

KENYA 2021 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 extrajudicial killings, enforced disappearances, torture, arbitrary arrest, and detention. The government continued to deny directing such actions. The Registrar of Societies has not registered any new religious organizations since 2014, and religious organizations criticized the government for not taking necessary steps to resume registrations. Thousands of religious group applications reportedly remained pending. The government-appointed Inter-faith Council on the National Response to the Coronavirus Pandemic continued to adjust its guidelines for places of worship and holding of religious ceremonies based on evolving COVID-19 conditions. Council members said government officials largely adopted the council's recommendations. Many religious leaders criticized politicians for holding political gatherings that did not adhere to the government's restrictions on public events and for politicizing funerals and other religious gatherings. Muslim leaders criticized the government for not protecting Muslims' rights, highlighting the case of a Muslim employee of Lamu County who was reportedly abducted by individuals using a government vehicle. Some human rights groups accused the government of profiling Muslims residing close to the Somali border by refusing to issue them national identification cards, and Muslims reported harassment by security forces.

The Somalia-based terrorist group Harakat al-Shabaab al-Mujahideen (al-Shabaab) carried out attacks in the northeastern part of the country, some of which targeted non-Muslims because of their faith. 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. Muslims from ethnic minority groups, particularly those of Somali descent, reported continued harassment by non-Muslims.

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 mutual understanding, respect, and tolerance through programs such as the Inter-Religious Council of Kenya's "Building Interfaith Bridges" initiative. Throughout the year, the Charge d'Affaires hosted or participated in interfaith roundtables and meetings to build relationships with religious leaders and discuss efforts to improve tolerance and inclusion, especially in advance of the country's August 2022 general election. The embassy hosted events, including a September 14 roundtable discussion, that brought leaders of diverse faiths together to discuss religious tolerance and shared challenges facing faith communities around the country.

Section I. Religious Demography

The U.S. government estimates the total population at 54.7 million (midyear 2021). The government estimates that 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. For example, ethnic Somalis and Swahilis living in the coastal region account for the majority of the Muslim population. The five largest ethnic groups (the Kikuyu, Luhya, Kalenjin, Luo, and Kamba) are predominately Christian. There are more than 230,000 refugees and asylum seekers in the Dadaab refugee camps near the Somali border, mostly ethnic Somali Muslims. The Kakuma refugee camp in the northwestern part of the country has more than 177,000 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 and 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 in turn 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 and 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 border with Somalia. The government continued to deny directing such actions, including extrajudicial killings, enforced disappearances, torture, arbitrary arrest, and detention.

In November, the Supreme Council of Kenya Muslims called for weekly protests to demand government accountability regarding alleged enforced abductions. According to the council, security forces had killed or disappeared 133 individuals during the year. The governmental Independent Policing Oversight Authority (IPOA), established to provide civilian oversight of the work of police, 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.

In October, Muslim leaders from various religious and human rights organizations issued a joint statement criticizing the government for not protecting the rights of

Muslim citizens. The leaders stated security forces abducted more than 40 Muslims through October, only 10 of whom had returned to their homes. They highlighted the case of a Muslim employee of Lamu County whom they stated was abducted in June by individuals in a government vehicle and whose whereabouts remained unknown at year's end.

In October, unknown persons allegedly abducted a Muslim male after he left a mosque in Mombasa. Activists accused police of targeting Muslim youths and accusing them of having ties to terrorism without providing evidence. Police denied involvement and were reportedly investigating the matter.

In February, the government evicted approximately 3,500 members of the Muslim Nubian community in Kisumu County, whose homes were allegedly built on land belonging to the state-owned Kenya Railways Corporation (KRC). In August, the Environment and Land Court ruled the KRC violated the Nubians' rights by conducting an illegal eviction. Activists said that homes and other structures belonging to non-Muslims were even closer to the railway line than the Nubians' homes but were left alone. They described this incident as a case of religious discrimination. This ruling laid the groundwork for an additional lawsuit against KRC to claim damages, but it was unclear at year's end whether residents had done so.

The government continued to take steps, described by human rights organizations as limited and uneven, to address cases of alleged abuses by security force members. IPOA continued to refer cases of police misconduct to the Office of the Director of Public Prosecutions for prosecution. Public prosecutors, however, experienced lengthy delays in moving cases to trial and conviction. IPOA investigations led to five convictions of police officers during the year.

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

At the start of the pandemic, 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 closed in late March 2020 to stem

the spread of COVID-19, and the holding of religious ceremonies. The council continued to advise the government and adjust its guidelines based on evolving COVID-19 conditions.

In October, the council raised its recommended limit on attendance of in-person worship services to two-thirds of a house of worship's seating capacity, if religious leaders implemented masking and social distancing guidelines. Council members and religious leaders familiar with the council's work said government officials largely adopted the council's recommendations. Religious leaders reported local officials at times attempted to harass religious groups for failing to follow COVID-19 guidelines but said national government officials intervened to help resolve these issues.

Many religious leaders criticized politicians for holding political gatherings that did not adhere to the government's restrictions on public gatherings and for politicizing funerals and other religious gatherings.

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 June, the NGO Muslims for Human Rights (MUHURI) said it helped nearly 200 young individuals obtain national identification cards, which are required to obtain government services or register to vote. These individuals, the majority of whom were Muslim, lived in Lamu County near the border with Somalia. The government reportedly halted issuance of identification cards in this region due to concern that al-Shabaab terrorists from Somalia could pose as Kenyan nationals to fraudulently obtain government-issued identification cards. MUHURI and other human rights organizations stated the government was unfairly profiling Muslims.

There were reports that, in general, non-Muslims continued to harass or treat with suspicion persons of Somali ethnicity, who are predominantly Muslim. Police officers typically do not serve in their home regions, and therefore officers in some Muslim-majority areas are largely non-Muslim. NGOs stated this often led to misunderstandings between police officers and the communities they are assigned to serve.

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. The Dialogue Reference Group also regularly issued statements calling for national unity and urging the government to take necessary steps to conduct a peaceful and credible general election in August 2022.

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, sometimes targeting non-Muslims because of their faith. In January, the international Christian advocacy organization Open Doors noted what it described as a rise in violence against Christians, especially in the northeast where al-Shabaab was responsible for many threats and attacks. In June, al-Shabaab terrorists attacked two buses traveling through Mandera County near the Kenyan border with Somalia, killing three individuals. Media outlets reported the attackers were targeting non-Muslims.

According to NGO sources, some Muslims and their families believed they were threatened with violence or death, especially individuals who had converted from Islam to Christianity and those of Somali ethnic origin.

Some interreligious NGOs and faith leaders, citing extensive interfaith efforts to build peace between communities, promote peaceful elections, and respond to the COVID-19 pandemic, said relations between religious groups continued to improve. For example, the national interfaith umbrella group the Inter-Religious Council of Kenya (IRCK) partnered with the governmental National Cohesion and Integration Commission to call on politicians to avoid inciting violence by adhering to an elections code of conduct in advance of the country's general election in August 2022. It also encouraged members of its religious communities to register to vote and educate themselves about the electoral process. The interfaith Dialogue Reference Group, composed of prominent Christian, Muslim, and Hindu groups, continued to hold national and county forums to promote national reconciliation. The Dialogue Reference Group also regularly issued statements calling for national unity and urging the government to take necessary steps to conduct peaceful and credible elections.

IRCK also partnered with other NGOs such as the Kenya Community Support Centre (KECOSCE) to increase religious tolerance and reduce opportunities for

radicalization related to religion, particularly in Nairobi and the coastal region. KECOSCE and IRCK hosted interfaith dialogues and joint community activities to encourage peaceful coexistence and mutual understanding. IRCK and religious leaders reported that close collaboration among different faiths continued to inform and improve the country's response to the COVID-19 pandemic. Leaders collaborated on several initiatives at the national and county level to disseminate accurate information, protect public health, and address the socioeconomic impacts of COVID-19.

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 several programs to improve police accountability.

The Charge d'Affaires 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 continued to include the importance of religious groups in countering religiously based extremism, promoting peaceful elections, and responding to the COVID-19 pandemic, as well as the value of sharing guidance from religious leaders on human rights issues.

The Charge d'Affaires hosted or participated in several interfaith roundtables during the year to discuss issues and problems 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. For example, the Charge d'Affaires hosted a meeting of the Coast Interfaith Council of Clerics in Mombasa to discuss relations between ethnic and religious groups as the nation prepares for the August 2022 general election. Throughout the year, the Charge d'Affaires participated in

similar meetings hosted by foreign diplomatic missions in the country that featured leaders from various religious communities.

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 highlighted these engagements, where appropriate, on its website and social media accounts. During official visits to various parts of the country, including regions heavily populated by Muslims and other minority groups, the Charge d' Affaires and other embassy officials encouraged faith communities and other societal figures to regard religious diversity as a national strength. They accomplished this through media interviews and other public and private engagements with religious leaders and NGOs that work to advance religious freedom.

The embassy supported civil society organizations that protect the legal and human rights of marginalized groups, including religious minorities, through direct grants, and by nominating community leaders to participate in U.S. government-sponsored programs. The embassy also supported efforts to strengthen understanding, respect, and acceptance among religious groups, including within multifaith communities in Nairobi and Mombasa Counties and the IRCK's "Building Interfaith Bridges" initiative. The embassy partnered with interfaith groups to improve accountable governance and strengthen communities' relationships with law enforcement by sponsoring a visiting speaker series. It also advocated for the inclusion of marginalized groups and building resilience against conflict and violent extremism related to religion through assistance programs.