



## Religion

## Population

## Area

- Christians : **81.1%**
- Ethnoreligionists : **9.1%**
- Muslims : **7.9%**
- Others : **1.9%**

47,251,000

591,958 Km<sup>2</sup>

## Legal framework on freedom of religion and actual application

Article 32 of the constitution of Kenya sets out the rights pertaining to freedom of conscience, religion, belief and opinion. All citizens are allowed to worship, practise, teach or observe their beliefs, which includes having a day of worship according to their faith. Personal or professional discrimination as well as coercion on account of religion is prohibited<sup>[1]</sup>

Kenya has had a very lively debate about the legal aspects of religious freedom. During the period under review, the country has seen some contentious issues come up on matters of religious freedoms and their legislative regulation. Professor Githu Muigai, Kenya's former Attorney General (2011-2018), has played an important role in such controversies since 2016.

At the beginning of 2016, Professor Muigai announced that new provisions were to be added to the Religious Societies Rules of 2015. The new regulations were aimed at exercising tougher control on religious groups. Academic credentials would be required of preachers or church leaders.<sup>[2]</sup> Kenyan President Uhuru Kenyatta decided to withdraw the proposed regulations a few weeks later following complaints from certain groups and a meeting with religious leaders.<sup>[3]</sup> At present, the Religious Societies Rules are on hold.

Attorney General Muigai and President Kenyatta have also disagreed over a moratorium on the registration of religious organisations, issued in November 2014 following suspicions of radicalism among religious societies. The Attorney General was in favour of the moratorium, which was reiterated in an official statement from his office in February 2017<sup>[4]</sup> One month later, President Kenyatta lifted the ban, contradicting the Attorney General's position on the matter<sup>[5]</sup>

The group called Atheists in Kenya – advocates for the cause of atheists and agnostics – was first registered in February 2016 but was suspended two months later by the Office of the Attorney General, which had received complaints from the

public regarding its activities and pronouncements. The group challenged this suspension by filing a case before the High Court, and in January 2018 the High Court overturned its deregistration.<sup>[6]</sup> Thereupon, the group demanded the resignation of the Attorney General, who eventually left office in February 2018 for reasons unknown.<sup>[7]</sup>

Regulation of the right to wear the veil (hijab) for Muslim women has been a controversial topic, especially given the inconsistency of the government's legal decisions on the matter. In September 2016, the Kenyan Court of Appeal ruled that female Muslim students were allowed to wear the veil in educational institutions (including Christian facilities). This ruling overturned a previous High Court decision in March 2015. In addition, some members of independent African Churches such as the Akorinos, whose members wear turbans (men) and veil (women), claimed that the ruling allowed them to keep their mandatory dress code too. They have often complained about discrimination in public offices, schools and institutions.<sup>[8]</sup> Despite official rulings, controversies around this topic have continued in a number of educational institutions where the leaders defy regulations.<sup>[9]</sup>

Social tensions in the Coast Province, due to police harassment of leaders of Muslim groups, have subsided somewhat, partly because the main concern of security agencies in recent years has moved from jihadist terrorism to the political opposition following tensions surrounding Kenya's last two presidential elections.

Violent actions by members of the Somali-based Al-Shabab group, especially in the north and the east of the country, continue, however, and are still a serious threat to the general population, especially to outsiders and non-Muslims who live and work in those regions. This is also because the group keeps using religion as an excuse for political and propaganda purposes and targets non-Muslims or non-Islamic institutions.

Nonetheless, the intensity and number of Al-Shabab attacks on civilians seem to have dropped considerably in the last two years. Massive counter-terrorist measures by security agencies, some of which were described by various human rights organisations as unlawful, now appear to be less frequent. In fact, the security services and the armed forces have yet to be held accountable for quite a few unresolved cases of extrajudicial killings, torture, ill-treatment of detainees and disappearance of individuals in coastal areas.<sup>[10]</sup> Some organised gangs seem to have profited from the failures of the security agencies in the Coast Province and are now engaged in criminal activities and in serious human rights violations.<sup>[11]</sup>

In comparison with previous years, the general situation of religious freedom in the country seems to have improved slightly. However, we must stress that groups and associations fighting for active citizenship, human rights and civil liberties continue to be targeted by police and the security forces. Their activities have often been disrupted by government officials on questionable grounds while their leaders complain that they are subjected to constant intimidation.<sup>[12]</sup>

## **| Incidents**

An explosive device was found on 5th June 2016 at the Kianyaga Catholic Parish Church, Kirinyaga (Central Province), shortly before the Sunday religious service. More than 500 worshippers were evacuated and the bomb was later safely detonated by special police units. According to the county commissioner, this was the fifth attack against Christians in that particular county.<sup>[13]</sup>

Two serious attacks on civilians were reported in October 2016 in Mandera County (North Eastern Province). In total, 18 persons were killed by Al-Shabab militants. Reportedly, in both cases, the targets were non-Muslims and the goal was to expel them from the region.<sup>[14]</sup> Attacks and killings by Al-Shabab units continued in regions close to the Somali border.<sup>[15]</sup> Allegedly, the strategy of this group is to target outsiders working in those areas on the assumption that most of them are Christians. School teachers particularly speak of discrimination since they do not feel protected by security forces. They do not feel supported by the authorities when they ask for a transfer because of security threats.<sup>[16]</sup>

An explosive device was thrown from a moving car at St Michael's Catholic Parish in the town of Mandera (North Eastern Province) on 26th November 2017. Fortunately, the bomb exploded close to the church's perimeter wall. Nobody was

injured in the attack.<sup>[17]</sup>

A Catholic priest from Kisumu Archdiocese (Nyanza Province), who had previously made a public appeal to the Kenyan government to stop the killings in the region, was assassinated by unknown attackers on the eve of the presidential elections.<sup>[18]</sup>

The proto-cathedral of Marsabit in (Eastern Province) was attacked on 13th January 2018 by young demonstrators after the arrest of a Muslim leader accused of having links with Al-Shabab. Three people were killed during the unrest and the temple's guard sustained minor injuries. Until then, the town had not experienced any tensions between Muslims and Christians.<sup>[19]</sup>

A school principal and 35 students from a renowned secondary school in Nairobi were injured in January 2018 after a fight broke out between Christian and Muslim students over alleged religious discrimination in the use of common facilities such as toilets and the school library. The school was closed until further notice and four students were charged with assault causing bodily harm.<sup>[20]</sup>

In April 2018, two churches and some houses were burnt by police in Laikipia (Rift Valley Province)<sup>[21]</sup>

## Prospects for freedom of religion

At present, nothing suggests any radical change in the way freedom of religion is handled by the government or experienced by ordinary Kenyans. There have been some slight improvements in the general situation. Terrorist attacks in the North Eastern Province against Christians seem to have abated as has their virulence, which could point to a certain fatigue in the use of religion as a political weapon. However, the critical situation of insecurity will continue as long as Al-Shabab is able to hold on to its Somali bases while operating within Kenyan territory.

## Endnotes / Sources

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