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2019 Report on International Religious Freedom: Somolia

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. Most areas of the country beyond greater Mogadishu remained outside federal government control. Federal Member State (FMS) administrations, including Puntland, Jubaland, South West State, Hirshabelle, Galmudug, and self-declared independent Somaliland, governed their respective jurisdictions through local legislation but did not fully control them. The constitutions of Somaliland and Puntland State 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. In August the government began issuing approximately two million textbooks that reflect the new curriculum to students countrywide, according to the Ministry of Higher Education and Culture. Ministry officials declared that religious education was important in order to counter efforts by al-Shabaab to impose a strict version of Islamic law.

According to media reports, by October the year was one of the deadliest years on record for fatalities from attacks by terrorist group al-Shabaab, with numbers already more than 1,200. 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, police, and troops from contributing countries of the African Union Mission in Somalia (AMISOM). Al-Shabaab continued its campaign to characterize the AMISOM peacekeeping forces as “Christians” intent on invading and occupying the country. In July al-Shabaab killed an aid worker from the humanitarian nongovernmental organization (NGO) Lifeline in Buulo Cadey, in the Gedo Region of Jubaland State. In January al-Shabaab reportedly kidnapped 100 civilians who refused to pay the group *zakat* (tax). In July the group publicly executed 10 civilians in Hagar and Salagle, towns located in the Middle Juba Region of Jubaland State, for “spying” for foreign and Somali security forces. Al-Shabaab, which launched a primary and secondary education curriculum in 2017, continued to threaten parents, teachers, and communities who failed to adhere to al-Shabaab's precepts.

Strong societal pressure to adhere to Sunni Islamic traditions continued. Conversion from Islam to another religion remained illegal in some areas and socially unacceptable in all. Those suspected of conversion faced harassment by members of their community. In June Christian media reported a woman in Burao, Somaliland, was reportedly beaten by her brothers, divorced by her husband, and separated from her two children after her husband found a Bible in a drawer in their home. Externally funded madrassahs throughout the country provided inexpensive basic education, and many taught Salafist ideology, especially in al-Shabaab-controlled areas, according to observers.

Following the reestablishment of a permanent diplomatic presence in December 2018, travel by U.S. government officials remained limited to select areas when security conditions permitted. U.S. government engagement to promote religious freedom remained focused on supporting efforts to bring stability and reestablish rule of law, in addition to advocating for freedom of speech and assembly.

Section I. Religious Demography

The U.S. government estimates the total population at 11.5 million (midyear 2019 estimate). Other sources, including the World Bank, estimate the population to be at least 14.7 million. According to the federal Ministry of Religious Affairs, more than 99 percent of the population is Sunni Muslim. According to the World Atlas, members of other religious groups combined constitute less than 1 percent of the population and include a small Christian community of approximately 1,000 individuals, a small Sufi Muslim community, and an unknown number of Shia Muslims, Hindus, Buddhists, Jews, and those not affiliated with any religion. Foreign workers, who are primarily from East African countries, belong mainly to non-Muslim religious groups.

The Somali Bantu population largely inhabits the southern and central regions of the country near the Shabelle and Jubba Rivers. The majority of the Somali Bantu population is Muslim but also maintain traditional animist beliefs.

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. While the PFC does not explicitly prohibit Muslims from converting to other religions, sharia forbids conversion from Islam. No exemptions from application of sharia legal principles exist for non-Muslims.

The constitutions of Somaliland in the northwest and Puntland State 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 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 contravention of Islam.

Other interim FMS administrations, including Galmudug, Hirshabelle, Jubaland, and South West State, have constitutions identifying Islam as the official religion. These constitutions stipulate all laws must comply with the general principles of sharia. The Galmudug, Hirshabelle, and South West State interim administrations have not enacted laws directly addressing religious freedom.

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

Both the PFC and the Puntland State 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. *Xeer* is believed to predate Islamic and colonial traditions, and in many areas, elders will look to local precedents of *xeer* before examining relevant sharia references. Each area individually regulates and enforces religious expression, often inconsistently. In areas controlled by al-Shabaab, sharia is the only formally recognized legal system, although reports indicate that *xeer* is applied in some cases.

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 constitutions of state administrations do not contain this prohibition.

The federal Ministry of Religious Affairs 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 has no mechanism to register religious organizations and no specific requirements to register Islamic groups. The Puntland State government has no laws governing registration and no mechanism to register religious groups. Other FMS administrations have no mechanism to register religious organizations.

In Puntland State, religious schools and formal places of worship must obtain permission to operate from the Puntland Ministry of Justice and Religious Affairs. In Somaliland, religious schools and formal places of worship must obtain permission to operate from the Somaliland Ministry of Religion. Neither Puntland State nor

Somaliland law delineates consequences for operating without permission. The FMS administrations require formal places of worship and religious schools to obtain permission to operate from local authorities.

The Ministry of Endowments and Religious Affairs is responsible for monitoring religious affairs and promoting religious tolerance between practitioners of Islam and minority religions. Specific responsibilities of the ministry include arranging affairs for Somali Hajj pilgrims and developing messaging to counter al-Shabaab ideology. The federal Ministry of Education, Culture, and Higher Education has the mandate to regulate religious instruction throughout the country. The PFC and FMS authorities require Islamic instruction in all schools, public or private, except those operated by non-Muslims. Private schools have more flexibility in determining their curriculum. These schools must request approval of the federal Ministry of Education; however, requests are infrequent. Non-Muslim students attending public schools may request an exemption from Islamic instruction, but according to federal and FMS authorities, there have been no such requests.

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

Government Practices

The federal government continued to confront multiple challenges, including a persistent threat from al-Shabaab, a stalemate in relations with the FMS governments, and attempts by external actors to increase influence at the subnational level. Despite the government’s reported attempts to strengthen governance, reform key security institutions, and carry out operations to combat al-Shabaab, the terrorist group continued to carry out attacks regularly in the capital and to control large land areas throughout the southern and central parts of the country.

Federal and FMS governments maintained bans on the propagation of religions other than Islam. The federal government reportedly continued not to strictly enforce the registration requirement for religious groups opening schools for lay or religious instruction.

The federal Ministry of Education, Culture, and Higher Education continued to implement a new national curriculum framework, although parliament by year’s end had not passed the draft law establishing the new system. The initiative mandates Somali as the language of instruction for primary school, Islamic religious instruction at all levels, and Arabic-language Islamic religion courses at the secondary level. In August, according to the Ministry of Higher Education and Culture, the government began issuing countrywide approximately two million textbooks that reflect the new curriculum. Ministry officials declared that religious education was important in order to counter efforts by al-Shabaab to impose a strict version of Islamic law. Muslim clerics helped create the new materials and trained teachers in Islamic ethics, according to ministry representatives.

The federal minister of endowments and religious affairs noted the ministry’s ambitious efforts to promote religious tolerance and messaging to counter al-Shabaab ideology but stated such efforts were underresourced.

Abuses by Foreign Forces and Nonstate Actors

The terrorist group al-Shabaab continued to wage guerilla war against the government and its foreign partners, striking military and civilian targets indiscriminately. According to a November UN report, the Somali army and AMISOM peacekeepers held most urban centers in the country, while al-Shabaab maintained “direct control or influence over vast swaths of the hinterland.” While the group’s territorial control was fluid, terrorist experts stated that during the year the group controlled more territory than at any time since 2010; according to U.S. military estimates, the group controlled 20 percent of the country’s territory. The group’s stated objective remained the ousting of the “western-backed” government and imposition of a strict version of Islamic law. Al-Shabaab continued to impose its own interpretation of Islamic practices and sharia on other Muslims and non-Muslims, including executions as a penalty for alleged apostasy in areas under its control, according to media and UN sources.

According to the BBC, by October the year was one of the deadliest on record for fatalities from al-Shabaab attacks, with numbers already more than 1,200. Al-Shabaab forces targeted and killed federal and local government officials and their allies, calling them non-Muslims or apostates. In July the group publicly executed 10 civilians in Hagar and Salagle, towns located in the Middle Juba Region of Jubaland State, for “spying” for foreign and national security forces, following trial by an al-Shabaab “court.” In May senior al-Shabaab official Abu Abdurahman Mahad Warsame warned citizens in a recorded message to stay away from enemy targets, specifying that in addition to “Christian invaders,” those targets included “...apostate spies and all those who work in the different sectors of the apostate regime.”

Al-Shabaab extorted high and unpredictable *zakat* (an Islamic obligation to donate to charity during Ramadan) and *sadaqa* (a normally voluntary charity contribution paid by Muslims) taxes in the regions it controlled, according to humanitarian groups. In January al-Shabaab reportedly kidnapped 100 civilians in the Bakool Region of South West State who refused to pay the group *zakat*.

Al-Shabaab continued its campaign to characterize the AMISOM peacekeeping forces as “Christians” intent on invading and occupying the country.

According to humanitarian groups, al-Shabaab continued threatening 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 plant), smoking, and other behavior it characterized as un-Islamic, such as shaving beards. It also enforced a requirement that women wear full veils.

According to humanitarian groups, 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 individuals to Christianity. According to media reports, in July al-Shabaab terrorists killed an aid worker from the humanitarian NGO Lifeline in Buulo Cadey, in the Gedo Region of Jubaland State.

In areas under its control, al-Shabaab continued to mandate schools teach a militant form of jihad emphasizing that students should wage war on those it deemed infidels, including in nearby countries, the federal government, and AMISOM. In the Afgoye District of Lower Shabelle, al-Shabaab reportedly maintained boarding schools to indoctrinate youth from distinct clans and forced those clans to provide funding for the institutes dedicated to their youth.

A small faction of ISIS fighters based in Puntland State continued to carry out terrorist attacks with the objective of establishing an ISIS caliphate in the country. The group's estimated strength was approximately between 200 to 300 active combatants, but it had relative freedom of movement and recruited individuals from towns surrounding the Golis Mountains.

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 continued to be socially unacceptable, and individuals suspected of conversion and their families were reportedly subject to harassment from members of their local communities.

In June *Morning Star News* reported a woman in Burao, Somaliland, was reportedly beaten by her brothers, divorced by her husband, and separated from her two children after her husband found a Bible in a drawer in their home.

Christians and members of other non-Muslim religious groups continued to report an inability to practice their religion openly due to fear of societal 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 continued to be no public places of worship for non-Muslims other than in the international airport. Religion News Service reported that hundreds of Christians in the country, typically foreigners from nearby countries but also some local converts, met secretly in houses for religious services. According to Catholic Bishop Giorgio Bertin, it would be hard to operate a church in the country because of the risks Christians faced there. He stated, “They are forced to pray and worship secretly because it’s risky being identified as a Christian.”

Private schools continued to be the main source of primary education. The majority offered religious instruction in Islam. Quranic schools remained key sources of early education for a majority of the country's children. Integrated Quranic schools, in which both religious and secular curriculum were taught, still operated. Externally funded madrassahs throughout the country provided inexpensive basic education, and many taught Salafist ideology, especially in al-Shabaab-controlled areas, according to observers.

Section IV. U.S. Government Policy

The U.S. government re-established a permanent presence in the country in December 2018, although trips remained limited to select areas and only when security conditions permitted. U.S. government engagement to promote religious freedom focused on supporting the efforts of the government to bring stability and reestablish rule of law, in addition to advocating for freedom of speech and assembly. The embassy engaged with officials and opposition figures to dissuade the use of religion for threatening those with differing political or religious perspectives.

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