

SOMALIA

While the Transitional Federal Charter (Charter) provides for religious freedom, there were limits on the extent to which this right was respected in practice.

The Transitional Federal Government (TFG) generally did not enforce legal restrictions or protections concerning religious freedom. There was no change in the status of respect for religious freedom during the period covered by this report.

Militia groups, particularly those associated with al-Shabaab and individuals previously affiliated with the Union of Islamic Courts (UIC), at times imposed a strict interpretation of Islam on communities under their control. There were reports that individuals who do not practice Islam were discriminated against and at least four may have been killed because of their religious beliefs.

The U.S. Government does not maintain an official presence in the country. The lack of diplomatic representation limited the ability of the U.S. Government to report on and take action to promote religious freedom but it discusses religious freedom with government officials and nongovernment actors as part of its overall policy to promote human rights.

Section I. Religious Demography

The country has an area of 246,200 square miles and a population of approximately 8.3 million; however, population figures are difficult to estimate since the last census was completed in the 1970s and the instability of the country makes it impossible to collect this data. Citizens are overwhelmingly Sunni Muslims of a Sufi tradition. There also is a very small, extremely low-profile Christian community, and small numbers of followers of other religions. The number of adherents to strains of conservative Islam and the number of Islamic schools supported by religiously conservative sources continued to grow.

Section II. Status of Religious Freedom

Legal/Policy Framework

The Charter establishes the norms for protecting religious freedom. Article 15 of the Charter states that "All citizens of the Somali Republic...have the right to equal

protection and equal benefit of the law without distinction of race, birth, language, religion, sex, or political affiliation."

While the Charter does not possess a section that limits or protects religious practice, Article 71(2) decrees that the 1960 Somalia Constitution and other national laws shall apply "in respect of all matters not covered and not inconsistent with this Charter." The 1960 Somalia Constitution, Article 29 states, "Every person has the right to freedom of conscience and to freely profess his own religion and to worship it subject to any limitations which may be prescribed by law for the purpose of safeguarding morals, public health, [and] order."

The nascent central government exercises limited control over most of the country, with the exception of the self-declared Republic of Somaliland in the northwest, which has its own constitution and legal and policy framework. Somaliland does not recognize the Charter or the transitional process, and is seeking recognition as an independent country. The semi-autonomous region of Puntland, while not seeking independence, also has its own charter and legal framework.

Following internationally mediated negotiations in Kenya in 2004, a 5-year transitional process was established, which included drafting a charter and establishing a TFG, the components of which are known as the Transitional Federal Institutions, and which was expected to conclude with national elections by the end of 2009. Power-sharing disputes and limited capacity within the transitional institutions hamper progress on governance and human rights. The official seat of government moved from Baidoa to Mogadishu in March 2007 and the executive branch operates from the capital. The Transitional Federal Parliament continues to operate from Baidoa.

The Charter establishes Islam as the national religion. The Constitution and/or charters governing the various regions provide the right to study and discuss the religion of one's choice. However, proselytizing any religion other than Islam is strictly prohibited and provisions of freedom of worship, in practice, are neither observed nor enforced by the Government. Statutes and regulations do not provide effective remedies for the violation of the right to religious freedom.

Similarly, Somaliland and Puntland establish Islam as the official religion in their regions. In Somaliland, Article 313 of the penal code outlines penalties for Muslims who change their religion. Article 5 (1-2) of the Somaliland constitution enshrines Islam as the state religion and prohibits the promotion of any other religion. Articles 41 and 82 state that candidates for president, vice president, or

House of Representatives must be Muslim. Article 15 stipulates that Islamic education is compulsory at all levels and that the promotion of Qur'anic schools is the responsibility of the state. The Somaliland constitution further states that the laws of the nation shall be grounded on and shall not be contrary to Islam.

The Puntland constitution guarantees every person the freedom to worship; however, it also states that Muslims cannot renounce their religion. Article 6.3 of the Puntland Charter prohibits torture "unless sentenced by Islamic Shari'a Courts in accordance with Islamic Shari'a law." Puntland security forces monitored religious activities very closely.

The judiciary in most regions relies on some combination of Shari'a, traditional and customary law (Xeer), and the penal code of the pre-1991 Siad Barre government. Legal frameworks vary considerably, as each community individually regulates and enforces religious expression, often on an ad-hoc basis.

The TFG and regional administrations in Puntland and Somaliland observe Eid al-Fitr, Eid al-Adha, Muharam (Islamic new year), and Mi'raaj as annual national holidays and Friday as a weekly day of prayer.

The constitutions of both Puntland and Somaliland restrict the formation of political parties based on a particular faith, religious beliefs, or interpretations of religious doctrine.

In January 2008 a new Prime Minister and cabinet of ministers took office under the mandate of the TFG and established a Ministry of Justice and Religious Affairs. The Ministry is authorized to register religious organizations; however, the Ministry has no capacity to enforce this provision.

In Somaliland, religious schools and places of worship are required to obtain the Ministry of Religion's permission to operate. In Puntland, religious schools and places of worship must receive permission to operate from Puntland's own Ministry of Justice and Religious Affairs.

Education is provided primarily by private schools and most offer religious instruction. There is a significant number of externally funded madrassahs throughout the country that provide inexpensive basic education and adhere to conservative Islamic practices. Mogadishu University, the University of East Africa in Bosasso, Puntland, and many secondary schools in Mogadishu are

externally funded and administered through organizations affiliated with Al-Islah, an Islamic organization.

Restrictions on Religious Freedom

The TFG generally did not enforce legal restrictions or protections concerning religious freedom. There was no change in the status of respect for religious freedom by the Government during the period covered by this report.

The TFG engaged in armed conflict with various groups, some of which professed conservative Islamic beliefs, like al-Shabaab and Jabhat al-Islam.

There were no public places of worship for non-Muslims. Although it is illegal to convert from Islam in Somaliland and Puntland, there were no reported cases of persons punished for doing so. Proselytizing for any religion except Islam was prohibited in Puntland and Somaliland and effectively blocked by informal social consensus elsewhere in the country.

Some Muslims claimed that members of the Ethiopian National Defense Force in the country were attempting to spread Christianity as part of their military occupation, but there was no evidence of such a practice.

There were no reports of religious prisoners or detainees in the country.

Forced Religious Conversion

There were no reports of forced religious conversion, including of minor U.S. citizens who had been abducted or illegally removed from the United States, or of the refusal to allow such citizens to be returned to the United States.

Abuses by Rebel or Foreign Forces or Terrorist Organizations

There was active violent conflict among militia groups, the TFG, and the Ethiopian National Defense Forces during the reporting period. Some of the militia groups were aligned with al-Shabaab, which the U.S. Secretary of State designated a Foreign Terrorist Organization on February 29, 2008.

On May 13, 2008, Ethiopian soldiers in Beledweyne reportedly detained 15 members of the Tabliqq movement for several hours.

On April 20, 2008, unknown assailants killed nine influential Islamic clerics affiliated with the Tabliqq movement at a mosque in Mogadishu.

On April 13, 2008, a militia reportedly affiliated with al-Shabaab killed four Christian teachers at their school in Beledweyne.

In April 2008 in Wajid town in Bakool region, al-Shabaab militia captured the town and systematically shut down cinemas, burned kiosks selling the narcotic khat, shaved off the hair of persons with western hair cuts, and instituted total bans on smoking and listening to music. Clan-based militias and militias associated with the former UIC and al-Shabaab temporarily occupied several other towns in the south-central region during the reporting period, similarly closing institutions and regulating behavior deemed un-Islamic.

The TFG engaged in efforts to establish security and to limit abuses by opposition militias, but was unable to do so effectively.

Section III. Societal Abuses and Discrimination

Non-Muslims who practiced their religion openly faced occasional societal harassment. Although not legally prohibited, conversion from Islam to another religion was considered socially unacceptable. Those suspected of conversion faced harassment or even death from members of their community.

There was strong societal pressure to respect traditions that reflect the traditional Somali interpretation of Sunni Islam. In April 2008 a worshipper was stabbed in a mosque in Somaliland after two groups clashed in a mosque over differences in interpretation of Islamic beliefs.

Section IV. U.S. Government Policy

The U.S. Government does not maintain a diplomatic presence, and travel to the country by U.S. Government officials is restricted. However, the U.S. Government discusses religious freedom with its contacts in the country and with regional authorities as part of its overall policy to promote human rights.