in previous years residents

conformed to the group's demands that they adhere to its interpretation of Islam; however, there were no such reports during the year.

On October 26, 50 ISIS fighters took control of Qandala, a small coastal town in Puntland, and a large number of residents fled. Fighters raised the ISIS flag and proclaimed sharia; there were no reported casualties. Puntland security forces expelled the ISIS fighters in early December.

Section III. Status of Societal Respect for Religious Freedom

There reportedly continued to be strong societal pressure to adhere to Sunni Islam traditions.

Conversion from Islam to another religion remained socially unacceptable, and individuals suspected of conversion and their families were reportedly subject to harassment from members of their local communities.

Christians and members of other non-Muslim religious groups were reportedly unable to practice their religion openly out of fear of harassment across most of the country. The small Christian community continued to keep a low profile with regard to religious beliefs and practices. Other non-Islamic groups likely also refrained from openly practicing their religion.

There was one Catholic church in Hargeisa, Somaliland. A high-level Catholic Church official noted fewer than 10 people attended Mass, but said the church's presence was important. There were no public places of worship for non-Muslims in other parts of the country.

In Somaliland, more women were wearing full veils, fewer shops were playing music, and there was increased construction of mosques, according to a Hargeisa-based observer. The observer noted there was pressure to live as a "serious" Muslim in response to perceptions that life in the Western world was becoming more hostile to 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. Travel by U.S. government officials to the country, however, increased during the year, although trips remained limited to select areas and only when security conditions permitted. Embassy officials met with government officials and religious leaders to advocate the promotion of religious tolerance. U.S. government efforts to promote religious freedom focused on supporting the efforts of the current government to bring stability, reestablish rule of law, and advocate for freedom of speech and assembly.