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SOMALIA 2015 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 in areas of the country 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. On December 23, the Ministry of Religious Affairs (MRA) announced a ban on Christmas celebrations and warned that Christian festivities could threaten the nation's Muslim faith. The government reversed this decision on December 24, but it retained the right to cancel any celebrations for security reasons.

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 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).

There was strong societal pressure to adhere to traditions associated with Sunni Islam. 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 had no permanent diplomatic presence in the country. U.S. government officials traveled to the country when security conditions permitted for discussions with in-country government officials. U.S. government efforts to promote religious freedom focused on supporting efforts to bring stability and reestablish the rule of law.

Section I. Religious Demography

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The U.S. government estimates the total population at 10.6 million (July 2015 estimate). According to the federal Ministry of Religious Affairs, the overwhelming majority is Sunni Muslim. Members of other religious groups combined constitute less than 1 percent of the population, and include a small Christian 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 exist from application of sharia legal principles 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 drafted state constitutions identifying Islam as the official religion. These state constitutions stipulate all laws must comply with the general principles of sharia. The newly-formed IGA and ISWA have not enacted laws directly addressing religious freedom.

The Penal Code developed in 1962 remains generally valid in all regions of the country. It does not prohibit conversion from Islam to another religion, but

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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, but neither the PFC nor the constitutions of other regional administrations, prohibits the formation of political parties based on a particular religious group, religious beliefs, or interpretation of religious doctrine.

The 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 Somaliland MRA, however, requires all religious schools and centers to obtain government approval to operate.

The Puntland government does not have any laws governing registration or a mechanism to register religious groups.

Other regional administrations have not developed 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

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in all schools, public or private, except those operated by non-Muslims. There is no national curriculum 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.

Government Practices

Federal and regional governments maintained bans on propagation of religions other than Islam, but there were no reports of enforcement.

On December 23, the director general of the MRA and the Vice Chairman of the Supreme Religious Council of Somalia announced the federal government banned Christmas celebrations in the country. Stating “all events related to Christmas celebrations are contrary to Islamic culture,” the director general instructed federal security forces to halt or dissolve any gatherings in celebration of Christmas. Mogadishu Mayor Yusuf Hussein Jimale later explained the government issued the ban to protect people in large gatherings from being targeted by al-Shabaab. On December 24, the government reversed its earlier decision, which had sparked local and international attention.

The religious affairs minister said that authorities reserved the right to cancel Christmas or New Year’s parties for security reasons. The religious freedom minister said, “the troops or other Christians in Somalia are free to practice their religion on their own, because we Muslims do Eid festivals in non-Muslim countries freely...anyone can do a party that is not spreading another religion or ideology, and people can do the New Year celebrations.”

According to federal and regional government officials, there were no cases of individuals being charged with apostasy, blasphemy, or defamation of Islam.

The government reportedly only generally sought to register religious groups opening schools for lay or religious instruction. Many religious groups did not register, but religious associations 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.

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

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Abuses by Foreign Force or Non-State 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, but by year's end lost control of the key cities of Bardheere and Dinsoor and several other towns and villages in the south and central regions to AMISOM and Somali security forces.

Al-Shabaab forces killed federal government officials and their allies, calling them non-Muslims or apostates. On February 9, al-Shabaab militants assassinated federal Member of Parliament Abdulahi Qayad Barre during his commute to parliament. Al-Shabaab military spokesperson Sheikh Abdiasis Abu Musab later released a statement stating that al-Shabaab commandoes had shot and killed Barre for being a non-believer.

In April an al-Shabaab court in Jamame convicted Mohamud Mursal Muse of blasphemy for insulting the Prophet Mohammed. Media reported that Muse was subsequently executed by firing squad.

On May 8, al-Shabaab militants assassinated Puntland Member of Parliament Said Hussein Nur as he exited a mosque after evening prayers. Al-Shabaab claimed responsibility stating that Mujahedeen fighters would continue to target and kill "apostate" members of the Puntland Parliament.

On September 1, al-Shabaab militias attacked Ugandan AMISOM troops based in Janaale, Lower Shabelle, killing at least 18. In a statement released following the attack, al-Shabaab characterized the AMISOM forces as "crusaders."

Al-Shabaab also attacked diplomats from Muslim countries. On June 24, al-Shabaab militants attacked a United Arab Emirates (UAE) convoy in Mogadishu, killing approximately six civilians. Al-Shabaab media stated the attack was directed at the "apostate" government of the UAE.

On October 12, al-Shabaab abducted schoolteacher Judy Mutua, a Kenyan national working for the nongovernmental organization (NGO) Windle Trust International in the Dadaab refugee camp in Kenya. After IJA and Kenyan Defence Forces rescued her on October 16 in southern Somalia, Kenyan officials reported that al-

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Shabaab had tried to force her to convert to Islam. Al-Shabaab publicly stated it kidnapped her as reprisal for the Kenyan government's "invasion" of Somalia.

There were numerous reports of individuals imprisoned or detained for religious reasons in al-Shabaab-controlled areas. The exact figure remained unknown.

Al-Shabaab threatened to execute anyone suspected of converting to Christianity. In the areas it controlled, al-Shabaab banned cinemas, television, music, the internet, and watching sporting events. It prohibited the sale of khat (a popular stimulant drug), 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. For example, on September 1, al-Shabaab dropped numerous leaflets throughout Mogadishu warning women to wear veils or face death. According to federal officials, such behavior occurred regularly in Mogadishu and other urban centers across the country.

An NGO reported 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.

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.

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

In areas under its control, al-Shabaab mandated schools to 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.

Ahlu Sunna Wal Jama'a (ASWJ), a regional militia consisting of Sufis opposed to the strict interpretations of Islam propagated by groups such as al-Shabaab, forced local populations to adhere to its interpretation of Islam. For example, on May 17, ASWJ authorities in Dhusamareb, Galguduud region, banned women from wearing full-face veils in public places purportedly for security reasons. A spokesperson for the group later stated the group would continue to counter al-Shabaab's propagation of Wahabi teachings in the areas it controlled.

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Section III. Status of Societal Respect for Religious Freedom

There reportedly was strong societal pressure to adhere to traditions associated with Sunni Islam.

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

Christians and members of other non-Muslim religious groups were reportedly unable to practice openly their religion out of fear of harassment. The small Christian community said it kept a low profile with regard to their religious beliefs and practices. Other non-Islamic groups also refrained from openly practicing their religion.

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