

# KENYA 2022 INTERNATIONAL RELIGIOUS FREEDOM REPORT

## Executive Summary

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 further 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. Many of the victims were from the coastal region and Nairobi. The prior government denied directing such actions. The new government elected in August, however, acknowledged that certain security forces conducted extrajudicial killings in the past and pledged reforms. In July, the Registrar of Societies released strict new guidelines for the registration of new religious societies, including the requirement that applicants must hold a diploma or degree from a recognized theological institution.

The Somalia-based terrorist group Harakat al-Shabaab al-Mujahideen (al-Shabaab) carried out attacks in the northeastern part of the country and in the coastal region, and some attacks may have targeted non-Muslims because of their faith. 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. Throughout the year, embassy officials participated in interfaith roundtables and meetings to build relationships with religious leaders, and they discussed efforts to improve tolerance and inclusion, especially in advance of, during, and after the country's August 9 general election.

## **Section I. Religious Demography**

The U.S. government estimates the total population at 55.9 million (midyear 2022). 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. According to the 2019 population and housing census, 755,000 persons self-identified as atheist or having no religion.

Most of the Muslim population lives in the northeast and coastal regions, with significant Muslim communities in several areas of Nairobi and the western part of the country. 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 a majority of the Muslim population. The five largest ethnic groups (the Kikuyu, Luhya, Kalenjin, Luo, and Kamba) are predominately Christian. There are more than 233,000 refugees and asylum seekers in the Dadaab refugee camps near the Somali border, mostly ethnic Somali Muslims. The Kakuma and Kalobeyei refugee camps in the northwestern part of the country have more than 239,000 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 High Court has jurisdiction over civil and criminal proceedings, including those in the qadi courts, and accepts appeals of any qadi court decision.

While 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 do not have to register, and many do not. To register, applicants must have valid national identification documents, pay a fee, and undergo security screening. In July, the government introduced a requirement that applicants must hold a diploma or degree from a recognized theological institution. 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 and private schools following the national education curriculum administer religious education classes. 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 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 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 prior government denied directing actions targeting Muslims, including extrajudicial killings, enforced disappearances, torture, arbitrary arrest, and detention of terrorism suspects. In October, the Independent Police Oversight Authority (IPOA) reported it was investigating the enforced disappearance of 27 persons between January and September. In March, six men abducted Amani Mohamed Mwafujo immediately following his release from prison after a Kwale court acquitted him of terror-related charges. Mwafujo later appeared in September and reunited with his family.

Human rights organizations reported 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, the newly elected President acknowledged that police officers engaged in extrajudicial killings in the past and disbanded the Special Services

Unit implicated in the killings. Human rights organizations and religious leaders welcomed the steps but cautioned the government not to use the reorganization of law enforcement bodies to target political rivals. Human rights defenders and Muslim leaders in coastal communities called on the government to investigate and prosecute the perpetrators.

In June, the government lifted a seven-year ban on the registration of new religious societies. On July 13, the Registrar of Societies issued strict new guidelines for applicants seeking to register new religious societies, including a requirement that the applicants hold a diploma or degree from a recognized theological institution. Applicants must also show proof of tax compliance, be in good standing in the community, and must be recommended by a registered religious society in good standing.

Some predominately Muslim ethnic groups, including Kenyan Somalis and Nubians, continued to report 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.

During the year, there were reports that non-Muslims generally continued to harass or treat with suspicion persons of Somali ethnicity, who are predominantly Muslim. Police officers typically did 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 served.

During the election period, religious leaders representing interfaith groups, including the Anglican, Catholic, evangelical Protestant, Muslim, and Hindu communities, engaged in discussions with political parties and government bodies and urged them to resolve disputes within the court system. 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 before, during, and after the country's August 9 general election.

The interfaith Dialogue Reference Group, composed of prominent Christian, Muslim, and Hindu groups, continued to hold national and county forums to promote national reconciliation and peaceful elections. In August, 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 September, the country inaugurated the new President and Deputy President, both of whom have personal ties to evangelical churches. The new government held prayer services at State House, the official residence of the President, which prompted some observers, civil society organizations, and religious leaders to express concern in print and social media about the blurring of the line between church and state and the preferential treatment given to one religious community.

In September, a former member of Parliament (MP) Stephen Ndichu filed a petition in court seeking to suspend the registration of the Atheists in Kenya (AIK) society, claiming the registration and operations of AIK violated the constitution. According to AIK, the former MP filed the court case in response to an AIK press statement criticizing the First Lady for hosting religious services at State House.

In March, the Ministry of Education directed schools to stop violating the religious rights of school children by enforcing bans on hijabs and forcing children to take specific religious subjects. In November, AIK called on the government to abolish religious education in schools and recommended to a government task force on education reforms that religious education be replaced with philosophy and ethics courses.

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

During the year, the Somalia-based terrorist group al-Shabaab carried out attacks in Mandera, Wajir, Garissa, and Lamu Counties, in the northeastern part of the country. Some attacks may have targeted non-Muslims because of their faith. In January, al-Shabaab terrorists attacked a bus traveling through Mandera County near the Kenyan border with Somalia, killing 13 individuals and injuring others. While observers believe the attacks likely targeted non-Muslims, they also attributed the violence to local and political disputes.

During the year, 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. The IRCK encouraged members of its religious communities to register to vote, educate themselves about the electoral process, and separate political positions from the practice of religious services.

During the year, the IRCK continued to partner with other NGOs such as the Kenya Community Support Center (KECOSCE) to increase religious tolerance and reduce opportunities for radicalization related to religion, particularly in Nairobi and the coastal region. KECOSCE and the IRCK hosted interfaith dialogues and joint community activities to encourage peaceful coexistence, religious tolerance, and mutual understanding. The 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 COVID-19 initiatives at the national and county level to disseminate accurate information, protect public health, address the socioeconomic impacts, and implement vaccination drives in counties with low participation rates.

In October, a group of Gor Mahia Football Club fans planned a demonstration to distance themselves from the club's chairman after he admitted to being a Freemason. According to religious leaders, many Kenyans associate Freemasonry with devil worship. The group condemned the chairman's association with the club and stated the admission subjected them to ridicule and public embarrassment.

According to religious and interfaith leaders, while Kenyans were generally tolerant of different faiths, they were less tolerant of nonbelievers. The AIK society said its members experienced intolerance and indirect discrimination. They cited cases of companies firing employees who publicly identified as atheists. Members of AIK said many atheists were unable to disclose their lack of religious belief openly with their family, community, or employer.

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

U.S. 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 officials continued to engage senior government officials to emphasize 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 they supported several training and capacity building programs with IPOA and the National Police Service Internal Affairs Unit to improve police accountability.

Embassy officials worked with the National Council of Churches of Kenya and other religious institutions on the U.S.-funded Mulika Initiative – a faith-based, civil society-led cohesion and election oversight program for a peaceful and accountable democratic process.

During the year, the Ambassador, Charge d’Affaires, and other embassy officials met frequently with religious leaders and groups, including the IRCK, Supreme Council of Kenya Muslims, Council of Imams and Preachers of Kenya, Hindu Council of Kenya, National Muslim Leaders Forum, Kenya Conference of Catholic Bishops, Kenya National Congress of Pentecostal Churches and Ministries, 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, promoting peaceful and free elections, and responses to the COVID-19 pandemic as well as promoting the value of sharing guidance from religious leaders on human rights.

Throughout the year, the Ambassador and Charge participated in meetings hosted by foreign diplomatic missions in the country that featured leaders from various religious communities to discuss relations between ethnic and religious groups as the country prepared for the August general election.

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 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. The embassy continued to partner with interfaith groups to improve accountable governance and strengthen communities' relationships with law enforcement bodies. The embassy also advocated for the inclusion of marginalized groups and building resilience against conflict and violent extremism related to religion through assistance programs. In May, the Embassy sponsored conferences at universities in Mombasa and Nairobi that expanded partnerships with Muslim communities to promote security in the country through interfaith dialogue. As part of the conferences, a visiting U.S. expert spoke to over 500 students, interfaith leaders, women leaders, and youth in a public dialogue about techniques for conflict resolution and strengthening interfaith relations.