

KENYA 2012 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The constitution and other laws and policies protect religious freedom and, in practice, the government generally respected religious freedom. The trend in the government's respect for religious freedom did not change significantly during the year. Muslims, particularly ethnic Somalis, complained of profiling by government security forces because of ongoing attacks inside Kenya and the Kenyan military intervention against the Somali terrorist group al-Shabaab.

There were reports of societal abuses or discrimination based on religious affiliation, belief, or practice. Some Muslims alleged that business and community leaders thwarted development efforts in predominantly Muslim areas. Some Christian leaders alleged that Christians were subject to discrimination in the historically Muslim areas of Coast and North Eastern provinces. Grenade attacks on churches, which the government linked to al-Shabaab terrorist activity, prompted reprisal attacks directed at Muslims, particularly ethnic Somalis. Prominent societal leaders, however, took positive steps to promote religious freedom. Following attacks on churches in North Eastern province, interfaith leaders made public statements supporting religious tolerance, and Muslim leaders mobilized adherents to protect Christian places of worship and attend Christian services to show solidarity.

The U.S. embassy regularly discussed issues of religious freedom and inclusion with government officials and with local and national religious leaders, including members of the Inter-Religious Council of Kenya, the Supreme Council of Kenya Muslims, and the National Council of Churches of Kenya. The embassy urged religious leaders to engage in interfaith efforts, promoting a continued commitment to religious freedom and to religious diversity. The embassy also 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 in the run-up to the 2013 national elections.

Section I. Religious Demography

The population is 43 million, according to a U.S. government estimate. Approximately 80 percent of the population is Christian and 10 percent is Muslim. Groups constituting less than 1 percent of the population include Hindus, Sikhs, and Bahais. Most of the remaining population adheres to various traditional

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religious beliefs. Of the Christian population, 58 percent is Protestant and 42 percent is Roman Catholic. Most of the Muslim population lives in North Eastern and Coast provinces, where religion and ethnicity are often inextricably linked. There are approximately 500,000 people in the Dadaab refugee camp, most of whom are Muslims.

Section II. Status of Government Respect for Religious Freedom

Legal/Policy Framework

The constitution and other laws and policies protect religious freedom.

The constitution provides for kadhis 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 kadhis courts, and will accept appeals of any kadhis court decision.

The Ministry of Information and Communications must approve regional radio and television broadcast licenses.

New religious groups must register with the registrar of societies, who reports to the attorney general’s office. The government allows indigenous and traditional religious groups to register, although many do not. Registered religious groups may apply for tax-exempt status, including exemption from paying duty on imported goods.

The government observes the following religious holidays as national holidays: Good Friday, Easter Monday, Eid al-Fitr, Christmas, and Diwali.

Government Practices

There were no reports of abuses of religious freedom; however, the government imposed restrictions that affected members of minority religious groups.

Government schools sometimes prevented girls from attending classes if they wore a headscarf or other religious dress. School authorities who ordered female students to remove their headscarves while in school stated that such garments were in violation of school uniform policies. In September a Nairobi court ruled in

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favor of Nairobi's Kenya High School, which banned wearing of the hijab. Similar prohibitions affected members of the Akorino group, which combined Christian and African styles of worship and required women to cover their heads.

The government generally provided impartial treatment to religious groups applying for registration with the registrar of societies. However, some smaller groups reportedly found it difficult to register if the government classified them as offshoots of larger religious organizations. In November, the government demonstrated an improvement in its respect for religious freedom when it granted registration to an African Independent Church group whose members were ethnic Pokots. The government had banned the group in 1950 due to a clash with colonial authorities.

Some Muslim leaders charged the government was hostile toward Muslims, alleging that authorities rigorously scrutinized the identification cards of persons with Muslim surnames, particularly ethnic Somalis, and sometimes required additional documentation of citizenship, such as birth certificates of parents and even grandparents. The government asserted that the additional scrutiny was necessary to deter illegal immigration and fight terrorism, rather than to discriminate against ethnic Somalis or their religion.

Some Muslim leaders, particularly in Coast province, asserted that the most recent government census radically undercounted Muslims to diminish their political power. After reviewing census results in parts of the country, the government rejected challenges to the census figures. Muslim leaders also asserted that the government made it difficult for Muslim youth to acquire national identification cards, which are a prerequisite for voting and access to certain government and financial services.

Muslim leaders also accused the government of using the fight against terrorism as a pretext to arrest and deport Muslim scholars. These critics asserted the government failed to differentiate violent extremists from legitimate scholars and religious NGOs. These charges increased in frequency after the government linked attacks inside Kenya to the Somali terrorist group al-Shabaab. According to human rights groups, government security forces subjected citizens of Somali origin, who are predominantly Muslim, to arbitrary detention and abuse based on presumed links to extremists. Police arrested more than 160 people in Eastleigh, Nairobi's majority Somali neighborhood, following a December 8 grenade attack on an Eastleigh mosque.

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Some Muslim leaders opposed the Prevention of Terrorism Act, which became law in September. They alleged that the Anti-Terrorism Prevention Unit (ATPU), a specialized police unit within the Ministry of Provincial Administration and Internal Security, conducted a systematic campaign of harassment specifically targeting Muslims. Although many Muslims ultimately endorsed the law, hoping it would lead to greater regulation of the ATPU, they expressed concern that the authorities would use the law to continue to harass Muslims.

The Ministry of Information and Communications routinely approved regional radio and television broadcast licenses for Christian and Muslim groups. The ministry did not approve the Catholic Church's petition for a nationwide frequency license; the government-owned Kenya Broadcasting Corporation held the only license for a nationwide frequency.

Section III. Status of Societal Respect for Religious Freedom

There were reports of societal abuses or discrimination based on religious affiliation, belief, or practice. Prominent societal leaders took positive steps to promote religious freedom.

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. In May a mob killed two pastors who were visiting the home of a person who had recently converted from Islam to Christianity.

There were several grenade attacks on churches in Nairobi, Mombasa, and North Eastern province. In July Muslim leaders mobilized Muslims to protect Christian places of worship after attacks on two churches in Garissa. In August Muslim leaders also attended church services in solidarity with Christians after protestors burned several Mombasa churches during unrest following the murder of a controversial Muslim cleric.

Some Christian leaders reportedly urged their followers to respond to the church attacks with reprisals against Muslims. After a September grenade attack on a church in Nairobi, dozens of people threw rocks at Somalis in Eastleigh. In August students in Kajiado burned a Muslim food store and destroyed part of a mosque under construction. Interfaith leaders worked with the National Cohesion and Integration Commission to defuse tensions and restore peace after these attacks.

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Some Muslims perceived general discrimination against them as members of a minority group, and asserted that the government and business community deliberately impeded development in predominantly Muslim areas. Non-Muslims reportedly often harassed citizens of Somali origin, who were predominantly Muslim.

Christian leaders complained that individuals and businesses in historically Muslim areas of Coast and North Eastern provinces discriminated against Christians. Christian leaders also alleged that Christians in North Eastern province had difficulty obtaining land for churches and burial plots. Because ethnicity and religion were often inextricably linked, it was difficult to categorize complaints by Muslims and Christians as solely ethnic or religious intolerance.

Section IV. U.S. Government Policy

The U.S. embassy encouraged the government to continue respect for religious freedom as part of its broader reform process. The embassy engaged religious leaders through a series of interfaith meetings aimed at promoting peaceful cooperation before the 2013 general elections. The ambassador hosted a roundtable discussion during which Christian leaders pledged to harness the influence of churches to promote unity and reject violence. Afterwards, interfaith leaders issued a joint declaration in support of tolerance and calling for peaceful and fair elections.

Visiting U.S. government officials met with interfaith leaders to encourage them to work across sectarian lines to reaffirm the country's history of religious freedom, tolerance, and diversity. Following a series of attacks on churches, the embassy encouraged the interfaith community to see religious diversity as a national strength, not a source of strife and division.

The embassy also engaged Muslim leaders to encourage their efforts to calm politically motivated tensions in Coast province, which has a majority-Muslim population.