



## U.S. DEPARTMENT of STATE

### Kenya

#### International Religious Freedom Report 2006

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 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.

The generally amicable relationship among religious groups in society contributed to religious freedom, although some Muslims perceived themselves to be treated as second-class citizens in a predominantly Christian country. There were some interfaith movements, but the Ufungamano Initiative, which previously grouped Muslims and Christians, included only Christians.

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 approximately 225,000 square miles and a population of 34.7 million; approximately 88 percent lived in rural areas. Protestants were the largest religious group, representing approximately 45 percent of the population. Roman Catholics represented 33 percent of the population. Ten percent of the population practiced Islam, 1 percent practiced Hinduism, and the remainder followed various traditional indigenous religions or offshoots of Christian religions. There were very few atheists. Some sources disputed these figures; Muslim groups often claimed to represent 15 to 20 percent of the population, sometimes even more. Other sources also considered the 10 percent figure too low.

Most religious groups were active throughout the country, but certain groups dominated particular regions. For example, North Eastern Province, where the population was chiefly Somali, was mostly Muslim. Muslims also predominated in Coast Province, except for its western areas, which mostly were Christian. Eastern Province was approximately 50 percent Muslim (primarily in the north) and 50 percent Christian (primarily in the south). The rest of the country was largely Christian, with some persons practicing traditional indigenous religions.

Many foreign missionary groups operated, the largest of which were the African Inland Mission (evangelical Protestant), the Southern Baptist Church, the Pentecostal Assembly of Kenya, and the Church Missionary Society of Britain (Anglican). The Government generally permitted these missionary groups to assist the poor and to operate schools and hospitals. Missionaries openly promoted their religious beliefs and encountered little resistance.

#### 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, which was under review at the end of the period covered by this report. Muslim groups have also voiced concerns regarding a proposed antiterrorism bill and government assistance to Islamic schools.

The constitution and the Kadhis' Courts Act of 1967 established a venue to have certain types of civil cases adjudicated based on Islamic law. The constitution provides for the establishment of Kadhis' courts 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 to the High Court.

The Kadhis' courts issue continued to generate controversy. A proposed draft constitution, defeated during the November 2005 referendum, retained Kadhis' courts as subordinate courts with essentially the same jurisdictions as are included in the current constitution. The referendum debate included heated discussion of this issue with the Anglican Church of Kenya in June 2005 specifically announcing its opposition to Kadhis' courts, arguing that including Kadhis' courts in the constitution would give preferential treatment to Muslims.

Muslim groups argued that other religious groups could establish their own courts if necessary. They further contended that the recognition

of Kadhis' courts was a condition for the integration of the coastal strip at the time of independence and question why opponents now object to this system. By the end of the period covered by this report, the effort to adopt a new constitution remained stalemated, but the controversy over the Kadhis' courts continued to reveal latent animosities between Christians and Muslims.

In 2003 the Government published the Suppression of Terrorism Bill. Many observers, including the National Council of Churches of Kenya, found the bill objectionable on human rights grounds, arguing that it contained provisions that violate the constitution. Muslim leaders argued that the bill specifically targets their community. In June 2004 the Council of Imams and Preachers of Kenya, referring to the arrest of thirty Muslims on terrorism charges, accused the Government of targeting Muslims and applying the bill as if it were law. A new bill was drafted in May 2006, but Muslims and human rights activists continued to argue that the bill would inevitably discriminate against Muslims.

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. Once registered, religious organizations may apply for tax-exempt status, including exemption from paying duty on imported goods. Although some religious organizations disagree, the Government does not use tax laws to favor one religious group over another. 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.

In areas that are largely Christian, there are morning prayers in public schools. All children participate in the assembly but are not punished if they remain silent during prayers. Often churches provide the land and the buildings for the schools, while the Government provides the teachers. This has led to disputes over school management and occasionally to the closing of schools. In its 2003 report on religious freedom in public schools, the Standing Committee on Human Rights found that the Africa Inland Church (AIC) infringed on students' freedom of worship. The AIC sponsors a number of schools, some of which are public. The report found that the AIC compelled all students admitted to its schools to adhere to its beliefs, which contradicts the constitution.

Islamic and Hindu institutions sponsor a few public schools that the Government supports through payment of teachers' salaries and the provision of equipment. Some Muslims have expressed concern that the lack of a university in Coast Province, which has a large Muslim population, hinders educational opportunities for Muslims; however, higher education is available to Muslim students in other regions. In the past some Muslims voiced opposition to a government program, financed in part by the U.S. government, which works with Islamic schools to improve the quality and efficiency of primary education. They charged that the aim of this program is to dilute the teaching of "true" Islam.

The Ministry of Information and Communications has approved regional radio and television broadcast licenses for several Muslim and Christian groups. The petition of the Catholic Church for a national frequency was not resolved by the end of the period covered by this report. To date no media organization except the government-owned Kenya Broadcasting Corporation has been granted a national frequency; however, some organizations--both secular and religious--have been assigned a series of regional broadcasting frequencies 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 is hostile toward Muslims. The leaders claimed that, since the 1998 bombing of the U.S. embassy in Nairobi, the 2002 terrorist attacks in Mombasa, and terrorist attacks elsewhere, government discrimination against their community has worsened, especially demands for identity documents. According to these leaders, authorities more rigorously scrutinize the identification cards of persons with Muslim surnames and sometimes require additional documentation of citizenship, such as birth certificates of parents and even grandparents. The Government stated that this heightened scrutiny is an attempt to deter illegal immigration rather than 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 understood widely 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.

#### Abuses of Religious Freedom

A public opinion poll carried out in late 2004 asked respondents which human rights they thought were abused in the country. Only 7 percent included freedom of worship as a problem, with this right ranking twenty-second out of the twenty-six rights listed. However, in the heavily Muslim Coast Province, 31 percent believed respect for freedom of religion was a problem.

Prominent local Muslims continued to charge the Government with arbitrarily harassing Muslims in the guise of combating terrorism. In 2004 a Somali-Kenyan Member of Parliament wrote a letter to a leading newspaper citing several cases of what he alleged were arbitrary arrests and deportation of Muslims.

There were no reports of religious prisoners or detainees in the country.

#### Forced Religious Conversion

There were no reports of forced religious conversion, including of minor U.S. citizens who had been abducted or illegally removed from the United States, or of the refusal to allow such citizens to be returned to the United States.

### Section III. Societal Abuses and Discrimination

There generally is a great level of tolerance among religious groups, although some Muslims perceive themselves to be treated as second-class citizens in a predominantly Christian country. Interfaith marriage between members of Christian denominations is common, and interfaith prayer services occur frequently. Interfaith marriage between Muslims and Christians, although less frequent, also is socially acceptable.

For years Muslims and Christians have held an open debate over their respective places in society, at times undermining mutual trust. Each group claims to have a larger number of adherents than is plausible, and some Muslim groups believe that the Government and business communities deliberately impede development in predominantly Muslim areas.

On May 13, 2006, masked gunmen stormed Hope FM, a radio station headquartered at Nairobi Pentecostal Church, killing one person, shooting three others, and setting the property on fire. At the end of the period covered by this report, officials had not concluded whether the attack was motivated by religious intolerance. The investigation was ongoing.

An April 7, 2006, media report indicated that three AIC missionaries had been expelled from Wajir, a predominantly Muslim area in the North Eastern Province, for proselytizing and allegedly converting thirty persons to Christianity. There were no further developments in this case at the end of the period covered by this report.

In April 2004 a mob killed a man in Mt. Elgon whom they accused of practicing witchcraft. Villagers claimed they had found witchcraft paraphernalia in the man's house and blamed him for the death of 810 persons. In June 2005 a couple was arrested in Western Kenya under the Witchcraft Act for allegedly possessing charms. Unlike similar cases in past years, no one alleged that these incidents were politically motivated. No further action was reported in either of these cases.

In December 2005 two persons appeared in court for the alleged murder in early November of two family members whom they suspected of practicing witchcraft. The case was pending at the end of the reporting period.

There were no further developments in the May 2004 case in which police arrested a Nigerian pastor, a prominent doctor, and six other members of Winners Chapel International in the Western Province town of Kitale and charged them with torturing a church member. Local newspapers alleged that the man was tortured to force him to give up his child as a human sacrifice.

There have been reports of intolerance, sometimes degenerating into physical assaults, among refugee groups in the country. Some instances have been sparked by perceived violations of Somali traditions on marriage and dress.

There have been efforts to bridge religious divides drawing supporters from a broad spectrum of Christian, Hindu, and Muslim groups. The focus of these programs has been to promote interfaith dialogue, reduce ethnic conflict, and mitigate other societal problems such as female genital mutilation.

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

The U.S. government discusses religious freedom issues with the Government as part of its overall policy to promote human rights. The U.S. embassy has made a concerted effort to bridge the gaps that exist between Muslims and Christians. Embassy officials maintain regular contact with all religious communities. Recognizing the key role of religious leaders and organizations during the constitutional referendum debate, the ambassador hosted a meeting with religious leaders to discuss issues affecting their communities.

The ambassador and embassy officials routinely travel throughout the country to meet with religious and community leaders to facilitate dialogue on religious freedom. The U.S. government also provides grants to many communities that, for historical and religious reasons, perceive themselves to have been marginalized by previous governments. These grants include support for civic action programs that build and repair schools in Muslim and other marginalized areas.

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