



Kenya

International Religious Freedom Report 2007

Released by the Bureau of Democracy, Human Rights, and Labor

The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

There was no change in the status of respect for religious freedom by the Government during the period covered by this report, and government policy continued to contribute to the generally free practice of religion; however, some Muslim leaders continued to charge that the Government is hostile toward Muslims.

While there were very few reports of societal abuse or discrimination based on religious belief or practice, some Muslims perceived themselves to be treated as second-class citizens in the predominantly Christian country. There were some interfaith movements, such as the Inter-religious Council of Kenya. The Council brought together Christian, Hindu, and Muslim leaders but had a very limited public profile, occasionally commenting on current affairs.

The U.S. Government discusses religious freedom issues with the Government as part of its overall policy to promote human rights.

Section I. Religious Demography

The country has an area of 225,000 square miles and a population of 35.5 million; approximately 80 percent live in rural areas. Approximately 80 percent of the country practices Christianity; Protestants represent 58 percent of the Christian majority, Roman Catholics represent 42 percent. Ten percent of the population practice Islam, less than 1 percent practice Hinduism, Sikhism, and Baha'i, and the remainder follow various traditional indigenous religions. There are very few atheists. Some Muslim groups claim to represent up to 30 percent of the population; this figure is not supported by demographic data.

Certain groups tend to dominate particular regions. For example, North Eastern Province, where the population is chiefly ethnic Somali, is home to 15 percent of the Muslim population. Sixty percent of the Muslim population lives in Coast Province, comprising 50 percent of the total population there. Western areas of Coast Province are mostly Christian. The north-central part of the country is home to 10 percent of the Muslims, making it the majority religious group there. Apart from the ethnic Somali population in Nairobi, the rest of the country is largely Christian.

Many foreign missionary groups operate in the country. The Government generally permits missionary groups to assist the poor and to operate schools and hospitals. Missionaries openly promote their religious beliefs and encounter little interference from the Government.

Section II. Status of Religious Freedom

Legal Policy/Framework

The Constitution provides for freedom of religion, and the Government generally respected this right in practice. The Government at all levels sought to protect this right in full and did not tolerate its abuse, either by governmental or private actors. However, Muslim and Christian groups remained engaged in a long-standing debate over whether special Islamic courts should be recognized in the country's Constitution. The process of reviewing the Constitution was ongoing at the end of the period covered by this report. Muslim groups voiced concerns regarding a proposed antiterrorism bill, which they perceived as anti-Muslim.

The Constitution and the Kadhis' Courts Act of 1967 establish a venue for the adjudication of certain types of civil cases, based on Islamic law. The Constitution provides for Kadhis' courts in situations where "all the parties profess the Muslim

religion" in suits addressing "questions of Muslim law relating to personal status, marriage, divorce, or inheritance." Kadhis' courts, however, are "subordinate" courts, meaning that the secular High Court has jurisdiction to supervise any civil or criminal proceedings, and any party involved in the proceedings may refer a question involving interpretation, or directly appeal a decision, to the High Court.

Some church groups argue that the Constitution's inclusion of the Kadhis' courts gives preferential treatment to Muslims; however, the relevant section of the Constitution remained in place.

The Government requires new religious organizations to register with the Registrar of Societies, which reports to the Office of the Attorney General. The Government allows traditional indigenous religious organizations to register, although many choose not to do so. After registration, religious organizations may apply for tax-exempt status, including exemption from paying duty on imported goods. The Government does not use tax laws to favor one religious group over another, although some religious organizations allege that it does. Religious organizations generally received equal treatment from the Government; however, some small splinter groups found it difficult to register when the Government viewed them as an offshoot of a larger religious organization. On December 26, 2006, the media reported a government directive requiring religious groups to provide membership lists to the Government. The Registrar, however, noted that it requires only that organizations submit the minutes of their annual general meetings, including who was in attendance. According to the National Commission on Human Rights, no religious group complained that such a directive is being enforced.

In predominantly Christian areas, there are morning prayers in public schools. All children participate in the assembly but are not punished if they remain silent during prayers. Many predominantly Muslim public schools, especially high schools, have adjacent mosques that are used by some students for prayers.

Islamic and Hindu institutions sponsor a few government-supported public schools through payment of teachers' salaries and the provision of equipment. Often churches provide the land and the buildings for the schools, while the Government provides the teachers. After independence in 1963, the Government nationalized religious schools. This is regarded by religious leaders as a long-ago fait accompli. While religious leaders are resigned to this arrangement, there were at times disputes over school management and occasionally the closing of schools.

Some Muslims expressed concern that the lack of a university in Coast Province, which has a large Muslim population, hinders educational opportunities for Muslims.

The Ministry of Information and Communications approved regional radio and television broadcast licenses for several Christian and Muslim groups, including most recently Radio Salaam. The petition of the Catholic Church for a national frequency remained unresolved at the end of the period covered by this report. To date, the Ministry has not granted a national frequency to any media organization except the government-owned Kenya Broadcasting Corporation. However, it assigned a series of regional broadcasting frequencies to some organizations, both secular and religious, to give their broadcasts national reach.

The Government celebrates several holy days as national holidays, including Good Friday, Easter Monday, Christmas, Eid al-Fitr, and Eid al-Adha.

Restrictions on Religious Freedom

Government policy and practice contributed to the generally free practice of religion. However, some Muslim leaders charged that the Government was hostile toward Muslims. The leaders claimed that, since the 1998 bombing of the U.S. Embassy in Nairobi, the 2002 terrorist attacks in Mombasa, terrorist attacks elsewhere, and continued instability in Somalia, government discrimination against their community worsened, especially concerning access to identity documents. According to these leaders, authorities more rigorously scrutinized the identification cards of persons with Muslim surnames and sometimes required additional documentation of citizenship, such as birth certificates of parents and even grandparents. In response to these claims, the Government stated that heightened scrutiny was necessary to deter illegal immigration, in particular illegal border crossings from Somalia, and was not used to discriminate against religious affiliation.

Practicing witchcraft is a criminal offense under colonial-era laws; however, persons generally were prosecuted for this offense only in conjunction with some other charge, such as murder. The practice of witchcraft is widely understood to encompass attempts to harm others not only by magic but also by covert means such as poisons. Although many traditional indigenous religions include or accommodate belief in the efficacy of witchcraft, they generally approve of harmful witchcraft only for defensive or retaliatory purposes and purport to offer protection against it. Often adherents of main-stream religious groups also maintained some witchcraft-related beliefs.

