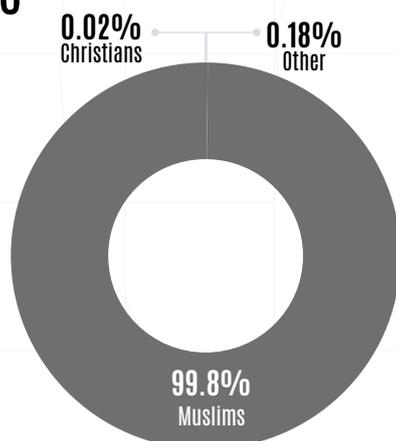




# SOMALIA

## RELIGIONS



## LEGAL FRAMEWORK ON FREEDOM OF RELIGION AND ACTUAL APPLICATION

Somalia has not had a single central government with control over its whole territory since 1991.<sup>1</sup> After a provisional constitution<sup>2</sup> was adopted in August 2012, the country became known internationally as the Federal Government of Somalia (FGS).<sup>3</sup>

The constitution enshrines the separation of powers, a federal system of government, and fundamental civil and human rights. This includes (Article 15, 4) the prohibition of female genital mutilation (FGM), which has historically been a widespread practice in Somalia.<sup>4</sup> Various reports suggest that practitioners of FGM frequently think - erroneously to a large degree - that the practice is grounded in religious scriptures.<sup>5</sup>

The country's security situation continued to be poor during the period under review; as a result, implementing the constitution has been difficult. The status of religion and religious life is governed by the constitution, though in the country's regions and sub-regions the legislation varies; for example, the constitution of the FGS recognises the equality of "All citizens, regardless of sex, religion,

social or economic status," etc., while Somaliland's constitution<sup>6</sup> does not include religion as grounds for equality among its citizens.

In the territory controlled by the FGS, Islam is the state religion (Article 2, 1) and the president must be a Muslim.<sup>7</sup> Under Somaliland's own constitution, Islam is also the state religion (Article 5, 1) though both the president and vice president (Article 82. 2) must be Muslim.

The FGS's provisional constitution guarantees equal rights to all citizens, regardless of their religion. At the same time however, Article 2 (3) stipulates that legislation must be in harmony with Shari'a (Islamic law). The same is the case in Somaliland (Article 5, 2).

The FGS's provisional constitution applies to all citizens, regardless of their religious affiliation. As a result, non-Muslims are also subject to laws that follow the principles of Shari'a. While conversion from Islam to another religion is not expressly prohibited by the FGS's provisional constitution, it is not accepted at a societal level. Under the constitutions of Somaliland and Puntland, on the other hand, conversion is expressly prohibited.<sup>8</sup> Non-Muslims are also prohibited from professing their faith in public.

Islamic religious instruction is mandatory in all public

and Muslim schools throughout the country. Only a few non-Muslim schools are exempt.<sup>9</sup> All religious communities must register with the Ministry of Religious Affairs. In practice, however, this tends to be haphazard, either because the criteria for registration are not clear, or because the authorities lack the means to enforce the law, especially outside the capital.<sup>10</sup>

Captured members of the Al-Shabaab terrorist group are tried by military courts, but human rights activists are critical of the court's procedures and judgements. The most severe form of punishment, the death penalty, is still practised.<sup>11</sup> Al-Shabaab was driven out of Mogadishu in 2011 with international assistance,<sup>12</sup> yet it continues to carry out numerous attacks in the city, the rest of the country and neighbouring nations.

In the wake of Somalia's long civil war, the human rights situation in the country is disastrous. People are summarily executed without trial, and often violent attacks are waged on groups and individuals.<sup>13</sup> In the areas under Al-Shabaab influence, a stricter form of Shari'a is imposed with serious human rights violations, including executions by stoning.<sup>14</sup>

Most Somalis are of Cushite descent and share the Somali language and Muslim faith.<sup>15</sup> Sunni Muslims are thought to make up nearly 100 per cent of the population but there are some Shia Muslims.

Tolerant Sufi Islam was once widespread in Somalia<sup>16</sup> and, for centuries, relations with other religions were good. However, as the country descended into chaos and civil war, Islamist extremism developed.<sup>17</sup> Islamists were no longer subject to state control, and the number of Salafist and other Islamist jihadist groups proliferated.<sup>18</sup>

Violence in the country continued during the period under review perpetrated by groups like the Islamic State group (Daesh), Al-Qaeda and Al-Shabaab.<sup>19</sup> According to Western intelligence, Somalia now harbours Daesh cells said to include former Al-Shabaab fighters. These joined up with foreign fighters from the Middle East, who have been coming to Somalia in the wake of Daesh's defeat in Syria and Iraq.<sup>20</sup> The Apostolic Administrator of Mogadishu, Bishop Giorgio Bertin of Djibouti, confirmed their presence in Somalia<sup>21</sup> as has Somali press. The extremist militants are thought to be active mainly in Puntland, the partially autonomous region in the north-east of the country.<sup>22</sup>

Somalia's few remaining Christians include immigrants from neighbouring countries. A small community of about

30 Somali Christians live in Mogadishu. They are in hiding, fearful of reprisals from militants and forced to practise their faith underground.<sup>23</sup> Christian converts face dangers and threats even from within their own families. The generation born after 1990 is less tolerant and no longer understand their older relatives who have become Christian. In response, older family members have left their children and grandchildren. Some Christians have even been killed by their own grandchildren.<sup>24</sup> The remaining few Somali Catholics do not receive regular spiritual assistance since the safety of clergy members in Mogadishu cannot be guaranteed.<sup>25</sup>

In most of the country, the courts rely on xeer, i.e. traditional customary law, Shari'a, and the penal code. The regulation and enforcement of religious practices are policed by each region, often inconsistently.<sup>26</sup>

## INCIDENTS AND DEVELOPMENTS

In the last few years, the Al-Shabaab group - estimated at about 10,000 members<sup>27</sup> - has terrorised the population through attacks, threats and persecution. In rural Somalia, "Al-Shabaab is in firm control and operates a parallel government. It has its own courts, road tolls and tax collection".<sup>28</sup> An October 2020 BBC report indicates that the revenue generation of the Islamist group is larger than that of the government.<sup>29</sup> According to the Hiraal Institute, "all major companies in Somalia give the jihadists money, both in the form of monthly payments and a yearly "zakat" (obligatory alms) of 2.5% of annual profits."<sup>30</sup>

In July 2018, five people died in Aad after residents clashed with Al-Shabaab militants who were trying to forcibly recruit local children. That same month, fighting between the terrorist group and the Somali military at the Baar Sanguni military camp ended with the death of four Somali National Army soldiers and seven Al-Shabaab militants.<sup>31</sup> In August 2018, a US citizen working for a Catholic relief organisation was arrested in Burao, Somaliland, on charges of proselytising. She was eventually released and left the country.<sup>32</sup>

In 2019, attacks by Al-Shabaab intensified. In January Al-Shabaab reportedly "kidnapped 100 civilians who refused to pay the zakat (tax)."<sup>33</sup> On 4th February 2019, militants shot dead the manager of the port of Bosaso in the region of Puntland. On the same day, a car bomb killed at least 11 in Mogadishu.<sup>34</sup> In March 2019, five people died in an Islamist attack on a government building in Mogadishu.

The dead included the country's deputy labour minister.<sup>35</sup> In May and June 2019, car bombs killed a total of 17 people and wounded 29 others in Mogadishu.<sup>36</sup> In July 2019, two separate attacks occurred. On 23rd July, 26 people died and 50 were wounded in an attack against a hotel in the port city of Kismayo where a political gathering was taking place.<sup>37</sup> On 25th July, an Al-Shabaab suicide bomber blew herself up inside the Mogadishu Mayor's Office,<sup>38</sup> claiming the lives of 11 people, including the mayor.<sup>39</sup>

By the end of October, according to media reports, 2019 was deemed "one of the deadliest years on record for fatalities from attacks by terrorist group al-Shabaab, with numbers already more than 1,200."<sup>40</sup>

On 28th December 2019, Al-Shabaab struck again with a truck bomb killing at least 90 people and wounding another 200.<sup>41</sup> The World Council of Churches condemned the attack<sup>42</sup> as did Pope Francis.<sup>43</sup>

On 19th January 2020, at least four people died and 15 others were wounded in a suicide car bombing by Al-Shabaab that targeted Turkish engineers working on a road project near Mogadishu.<sup>44</sup> In October 2020, the police in Somaliland arrested two Christian missionaries for preaching to Muslims.<sup>45</sup>

Bishop Giorgio Bertin of Djibouti explained that opening a church in the country is difficult due to the dangers that Christians have to face. Catholics in Somalia, he said, "are forced to pray and worship secretly because it's risky being identified as a Christian."<sup>46</sup>

## PROSPECTS FOR RELIGIOUS FREEDOM

Somalia's turbulent recent history, from a failed state following a protracted civil war to a recovering state today, has greatly impacted the religious freedom of its people as well as every other aspect of Somali life. Tolerant Sufi Islam, once widespread, enabled good relations with other religions. The power vacuum in recent decades, however, has given rise to Islamist extremism with an increasing number of Salafist and other violent Islamist jihadist groups active in the territory today.<sup>47</sup>

While in principle the constitution of the Federal Republic of Somalia guarantees freedom of religion, it is severely limited in practice because of the strong social pressure to adhere to Sunni Islam; this leaves religious minorities vulnerable to harassment and marginalisation. Christians and other non-Muslim religious groups have reported their

inability to practise their religion openly, and there are no places of worship for non-Muslims in the country.

After the deadly attacks perpetrated by Al-Shabaab, particularly in 2019, the situation in the country has deteriorated further and the central government remains unable to guarantee security. This is complicated by the COVID-19 pandemic<sup>48</sup> and one of the worst locust infestations in 25 years.<sup>49</sup> The African Union Mission in Somalia (AMISON) - declared by Al-Shabaab to represent a Christian invasion of the country<sup>50</sup> - has been mandated to maintain its presence until 28th February 2021.<sup>51</sup>

In regional areas where state structures are weak, Al-Shabaab continues to impose its own interpretation of Islam and Shari'a on both Muslims and non-Muslims including the death penalty for Muslims for alleged apostasy.<sup>52</sup> In these districts, Al-Shabaab maintains a ban all forms of media, entertainment, smoking, and any behaviour deemed as un-Islamic, such as shaving beards. Women are also forced to wear head coverings. The armed group continued to harass non-governmental organisations, threatening their personnel and accusing them of Christian proselytising.

Prospects for human rights, including freedom of religion, are substantially negative for the foreseeable future.

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