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2022 Report on International Religious Freedom: Somalia

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 remain outside federal government control. Federal Member State (FMS) administrations, including Puntland, Jubaland, South West State, Hirshabelle, Galmudug, and self-declared independent Somaliland, govern their respective jurisdictions through local legislation but do not fully control them. Somaliland's constitution declares Islam its official religion, prohibits Muslims from converting to another religion, bars the propagation of any religion other than Islam, and requires all laws to comply with the general principles of sharia.

The Federal Ministry of Education, Culture, and Higher Education continued to implement its curriculum, declaring that a secular education with a focus on Islamic values and instruction in Somali was important in order to counter efforts by the Islamic fundamentalist terrorist group al-Shabaab to impose a strict version of Islamic law. During the year, President Hassan Sheikh Mohamud emphasized education in the government's fight against al-Shabaab, publicly committing to revive education in areas liberated from the group.

Al-Shabaab continued to attack government-linked forces and targets and civilians throughout the country during the year. The group also continued to pressure civilians to support its extremist ideology. According to media reports, al-Shabaab killed, injured, or harassed persons for a variety of reasons, including failure to adhere to the group's religious edicts. During the year, al-Shabaab was responsible for the killings of civilians, government officials, government security forces, police, and troops from contributing countries of the African Union Transition Mission in Somalia (ATMIS). The United Nations estimated that al-Shabaab attacks had killed 613 civilians and injured 948 by mid-November, the highest number of such casualties since 2017 and a third more than in 2021. Al-Shabaab continued its campaign to characterize the ATMIS forces as "Christian crusaders" intent on invading and occupying the country. During the year, the group conducted public executions of persons whom it accused of committing crimes such as blasphemy and spying, according to local and international press reports. Al-Shabaab continued its practice of targeting humanitarian aid workers, often accusing them of seeking to convert individuals to Christianity, but violence against aid workers decreased compared to 2021, with no incident directly targeting NGOs during the first half of the year.

Strong societal pressure to adhere to Sunni Islamic traditions continued. Conversion from Islam to another religion remained prohibited in some areas. Those suspected of conversion reportedly faced harassment and intimidation by members of their community.

Travel by U.S. government officials remained limited to select areas when security conditions permitted. U.S. government engagement relevant to promoting 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 12.4 million (midyear 2022). Other sources, including the Federal Government of Somalia, estimate the population to be at least 15.7 million. According to the Federal Ministry of Endowments and Religious Affairs, more than 99 percent of the population are 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, a small Sufi Muslim community, and an unknown number of Shia Muslims, Hindus, Buddhists, Jews, and those not affiliated with any religion.

The Somali Bantu population, the majority of whom are Muslim, largely inhabits the southern and central regions of the country near the Shabelle and Jubba Rivers. Some Somali Bantu 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 has been interpreted to forbid conversion from Islam. No exemptions from the application of sharia legal principles exist for non-Muslims under the law.

The constitution in Somaliland makes Islam the official religion there, prohibits Muslims from converting, prohibits the propagation of any religion other than Islam, and stipulates all laws must comply with the general principles of sharia. Other 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. Galmudug, Hirshabelle, and South West State do not have 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. Given sharia’s role as the ostensible basis for national laws and the prohibition under Islamic jurisprudence for Muslims’ conversion to other religions, the relationship among sharia, the PFC, and the penal code remains unclear.

The PFC requires the president, but not other office holders, to be Muslim. The Somaliland constitution requires Somaliland's president and 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 PFC recognizes *xeer* as a mechanism for dispute resolution. The federal government uses a traditional dispute resolution policy that mainstreams the application of *xeer* but limits its application to mediating "nonserious" crimes. The application of *xeer* to criminal matters is not standardized.

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 other FMS administrations do not contain this prohibition.

The Federal Ministry of Endowments and 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. Other FMS administrations have no mechanism to register religious organizations.

In Somaliland, religious schools and formal places of worship must obtain permission to operate from the Somaliland Ministry of Religion. Somaliland law does not articulate consequences for operating without permission. Other FMS administrations require formal places of worship and religious schools to obtain permission to operate from local authorities.

The Federal Ministry of Endowments and Religious Affairs is responsible for monitoring religious affairs and promoting religious tolerance between practitioners of Islam and members of minority religious groups. Specific responsibilities of the ministry include arranging affairs for Somali Hajj pilgrims and developing messaging to counter al-Shabaab ideology. It also has the mandate to regulate religious instruction throughout the country. The law requires Islamic instruction in all schools, public or private. Private schools have more flexibility in determining their curricula. These schools must request approval from the Federal Ministry of Education, Culture, and Higher 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 terrorist organization that promotes extreme interpretations of Islamic doctrine, including through violence, 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 areas throughout the southern part of the country.

The 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.

According to several Christian advocacy groups working in the region, Somaliland police in Hargeisa arrested a local resident on charges of blasphemy, apostasy, insulting Islam and the Prophet of Islam on social media, and spreading Christianity. A court in Hargeisa convicted her of blasphemy in August and sentenced her to five years in prison. According to her lawyer, the appellate regional court of Marodi Jeh denied her first appeal in December. Her lawyer appealed a second time in late December and the case was scheduled to be heard in 2023 by the Somaliland Supreme Court.

The Federal Ministry of Education, Culture, and Higher Education continued to implement its national curriculum framework, declaring that a secular education with a focus on Islamic values and instruction in Somali was important in order to counter efforts by the terrorist group al-Shabaab to impose a strict version of Islamic law. During the year, President Hassan Sheikh Mohamud emphasized education in the government's fight against al-Shabaab, publicly committing to revive education in areas recaptured from the group.

Actions of Foreign Forces and Nonstate Actors

Al-Shabaab continued to use insurgency tactics against the government and its foreign partners, striking civilian and military targets repeatedly. Many attacks involved the use of improvised explosive devices against government-linked forces and buildings, as well as against soft targets such as popular hotels and restaurants frequented by civilians in areas under government control. The group conducted attacks targeting Turkish construction workers near Afgoye, guests at a hotel, government buildings, civilian Ministry of Defense staff in Mogadishu, and villagers in Hiran and Lower Shabelle, among many others. According to the UN Assistance Mission in Somalia, al-Shabaab was responsible for 76 percent of civilian casualties between February 1 and May 6. The group's attacks continued throughout the year. On August 19, al-Shabaab attacked the Hayat Hotel in Mogadishu, two miles outside the Halane security perimeter that surrounds the international airport. The group's siege of the hotel lasted approximately 40 hours before government security forces secured the site. Six suspects were arrested, 25 persons killed (including six of the seven al-Shabaab insurgents), and 117 were injured. Security forces safely evacuated 113 civilians. In October, twin al-Shabaab car-bomb attacks near the Ministry of Education killed at least 100 persons, according to President Hassan Sheikh Mohamud. The UN Office of the High Commissioner for Human Rights estimated that al-Shabaab attacks had killed 613 civilians and injured another 948 through mid-November, the highest number of such casualties since 2017 and a third more than in 2021.

During the year, al-Shabaab was reportedly responsible for the killing of civilians, government officials, government security forces, police, and troops from contributing countries of the African Union Transition Mission in Somalia (ATMIS). Al-Shabaab continued its campaign to characterize the ATMIS forces as "Christian crusaders" intent on invading and occupying the country. In May, al-Shabaab fighters attacked a remote military base in El Barab, Middle Shabelle, and killed a number of Burundian peacekeepers. In March, nine Kenyan Defense Force members were killed when an improvised explosive device detonated while they were traveling in the Gedo region.

The army, security forces, and ATMIS personnel held most urban centers in the country, while al-Shabaab continued to control or maintain influence over rural areas. While the group's territorial control was fluid, the United Nations continued to say that the group retained its ability to conduct attacks in Mogadishu and that it had recovered areas where it had previously faced pressure from government-aligned forces, including in the Lower Shabelle region and in Galmudug. Also, the group continued to move relatively freely and to recruit individuals from towns surrounding the Golis Mountains.

The group's stated objective remained the imposition of a strict version of Islamic law in "greater Somalia." Al-Shabaab continued to impose its own interpretation of Islamic practices and sharia on other Muslims and non-Muslims. On August 10, al-Shabaab executed six persons in Jilib district after accusing them of spying for the United States, Kenya, and the Federal Government of Somalia. Media reports stated that al-Shabaab forced local members of the public to view the executions. On August 5, media outlets reported that al-Shabaab killed Hassan Tohow Fidow by firing squad for allegedly insulting the Prophet Muhammad. The group issued a statement claiming credit for the "execution," which took place near Elbur in the Galgaduud region, but it provided no further details.

Al-Shabaab continued to extort *zakat* (an Islamic annual compulsory contribution of a set amount, typically 2.5 percent of one's wealth, to benefit the poor) and *sadaqa* (a charitable contribution usually paid voluntarily by Muslims) from persons throughout central and southern areas of the country. According to multiple sources, al-Shabaab's collection of zakat, sadaqa, and other extortion continued to generate tens of millions of dollars in revenue.

Al-Shabaab continued to threaten parents, teachers, and communities who failed to adhere to al-Shabaab's precepts.

According to humanitarian groups, al-Shabaab continued threatening to execute anyone suspected of converting to Christianity. In the areas it controlled, the group 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 NGOs and security experts, al-Shabaab continued to exploit federal government and FMS political infighting and ethnic clan rivalries for its own purposes, at times being seen as the only group that provided "justice," however harsh, in places underserved or neglected by the government.

According to humanitarian groups, al-Shabaab typically harassed secular and faith-based humanitarian aid organizations, threatening the lives of their personnel and accusing them of seeking to convert individuals to Christianity. Compared with the same period in 2021, violence against aid workers decreased, with no incident directly targeting NGOs during the first half of 2022.

In areas under its control, al-Shabaab continued to mandate that schools teach a militant form of jihad emphasizing that students should wage war on those it deemed infidels, including in nearby countries, and against the federal government and ATMIS. When al-Shabaab claimed responsibility for the attack on the Ministry of Education, Culture, and Higher Education in October, its statement specifically cited the government curriculum as being un-Islamic.

ISIS Somalia functioned as a hub for funding, strategic guidance, and liaising among regional ISIS networks, according to terrorism experts. A small faction of Puntland-based ISIS fighters continued to

carry out terrorist attacks with the objective of establishing an ISIS caliphate in the country. The U.S. government estimated the group's strength at less than 300 in 2022.

Section III. Status of Societal Respect for Religious Freedom

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

Conversion from Islam to another religion remained illegal in some areas and continued to be socially unacceptable in all, while individuals suspected of conversion and their families were reportedly subject to harassment and intimidation from members of their local communities, according to one international Christian organization.

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 compound. The only Catholic church in Somaliland remained closed, and observers stated that its reopening would be controversial.

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 most children. The education system also included Islamic institutes that ran parallel to general primary education and general secondary education and that resulted in an Islamic education certificate. Externally funded madrassahs throughout the country provided inexpensive basic education, and many taught Salafist ideology, especially in al-Shabaab-controlled areas, according to observers.

Although reliable data remained hard to obtain, especially in the rural areas, a majority of young children appeared to be enrolled in Quranic schools, which fell under the authority of the Federal Ministry of Endowments and Religious Affairs and were typically managed by community-level organizations. According to government documents, parents remained the primary source of funding of all schooling in the country, but many Quranic schools received funding from external sources. The Federal Ministry of Education, Culture, and Higher Education stated it was beginning to develop a preprimary curriculum, but general implementation, and particularly acceptance by Quranic schools, was unclear.

Section IV. U.S. Government Policy

Travel by U.S. government officials remained limited to select areas in Mogadishu when security conditions permitted. U.S. government engagement relevant to promoting religious freedom continued to focus 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 U.S. embassy engaged with officials and opposition figures to dissuade the use of religion to threaten those with differing political or religious perspectives.

Embassy programs continued to target socially marginalized individuals in areas where al-Shabaab maintained territorial control and continued to exert influence. They also continued to focus on

creating alternatives to al-Shabaab-administered sharia courts and justice systems.

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