

# KENYA 2015 INTERNATIONAL RELIGIOUS FREEDOM REPORT

## Executive Summary

The constitution and other laws and policies prohibit religious discrimination and protect religious freedom, including the freedom to manifest any religion or belief through worship, practice, teaching, or observance and debate on religious questions. The constitution also 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, were the target of government-directed extrajudicial killings, enforced disappearances, torture, arbitrary arrest, and detention. The government denied directing such actions and government institutions investigated specific claims, which were addressed by the Kenya National Commission on Human Rights in a report leaked to the public in September. The report expressed concern that the government's ongoing crackdown on terrorism was disproportionately targeting ethnic Somalis and Muslims in the coastal region. Kenyans of Somali heritage and other Muslim communities reported difficulties in obtaining government-mandated identification documents. The government in April moved to cancel the licenses of two human rights nongovernmental organizations (NGOs) which had said the government was engaged in extrajudicial killings and other human rights violations targeting Muslim communities. The NGOs Muslims for Human Rights (MUHURI) and Haki Africa sued to challenge the government's action; a high court on November 12 ordered the government to lift the ban freezing their bank accounts.

The Somalia-based terrorist group al-Shabaab carried out attacks in Garissa and Mandera counties and said it had targeted non-Muslims because of their faith. On April 2, al-Shabaab claimed responsibility for an attack on a university in Garissa that resulted in at least 147 deaths, with witnesses reporting the terrorists targeted non-Muslims. In Mandera County, al-Shabaab claimed responsibility for the killings of 14 people in a July attack on a guesthouse, stating it had targeted Christian quarry workers. Al-Shabaab terrorists made several incursions between May and November into northeastern and coastal towns in which they forcefully herded residents into mosques to preach to and threaten them with violence if they cooperated with the government.

An international Christian news website reported that an imam who had converted to Christianity was beaten by his community, and his house was burned. Tensions between Christians and Muslims rose after the April 2 attack on Garissa University

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College. Media widely reported that some churches hired armed guards to protect Easter services out of fear that extremists were targeting Christians. Muslims also said they faced increasing hostility after the attacks from the Christian majority.

The U.S. embassy regularly discussed issues of religious freedom, including the importance of tolerance and inclusion, with government officials and local and national religious leaders. The embassy urged religious leaders to engage in interfaith efforts to promote a continued commitment to religious freedom and religious diversity, noting the strong influence of their leadership with regard to their respective congregations. The embassy supported interfaith efforts to defuse political and ethnic tensions and encouraged religious leaders to work together across sectarian lines to advance tolerance and peaceful coexistence, especially following the terrorist attacks in Mandera and Garissa.

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

The U.S. government estimates the total population at 45.9 million (July 2015 estimate), of which approximately 82 percent is Christian and 11 percent Muslim. Groups constituting less than 2 percent of the population include Hindus, Sikhs, and Bahais. Much of the remaining 4-5 percent population adheres to various traditional religious beliefs. Protestants account for 47 percent of the population, Roman Catholics 23 percent, and other Christian denominations 12 percent. Most of the Muslim population lives in the northeast and coastal regions, where religion and ethnicity are often linked. There are approximately 349,000 Somali refugees and asylum seekers in the Dadaab refugee camps, most of whom are Muslims. There are approximately 181,000 refugees in the Kakuma refugee camp, including Somalis, South Sudanese, and Ethiopians, as well as other regional refugees, 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. It 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 states individuals shall not be compelled to act or engage in any act contrary to their belief or religion. These rights shall not

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be limited except by law, and then only to the extent that the limitation is “reasonable and justifiable” and fulfills other conditions.

The constitution requires parliament to enact legislation recognizing a system of personal and family law adhered to by persons professing a particular religion. It 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.

According to the law, new religious groups, institutions or places of worship, and faith-based NGOs must register with the registrar of societies, which reports to the attorney general’s office. The government allows indigenous and traditional religious groups to register, although many choose not to do so. In order to register, registrants must have valid national identification documents and pay a fee. Registered religious institutions and places of worship may apply for tax-exempt status, including exemption from paying duty on imported goods. The law also requires that organizations dedicated to advocacy, public benefit, or the promotion of charity or research be registered with the NGO Coordination Board.

Many public schools were originally owned by religious groups, which still have some say in their management. All public schools have religious education classes taught by government-funded teachers. The classes are mandated by the national curriculum, and students cannot opt out. Some schools offer religious education options, usually Christian or Islamic studies, but they are not required to offer both.

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

### Government Practices

Human rights groups and prominent Muslim leaders said the government targeted Muslims for extrajudicial killing, torture and forced interrogation, arbitrary arrest, detention without trial, and denial of freedom of assembly and worship. A preliminary report by the Kenya National Commission on Human Rights that was leaked to the local press in September expressed concern that the government’s ongoing crackdown on terrorism was disproportionately targeting ethnic Somalis

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and Muslims in the coastal region. The preliminary report documented 25 extrajudicial killings and 81 enforced disappearances, and detailed cases of torture and forced interrogation, arbitrary arrest, and detention without trial. The Kenya Muslim Leaders Conference, which includes 14 Muslim organizations, issued a press statement on October 25 condemning what it called a government policy of extrajudicial killings and enforced disappearances of Muslim youths. The group said that government security agencies killed or caused to disappear more than 300 people. The group called for a government investigation of the allegations and demanded “an end to the policy of treating Muslims as second class citizens.” Following the Garissa University attack in April, the National Assembly Majority Leader publicly stated he would not support any crackdown on terror that targets Muslims. Muslim leaders stated that the police often linked the whole community to al-Shabaab. The Independent Policing Oversight Authority (IPOA), a civilian government body that investigates police misconduct, said that lack of accessibility to IPOA and intimidation by police prevented members of the Muslim community from filing complaints about these violations.

On April 7, the NGO Coordination Board canceled the licenses and ordered the freezing of bank accounts belonging to 83 entities, including two prominent human rights groups, MUHURI and Haki Africa, for alleged links to terrorism. Human rights organizations accused the government of targeting MUHURI and Haki Africa for their outspoken criticism of the government’s human rights record, including 2014 statements to the press that the government was conducting a deliberate campaign of assassinations against Muslim clerics. The organizations publicly stated they were working with the IPOA to follow up cases of reported extrajudicial killings and forced disappearances, and said these actions triggered the NGO Board’s response to cancel registration and freeze accounts. Both organizations challenged the deregistration decisions in court. A high court in Mombasa ruled on November 12 that the NGO Coordination Board’s decision to list Haki Africa and MUHURI as terrorist-affiliated organizations violated due process and ordered the government to lift the ban freezing the their bank accounts.

The Chairman of the Evangelical Alliance of Kenya said that no churches registered during the year, and that the government denied official recognition to more than 7,000 religious organizations in 2014.

Some religious leaders objected to rules, proposed by the attorney general in December 2014, to regulate religious organizations and keep their leaders accountable. The proposed rules would require religious leaders to obtain

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certificates of clearance from the Directorate of Criminal Investigation and the Ethics and Anti-Corruption Commission. Religious institutions would be required to file annual tax returns and list the location of each branch and its leaders and administrators, the familial relations between religious leaders and other religious officials, and other affiliated organizations. Registrants would be required to provide copies of their identity cards and their Kenya Revenue Authority pin number. Religious leaders would be required to hold a theological degree or certificate from a recognized university, and other standards for leaders and institutions would apply. Religious leaders threatened to take legal action if the new rules were implemented. The Inter-Religious Council of Kenya stated that the rules would violate freedom of worship, and would turn religious institutions into businesses and political entities. The rules had not been implemented at the end of the year. Some officials indicated the government was reconsidering its position.

Government schools sometimes prevented girls from attending classes if they wore headscarves or other religious dress. School authorities who ordered female students to remove their headscarves while in school stated such garments violated school uniform policies. Muslim students said in the press that such actions forced Muslim students out of government education. Many public high schools, however, continued to permit students to wear the hijab. Prohibitions on religious headwear at some schools affected members of the Akorino religious group, which combines Christian and African styles of worship and requires women to cover their heads. For example, media reported that on March 17 a female Akorino secondary school student in Nakuru County was suspended from school for wearing a religious headscarf.

On March 6, a high court held that school uniform codes that banned “Muslim attire” did not conflict with the constitution, and that allowing female students to wear the hijab created disparity among the students. The ruling arose from a 2014 lawsuit filed by the Methodist Church seeking to ban female students at St. Paul Kiwanjani High School in Isiolo from wearing the hijab and trousers, arguing the Methodist Church, as the school’s principal funder, should have the final say over student dress.

Muslim leaders complained Muslim citizens often faced special difficulties acquiring national identification from the National Registration Bureau. Identification cards are required by law and are a prerequisite for voting and access to certain government and financial services. Failure to register is a crime. Muslim communities – including ethnic Kenyan and Somali communities, coastal

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Muslim communities, the Nubian community in Nairobi, and the Galjeel community around the Tana River – reported they were often subject to more requirements than others were in order to register. These included presentation of birth certificates and citizenship documents of their fathers and grandfathers. They stated they were also required to make special appearances at specified police stations. The government stated the additional scrutiny was necessary to deter illegal immigration and fight terrorism, and that such scrutiny was not intended to discriminate against certain ethnic or religious groups.

### **Abuses by Rebel or Foreign Forces or Terrorist Organizations**

During terrorist attacks in Garissa County and Mandera County, multiple reports stated attackers specifically targeted non-Muslims. On April 2, members of the terrorist organization al-Shabaab stormed Garissa University College in Garissa County, killing at least 147 people and injuring at least 79. The attackers reportedly in some instances separated Muslims from Christians and killed some victims who could not recite verses from the Quran. On July 7, al-Shabaab claimed responsibility for an attack that killed 14 people in Mandera County, saying it had targeted Kenyan Christians. Al-Shabaab terrorists in May, June, August, and November made incursions from Somalia into the northeast and towns near the border in which they forcefully herded residents into mosques to preach to and threaten them.

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

There were reports of intolerance towards individuals based on religious attire, and expressions of intolerance towards members of other faiths. Because religion and ethnicity were often closely linked, it was difficult to categorize many incidents as being based exclusively on religious identity.

Muslim religious leaders and their families reportedly threatened with violence or death some individuals who converted from Islam to Christianity, particularly those of Somali ethnic origin. For example, one international Christian publication reported on August 3 that a former imam who converted from Islam to Christianity was abandoned by his family and beaten by members of his community, who also burned down his house and stole his cattle.

According to media and police reports, when Islamist gunmen suspected to be al-Shabaab attacked a bus on December 21, the driver said the Muslims refused to be

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separated from their fellow Christian travelers, and they told the militants to kill them all or leave them alone. The militants left after the passengers refused to separate, but at least two people from the bus were killed by the militants, one of whom reportedly tried to run away when militants ordered the passengers off the bus.

Some Muslims stated they perceived general discrimination and that the government and business community deliberately impeded development in predominantly Muslim areas.

Non-Muslims reportedly harassed or treated with suspicion citizens of Somali origin, who are predominantly Muslim. This was widely attributed to an escalation of fear and outrage after the Garissa University College and other terrorist attacks in recent years, predominantly by al-Shabaab.

Christian leaders stated individuals and businesses in historically Muslim areas in the northeast and on the coast discriminated against Christians. Christian leaders also said private citizens made it difficult for Christians in the northeast to obtain land for churches and cemeteries.

The National Council of Churches of Kenya of the Central Region and the African Inland Church (AIC) separately petitioned the government to review the 2013 Education Act and restore the rights of religious groups that had turned over their schools to the public school system after independence while retaining some management authority. The AIC also contested the Education Act's provision that it is the sponsor's responsibility to pay for any school chaplain, arguing that a chaplain should be funded by the school budget. The government did not respond to these petitions as of the end of the year.

Interreligious NGOs and political leaders said the terrorist attacks over the previous two years raised tensions between Muslim and Christian communities. For instance, after the April 2 attack on Garissa University College, media widely reported that churches hired armed guards to protect Easter services out of fear that extremists were targeting Christians. Muslims also reported being the target of increased public hostility immediately after the attack.

In celebration of the International Day of Peace, Christian leaders from various denominations joined Muslims during Friday prayers on September 18 at Jamia

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Mosque in Nairobi. Media characterized the event as a historic effort to bolster the relationship between the two faiths.

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

To promote peaceful cooperation among religious groups, the U.S. embassy emphasized the importance of respecting religious freedom in meetings with government officials. The Ambassador and embassy staff met frequently with religious leaders and groups of various faiths, including the Inter-Religious Council of Kenya, the Supreme Council of Kenya Muslims, the Coast Interfaith Council of Clerics, the Council of Imams and Preachers of Kenya, the Hindu Council of Kenya, the National Muslim Leaders Forum, and the National Council of Churches of Kenya.

In February and October the Ambassador hosted Muslim leaders to discuss ongoing challenges regarding religious tolerance and cooperation in the country. The Under Secretary of State for Civilian Security, Democracy, and Human Rights met with Muslim and government leaders during her March visit and discussed these themes. The Ambassador hosted an iftar in July with Muslim, Christian, and Hindu leaders that emphasized the need for interfaith dialogue to defuse interfaith tensions. The embassy also assisted efforts to promote intra-Muslim dialogue on freedom and tolerance.

Embassy officials met individually with religious leaders to urge them to continue to work across sectarian lines to reaffirm the importance of religious freedom, tolerance, and diversity. The embassy encouraged the faith community and other societal figures to see religious diversity as a national strength, not a source of strife and division.