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**STATUS OF HUMAN RIGHTS IN THE REPUBLIC OF KENYA  
FOR THE 49<sup>TH</sup> SESSION OF THE  
UNIVERSAL PERIODIC REVIEW**

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## Status of Human Rights in Kenya for the 49<sup>th</sup> Session of the Universal Periodic Review

### Introduction

1. The European Centre for Law and Justice (ECLJ) is an international, non-governmental organization dedicated to promoting and protecting human rights around the world. The ECLJ also holds Special Consultative status before the United Nations Economic and Social Council. This report discusses the status of human rights in the Republic of Kenya (Kenya) for the 49<sup>th</sup> session of the Universal Periodic Review.

### Background

2. Kenya is a country located in East Africa with a population of approximately 51.5 million people.<sup>1</sup> The country is predominantly Christian, with 85.5% of the population identifying as Christian, 10.9% as Muslim, and 3.6% in other categories.<sup>2</sup> In its 2024 World Watch List, Open Doors ranked Kenya as the 51st worst country for Christians.<sup>3</sup> This ranking stems from the fact that Christians in Kenya are under the constant threat of being attacked or killed by an Islamic extremist group called al-Shabaab.<sup>4</sup>

3. Kenya's last review was held on January 23, 2020.<sup>5</sup> As a result of the review, Kenya received 319 recommendations, 263 of which Kenya supported.<sup>6</sup> It was recommended by the Solomon Islands, and supported by Kenya, that the government "[e]nsure that the right to freedom of religion or belief is fully protected and promoted."<sup>7</sup> It was also recommended by Haiti, and supported by Kenya, that the government "[t]ake other necessary steps to protect Christians from persecution and other forms of serious harm caused by terrorist groups, with a view to tackling the root causes of religious radicalization."<sup>8</sup>

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<sup>1</sup> Mwenda Ntarangwi & Kenneth Ingham, *Kenya*, BRITANNICA, <https://www.britannica.com/place/Kenya> (last updated Sept. 30, 2024).

<sup>2</sup> Natalie Cowling, *Distribution of the Population in Kenya as of 2019, by Religion*, STATISTA (Sept. 22, 2023), <https://www.statista.com/statistics/1199572/share-of-religious-groups-in-kenya/>.

<sup>3</sup> OPEN DOORS, KENYA: FULL COUNTRY DOSSIER 4 (2024), <https://www.opendoors.org/research-reports/country-dossiers/WWL-2024-Kenya-Full-Country-Dossier.pdf>.

<sup>4</sup> *Id.* at 6-7.

<sup>5</sup> *Universal Periodic Review – Kenya*, OHCHR, <https://www.ohchr.org/en/hr-bodies/upr/ke-index> (last visited July 10, 2024).

<sup>6</sup> *Kenya – Infographic*, OHCHR, [https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session35/KE/Kenya\\_Infographic\\_35.pdf](https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session35/KE/Kenya_Infographic_35.pdf) (last visited Oct. 2, 2024).

<sup>7</sup> OHCHR, UPR of Kenya (3rd Cycle – 35th Session): Thematic List of Recommendations, [https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session35/KE/UPR35\\_Kenya\\_Recommendations\\_E.docx](https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session35/KE/UPR35_Kenya_Recommendations_E.docx) (last visited Oct. 2, 2024).

<sup>8</sup> *Id.*

## Legal Framework

4. Article 32 of Kenya’s Constitution states that “[e]very person has the right to freedom of conscience, religion, thought, belief and opinion” and provides the right for everyone to “either individually or in community with others, in public or in private, to manifest any religion or belief through worship, practice, teaching or observance, including observance of a day of worship.”<sup>9</sup>

5. Further, under Article 29 of Kenya’s Constitution, “[e]very person has the right to freedom and security of the person, which includes the right not to be . . . subjected to any form of violence from either public or private sources. . . .”<sup>10</sup>

6. Additionally, Kenya is a party to the International Covenant on Civil and Political Rights (ICCPR).<sup>11</sup> Article 18 of the ICCPR enshrines religious freedom:

Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.<sup>12</sup>

## Islamic Extremism

7. Even though the majority of the population in Kenya is Christian, Christians are still in danger of being attacked and killed by Islamic extremists. Kenya shares a border with Somalia, which Open Doors has ranked as the 2<sup>nd</sup> worst country for Christians.<sup>13</sup> This ranking stems in part because Christians are targeted and killed by an Islamic extremist group called al-Shabaab.<sup>14</sup> Al-Shabaab’s stated purpose is to overthrow the Somali government, establish an Islamic State,<sup>15</sup> and rid the country of Christians.<sup>16</sup> Since 2011, al-Shabaab’s activities have expanded beyond Somalia and into Kenya.<sup>17</sup>

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<sup>9</sup> CONSTITUTION OF KENYA 2019 art. 32, [https://www.constituteproject.org/constitution/Kenya\\_2010](https://www.constituteproject.org/constitution/Kenya_2010).

<sup>10</sup> *Id.* art. 29.

<sup>11</sup> *Status for Kenya*, OHCHR,

[https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=90&Lang=EN](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=90&Lang=EN) (last visited Oct. 2, 2024).

<sup>12</sup> International Covenant on Civil and Political Rights art. 18, *adopted* Dec. 16, 1966, 999 U.N.T.S. 171, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights> [hereinafter ICCPR].

<sup>13</sup> *World Watch List 2024*, OPEN DOORS, <https://www.opendoors.org/en-US/persecution/countries/> (last visited Oct. 2, 2024).

<sup>14</sup> *Somalia*, OPEN DOORS, <https://www.opendoors.org/en-US/persecution/countries/somalia/> (last visited Oct. 2, 2024).

<sup>15</sup> Holly Yan, *What is Al-Shabaab, and What Does it Want?*, CNN (Apr. 2, 2015),

<https://www.cnn.com/2015/04/02/world/africa/al-shabaab-explainer/index.html>.

<sup>16</sup> *Somalia*, *supra* note 14.

<sup>17</sup> “*Vigilance is Key*”: *Al Shabaab Threat Rising in Kenya’s Northeast*, FRANCE 24 (July 23, 2024),

<https://www.france24.com/en/live-news/20230723-vigilance-is-key-al-shabaab-threat-rising-in-kenya-s-northeast>.

8. Al-Shabaab has exploited the long and porous border between Somalia and Kenya to carry out attacks in Kenya to show it remains a force to be reckoned with.<sup>18</sup> As we will demonstrate below, al-Shabaab ruthlessly attacks and kills Christians and anyone who stands in its way of establishing an Islamic State. Truly, no attack is considered too brutal for them to carry out. They burn down homes, destroy churches, and murder Christians in cold blood. Below, we have highlighted a few cases of the atrocities that al-Shabaab has carried out against Christians living in Kenya.

9. On April 9, 2024, suspected members of al-Shabaab attacked a Christian village in Kenya and killed a farmer.<sup>19</sup> Later that afternoon, the militants also barricaded a road, shot two people, and set several cars on fire.<sup>20</sup> One Christian was stopped by the militants and forced to recite the Shahada, an Islamic statement of faith, to prove that he was a Muslim.<sup>21</sup> The Christian was set free when he lied to them, saying that the reason he did not know the Shahada was because he had just converted to Islam.<sup>22</sup> Al-Shabaab has been known to use this tactic to determine who is and who is not a Muslim.<sup>23</sup> Those who are found not to be Muslim are often beaten or killed.<sup>24</sup>

10. On August 21, 2023, al-Shabaab attacked a Christian community in Salama village, Lamu County, Kenya.<sup>25</sup> The militants proceeded to destroy a Christian church and numerous homes, leaving more than fifteen families homeless.<sup>26</sup>

11. In June 2023, al-Shabaab militants attacked villages in Lamu, Kenya.<sup>27</sup> During the attack, the militants beheaded five men and burned down several houses.<sup>28</sup> Police reported that “[a]ll the victims were murdered in cold blood with some tied with ropes in their hands and legs with ropes behind their backs and butchered and others blindfolded and then executed.”<sup>29</sup> One witness who survived the attack shared his account:

I was still awake at the time the terrorist ambushed our village [ . . . ] I heard screams coming from my neighbor’s house, and after some minutes, their house went up in flames. I knew there was danger, and I could not leave anything to chance. They went on attacking people and burning houses, and after an hour, they arrived at my home. I saw a large group of about 20, and some of them went to the pen and carried away all my seven goats.<sup>30</sup>

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<sup>18</sup> *Id.*

<sup>19</sup> *Al-Shabab Kills Christian During Multiple Attacks in Kenya*, INT’L CHRISTIAN CONCERN (Apr. 10, 2024), <https://www.persecution.org/2024/04/10/al-shabab-kills-christians-during-multiple-attacks-in-kenya/>.

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

<sup>25</sup> *Helping Persecuted Christians in Kenya “Face the Future”*, INT’L CHRISTIAN CONCERN (July 19, 2024), <https://www.persecution.org/2024/07/19/helping-persecuted-christians-in-kenya-face-the-future/>.

<sup>26</sup> *Id.*

<sup>27</sup> *Five Men Killed by Al-Shabaab Terrorists in Kenya*, INT’L CHRISTIAN CONCERN (June 25, 2023), <https://www.persecution.org/2023/06/26/five-men-killed-by-the-al-shabaab-terrorists-in-kenya/>.

<sup>28</sup> *Id.*

<sup>29</sup> *Id.*

<sup>30</sup> *Id.*

12. On January 3, 2022, suspected al-Shabaab militants attacked a village, killing six Christians.<sup>31</sup> One of the Christians was shot, one was hacked to death, and the other four were burned alive while sleeping in their homes.<sup>32</sup> The pastor of a local church shared what he saw of the bloodshed:

It is an ugly sight of people's bodies lying dead and houses smoking with fire. This is undeniably an awful terrorist attack.

I counted seven houses that were torched down, four bodies of people burnt beyond recognition inside the houses. A body shot dead right outside a burnt house and another beheaded body next to it. Other villagers escaped into the dark and the police are still looking for them.<sup>33</sup>

13. Later that same day, suspected al-Shabaab militants killed another Christian in a nearby village.<sup>34</sup> Police confirmed that he was burned alive in his home.<sup>35</sup>

14. In March 2021, an improvised explosive device was used to destroy a bus near the Somali border.<sup>36</sup> The explosion killed four passengers and injured dozens more.<sup>37</sup> While no group claimed responsibility for the attack, authorities believe it was al-Shabaab, who has been notorious for carrying out similar attacks across Kenya.<sup>38</sup>

15. In March 2020, al-Shabaab ordered that Christians must leave three counties located in northeastern Kenya and allow Muslims to get local jobs.<sup>39</sup> In an audio clip, al-Shabaab's spokesman shared that "Muslim teachers, doctors, engineers, and young graduates from the northeastern province are unemployed. Isn't it better to give them a chance? There is no need for the presence of disbelievers."<sup>40</sup> The spokesman also urged all Somali-Kenyans to drive out non-Muslims from the territory if they refused to leave on their own.<sup>41</sup>

16. In February 2020, two Christians were killed when al-Shabaab militants attacked a bus in Kenya.<sup>42</sup> The militants were dressed as police and tried to flag down the bus. When the did not stop, the militants proceeded to shoot at the bus till it stopped.<sup>43</sup> The militants then bordered

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<sup>31</sup> Rebecca Abbott, *Seven Christians Killed in Terrorist Attacks in Kenya*, ETERNITY NEWS (Jan. 5, 2022), <https://www.eterinitynews.com.au/world/seven-christians-killed-in-terrorist-attacks-in-kenya/>.

<sup>32</sup> Mumbi Mutoko, *6 People Killed in Al Shabab Attack*, KENYANS (Jan. 3, 2022), <https://www.kenyans.co.ke/news/71971-6-dead-following-al-shabaab-attack>.

<sup>33</sup> Abbott, *supra* note 31.

<sup>34</sup> *Terrorists Murder Christian Man in Kenya*, INT'L CHRISTIAN CONCERN (Jan. 4, 2022), <https://www.persecution.org/2022/01/04/terrorists-murder-christian-man-kenya/>.

<sup>35</sup> *Id.*

<sup>36</sup> Tom Odula, *Bus in Kenya's Hostile North Hits Roadside Bomb, 4 Killed*, AP (Mar. 24, 2021), <https://apnews.com/general-news-b237ddf62ab718e030e5c6d17a45088f#>.

<sup>37</sup> *Id.*

<sup>38</sup> *Id.*

<sup>39</sup> Anugrah Kumar, *Al-Shabaab Warns all Christians to Leave Northeastern Kenya*, CHRISTIAN POST (Mar. 2, 2020), <https://www.christianpost.com/world/al-shabaab-warns-all-christians-to-leave-northeastern-kenya.html>.

<sup>40</sup> *Id.*

<sup>41</sup> *Id.*

<sup>42</sup> Samuel Smith, *2 Christians Executed in al-Shabaab Bus Attack for Not Reciting Islamic Declaration of Faith*, THE CHRISTIAN POST (Feb. 22, 2020), <https://www.christianpost.com/news/2-christians-executed-in-al-shabaab-bus-attack-for-not-reciting-islamic-declaration-of-faith.html>.

<sup>43</sup> *Id.*

the bus, pulled out the passengers, and killed two Christians.<sup>44</sup> The militants also shot and killed one Muslim who was attempting to protect the Christians.<sup>45</sup>

17. In January 2020, three Christian teachers were killed when al-Shabaab militants attacked a primary school.<sup>46</sup>

18. Thankfully, Kenya has begun conducting counter-terrorism operations against al-Shabaab, and these are proving to be successful.<sup>47</sup> For example, a multi-agency team investigated an al-Shabaab encampment deep in the forest and was able to ambush the militant forces.<sup>48</sup> During the raid, authorities killed two militants and recovered guns and ammunition.<sup>49</sup> In a separate raid conducted in May 2024, Kenyan forces killed six al-Shabaab militants.<sup>50</sup>

## Recommendations

19. Al-Shabaab militants have relentlessly attacked innocent Christians living in Kenya. These attacks have included raiding entire villages, setting homes on fire, and killing Christians. It is critical that Kenya take immediate measures to protect Christians from the atrocities being carried out against them by al-Shabaab. Every day that meaningful action is not undertaken means that more Christians will be killed. Kenya must be more diligent in its efforts to eradicate al-Shabaab and ensure that Christians can live without the constant threat of being attacked or killed.

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<sup>44</sup> *Id.*

<sup>45</sup> *Id.*

<sup>46</sup> Samuel Smith, *Kenya: Al-Shabaab Extremists Execute 3 Christian Teachers in Raid on Primary School*, CHRISTIAN POST (Jan. 15, 2020), <https://www.christianpost.com/news/kenya-al-shabaab-extremists-execute-3-christian-teachers-in-raid-on-primary-school.html>.

<sup>47</sup> *Al-Shabaab Militants Killed in Counter Terrorism Raid*, MSN (Aug. 15, 2024), <https://www.msn.com/en-us/news/world/al-shabaab-militants-killed-in-counter-terrorism-raid/ar-AA1oQ7ti>.

<sup>48</sup> *Id.*

<sup>49</sup> *Id.*

<sup>50</sup> Andrew Wasike, *Kenyan Forces Kill 6 Al-Shabaab Terrorists in Counter-Terror Operation*, ANADOLU AJANSI (May 2, 2024), <https://www.aa.com.tr/en/africa/kenyan-forces-kill-6-al-shabaab-terrorists-in-counter-terror-operation/3207599>.