

# KENYA 2020 INTERNATIONAL RELIGIOUS FREEDOM REPORT

## Executive Summary

The constitution and other laws and policies prohibit religious discrimination and protect religious freedom, including the freedom to practice any religion or belief through worship, teaching, or observance, and to debate religious questions. The constitution provides for special *qadi* courts to adjudicate certain types of civil cases based on Islamic law. Human rights and Muslim religious organizations stated that certain Muslim communities, especially ethnic Somalis, continued to be the target of government-directed extrajudicial killings, enforced disappearances, torture, arbitrary arrest, and detention. The government denied directing such actions. The Registrar of Societies has not registered any new religious organizations since 2014, and at year's end, the government had still not finalized revised regulations required to resume registrations. Thousands of religious group applications reportedly remained pending. In May, the government implemented a month-long cessation-of-movement order into and out of Nairobi's Eastleigh neighborhood and Mombasa's Old Town, both areas with predominately Muslim populations, following an increase in COVID-19 cases. Some residents and Muslim human rights groups depicted the lockdowns as discriminatory, while other Muslim leaders expressed support for the public health measures. In June, the government appointed an Inter-faith Council on the National Response to the Coronavirus Pandemic to develop guidelines for the phased reopening of places of worship and holding of religious ceremonies. Council members said government officials largely adopted the council's recommendations, and the government permitted places of worship to resume in-person services in July. Many religious leaders criticized politicians for holding political gatherings that did not adhere to the government's restrictions on public events.

The Somalia-based terrorist group Harakat al-Shabaab al-Mujahideen (al-Shabaab) again carried out attacks in the northeastern part of the country and said it had targeted non-Muslims because of their faith. In January, media reported that al-Shabaab killed three Christian teachers at a primary school in Garissa County, an area with a predominantly Muslim population. In February, suspected al-Shabaab militants attacked a passenger bus traveling from Mandera County, in the north of the country, to Nairobi. Christian media reported the attackers separated the passengers by faith, killing two Christians and one Muslim who attempted to protect the Christians. There were again reports of religiously motivated threats of societal violence and intolerance, such as members of Muslim communities threatening individuals who converted from Islam to Christianity. In June,

Christian media reported a group of men believed to be ethnic Somali Muslims beat an ethnic Somali Christian woman unconscious in Isiolo and seriously injured her two younger siblings. Muslim minority groups, particularly those of Somali descent, reported continued harassment by non-Muslims. Some religious and political leaders, however, stated tolerance and cooperation improved during the year. They cited extensive interfaith efforts to mitigate the effects of the COVID-19 pandemic and to build peace between communities, such as county forums organized by the interfaith Dialogue Reference Group to increase collaboration on key challenges facing local communities.

U.S. embassy officials emphasized the importance of respecting religious freedom in meetings with government officials, especially underscoring the role of interfaith dialogue in stemming religious intolerance and addressing the grievances of marginalized religious groups. The embassy supported efforts to strengthen understanding, respect, and acceptance within multifaith communities, particularly in Nairobi and Mombasa Counties. In January and October, the Ambassador hosted interfaith roundtables to build relationships with religious leaders and discuss efforts to improve tolerance and inclusion. The embassy hosted other roundtables and events that brought individuals of diverse faiths together to discuss religious tolerance and build mutual understanding.

### **Section I. Religious Demography**

The U.S. government estimates the total population at 53.5 million (midyear 2020 estimate). The country's 2019 census recorded a total of 47.2 million persons. The government estimates as of 2019 approximately 85.5 percent of the total population is Christian and 11 percent Muslim. Groups constituting less than 2 percent of the population include Hindus, Sikhs, Baha'is, and those adhering to various traditional religious beliefs. Nonevangelical Protestants account for 33 percent of the population, Roman Catholics 21 percent, and other Christian denominations, including evangelical Protestants, African Instituted Churches (churches started in Africa independently by Africans rather than chiefly by missionaries from another continent), and Orthodox churches, 32 percent. Most of the Muslim population lives in the northeast and coastal regions, with significant Muslim communities in several areas of Nairobi. Religion and ethnicity are often linked, with most members of many ethnic groups adhering to the same religious beliefs. There are more than 221,000 refugees and asylum seekers in the Dadaab refugee camps, mostly ethnic Somali Muslims. The Kakuma refugee camp has more than 197,000 refugees, including Somalis, South Sudanese, and Ethiopians, who practice a variety of religions.

## **Section II. Status of Government Respect for Religious Freedom**

### **Legal Framework**

The constitution stipulates there shall be no state religion and prohibits religious discrimination. The constitution provides for freedom of religion and belief individually or in communities, including the freedom to manifest any religion through worship, practice, teaching, or observance, and to debate religious questions. The constitution also states individuals shall not be compelled to act or engage in any act contrary to their belief or religion. These rights shall not be limited except by law, and then only to the extent that the limitation is “reasonable and justifiable in an open and democratic society.”

The constitution requires parliament to enact legislation recognizing a system of personal and family law adhered to by persons professing a particular religion. The constitution also specifically provides for qadi courts to adjudicate certain types of civil cases based on Islamic law, including questions relating to personal status, marriage, divorce, or inheritance in cases in which “all the parties profess the Muslim religion.” The secular High Court has jurisdiction over civil or criminal proceedings, including those in the qadi courts, and accepts appeals of any qadi court decision.

Although there is no penal law referring to blasphemy, a section of the penal code states that destroying, damaging, or defiling any place of worship or object held sacred with the intention of insulting the religion of any class of persons is a misdemeanor. This offense carries a penalty of a fine or up to two years in prison but is reportedly rarely prosecuted under this law. Crimes against the property of religious groups or places of worship are more likely to be treated as malicious destruction of property, which is also a misdemeanor.

According to the law, new religious groups, institutions or places of worship, and faith-based nongovernmental organizations (NGOs) must register with the Registrar of Societies, which reports to the Attorney General’s Office. Indigenous and traditional religious groups are not required to register, and many do not. To register, applicants must have valid national identification documents, pay a fee, and undergo security screening. Registered religious institutions and places of worship may apply for tax-exempt status, including exemption from duty on imported goods. The law also requires that organizations dedicated to advocacy,

public benefit, the promotion of charity, or research register with the NGO Coordination Board.

All public schools have religious education classes taught by government-funded teachers. These classes focus on either Christian, Muslim, or Hindu teachings, and on the basic content of the religious texts of the religion being taught as well as ethics. The Ministry of Education allows local communities and schools to decide which course to offer. The course selected usually depends on the dominant local religion and the sponsor of the school, which is often a religious group. The national curriculum mandates religious classes for primary school students, and students may not opt out. Some public schools offer religious education options, usually Christian or Islamic studies, but are not required to offer more than one.

The law establishes fees for multiple steps in the marriage process that apply to all marriages, religious or secular. All officiants are required to purchase an annual license, and all public marriage venues must be registered. Officiants must be appointed by a registered religious group to conduct marriages in order to purchase the license.

The Ministry of Information, Communications, and Technology must approve regional radio and television broadcast licenses, including for religious organizations.

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

### **Government Practices**

Human rights groups and prominent Muslim leaders and religious organizations continued to state the government's antiterrorism activities disproportionately affected Muslims, especially ethnic Somalis and particularly in areas along the Somalia border. According to these groups, the government's actions reportedly included extrajudicial killing, torture, forced interrogation, arbitrary arrest, detention without trial, enforced disappearances, and denial of freedom of assembly and worship. The government denied directing such actions.

In December, the executive director for HAKI Africa, a human rights NGO that works extensively in Muslim communities in the coastal region and Nairobi, called on authorities to investigate cases of enforced disappearances, noting four Muslim individuals had disappeared within a week and were allegedly last seen in the custody of security authorities. One of these persons, 17-year-old Ramadhan

Bakari, was later found dead in a city morgue. The family of another of these persons, Seif Omar Abdalla, said individuals armed with guns and grenades raided their home, beat Seif, and took him and two other men away.

In a July study conducted in three counties, the Institute for Security Studies and HAKI Africa reported Muslim respondents cited police brutality, extrajudicial killings, and religious profiling as drivers of tensions and mistrust between communities and security forces. Some respondents said authorities treated them as suspects when they tried to provide information on violent extremism and mistreated, harassed, or arrested them.

The government took steps, described by human rights organizations as limited and uneven, to address cases of alleged abuses by security force members. The governmental Independent Policing Oversight Authority (IPOA), established to provide civilian oversight of the work of police, continued to refer cases of police misconduct to the Office of the Director of Public Prosecutions for prosecution. Public prosecutors, however, experienced delays in moving cases to trial and conviction. IPOA investigations led to two convictions of police officers during the year. In one case, IPOA reported that in March, the High Court sentenced a police officer to 20 years in prison for the 2014 attempted murder of a student in Garissa County, an area with a predominately Muslim population. The Muslim student was shot twice by a non-Muslim police officer, who then stole his cell phone.

In August, armed men reportedly abducted two Muslim clerics and a caretaker from a madrassa in Kilifi County. Rights activists and relatives said it was the police who abducted them. The three men were missing for almost two weeks before they returned home. Police officials denied involvement and were reportedly investigating the matter.

The Registrar of Societies continued not to register any new religious organizations pending completion of revised Religious Societies Rules, which had not been finalized at year's end, and thousands of religious group applications reportedly remained pending. The government has not registered any new religious organizations since 2014. Some religious leaders called on the government to resume registrations, stating the suspension interfered with the freedom of worship, including by making it more difficult to purchase property and conduct operations.

In January, a public secondary school in Kericho County suspended 17 Seventh-day Adventist students for refusing to take exams on a Saturday, the Church's

Sabbath, according to media reports. The school permitted the students to return after several days following advocacy by the families and the Atheists in Kenya Society, a registered society group.

In May, the government implemented a month-long cessation-of-movement order into and out of Nairobi's Eastleigh neighborhood and Mombasa's Old Town, both areas predominately inhabited by Muslims, following an increase in COVID-19 cases. Some residents and Muslim human rights groups said the lockdowns were discriminatory, stating the government had not ordered such measures in neighborhoods predominately inhabited by non-Muslims. The government publicly denied targeting Muslims. Other Muslim leaders, including representatives of the Supreme Council of Kenyan Muslims, expressed support for the government's efforts to protect public health and said the government applied measures fairly across faith communities.

In June, the government appointed an Inter-faith Council on the National Response to the Coronavirus Pandemic to develop guidelines for the phased reopening of places of worship, which were closed in late March to stem the spread of COVID-19, and the holding of religious ceremonies. Council members and religious leaders familiar with the council's work said government officials largely adopted the council's recommendations, and the government permitted places of worship to resume in-person services in July with public health measures in place. Religious leaders reported local officials at times attempted to harass religious groups for allegedly failing to follow COVID-19 guidelines but said national government officials intervened to help resolve these issues. According to media, some religious leaders said there was a bias against places of worship compared to businesses when it came to reopening, noting the government allowed restaurants that met specific health requirements to reopen prior to places of worship. Many religious leaders criticized politicians for holding political gatherings that did not adhere to the government's restrictions on public gatherings. The government convened national interfaith prayer services in March and October to address the pandemic.

Muslim leaders continued to state that police often linked the whole Muslim community to al-Shabaab. In a survey conducted in six counties in late 2019, Muslim respondents said they believed authorities unfairly targeted them for security checks, making it difficult for them to move freely and conduct business. IPOA and human rights organizations reported numerous complaints from predominantly Muslim communities, particularly in the Eastleigh neighborhood of Nairobi and coastal regions, regarding intimidation, arbitrary arrest, and extortion

by police. Some complainants stated police accused them of being members of al-Shabaab. Some predominately Muslim ethnic groups, including Kenyan Somalis and Nubians, reported difficulties obtaining government identification cards. These communities stated government officials at times requested supporting documents not required by law and implemented vetting processes in a biased manner. In October, the Nubian Rights Forum and other human rights groups criticized the government for not taking sufficient steps to ensure minority religious and ethnic groups would be able to register for the new national digital identification card that were scheduled to be required to access all government services.

### **Section III. Status of Societal Respect for Religious Freedom**

The Somalia-based terrorist group al-Shabaab again carried out attacks in Mandera, Wajir, Garissa, and Lamu Counties in the northeastern part of the country and said it had targeted non-Muslims because of their faith. Authorities received numerous reports of terrorist attacks in the northeast of the country, bordering Somalia, by al-Shabaab and its sympathizers that targeted non-Muslims. In January, media reported that suspected al-Shabaab militants killed three Christian teachers at a primary school in Garissa County, a region populated predominantly by Muslims. Al-Shabaab remained the focus of government antiterror and police efforts throughout the northeast and coastal region.

In February, suspected al-Shabaab militants attacked a passenger bus traveling from Mandera County in the north to Nairobi. Christian media reported the attackers separated the passengers by faith, killing two Christians and a Muslim who attempted to protect the Christians.

In March, two Christians were reportedly killed and another was abducted when suspected al-Shabaab militants attacked two vehicles on the road between Elwak and Mandera in the northeast of the country, according to media reports. Media reported in March that al-Shabaab released a video telling non-Muslims in northeastern counties to leave in order to allow local Muslims to gain jobs.

According to NGO sources, some Muslims and their families were threatened with violence or death, especially individuals who had converted from Islam to Christianity and those of Somali ethnic origin. In June, Christian media reported that a group of men believed to be ethnic Somali Muslims beat unconscious a 21-year-old ethnic Somali Christian woman in Isiolo and seriously injured her two younger siblings.

There were reports that, in general, non-Muslims continued to harass or treat with suspicion persons of Somali origin, who are predominantly Muslim. Police officers often do not serve in their home regions, and therefore officers in some Muslim-majority areas are largely non-Muslim.

In February, the Pew Research Center published findings on attitudes towards democratic principles, such as regular elections, free speech, and free civil society, as well as religious freedom, in 34 countries, based on interviews it conducted in its *Spring 2019 Global Attitudes Survey*. According to the findings, 75 percent of Kenyan respondents considered religious freedom to be “very important,” ranking it among the highest of their priorities for democratic principles among the nine tested.

Some interreligious NGOs and faith leaders, citing extensive interfaith efforts to build peace between communities and respond to the COVID-19 pandemic, said relations between religions continued to improve. For example, the national interfaith umbrella group the Inter-Religious Council of Kenya (IRCK) continued to implement several programs to promote interfaith acceptance in diverse communities, particularly in Nairobi and Mombasa. In several instances, national religious leaders and faith-based organizations used their influence to help resolve violent conflicts, particularly among youths, and to enhance trust with security forces. For example, the Kenya Community Support Centre, in coordination with religious leaders, facilitated a program to improve cooperation between Muslim communities and 13 police stations in Kwale and Mombasa Counties. IRCK also said it sometimes helped to mediate disputes related to religious observances at schools, including those related to religious attire. IRCK and religious leaders reported that close collaboration among different faiths helped to improve the country’s response to the COVID-19 pandemic. Leaders collaborated on a number of initiatives at the national and county level to disseminate accurate information, protect public health, and address the socioeconomic impacts of COVID-19.

Religious leaders representing interfaith groups, including the Anglican, Catholic, evangelical Protestant, Muslim, and Hindu communities, continued to engage with political parties and government bodies in the national reconciliation process initiated after violent 2017 presidential elections. The interfaith Dialogue Reference Group, composed of prominent Christian, Muslim, and Hindu groups, continued to hold national and county forums to promote national reconciliation. For example, the Dialogue Reference Group convened conferences in Garissa and Wajir Counties in October to promote peace and tolerance between religious and



ethnic groups. Religious leaders facilitated discussions between stakeholders from local government, security bodies, the private sector, and civil society to advance governance, economic, and security reforms to benefit local citizens. In August and October, the group issued statements calling for stronger government accountability, particularly regarding the use of COVID-19 funds, as well as more-concerted actions to implement governance reforms and bridge interethnic divisions ahead of the national election in 2022.

#### **Section IV. U.S. Government Policy and Engagement**

Embassy officials emphasized the importance of respecting religious freedom in meetings with government officials, including senior police officials and local governments in the coastal region, where they especially stressed the role of interfaith dialogue in stemming religious intolerance, countering religiously based violent extremism, and addressing the grievances of marginalized religious and ethnic groups. Embassy staff continued to engage senior officials to underscore the importance of addressing human rights abuses by security forces, including abuses limiting the ability of minority religious groups to function freely in society, and supported a number of programs to improve police accountability.

The Ambassador and embassy staff met frequently with religious leaders and groups, including the IRCK, Supreme Council of Kenya Muslims, Coast Interfaith Council of Clerics, Council of Imams and Preachers of Kenya, Hindu Council of Kenya, National Muslim Leaders Forum, Alliance of Registered Churches & Ministries Founders, Evangelical Alliance of Kenya, and National Council of Churches of Kenya. Topics of discussion included the importance of religious groups in countering religiously based extremism and responding to the COVID-19 pandemic, as well as seeking guidance from religious leaders on human rights issues.

The Ambassador and visiting U.S. officials hosted several interfaith roundtables during the year to discuss issues and challenges facing various faith communities. Participants, including representatives of Christian, Muslim, and Hindu groups, discussed building tolerance between and among faiths, encouraging the critical role religious leaders play in peacebuilding efforts, promoting government accountability, and combating corruption. In January and October roundtables, the Ambassador encouraged religious leaders to counter the divisive and inflammatory rhetoric of politicians and to focus on improving relations between ethnic and religious groups as the nation prepares for the 2022 national election. In April, the

Ambassador engaged the leaders of more than 30 religious groups and faith-based organizations to discuss COVID-19 response efforts.

Embassy officials met individually with religious and civic leaders to urge them to continue to work across sectarian lines to reaffirm the importance of religious freedom, tolerance, and diversity. The embassy encouraged faith communities and other societal figures to regard religious diversity as a national strength.

The embassy supported civil society organizations that protect the legal and human rights of marginalized groups, including religious minorities. The embassy also supported efforts to strengthen understanding, respect, and acceptance among religious groups, including within multifaith communities in Nairobi and Mombasa Counties. The embassy partnered with interfaith groups to improve accountable governance, advocate for inclusion of marginalized groups, and build resilience against conflict and violent extremism related to religion.