

## Legal framework

Kenya is party to the International Covenant on Civil and Political Rights (ICCPR), and the African Charter on Human and Peoples Rights (ACHPR), which both articulate the right to freedom of religion or belief (FoRB), the former more extensively. The constitution stipulates there shall be no state religion, and prohibits religious discrimination. Article 32 provides for freedom of conscience, religion, thought, belief and opinion, and the right to manifest one's religion through worship, practice, teaching, and observance individually and in community with others. It also states that no one should be forced to act, or participate in an act, that is contrary to their religion or belief.

Articles 134–138 of the Kenyan Penal Code outline offences relating to religion, and while blasphemy laws are not explicitly described, insulting a religion or communicating with the intent to 'wound religious feelings' are classed as misdemeanours that carry a maximum sentence of two years imprisonment, a fine or both. While these laws remain in the statute books, they are rarely used.

Violations of FoRB are primarily perpetrated by members and sympathisers of the Somali terrorist group al Shabaab. The al Hijra faction of al Shabaab consists predominantly of East Africans, most of whom are reportedly Kenyan nationals. Since October 2011 the group has attacked churches, security installations, infrastructure and villages. The areas of the country that border Somalia experience the majority of attacks.

## Anti Finance Bill protests

In May 2024 the government introduced the Finance Bill 2024/2025, which proposed to reduce the budget deficit and borrowing, and fund development projects, by raising USD 2.7 billion in additional taxes. Protestors called out the Bill's punitive administrative measures and controversial tax hikes, demanding its repeal and political change. Many believe the hikes would merely fund the extravagant lifestyles of corrupt government officials rather than improve public services.

The government proposed a number of concessions in the hope the bill would pass with public support. However, on the day the revised bill was proposed to Parliament, peaceful protestors filled the streets of the capital, Nairobi, to oppose it.<sup>1</sup> Many citizens were already struggling with the cost of living and the new bill would entail additional levies, including a 16% levy on bread, vegetable oil and sugar, and a new motor vehicle circulation tax at an annual charge of 2.5% of the value of a car, among others.<sup>2</sup> In addition, the

government's tax policies failed to adequately consider the economic and social rights of Kenyans, particularly those struggling to secure adequate housing, food and access to healthcare.

Despite being largely peaceful, anti-tax demonstrations across the country have seen at least 39 deaths, with allegations of the use of excessive and lethal force by the police and security services. In addition, hundreds of peaceful protestors were arrested, largely in June and July 2024, and there have been reports of involuntary or enforced disappearances.

On 25 June 2024 police officers opened fire on the crowds in Nairobi that had gathered around Parliament. Moments later, after the Finance Bill had passed by vote, protestors briefly stormed the building. On that day alone the Law Society of Kenya secured the release of over 300 people detained arbitrarily by the police.<sup>3</sup>

Following mounting public pressure, President Ruto announced on 26 June that he would no longer sign the Finance Bill into law. His attempts to regain control and propose a dialogue with youth, civil society, religious organisations and others on the Bill have been overshadowed by violations committed under his watch, including by police officers who used lethal force from the outset against the unarmed, largely peaceful protestors, and the Kenyan army, which was brought in to restore order following approval by Kenya's High Court.

On multiple occasions the police used disproportionate lethal force to disperse largely peaceful demonstrations, despite accepting recommendations on the right to peaceful assembly when Kenya's human rights record was reviewed by the United Nations (UN) Human Rights Council (HRC) as part of the Universal Periodic Review (UPR), and the protection of democratic rights in the constitution.<sup>4</sup>

### *Use of force in places of worship*

On 25 June 2024, when All Saints Cathedral in Nairobi opened its gates to over 3,000 people peacefully exercising their right to protest, armed police threw teargas canisters and shot live rounds indiscriminately into the Cathedral's compound, affecting those seeking refuge and a service that was taking place in the premises. The church also housed a medical centre treating the injured, including members of police and security teams who were on duty that day.

Civilians caught in the violence were forced to crawl from the main gates of the Cathedral to the main sanctuary as live rounds flew overhead. At approximately 4.30pm a contingent of military officers overran the Cathedral gates

1 President of the Republic of Kenya, 'Finance Bill Amendments', 18 June 2024 <https://www.president.go.ke/finance-bill-amendments/>

2 Reuters, 'Explainer: What's next after Kenya withdraws finance bill amid protests?', 25 June 2024 <https://www.reuters.com/world/africa/kenyas-finance-bill-why-has-it-triggered-protests-2024-06-25/>

3 Kenyan National Commission on Human Rights, 'Retreating into the dark abyss of violations and atrocities! Current state of Human Rights in the Nation', 1 July 2024 <https://www.knchr.org/Articles/ArtMid/2432/ArticleID/1199/Retreating-into-the-dark-abyss-of-violations-and-atrocities-Current-state-of-Human-Rights-in-the-Nation>

4 United Nations, 'Report of the Working Group of the Universal Periodic Review: Republic of Kenya', A/HRC/44/9, (Recommendation 142.153 (Poland)), 20 March 2020 <https://documents.un.org/doc/undoc/gen/g20/070/40/pdf/g2007040.pdf>

and stormed the compound, threatening everyone they found there. Officers then ordered everyone to lie on the ground as they shot indiscriminately, leaving several bullet casings. One protestor informed CSW they were in a group of six people who were moving together from the Cathedral gates to the sanctuary, one of whom was killed.

Cathedral personnel attempted to evacuate as many people as possible from the grounds. Staff, including the provost, administrative staff and religious leaders, formed a buffer outside the Cathedral for four hours, preventing security personnel from gaining further access to the place of worship and what they feared would be a confrontation with unarmed protesters that could have resulted in a massacre.<sup>5</sup>

On 16 July 2024 police in Nakuru stormed the Chosen Generation Church where Reverend Patrichia Benson was leading a lunchtime prayer service. CCTV footage shows security personnel invading the service and forcing all in attendance to lie on the floor while they fired live rounds. Church leaders later held a press conference in which they condemned the use of excessive force by police in a place of worship.<sup>6</sup>

### **Enforced disappearances**

June, July and August 2024 saw at least 72 documented cases of abductions and releases that may amount to involuntary or enforced disappearances. Some of those targeted are prominent campaigners and opposition politicians, many of whom are believed to have been taken by security forces in unmarked vehicles. Their families searched numerous police stations, hospitals and even morgues, trying to ascertain their whereabouts. Ongoing impunity and a lack of accountability delayed justice for victims and their families.

The abductions highlighted Kenya's lack of progress in implementing recommendations it accepted during its 2020 UPR<sup>7</sup> regarding enforced disappearances and the need to ratify the International Convention for the Protection of All Persons from Enforced Disappearance (CED).<sup>8</sup>

In December 2024 the Kenya Human Rights Commission (KHRC) issued a report noting that the number of documented enforced disappearances is high and not

limited to one geographical region. The Commission also noted that the pattern regularly involves ununiformed armed individuals forcibly detaining individuals who are vocal government critics on online platforms.<sup>9</sup> The total number of people disappeared between June and December 2024 documented by the KHRC was 82, with 29 still missing at time of publication. When asked about the enforced disappearances during an interview in London in February 2025, the majority leader of Kenya's National Assembly, Kimani Ichung'wah, stated they were not perpetrated by the government.<sup>10</sup>

### **Attacks on journalists**

On 16 July 2024 journalist Catherine Wanjeri was shot four times by police officers while covering demonstrations in Nakuru County for the privately-owned MediaMax Limited media group. She required surgery to remove three rubber bullets lodged in her body. The journalist reported that a police officer had threatened her as she covered demonstrations earlier in the month.<sup>11</sup> In September reports emerged that Ms Wanjeri had been receiving death threats, which she believed were aimed at intimidating her into dropping her case against police.<sup>12</sup>

Activist Boniface Mwangi was detained on 25 June 2024 on Koinage Street, Nairobi, along with four others, for allegedly inciting violence, breaching peace and blocking a road with a white coffin and seven white crosses bearing the names of people killed by police during the protests. The group was released on a cash bail of KSh 20,000 each (approx. USD 155).<sup>13</sup>

In an earlier incident, on 24 September 2024, Mr Mwangi had attempted to deliver a list of every individual who was abducted or killed during the protests to the Office of the President at a scheduled official meeting, only to experience an attempted abduction by masked police officers in broad daylight and in front of witnesses, including the media.<sup>14</sup>

Reports detailing the silencing of government critics and dissenting voices, attacks on journalists and human rights defenders and enforced disappearances of protesters highlighted Kenya's lack of progress in implementing recommendations accepted during its third UPR cycle to

5 Facebook, All Saints' Cathedral Nairobi, 30 June 2024 <https://www.facebook.com/watch/?v=984134229873665>

6 Mwakilishi, 'CCTV Footage Reveals Police Raid on Nakuru Church', 16 July 2024 <https://www.mwakilishi.com/article/kenya-news/2024-07-16/cctv-footage-reveals-police-raid-on-nakuru-church>

7 United Nations, 'Report of the Working Group of the Universal Periodic Review: Republic of Kenya', A/HRC/44/9, (Recommendations 144.10 (France) and 144.11 (Honduras, Seychelles)), 20 March 2020 <https://documents.un.org/doc/undoc/gen/g20/070/40/pdf/g2007040.pdf>

8 United Nations, 'Report of the Working Group of the Universal Periodic Review: Republic of Kenya Addendum', A/HRC/44/9/Add.1, 6 July 2020 <https://documents.un.org/doc/undoc/gen/g20/163/87/pdf/g2016387.pdf>

9 Kenya National Commission on Human Rights, 'Statement on the Recent Surge of Abductions/Enforced Disappearances in Kenya', 27 December 2024 <https://www.knchr.org/Articles/ArtMID/2432/ArticleID/1213/Statement-on-the-Recent-Surge-of-AbductionsEnforced-Disappearances-in-Kenya>

10 YouTube, 'Inequality, corruption and police brutality in Kenya: Mehdi Hasan & Kimani Ichung'wah Head to Head', 27 February 2025 <https://www.youtube.com/watch?v=ZSiA7ZB9i00>

11 The Nation Kenya, 'Nakuru journalist shot by police: 'Nobody can convince me I was not the target'', 22 July 2024 <https://nation.africa/kenya/counties/nakuru/nakuru-journalist-shot-by-police-nobody-can-convince-me-i-was-not-the-target-4695820>

12 Women Press freedom, Kenya: 'Catherine Wanjeri Kariuki Shot by Police Now Receives Death Threats', 3 September 2024 <https://www.womeninjournalism.org/alerts/kenya-catherine-wanjeri-kariuki-shot-by-police-now-receives-death-threats>

13 The Nation Kenya, 'Activist Boniface Mwangi and four others freed on cash bail', 26 July 2024 <https://nation.africa/kenya/news/activist-boniface-mwangi-and-four-others-freed-on-cash-bail-4703328>

14 Instagram, Boniface Mwangi @bonifacemwangi, 24 September 2024 [https://www.instagram.com/p/DATZliRuNRT/?img\\_index=9](https://www.instagram.com/p/DATZliRuNRT/?img_index=9)

ensure the safety of journalists and guarantee the freedoms of expression, of the press, of association and of peaceful assembly.<sup>15</sup>

## Religious Organisations Bill

Kenya requires religious organisations to be registered under the Societies Act Cap 108 of the Laws of Kenya, which came into force in 1968.

On 11 November 2014, in a move several observers viewed as a violation of Article 32 of the constitution, the former Attorney General imposed a moratorium on the registration of religious organisations pending the gazetting of new regulations citing, among other things, the need to curb alleged illegal activities in churches following the exposure of the misconduct of a self-styled prophet.<sup>16</sup>

The ban was eventually lifted on 13 June 2022, when the Registrar of Societies issued strict new administrative guidelines, including that clergy must have either a diploma or degree in Theology from a recognised theological institution, must show evidence of tax compliance, and must be recommended by a respected registered religious society.

Then in May 2023 President Ruto commissioned a taskforce to review the legal and regulatory framework governing religious organisations, this time in response to the ‘Shakahola massacre’, where a charismatic self-proclaimed pastor, Paul Mackenzie, who had created a religious community in the forests of Malindi, was accused of encouraging his followers to starve to death in a doomsday cult and arrested. 429 bodies were discovered in mass graves there, and those who were rescued were hospitalised, with many showing symptoms of starvation.

The Kenyan Senate subsequently launched an investigation with the stated aim of proposing legislation to protect citizens from extremists and cult leaders. The resulting bill proposes oversight of theological training, a code of conduct for religious leaders, a minimum qualification for religious leaders, review of doctrine, teaching and dispute resolution. Religious organisations would be required to follow financial processes and reporting procedures for all non-taxable income. The bill proposes that religious organisations maintain lists of members which will be available for inspection when requested, and also grants powers to registrars to not only require documentary evidence of the work of an organisation, but also to make physical inspections of its properties.

The bill may indeed be aimed at ensuring the welfare of citizens and ending abuses in unregulated cult-like

organisations. However, there are sufficient appropriate charges under the penal code and in current registration requirements to address any issues arising from the massacre. The bill’s provisions could also facilitate significant governmental overreach. The requirements for officials to assess doctrine, theological curricula, and the qualifications of religious leaders could result in the state mandating the contents of a religious creed. Additionally, while maintaining lists of members is important administratively for religious organisations, the provision allowing for governmental inspection of membership could potentially be misused to monitor the religious activities of citizens, rather than to ensure their protection.

Churches have objected to the bill, opting instead for self-regulation. A consortium of stakeholders has created a code of conduct for churches to which many continue to subscribe, while the government recently asserted that it has no intention of regulating religion.

## Discrimination and al Shabaab activity

In predominantly Muslim areas of northern Kenya non-Muslims complain of the inability to purchase land, difficulties in opening places of worship, and the targeting and undermining of their businesses, despite constitutional prohibitions on discrimination on the grounds of religion, conscience or belief contained in Article 27 (4).

In addition, areas bordering Somalia continue to suffer terrorist violence. On 23 March 2025 police personnel were attacked in northeast Kenya as they were preparing for morning prayers. Six were killed and four were hospitalised. No group claimed responsibility, but the Garissa County Commissioner Mohamed Mwabudzo stated that the attacks followed the patterns of previous al Shabaab activity in the border region. The targeted personnel were reservists, local volunteers that support the police in securing remote areas.<sup>17</sup> The attack came as the US government issued travel warnings regarding Garissa County and areas close to the Kenya-Somalia border.

Al Shabaab has also increased its attacks in Somalia. On 18 March a bomb attack on the convoy of Somali President Hassan Sheikh Mohamud close to the presidential palace killed four people, although the president was unharmed. The group also targeted a compound near the airport in Mogadishu housing African Union and UN officials and several foreign embassies.<sup>18</sup>

15 United Nations, ‘Report of the Working Group of the Universal Periodic Review: Republic of Kenya’, A/HRC/44/9, (Recommendations 142.143 (Estonia), 142.154 (Australia), 142.155 (Czechia) and 142.157 (Greece)), 20 March 2020 <https://documents.un.org/doc/undoc/gen/g20/070/40/pdf/g2007040.pdf>

16 BereanKenyan, ‘Prophet Kanyari and the Crisis of African Christianity’, 23 April 2015 <https://bereankenyan.wordpress.com/2015/04/23/prophet-kanyari-and-the-crisis-of-african-christianity/>

17 BBC, ‘Six Kenyan police personnel killed in ambush near Somalia’, 23 March 2025 <https://www.bbc.co.uk/news/articles/c4g0v7zy0v7o>

18 UN Security Council Report ‘April 2025 Monthly Forecast – Somalia’, 31 March 2025 <https://www.securitycouncilreport.org/monthly-forecast/2025-04/somalia-40.php>

## Recommendations

### To the government of Kenya:

- Ratify the International Convention for the Protection of All Persons from Enforced Disappearance, and end this practice, releasing every individual who has been detained arbitrarily.
- Refrain from formulating additional registration requirements for religious organisations, and instead, utilise existing laws to penalise corruption, maladministration and other malfeasance by such institutions and their officials.
- Review and revise vague and broadly worded legislation that could infringe unduly on the right to freedom of expression, including Articles 134 and 138 of the Penal Code, ensuring laws, policies and practices conform with international standards.
- Conduct detailed investigations into allegations of extrajudicial killings, torture and enforced disappearances, ensuring that perpetrators are brought to justice.
- Respect, protect and fulfil the freedoms of association, of expression, of the press, and the right to peaceful assembly, in line with Kenya's constitutional and international legal obligations.
- Conduct coordinated assessments, along with the government of Somalia, of the al Shabaab counter-terrorism strategy and its potential impact on civilians, ensuring that all counter-terrorism measures conform with the law and with international standards.
- Ensure that citizens, particularly non-Muslims in areas near the Somali border and including in Lamu and Garissa Counties, can practise their religion or belief without fear or hinderance.
- Issue a standing invitation to the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism.
- Strengthen human rights training within the security forces to ensure that officers operate in accordance with Kenya's constitutional and international legal obligations.
- Urgently formulate poverty alleviation and income generating initiatives targeting unemployed youth, to render them less susceptible to financial inducements from terrorist recruiters.
- Address and resolve historical grievances that are manipulated by al Shabaab to recruit Kenyan nationals to its cause.

### To the United Nations and Member States:

- Encourage the government of Kenya to ratify the International Convention for the Protection of All Persons from Enforced Disappearance, to end the practice of enforced disappearances, and to respect, protect and fulfil the freedoms of association, expression, the press, and the right to peaceful assembly, in line with its constitutional and international legal obligations
- Encourage the government of Kenya to issue an invitation to the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism.
- Strengthen counter-terrorism cooperation and support for Kenya, with a focus on the Lamu and Garissa Counties.
- Assist the government of Kenya in providing for the humanitarian needs of communities displaced or affected adversely by al Shabaab violence in Lamu and Garissa Counties.
- Call on the government of Kenya to conduct impartial and timely investigations into discrimination, violations and abuses targeting religious or belief minorities, ensuring that perpetrators are held to account.
- Ensure that the concerns highlighted in this briefing are consistently raised in public and in private with the government of Kenya, including during high-level visits and other bilateral exchanges.

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