



THE RELIGIOUS ORGANIZATIONS POLICY, 2024

JANUARY 2024

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Definition of Key Policy Terms and Concepts

1. Conscience, Belief and Religion:

Article 32 of the Constitution of Kenya references three key terms: conscience, belief and religion. These terms are also referenced in various international legal instruments touching on freedom of religion. For the purposes of this Policy, we define the terms below.

a. Conscience.

Conscience means *Individual Moral Framework and Uprightness*. It generally refers to the part of the mind that makes one aware of their actions as being either morally right or wrong. Every person has a fundamental right to determine for themselves their values, goals and moral code and to pursue the goods and ends so identified bound only by respect for truth, justice and the common good.

Through our individual conscience, we become aware of our deeply held moral principles, we are motivated to act upon them, and we assess our character, our behaviour and ultimately our self against those principles.

b. Belief

Belief is a state or habit of mind in which trust is placed in some person or thing. It is an acceptance that something exists relating to either the seen or the unseen world. Religious belief, also called faith, is belief in God or supreme beings, and in the doctrines or teachings of religion.

Religious beliefs are sometimes captured in a systematised form in a creed or in articles of faith. They may also be reflected in holy books containing teachings relating to natural or supernatural knowledge and accepted as true. For example, Christians accept the Bible as an authoritative source of religious beliefs, while the Muslims treat the Quran as the source of truths about the Islamic faith. Other holy books include the Hebrew Bible (which includes the Torah) for Jews, the four Vedas for Hindus, and the Tripitaka for Buddhism.

c. Religion

Religion refers to an organised system of beliefs and practices about God, the supernatural world, spiritual realities & the human person in interaction with the natural world. Religion has also been defined as a set or organised beliefs, practices and systems that relate to what human beings regard as holy, sacred, spiritual or worthy of special reverence.

Adherents of religion perceive their doctrines not as opinions or subjective personal preferences, but as truths anchored on various motives of credibility including historical evidence, personal or shared experience, observation and logical inference.

2. Key Concepts:

Religion largely deals with beliefs and practices. The key concepts or religion refers to the major aspects of belief commonly found in most religions.

a. God, our Creator

God is the common word for the identity of a higher being in the universe beyond our world, the creator of all known existence, and who rules the entire universe. God the eternal Father is the Creator, Source, Sustainer and Sovereign of all creation. He is just and holy, merciful and gracious, slow to anger, and abounding in steadfast love and faithfulness. The Constitution of Kenya in its Preamble acknowledges the supremacy of the Almighty God of all Creation, thus recognising that most Kenyans have a shared belief in the existence, benevolence and primacy of God the Creator of the world.

b. Special Prophet/Lord. Jesus, Muhammad, Moses, Gautama

Many religions believe there is a Special Prophet or Lord who makes God known to humanity, and who may have a special intercessory role for humanity. For Christians, Jesus Christ is considered as the Lord. Through Him all things were created, the character of God is revealed, the salvation of humanity is accomplished and the world is judged.

The Muslim faith recognises Muhammad as their special prophet. The teachings are to the effect that one cannot have a close relationship with Allah without loving and following His Messenger, Muhammad. The Islamic Shahada states, "There is no god but Allah, and Muhammad is the Messenger of God."

Moses is specially venerated as the author of the Torah, and thus the lawgiver of Israel. On the other hand, Siddhartha Gautama is venerated as the founder of Buddhism and is considered to have been an enlightened being, one who has awakened from the sleep of ignorance and achieved freedom from suffering.

c. Supernatural world: angels, devils.

Belief in other supernatural beings beside the supreme being is widespread across cultures, but the properties of those beings vary from one culture or religion to another. Broadly speaking, other supernatural beings are believed to inhabit a world that transcends the natural world, but to have the ability to communicate or interact with the natural world. Such supernatural or spiritual beings may be characterised as good (angels) or bad (devils), and thus may be messengers of the divine being or agents that seek to pervert the purpose of God.

d. Spiritual realm: souls, grace.

Religion generally recognises the non-physical part of a person, which is the seat of emotions and character. This non-physical part of a person is often called the soul. Supernatural or incorporeal beings are also considered to be spiritual beings. Human beings are often considered by religion to be operating both in the physical material world as well as a spiritual immaterial realm. Religion may also recognise certain favours, privileges or aids that humans may receive from the supernatural, which may generally be considered to be forms of grace.

e. God's intervention in the world.

In addition to the first four aspects of belief, relating to the immaterial or unseen part of the world (God, special prophet/Lord, supernatural beings and spiritual world), there are three other aspects of religious belief that relate to the human moral compass in this world. The first of these subsequent aspects of belief is in the efficacy or actuality of intervention by God and other supernatural beings in this world.

In Christianity, this intervention comes in the form of revelation and blessings, and may be signified by reference to the Holy Spirit. In Islam, the articles of faith include

believe in various revelations of God found in various holy books, belief in the day of Judgment and belief in divine decree.

The concept of predestination is another common religious belief, that attributes either some aspect of causality or foreknowledge of the happenings in this world to God or other supernatural beings.

f. Scriptures

Scripture refers to a body of writings considered sacred or authoritative. Scriptures are thus the holy writings of a religion, prepared by human authors who are understood to have received special divine revelation. Christianity, Islam and Judaism believe that God inspired the writers of their respective holy book. The Scriptures are treated as the principal source of the inspired word of God, and as a record of his revelation to humanity.

Christianity accepts the Hebrew Bible as inspired, which is called the Old Testament, as well as various additional writings about Jesus called the New Testament. The Old and New Testaments together make up the Christian Bible. There is some difference in the canon of the Christian Bible. While Protestant and Evangelical Christians only accept the Old Testament books that derive from the Hebrew Bible, Catholic and Orthodox Christians also include seven extra books and a few extra passages, called deuterocanonical books, as part of the Old Testament. The books of the Bible are attributed to diverse human authors.

Islam accepts the Quran as God's final revelation to humanity, a work of divine guidance revealed to Muhammad through the Angel Gabriel over a period of 23 years. Muslims believe that God made previous revelation through other holy books, but that these previous holy books were later altered or distorted through human agency. The Quran, which contains 114 chapters of varying length, is considered by Muslims to be the only unaltered scripture.

Other holy books, considered to be scriptures, include the Vedas and Bhagavad Gita (Hinduism) and the Tripitaka (Buddhism).

g. Human Response to God & the supernatural.

Religion also often includes a set of beliefs about the ability of humans to respond to God, the supernatural and the spiritual. This response is often believed to take place at various levels, including the individual, the family, the community and the nation. African traditional religion emphasised the community response to God and supernatural beings.

It is a typical belief in religion that at the individual level, humans can respond to God either in a positive or negative manner. The positive response includes repentance, worship, acts of worship and holiness. The negative response includes sin or evil acts.

h. Our response to one another.

The final element of religious belief is concerned with how we should relate to one another. Religion generally promotes forgiveness, reconciliation and acts of charity or mercy to others. Sometimes though, religion may seem to affirm separation from others who fail to align to the asserted religious values, and when aggressively interpreted has led to vengeance, domination, violence and intolerance.

Wholesome religion moderates the desire for purity with recognition of pathways for forgiveness, accommodation and co-existence. The general emphasis on mercy and charity towards others, both neighbours and strangers, is a positive element embraced by several religions.

3. Aspects of Religious Practice:

In addition to various concepts that relate to religious beliefs reviewed above, religion gives rise to certain behaviour or practices accepted and manifested by the adherents of various religions. These distinct practices constitute part of religious observance or practice, and are the external element of religion. They include the following.

a. Prayer, Sacrifice, Fasting

Prayer is the channel of communication between humans and God. God speaks to us through His word or revelation; we respond to Him through our prayers. Prayer is the opening of the heart to God in adoration, thanksgiving, seeking forgiveness and asking for favour. It is the principal mode of worship. Religion generally believes that

humans can speak to God and he can hear us. Thus, the Constitution of Kenya includes two collective prayers and a third recommended personal prayer:

- i) In the Preamble – *God bless Kenya.*
- ii) In the 2nd Schedule, the National Anthem – *O God of all Creation...*
- iii) In the 3rd Schedule, the Oaths for State Officers – *So help me God.*

Most religions prescribe an attitude of sacrifice that may include fasting for the religious worshipper at certain moments when they seek to approach God's presence. It is considered as a way of aligning the physical aspect of the human person to the spiritual act of prayer. The decision to sacrifice food or pleasure in order to get God's attention is considered to be a demonstration of faith and assurance in the God who sees, hears, and answers His people.

Fasting is a practice that is prevalent in various religions among believers since ancient times. Fasting is considered to have a purifying effect on our spiritual lives. Fasting is occasionally recommended to accompany prayer so as to help the religious adherent to perceive the spiritual realm more clearly and with deeper understanding.

b. Abstinence, Almsgiving.

Almsgiving (Christian) or Zakat (Islam) or Dana (Hinduism) is an outward sign of love for others. It is an act of pure generosity that is a central tenet in many religions. Generally, it involves some type of sacrifice on behalf of the giver who parts with their property or goods in order to provide for the needs of the other. In doing this, bonds of community are formed.

Almsgiving may incorporate the spiritual practice of abstinence or detachment from material goods as a precursor to the almsgiving. It is oriented to caring for our neighbours in need.

c. Worship and Ritual

Religious communities are aided in worship through a variety of words, places, objects and activities. The power of the sacred is focused not only in sacred spots and on special occasions but also in animate and inanimate objects. Altars of earth, stone or metal are largely common examples.

Activities likewise have had a significant import in focusing attention on the holy. For example, the liturgy of Eastern Orthodox churches provides a dramatic portrayal of the view that God works for the salvation of humankind: incense, vestments, icons, music, and the processional and ritual movements of the liturgy are united into a re-enactment of Christian deliverance from the powers of sin and death.

Similarly, in Hinduism, fundamental ceremonies include those that involve the rites of passage through various stages of growth to maturity (samskaras).

d. Marriage and Celibacy

In some religions like Christianity, sexual abstinence or celibacy for the sake of religion is occasionally practised. Most religions also have established rules about entry into marriage and living well the marital relationship. Human sexuality is considered a gift from God the Creator, whose exercise is guided by various religious and moral norms.

Article 45(4) of the Constitution of Kenya recognises the interplay between religion and marriage by stating in part as follows:

(4) Parliament shall enact legislation that recognises –

(a) marriages concluded under any tradition or system of religious, personal or family law; and

(b) any system of personal and family law under any tradition, or adhered to by persons professing a particular religion

e. Holy People, Places, Things

Every religion confers sacredness on certain places, things and even people considered essential for the acts of worship. In the Hebrew Bible, the Prophet Moses was asked by God, "Take off your shoes for the ground you are standing on is holy ground."

Traditional African religions recognized certain physical features (special trees, mountains, rivers, forests) as places for worship and thus holy. Hindus have many

holy places. Some rivers are also holy to them. Some animals are also treated with respect like the cow, due to a connection with the sacred.

Muslims and Christians consider their places of worship (mosques, churches) as sacred, as well as their holy books (Quran, Bible).

It is a mark of religious tolerance to be aware of the sense of sacred in relation to various religions and to accommodate, subject to the principle of proportionality, the deeply-held beliefs and practices of others.

e. Religious Leaders

Religious leaders are classified into two categories, the first are officials of religious organisations who are involved in institutional leadership or participate in conducting governance matters of religious organisations and places of worship. The second category is the clergy, who may not be registered but are recognized as religious leaders and who conduct religious ceremonies or lead in public and community manifestation of religion through worship, practice, teaching or observance.

Clergy are identified by various titles among the followers of various religions. Sometimes they may also have special attire or clothing, or may have various privileges and prominence during acts of public exercise of religion. Some clergy also play the principal role of teaching about the particular faith, or resolving religious questions that arise among the adherents of the religion.

f. Appearance, Dress, Language

Some religions are identified by a special way of dressing, appearance or language. These may be limited to times of communal worship, or to special times and seasons, or may extend to lifestyles generally.

g. Penitence, Correction, Reconciliation

Several of the major religions place an emphasis on conversion and repentance for the person who has strayed from the right path.

In Christianity, repentance and reconciliation is an essential element of the Gospel message. It is expected to be accompanied by the practice of penitence and conversion. In the Quran, Surah 49:10 speaks of reconciliation in terms of the brotherhood between religious believers: "The Believers are but a single Brotherhood, so make peace and reconciliation."

Hindus focus upon karma. It is the sum of all things done, good and bad. A Hindu is to seek forgiveness and understanding for "bad karma." They are to learn from their mistakes. Buddhism has no specific day of reconciliation but they focus upon balance from wrong to reconciliation.

h. Education and Teaching

The practice of religion is often connected with education and teaching. Religion generally seeks to persuade by teaching its truths of faith. Beyond religious education, religion is associated historically with an interest in other forms of education and training. In Kenya, this is manifested by the substantial number of educational institutions run or sponsored by religious organisations.

i. Healing, Miracles, Signs

One of the motives of credibility that leads people to religious belief is the experience of miraculous occurrences and the testimony by witnesses of miracles or other supernatural signs that cannot be fully explained by natural phenomena and laws. Naturally, like other religious phenomena, the belief in miracles, extraordinary healing and other signs can be misused or abused by charlatans, as a way of deliberately misleading others so as to trigger belief.

Belief in authentic miracles and preaching about them is however a typical feature of religion. Thus, St Paul in the Christian Bible explains, "If Christ has not been raised from the dead, our preaching is useless and so is your faith." (1 Corinthians 15:14).

j. Prophecy, Preaching, Admonition

On 25th November 1981, the UN General Assembly proclaimed by resolution a Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (**the 1981 UN Declaration on Religious Tolerance**).

Article 6 of the said Declaration elaborates further on the essence of religious freedom by setting out various elements of religion including the freedom:

(d) to write, issue and disseminate relevant publications in these areas;

(e) to teach a religion or belief in places suitable for these purposes; and

(i) to establish and maintain communications with individuals and communities in matters of religion and belief at the national and international levels.

The stipulated freedoms above are related to the practice of religion in preaching, correction, admonition and prophecy. Religion seeks to encourage its adherents to live a morally upright life, and to sustain them on the right path. In doing so, each religion is expected to remind its followers about the truths or articles of faith that they uphold. The danger is if the religious preachers deliberately mislead their followers in trying to do so.

k. Ministry, Ordination, Authority

The practice of religion naturally involves community engagement in shared activity. In these occasions, there are certain religious leaders who are recognised and looked upon to lead the rest of the religious community in teaching, worship and other forms of observance. The religious leaders may be recognised as persons holding a certain ministry, and possessing a certain authority, that secures their influence over the rest of the religious community. Article 6 of the 1981 UN Declaration on Religious Tolerance includes among freedom of religion the right:

(g) To train, appoint, elect or designate by succession appropriate leaders called for by the requirements and standards of any religion or belief.

I. Intra-faith and interfaith relations

Due to the diversity of religious belief and practice, both globally and continentally, both at national level and at local and community levels, it is essential that people of faith learn to coexist peacefully and harmoniously with persons having distinct or diverse faith. The practice of religion should thus include intra-faith and interfaith dialogue and engagement as an important expression of our belief in human dignity.

m. Relation with civil authority: upholding laws, Conscience of the nation.

This generates a question: Does the civil government have any authority at all with regard to the church, or vice versa? If yes, what does or does this not consist of? Article 8 of the Constitution of Kenya 2010 states, "*There shall be no state religion.*" A related expression of this concept, from Julius Nyerere the first President of Tanzania, was as follows: "*Nchi ya Tanzania haina dini, lakini watanzania wana dini.*" (The nation of Tanzania has no religion but the people of Tanzania have religion).

The practice of religion thus includes a recognition of the distinct spheres of interest of religion and the state. And the need for mutual recognition and respect between religion and state. Religious groups and individuals seek recognition by the state to enable them engage like other natural and legal persons in the activities regulated by the state like owning property, engaging in commercial transactions, regulating their affairs and interacting with other persons. They are expected to uphold the laws of the state, but also act as the conscience of the nation.

The state equally is expected to respect the autonomy of religion and religious practice and organisations. State officers are often religious adherents themselves. The state should recognise and partner with religious groups when required, for example in facilitating the conduct of marriages, in partnerships in basic education institutions where religious sponsors play a role, and in welcoming religious expression like prayer during public events. In accordance with a widely recognised privilege, the state may also grant tax exemptions for religious organisations when they engage in charitable activity relating to the practice of religion, education or alleviation of poverty.

n. Mediation, conflict resolution

Religion does naturally get involved in exhorting its followers to live in harmony with others. This naturally includes the practice of mediation and conflict resolution.

While the dispute resolution traditions of Christianity, Islam, and Judaism may differ in the scope of issues they hear and the formality of the procedures they employ, all three certainly share one unifying theme: peacefulness is next to Godliness. This is true of various other religious traditions including Hinduism and Buddhism.

In a time when faith seems to be a subject brought up more to spur conflict than to resolve it, it is reassuring to read the holiest texts of the great religions and reflect on their common commands to get along with one another; compromise; work things out. Suffice it to say that, when it comes to religion's true role in human conflict, blessed are the negotiators, the mediators, and the arbitrators, for they shall be called the children of God.

EXECUTIVE SUMMARY

The Religious Organization Policy provides for a framework for governing the religious sector in Kenya. It provides broad guidelines for governing the freedom of religion, conscience, belief and opinion in the exercise of freedom of religion. The Policy aims at strengthening the right for the use of freedom of religion and at same time to protect the public from potential harm arising from the practice of religion and belief. It ensures freedom of religion and belief is not used as an avenue to abuse human rights and dignity.

The Policy is organized into five chapters addressing different thematic areas in chronological order; Chapter one presents background, problem statement, rationale, scope and guiding principles; Chapter two presents situational analysis and institutional framework with a focus on identification of gaps in the existing institutional and governance framework; Chapter three presents threats to the freedom of religion with a focus on the cause, effects and ways to combat extremism and intolerance; Chapter four presents policy provisions and implementation framework; Lastly, chapter five gives implementation, monitoring and review of the Policy.

The primary objective of the policy is to institutionalize the exercise of the freedom of religion in the religious sector accordance with the Constitution. The Policy has identified eleven (11) gaps in the existing legal and institutional framework governing religious organizations that threaten the freedom of religion in the country, they include: -

- (1) Lack of a policy framework and distinct legislation on religious organizations;
- (2) Lack of statutory clarity on the nature of crimes committed in the pretext of religion;
- (3) Lack of legal personality for religious organizations;
- (4) Lack of effective framework governing the limitation of rights and fundamental freedoms provided for in Article 24 in the practice of religion;
- (5) Lack of regulation of online broadcasting of religious content;
- (6) Lack of decentralized registration and regulation services for religious organizations;
- (7) Lack of a specialized dispute resolution mechanism for religious organizations;
- (8) Lack of civic awareness and sensitization on religious extremism or radicalization;
- (9) Lack of rehabilitation and reintegration programmes for persons affected by religious extremism or cultism;

- (10) Manual records management system; and
- (11) Discriminative registration provisions.

To address gaps, the Policy has provided thirteen (13) provisions that will strengthen institutional framework for regulation of religious organizations, corporate governance, accountability and transparency of religious organizations and ways to combat religious extremism and intolerance. They include: -

- 1) Formulation and adoption of a sound policy framework for the religious sector;
- 2) Enactment of a distinct statute for religious organisations to provide clarity on, *inter alia*, appropriate legal personality, registration requirements and offences committed under the pretext of religion;
- 3) Establishment of a Religious Affairs Commission under a new statutory framework to oversight religious institutions;
- 4) Establishment of umbrella religious organisations for purposes of facilitating self-regulation;
- 5) Adoption of a hybrid model of regulation of religious organisations comprising self-regulation and government oversight within the context of the Constitution and the law;
- 6) Implementation of self-regulation of religious organisations through recognition and strengthening of umbrella religious organisations, with incentives and recommendations for the exercise of the freedom of religion and association;
- 7) Amendment of the Kenya Information and Communication Act (KICA) and any other statute to strengthen a framework for regulating religious content in media within the context of the Kenyan Constitution;
- 8) Development and review of educational curricula in learning institutions to address religious extremism, cultic or occultist beliefs and practices;
- 9) Development and review of material for civic education that addresses the rights and responsibilities of religious organisations and citizens and highlights the dangers of religious extremism;
- 10) Setting of standards and educational prerequisites for religious leaders to be determined by registered religious institutions;
- 11) Formulation, implementation and strengthening of multi-sectoral collaborative reporting mechanisms comprising, *inter alia*, existing government security framework, interfaith organisations, and educational institutions;
- 12) Ensuring effective monitoring, evaluation, and reporting for proper implementation of the policy framework; and

13) Enhancement of the economic empowerment programmes in communities in order to reduce vulnerability triggered by, *inter alia*, poverty, among affected groups including women and youth.

Kenya has not had a specific policy or law governing the religious sector. As a pioneering policy, it gives provisions for enactment of legislation to facilitate self-regulation of religious organizations. It also provides an implementation framework for the sector to institutionalize required standards and guidelines pertaining to freedom of religion and belief.

The monitoring and evaluation of the Policy is a continuous process of collecting and analyzing of data and information on mitigation measures in the practice of religion.

CHAPTER ONE: INTRODUCTION

1.0 Introduction

This Chapter presents the Background, Problem Statement, Rationale and Objectives of the Religious Organisations Policy. It presents the scope, guiding principles and organisation of the policy.

1.1 Background

The Preamble to the Constitution of Kenya 2010: (1) acknowledges the Supremacy of the Almighty God of all creation, (2) takes pride of our ethnic, cultural and religious diversity, and (3) commits to nurture and protect the well-being of the individual, the family, communities and the nation.

Religion and belief have existed in human society from as far back as the beginning of human community. Our society is held together not only by law and its enforcement but also by internalized norms and behaviour arising from religious practice and belief. Both the laws of the state and the shared norms arising from religion and culture form the foundations upon which democracy, development, rule of law, peace and stability are built.

Article 8 the Constitution of Kenya states that there is no state religion in Kenya. The State cannot therefore adopt a particular religion. Nor can the State discriminate against a person on the basis of the religion, conscience or belief (article 27(4), Constitution of Kenya). Accordingly, the Constitution prohibits religious discrimination including any denial of access to an institution, employment or facility on the ground of a person's belief or religion (Article 32(3)).

The core provision on religious belief in Kenya is Article 32 of the Constitution, which provides for freedom of religion, conscience, belief and opinion. It guarantees every person, either individually or in community with others, the right to freely manifest their religion or belief, through worship, practice, teaching, or observance, including the observance of a day of worship.

A religious person's fundamental rights may not be unlawfully limited or violated, save that they may be limited to the extent that the limitation is reasonable and

justifiable in an open and democratic society based on human dignity, equality and freedom (article 24 of the Constitution). The freedom of religious persons to express themselves (article 33), establish media (article 34), associate (article 36), assemble (article 37) and move or reside in any part of Kenya (article 39) may not be unlawfully limited and ought to be protected to the greatest extent consistent with the nature of the right or fundamental freedom (article 20(2)). The right of religious freedom and association extends to the right not to be compelled to act or engage in any act that is contrary to the person's belief or religion (article 32(4)) nor to be compelled to join an association of any kind (article 36(2)).

This Policy adopts the above Constitutional principles to underscore the role and importance of religion in our society.

Religion is vital in many facets of national development. It helps to shape national identity, public policy and private behaviour. Religious practices range from ritual and ceremonial acts that give direct expression to belief such as building of places of worship, the use of rituals and objects, the display of symbols, and the observance of holidays and days of worship. It also includes teaching of beliefs and acts integral to the conduct of basic affairs by religious groups or organizations, religious leaders, priests and teachers including preparation and distribution of religious texts or publications.

Religious Affiliation

From the 2019 National Census on the Population of Kenya, majority of Kenyans identify as belonging to the Christian religion (85% of the population). More specifically, 33.4% identify as Protestant, 20.6% identify as Catholic and 20.4% identify as Evangelical. Other Christian were 4.1% and African instituted Churches were 7%. Of the remaining population, 10.9% identify as Muslim, 1.8% identify as other including Hindu, 1.6% did not identify with any religion, and 0.2% did not specify their religious affiliation.

In Kenya, religion has been a powerful force in shaping moral, social, economic and political developments. It holds undisputed legacy in the betterment of our society.

Beyond the primary role of enriching the human soul, religion has been at the forefront in the teaching and promotion of moral values, advancement of education and health sectors, and taking care of the needy.

Religious organizations and charitable activity

Faith Based Organizations have been engaged in a wide range of services as broad in scale as those delivered by secular and the state counterparts. They range from education and health to financial assistance and in-kind support to the poor, as well as humanitarian relief in moments of crisis and also in less-conventional forms of service such as legal aid.(add)

From government statistics, a total of 1042 out of 1613 secondary schools countrywide, excluding Nairobi region, are sponsored by a religious organisation. 65% of school sponsors are faith-based organizations. Many of these religious-sponsored schools are considered to be public schools meaning that there is a collaboration between the state and the religious organization in providing education. On the other hand, 35% of faith-based schools are considered to be private and are on a 100% sponsorship by the faith organizations.

Table 1.1: Sponsorship of Kenyan Secondary Schools

Item Description	No. of Schools	Percentage
Religious	1042	61.8
Government	235	13.76
Local Authority	30	1.78
Community	136	8.07
NGO/CBO	6	0.36
Private	240	14.23

Source: Republic of Kenya open data project, 2016

In every region of Kenya, there are various religious-based health facilities. Most religious-sponsored health facilities are located in Rift Valley (28%) and Eastern (21.7%) while the least number (0.9%) are in North Eastern. The total number of religious-sponsored health facilities was 1058 in the year 2015. The total health facilities in the country with exclusion of Nairobi region are 4167.

Table 1.2: Health Facilities Sponsors in Kenya

Item Description	Number	Percentage
Religious	1058	26.85
Government	2222	56.40
Local Authority	111	2.82
NGO/CBO	69	1.75
Private	354	8.98
Other Ministry	126	3.20

Source: Republic of Kenya open data project, 2016

Conventionally, religious leaders are among the few naturally regarded as trustworthy. They are expected to play leadership roles in teaching and reinforcing moral values and behaviour. They constitute a haven of institutional trust.

This Policy recognises and upholds the role of religion in promoting peace and individual moral well-being, strengthening the institution of family and giving meaning and purpose for people to work for positive social change in Kenya. The Policy also recognises the primary role of religion of providing spiritual guidance to its followers.

1.2 Problem statement

Despite a progressive Constitution that acknowledges, takes pride and provides for freedom of religion, conscience, belief and opinion, the exercise of Freedom of Worship and Belief has become one of the leading issue of concern in the country. In the recent past, there has been a discussion on the instances of abuse of religion by some to the detriment of Kenyans generally.

One trigger of the concern about abuse of religion was the events that transpired and were discovered in relation to the "*Shakahola Tragedy*" in March 2023. The Shakahola tragedy was reported as connected to the loss of the lives of more than 400 Kenyans while others suffered significant harm to their health and well-being.

There are genuine concerns from the public about some religious organisations targeting and exploiting vulnerable members of our society. Some religious groups have been accused of thriving on fraudulent and harmful practices intended to wrongly mislead and entice congregants into actions that cause injury *to public safety, order, health or morals or to the fundamental rights and freedoms* of themselves or others including children (Article 1(3), 1981 UN Declaration on Religious Tolerance).

Since religion is deeply rooted in Kenyan society, public interest requires that there be a healthy balance between the freedom of religion and the respect for the rule of law, respect for the rights and freedoms of others and general public safety.

Our law and its enforcement is yet to deliver the required balance between religious freedom and human dignity that conforms to the required standards of moral values envisioned in our society. Hence the need to develop a policy that addresses the the ever-growing and changing manifestations of freedom of religion and worship in Kenya.

1.3 Rationale for the Policy

Freedom of religion and belief is a source of personal growth and national stability, and its preservation is essential to protecting human dignity. Respect for diversity in religion strengthens our communities and promotes tolerance, respect, understanding, and equality. In contrast, violation of human rights and abuse on the basis of religion or belief thwarts the purpose and intent of religion.

The Government is committed to diligently guarding and preserving the freedom of religion or belief for all and promoting respect between different religious and non-religious communities. It is a fundamental freedom which underpins many other human rights and where freedom of religion and belief is under attack, often other basic rights are threatened too.

A country cannot develop while vulnerable members of the society are oppressed. Communities are stronger when they are fully included in economic and socio-political development. This policy therefore seeks to ensure that freedom of religion and belief is properly used and not misused to justify abuse of human dignity. The goal of this Policy is to promote rightful use of freedom of religion and to protect the public from the potential harm of a warped application of freedom of religion and belief.

1.4 Objectives of the Policy

The objectives of this policy are to—

1. protect and promote the freedom of religion, conscience and belief, and the freedom of association;
2. establish mechanisms for combating in a timely, consistent and coherent manner religious extremism and abuse of the freedom of religion;
3. provide for the development of a legal and institutional framework to facilitate the operations of religious organisations in Kenya;
4. promote corporate governance, transparency and accountability within religious organisations; and

5. enhance religious tolerance amongst various religious groups and strengthen collaborative relations between the Government and religious organisations and other stakeholders.

1.5 Scope of the Policy

This Policy shall apply to all religious organisations and to all religious affairs.

1.6 Guiding principles

This Policy shall be guided by the following fundamental principles:

1.6.1 Equality and non-discrimination

The State shall respect and ensure to everyone in Kenya the right to freedom of religion or belief without distinction on the basis of race, colour, sex, language, political or other opinion, nationality or other origin, property, birth or other status.

1.6.2 Impartiality

The State shall be impartial in exercising its regulatory power and in its relations with the various religions, denominations or sects and beliefs.

1.6.3 Non-coercion

A person shall not be subject to coercion that would impair his or her freedom of religion or belief. Therefore, a person shall not be coerced to change religion or belief, or be unlawfully prevented from changing religion or belief.

This principle recognises the rights of parents or legal guardians of a child the right to organise the life within the family, and to guide the religious and moral education of their children, in accordance with the parents' religion or belief, subject to ensuring that practices of a religion or belief are not injurious to the child's physical or mental health or to the child's full development. (Article 5 of the 1981 UN Declaration on Religious Tolerance).

1.6.4 Tolerance and respect

Religious organisations shall foster a climate of mutual tolerance and respect between believers of different faith communities as well as non-believers.

This principle recognises that the expression "intolerance and discrimination based on religion or belief" means any distinction, exclusion, restriction or preference based on religion and belief and having as its purpose or effect the nullification or impairment of the recognition, enjoyment or exercise of human rights and

fundamental freedoms on equal basis. (Article 2(2) of the 1981 UN Declaration on Religious Tolerance).

1.6.5 Right to effective remedies

Individuals and organizations shall have access to internal and external dispute resolution mechanisms including a Religious Appeals Tribunal and/or courts that provide them with an effective remedy. It should be possible to secure an effective remedy at the national level for a decision not to recognize, or to withdraw, the legal personality of a religious organisation that has an arguable claim to such a status. Religious organisations should receive prompt decisions on registration applications or cancellation of registration and should have the right to appeal against such decisions, if aggrieved.

1.6.6 Effective limitations of the rights and fundamental freedoms in the practice of religion

For effective exercise of the freedoms stipulated in Article 32 of the Constitution of Kenya 2010, namely freedom of conscience, religion, belief and opinion, the exercise of freedom of religion should be limited as prescribed in Article 24 of the Constitution to protect public safety, order, health and morals and also to protect the fundamental rights and freedoms of others.

1.7 Organisation of the Policy

This policy is organized into five (5) chapters. Chapter one introduces the policy; Chapter two presents the situation; Chapter three provides threats to the freedom of religion; Chapter four gives policy statement and strategy. Finally, Chapter five outlines monitoring, evaluation, reporting and review of the policy.

CHAPTER TWO

SITUATIONAL ANALYSIS AND INSTITUTIONAL FRAMEWORKS

2.0 Introduction

This chapter presents situational analysis on the framework governing religious organizations. It also reviews legal and policy framework governing the religious sector in Kenya.

2.1 Legal and Regulatory Framework Governing Religious Organizations

2.1.1 International legal instruments on the freedom of religion and belief

Article 1 (1) of the **United Nations Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief 1981** guarantees a person's right to freedom of thought, conscience and religion. This right includes the freedom to have a religion or whatever belief of one's choice, and freedom, either individually or in community with others and in public or belief in worship, observance, practice and teaching. Coercion which would impair the freedom to have a religion or belief of a person's choice is limited. It further provides that the freedom to manifest one's religion or belief may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals or the fundamental rights and freedoms of others.

Article 1(2) of the Declaration States, "No one shall be subject to coercion which would impair his freedom to have a religion or belief of his choice."

Article 1(3) of the Declaration also provide for the "Freedom to manifest one's religion or belief may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals or the fundamental rights and freedoms of others."

Article 6 of the Declaration Equally States "In accordance with article 1 of the present Declaration, and subject to the provisions of article 1, paragraph 3, the right to freedom of thought, conscience, religion or belief shall include, inter alia, the following freedoms:

- (a) To worship or assemble in connection with a religion or belief, and to establish and maintain places for these purposes;
- (b) To establish and maintain appropriate charitable or humanitarian institutions;
- (c) To make, acquire and use to an adequate extent the necessary articles and materials related to the rites or customs of a religion or belief;
- (d) To write, issue and disseminate relevant publications in these areas;
- (e) To teach a religion or belief in places suitable for these purposes;
- (f) To solicit and receive voluntary financial and other contributions from individuals and institutions;
- (g) To train, appoint, elect or designate by succession appropriate leaders called for by the requirements and standards of any religion or belief;
- (h) To observe days of rest and to celebrate holidays and ceremonies in accordance with the precepts of one's religion or belief;
- (i) To establish and maintain communications with individuals and communities in matters of religion and belief at the national and international levels.

Article 18 of the **Universal Declaration of Human Rights 1948** (UDHR), provides that everyone has the right to freedom of thought, conscience and religion. This right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 18 of the Covenant the International Covenant on Civil and Political Rights (ICCPR) provides that 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. The freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.

Article 8 of the **African Charter on Human and Peoples' Rights** states that Freedom of conscience, the profession and free practice of religion shall be guaranteed. No one may, subject to law and order, be submitted to measures restricting the exercise of these freedoms.

2.1.2 The Constitution of Kenya, 2010

The Preamble to the Constitution acknowledges the supremacy of the Almighty God. This reference to God demonstrates recognition and a reverence by the people of Kenya of a supreme being.

Article 8 of the Constitution provides that Kenya has no State religion. The Constitution separates religion from the State and from this arises an expectation of State impartiality towards religion. Article 32 provides for the freedom of religion, conscience, thought, belief, and opinion. In relation to religious organisations, it guarantees every individual the right to freely manifest his or her religion or belief, both publicly and privately, through worship, practice, teaching, or observance.

It explicitly prohibits any form of discrimination that denies access to institutions, employment, facilities, or enjoyment of rights based on a person's religion or belief. It also protects individuals from being compelled to act against their religious beliefs. The freedom of religion may be exercised either individually or in community with others in line with the freedom of association that is guaranteed under article 36 of the Constitution. The freedom of association entails the right to form, join or participate in the activities of an association of any kind. It includes the right not to be compelled to join an association of any kind.

Additionally, Article 36(2) provides that any legislation that requires the registration of an association of any kind shall provide that registration may not be withheld or withdrawn unreasonably and a right to fair hearing before a registration is cancelled. The freedom of association underpins the right to form a religious organisation.

Article 27 of the Constitution provides for equality and freedom from discrimination. Religion, conscience and belief are explicitly listed, under article 27(4), as grounds upon which a person shall not be discriminated against.

The freedom of religion, conscience, thought, belief, and opinion as well as the freedom of association are not absolute. Article 24 of the Constitution provides for limitation of rights and fundamental freedoms and allows Parliament to enact legislation that may impose limitations on these constitutional rights and freedoms. However, such limitations must be prescribed by law and must be justifiable and reasonable in an open and democratic society based on human dignity, equality and freedom with due regard to all relevant factors.

Article 24 (2) provides that a provision in legislation limiting a right or fundamental Freedom must be clear and specific about the right or freedom to be limited and the nature and extent of the limitation and should not limit the right or fundamental freedom so far as to derogate from its core or essential content. This ensures that any restrictions on religious freedom are subjected to proper justification and are proportionate to the legitimate aims pursued.

The aforementioned constitutional provisions collectively form the legal basis for regulating religious organisations in Kenya. They ensure the protection of religious freedom, prevent discrimination based on religion or belief. In the operations of religious organisations, there is need to strike a balance between the exercise of religious freedom and the broader societal interests.

2.1.3 Statutory framework for religious organisations

There are various statutes that form part of the regulatory framework for religious organisations in Kenya. These include the Societies Act (Cap 108), the Companies Act, 2015, the Trustees (Perpetual Succession) Act, (Cap 164) and the Community Groups Organisations Act, 2022.

2.1.3.1 The Societies Act (Cap 108)

The Societies Act is the primary statute in Kenya that makes provisions for the registration and control of societies. Section 2 of the Societies Act defines a society to include a club, company, partnership or association of ten or more persons whatever its nature or object that is established in Kenya or has its headquarters or chief place of business in Kenya and any branch of a society. By dint of definition under Section 2, religious organisations therefore form part of societies by virtue of being a partnership or association of ten or more persons of a religious nature or object that is established in Kenya.

A society can only acquire legal status subject to registration in accordance with section 4 of the Societies Act which provides that every society which is not a registered society, or an exempted society is an unlawful society. The registration of a religious society requires the submission of an application in the prescribed form, as outlined in Section 9 of the Societies Act and Rules 2 of the Societies Rules. The Registrar may refuse to register a society where he is satisfied that such society is a branch of, or is affiliated to or connected with, any organisation or association of a political nature established outside Kenya; or any of the proposed officers has been at any time an officer of a society which has been refused registration or which has had its registration cancelled under section 12 of this Act.

However, subject to the special provisions as to exemption from registration contained in Section 10 of the Act, the Registrar may, by writing under his hand, exempt any specified society from all or any of the provisions of the Act or of any rules made thereunder, subject to such conditions, if any, as he may think fit, and may at any time cancel any such exemption or amend any such condition. Well-

organized religious organisations with demonstration of good governance structures are eligible for application for exemption.

A society can seek exemption from registration pursuant to section 9 of the Societies Act. Section 30(1) requires all registered Societies to file annual returns. The Act does not require exempted Societies to file annual returns. However, every exempted society which amends its name or objects or becomes a branch of or is affiliated to or connected with, any organisation or group of a political nature established outside Kenya or dissolves itself, shall within fourteen days from the date of effecting such amendment or other matter as aforesaid give to the Registrar notice thereof in writing signed by three of the officers of the society.

Section 19 of the Societies Act mandates societies, including religious organisations, to include specific matters outlined in the Act's schedule within their constitution. If a religious organisation intends to acquire property, trustees must be appointed to hold the property in trust for the benefit of the organisation, and a trust is typically established and incorporated under the Trustees (Perpetual Succession) Act. The Societies Act also encompasses various provisions related to the conduct and administration of societies, addressing changes in office bearers, dispute resolution, constitution contents, books of accounts, inspection of accounts and documents, meetings, and annual returns, among others.

2.1.3.2 The Companies Act, 2015

The Companies Act, 2015 is relevant to religious organisations, particularly those that utilize companies limited by guarantee as their legal structure for selected purposes. A company limited by guarantee is a type of legal structure often used by non-profit organisations, charities, and other entities with non-profit objectives. Unlike a company limited by shares, which has shareholders and distributes profits to them, a company limited by guarantee does not have shareholders or share capital and its members act as guarantors. Religious institutions often establish companies limited by guarantee to, inter alia, manage their properties, fundraise, or govern established umbrella associations.

2.1.3.3 The Trustees (Perpetual Succession) Act, (Cap 164)

The Trustees (Perpetual Succession) Act governs the registration of trusts in Kenya. It allows registration of a trust for religious purposes among other goals. Section 3B of the Act enables the establishment of a trust formed, inter alia, for the exclusive purpose of the relief of poverty, the advancement of education, religion, human rights or the protection of the environment. Trusts are one of the most preferable tools for wealth management and administration of estates. When a society is registered under the Societies Act, it does not obtain corporate legal personality and cannot own property, sue or be sued in its own name or do anything that may be done by a body corporate. The society may have to subsequently register and incorporate a trust under the Trustees (Perpetual Succession) Act to acquire legal personality. Property belonging to such societies may be held in trust by the trustees.

2.1.3.4 The Non-Governmental Organisations Co-ordination Act, No. 19 of 1990

The NGO's Co-ordination Act provides for the registration and co-ordination of Non-Governmental organisations in Kenya. A Non-Governmental organisation is defined as a private voluntary grouping of individuals or associations, not operated for profit or for other commercial purposes but which have organized themselves nationally or internationally for the benefit of the public at large and for the promotion of social welfare, development of charity or research in the areas inclusive of, but not restricted to health, relief, agriculture, education, industry and the supply of amenities and services. This Act is relevant to religious organisations in so far, they have objectives that are relevant to non-governmental organisations.

2.1.3.5 The Community Groups Organisations Act, 2022

In Kenya, some religious organisations are registered as Community Based organisations. A community group is a voluntary association of individuals from the same community which is self-organised for a common purpose aimed at improving the livelihood of the group members or for a community benefit and includes a special interest group, community project and community-based organisation but

shall not include a Public Benefit Organization, Non-Governmental Organization or groups formed to champion a political cause or contrary to public policy. The Community Groups Organisations Act, 2022 is applicable to religious organisations as it provides for the registration and regulation of community groups, which include religious organisations.

2.2 Existing Institutional and Governance Framework

Currently, most religious organisations in Kenya are registered and regulated by the office of the Registrar of Societies which is domiciled in the Office of the Attorney General. The Registrar of Societies registers various societies including welfare societies, residential associations and foundations. The office of the Registrar of Societies is currently not decentralised and is based in Nairobi. The Registrar of Societies began on-line registration of societies in July 2022.

However, all societies that are not registered online are required to physically visit the office in Nairobi for any services from the said office which may include filing of annual returns, change of officials, change of name and amendment of the constitution. Vetting of applications for registration of societies including religious societies is undertaken by the National Intelligence Service. Copies of the registration documents for the applicant societies which include details of the proposed office bearers and the constitution of the society are forwarded to the NIS by the office of the Registrar of Societies for vetting.

The internal governance framework for religious societies is set out in their respective constitutions. The Societies Act requires all societies to have governance structures in their constitutions. Section 19 of the Societies Act makes it mandatory for every society to provide for the following information in its Constitution: the name of the society, the objects of the society, eligibility for membership, membership fees, method of suspension or expulsion of members, the election, appointment, dismissal, suspension and term of office of officers, trustees and auditors, committees (if any) of the society, the frequency of general meetings and quorum for such meetings, the custody, utilization and investment of the funds and property of the society, and the designation of the persons responsible therefore,

the inspection of the books and register of society, the annual or periodical audit of accounts, the formation of branches and the manner of amending the name of the society or its constitution and the manner of the dissolution of the society and disposal of its property upon dissolution.

2.3 Gaps in the existing legal and institutional framework governing religious organizations

2.3.1 Lack of a policy framework and distinct legislation on religious organisations

There is no specific and comprehensive policy and legislative framework that regulate and guide the operations of religious organisations in Kenya, including umbrella religious organisations. This hinders effective regulation and oversight on the operations of religious organisations, including desired self-regulation, in order to promote transparent and responsible practices by religious organisations. Although the Societies Act provides guidelines for registration and governance of all societies, it is inadequate. There is therefore the need for a distinct governance framework that addresses the unique nature of the religious sector. The policy and legislative framework should provide clarity on registration, monitoring and enforcement, affiliation to umbrella religious bodies, organisational structure, leadership, financial management, internal governance and accountability mechanisms within religious organisations.

2.3.2 Lack of statutory clarity on the nature of crimes committed in the pretext of religion

The existing criminal legislative framework does not comprehensively address the issue of religious extremism, cultism and other crimes committed in the pretext of religion. This gap poses difficulty in filing criminal charges against individuals involved in the abuse and exploitation of persons in the pretext of religion. It also poses a threat to national security and social cohesion due to the harm caused to the public. There is a need for statutory clarity on crimes committed through propagation of religious extremist ideologies.

2.3.3 Lack of legal personality for religious organisations

Legal personality enables an organisation to own property, enter into contracts, sue and be sued and have perpetual succession. Without legal personality it may be difficult, or impossible, for religious organizations to own property, employ staff, enter into contracts, etc thereby undermining the ability of individuals to exercise the freedom of religion or belief. The procedure for acquiring legal personality varies depending on the registration regime under which a religious organisation is registered.

A religious organization registered under the Societies Act is not a body corporate and therefore lacks legal personality. The society may subsequently register and incorporate a trust under the Trustees (Perpetual Succession) Act to acquire legal personality.

This poses a challenge in monitoring the organisation's compliance with legal obligations arising from registration and hampers accountability and transparency by religious organisations. This means that a religious organisation is registered under two registration regimes for the same purpose. The multiple registration of religious organizations provides an opportunity for the perpetration of unlawful activities such as money laundering, financial impropriety and illicit financial activities among others. Religious organisations should be conferred legal personality upon registration to avoid multiple registration.

2.3.4 Lack of effective framework governing the limitation of rights and fundamental freedoms provided for in Article 24 in the practice of religion

One of the challenges that has arisen affecting the effective exercise of freedom of religion is the lack of an effective framework governing limitation of rights when they are abused. State agencies have had to tiptoe around suspected cases of criminal behaviour and fraud perpetrated under the guise of religion, due to the lack of an elaborated legal framework of the situations in which freedom of religion will be limited, in accordance with the Constitution, when the practice of the right violates the rights of others.

2.3.5 Lack of regulation of online broadcasting of religious content

Despite the increased use of online platforms to broadcast religious content, there are no provisions in the Kenya Information and Communication Act to regulate the broadcasting of online religious content. This poses a challenge in monitoring the transmission of content that leans toward religious extremism and radicalization or the infringement of fundamental rights and freedoms under the pretext of religion.

2.3.6 Lack of decentralised registration and regulation services for religious organisations

The office of the Registrar of Societies is based in Nairobi. The centralization of the Office creates accessibility challenges for religious organisations located in other parts of the country, leading to difficulty in accessing registration and regulatory services. This makes registration process tedious and lengthy and encourages non-compliance with statutory requirements such as filing of returns.

2.3.7 Lack of a specialized dispute resolution mechanism for religious organisations

Dispute resolution structures are essential components of any organisation, including religious institutions. These mechanisms are designed to handle conflicts, disagreements and disputes that inevitably arise within any community. The absence of effective dispute resolution mechanisms in several religious organisations as well as the lack of a dedicated judicial body to deal with religious affairs presents challenges in addressing legal disputes and conflicts within religious organisations. The lack of a specialized adjudicating body can lead to delays in conflict resolution and misapplication of the law since ordinary courts of law do not have proper understanding of religious affairs.

2.3.8 Lack of civic awareness and sensitization on religious extremism or radicalization.

Lack of a multi-sectoral reporting and enforcement mechanism for religious extremism and radicalization is an issue of concern. So is lack of standards for the registration of religious organisations.

2.3.9 Lack of rehabilitation and reintegration programmes for persons affected by religious extremism or cultism.

There is absence of comprehensive and inclusive programmes and strategies for the de-radicalization and rehabilitation of persons affected by religious extremism or cultism. De-radicalization and rehabilitation are valuable tools for countering and preventing religious extremism. While de-radicalization practices are aimed at cognitive and behavioural transformation among the religious extremists, rehabilitation strategies promote the social reintegration of religious extremists. They are essential in creating an inclusive, peaceful, and tolerant society.

2.3.10 Manual records management system

The office of the Registrar of Societies began the registration of societies from the online platform e-citizen on July, 2022. However, all societies that are not registered online are required to physically visit the office in Nairobi for any services rendered by the said office which may include filing of annual returns, change of officials, change of name and amendment of the constitution. The documents received at the registry are hard copies and are in return stored in paper files and filing cabinets at the registry. This translates to lack of storage space, dusty environment and loss of records.

2.3.11 Discriminative registration provisions

The Societies Act provides for the registration of societies and exemption of some societies from registration. The criteria for exemption from registration is not stipulated in the Act thereby giving the Registrar of Societies the discretion to grant or deny exemptions. The societies that are exempted from registration are also exempted from the application of some provisions of the Act. This is discriminatory

because the registered societies and the exempt societies are not subjected to the same standards and the Act does not provide justification for the discrimination.

2.4 Comparative analysis

This policy has incorporated best practices from different jurisdictions on dealing with abuse of religious freedom, and the form and structure of religious regulation adopted in various countries. It takes into consideration the extent of success of these models in dealing with cases of abuse of the freedom of religion as well as lessons learnt for posterity of the policy in governing religious organisations in Kenya.

2.5 Emerging issues

Emerging issues have the potential of impacting freedom of religion or belief and association. They include extreme events, policy changes and any other occurrence outside conventional religion. Extreme events are events that are less likely to occur but when they occur, the impact is extensive. The Government in partnership with religious organisations can play a significant role in addressing emerging issues in the freedom of religion such as money laundering, terrorism, national security, pandemics, use of religion as cover for business, broadcast of extremist religious content, labour relations in the context of religion, education, climate change and land use or zoning.

CHAPTER THREE

THREATS TO THE FREEDOM OF RELIGION

3.0 Introduction

This Chapter analyses threats to the freedom of religion in the context of emerging practices in the guise of religion. It presents issues and factors surrounding freedom of religion and the different manifestations of such abuses and ways to combat them.

3.1 Overview

Throughout history, religion and belief have been powerful unifying forces, bringing people of different languages, cultures and historical backgrounds together to share precepts, practices and values. However, religion and belief can also be a source of division. Religious conflicts and sectarian violence have dotted the course of history, taking a substantial toll on human lives and causing suffering and destruction.

Freedom of religion can easily be misused in order to entrap people in a system and culture that is abusive. Violations of the freedom of religion are manifesting globally and range from the mundane to the extreme.

Religious extremism, cultism and corruption are significant social threats and serious obstacles to the exercise of the freedom of religion in Kenya.

3.2 Corruption

Corruption, whether in the public or private sector, symbolizes an abuse of institutional trust for private gain. Corrupt tendencies occur in some religious organisations and may consist of favouritism, abuse of authority, bias, nepotism or bribery. Corruption is a quest for personal affluence, compared to the communal benefit of the public. It slows down and undermines the social institutions, while concurrently promoting inequality.

Corruption in religious organisations may entail misuse of property, embezzlement of funds or other forms of civil corruption. Corruption causes religious conflict and internal wrangles within a religious organisation.

Commercialisation of religion in Kenya is played out in so many ways. Commercialisation of religion is any action carried out by a religious leader that is directed towards the exploitation of members with prospects for financial gain. Some religious organisations require congregants to pay money or other gifts in exchange for healing, blessings, prayers for financial prosperity and warding off difficulties and malevolent spirits from members' lives. People are deceived into buying protective wrist bands, holy water, miracle oil, miracle candles and magical handkerchiefs. The congregation is also deceived by way of divination where the religious leaders make predictions for the future and make attempts to uncover the past.

There are various reasons why some religious organisations are commercialised. These include influence of secular politics, influence of modernity, economic hardship, influence of African cosmology and the influence of mass media. Some religious leaders are poorly paid, so they use various gimmicks to earn more money.

Religious organisations should make accountability and transparency a part of the institutional culture. They should put in place organisational structures that hold religious leaders accountable in their duties, in both deed and character.

3.3 Religious extremism

Religious extremism occurs when a person displays tendencies of intolerance towards people of the same or other religious beliefs and acts towards them in ways that threaten the peace and stability of the individual, group or society. Extremist ideologies glorify the supremacy of a particular group and oppose a more tolerant and inclusive society.

The perpetrator of religious extremism believes that his or her tenets and principles are infallible and that any action, even violence, taken on behalf of those beliefs is justified. The action can be directed both at people of other faiths (or those of no faith), as well as members of the same religion who have violated the extremist's understanding of how their religion is to be practiced.

Religious extremism is manifested not only in a religious environment. It is often directed against the secular state, the existing social system and the laws and norms

in it. Religious extremism has manifestations in the fields of politics, culture and interethnic relations.

Slogans, appeals, ideological actions of extremist religious organisations are addressed, not to logic, but to people's feelings and prejudices, designed for uncritical, emotional perception, blind adherence to customs and traditions, and the crowd effect. Violent extremist actions are aimed at spreading fear, suppressing opponents psychologically and causing shock in society.

Violent religious extremism includes acts of terror inflicted on third parties, who may be considered enemies of religion. Violent religious extremism is triggered by an intense tribal attitude that generates hatred towards others on the main basis that they belong to a group that is considered hostile to the violent extremists. Sometimes violent extremism and terrorism is inspired by the desire to cause fear and force compelled and coercive socio-political change, in which case it may be completely arbitrary or random in its manifestation and effects.

The social environment of religious extremism consists mainly of marginalised and disadvantaged groups within society who experience a feeling of dissatisfaction with their situation, who feel uncertain about the future, and fear undermining or losing their national or confessional identity.

Extremists normalise violence to achieve goals and often target not only those whom they perceive as enemies (enemies can be competing religious denominations, groups within their own denomination or political institutions) but also civilian bystanders. Thus, religious extremism has been a contributing factor in various inter-State and civil wars from ancient times.

Groups and individuals practising religious extremism share a number of characteristics, including:

- (a) Deliberate targeting with the objective of inflicting harm to civilians, both individuals and communities, based on their identity.
- (b) A lack of tolerance for multiple narratives that challenge their fundamentalist belief system.

- (c) A related and violent disregard for civic discourse, culture, scientific or rational thought, human rights, due process, and the traditional and modern embodiments of law and authority.
- (d) Obsessive or conspiratorial references to symbols, whether religious or otherwise.
- (e) The systematic discrimination and abuse of women and their subordination through rape, enslavement, abduction, denial of education, forced marriage, or sexual trafficking.

3.4 Cultism

Cultism is gaining ground in Kenya because many people are not able to differentiate religion from cultism. It may be difficult to differentiate the two phenomena because many cultic groups tend to be disguised as religious organisations which gives them some measure of credibility or trust with the people. Cultism is a dangerous venture that affects not just the society but can easily rule the life of its members. Cults also on the surface may look similar to religion because their core elements are similar, only that cults lack proportionality or ordination to human dignity and the common good.

3.4.1 Characteristics of a cult

Most cults share common features. Some of the characteristics of a cult include:

- (a) **A charismatic leader:** A cult always follows a charismatic leader, living or dead, whose teachings are considered of the highest importance. This leader may be considered a genius, is always right and is the exclusive means of knowing "truth". The group leader is never held accountable for any action.
- (b) **Ideological purity:** There is intolerance for questions or critical inquiry. Members of the cult are strongly discouraged from questioning the cult's doctrine and any doubts are met with shame or punishment.
- (c) **Conformity and control:** Cult leaders often exercise an extreme degree of control over members' lives, including dictating what they can wear and eat

and the kinds of relationships they can have. Conformity is also enforced by group members who police one another.

- (d) **Mind-altering practices:** Sleep deprivation, chanting, humiliation, starvation and drugs are often used to break down an individual's defences and make them more susceptible to the cult's ideology.
- (e) **Isolation:** Members of cults are often encouraged to cut contact with outsiders, including close family members. Members cannot leave the group because exiting is considered evil. Within the cult, new members are often showered with love and praise to bring them deeper into the cult and foster a sense of belonging.
- (f) **Us-vs-them mentality:** Cult members are often encouraged to see the cult as superior to life on the outside and to feel that those outside the cult lack understanding or insight.
- (g) **Apocalyptic thinking:** Many cults are characterized by preparation for a supposed apocalypse or cataclysmic event. Members live in dread of an impending catastrophe, evil conspiracies and persecutions from the outside world.
- (h) **Sacrificing time, money and energy:** Followers are expected to dedicate huge amounts of time, energy and often money to the cult to the exclusion of their own lives, interests, jobs and families.
- (i) **Lack of accountability:** Lack of meaningful financial disclosure on aspects of budget or expenses. Usually there are no audited financial statements.
- (j) **Abuse:** Cults are characterized by practices of physical, sexual and emotional abuse, both of adults and children. Other tactics used to control members within cults include starvation, humiliation, and verbal abuse. Cults can also

have a negative effect on society, as some cults have been shown to evade taxes, violate immigration laws, participate in fraud, and deny education to the children of cult members.

3.5 Causes of religious extremism and cultism

The root causes of religious extremism and cultism are complex, multifaceted and intertwined, and is the product of historical, political, economic and social circumstances, including the impact of regional and global power politics.

3.5.1 State of extreme vulnerability

Religious extremists or people who join cults often have an unmet need and may be going through an existential crisis, a trauma, an unfulfilled dream or unanswered questions. Cult leaders prey on people's vulnerabilities and manipulate them to their advantage. Going through a difficult life event can make a person susceptible to cults. People who are diagnosed with terminal or chronic illnesses, death of a loved one or serious career blunder tend to be in fragile states, and therefore might join a group that they might not otherwise acknowledge.

3.5.2 Poverty, economic exclusion, unemployment and limited opportunities for upward mobility

Susceptibility to religious extremism and cultism increases when people suffer from poverty and experience economic inequality and exclusion evidenced through lack of access to assets, land, jobs and social services. Economic inequalities and poverty tend to mobilize people and policies to correct economic inequalities and alleviate poverty should therefore be prioritized.

The high number of well-educated young people without jobs is an issue of concern in Kenya. Unemployment and the denial of opportunities for upward mobility can lead to alienation, frustration and, from there, to radicalization and religious extremism. Unemployment thus provides a potential fertile ground for recruitment by extremist groups.

3.5.3 Emotional Instability

A person with emotional instability can be lured into cultism because of the sense of brotherhood and family that they find within a cult. Individuals suffering from depression or melancholy often join these groups to make friends, get away from their problems for a while, and feel protected by others who are just like them.

3.5.4 Financial gain

Some people, in a quest to break the bounds of poverty, join cults to make money through various dubious acts of cult activities. Some individuals see cultism as a veritable avenue for making money through harmful activities such as prostitution, blackmail, human trafficking and other unscrupulous activities.

3.5.5 Affluence

People join cults to gain fame, in the quest for power, money, status and protection. This is because of the value system of the society which may value affluence without due consideration to the means. Some people join cults to make a name, to be feared and respected in the community. Individuals patronize cults in order to be able to flaunt their power or influence to other members of the community.

3.5.6 Non prosecution of members of cults or perpetrators of religious extremism

Offenders who perpetrate religious extremism often escape prosecution. This lack of consequences for criminal acts committed by cult members encourages people to continue with abuse and exploitation in the name of religion.

3.5.7 State and political interference

The lack of political inclusion, limitations on freedom of expression and shrinking civic space are primary drivers of radicalization and religious extremism. In instances where Government bodies oppress the citizens, they will rise a group of people to fight against the Government bodies to curb the oppression. Extremists groups provide a platform for people to vent their frustrations. Perceptions of

disempowerment and alienation perpetuated over extended periods of time can drive some people towards religious extremism.

The targeting or profiling of particular groups or entire communities can, over time, also provoke extremist group reactions. Insensitive policing or profiling in public locations and at security checkpoints and lack of awareness of social or cultural particularities of minority groups can add up to a sense of persecution.

Where there is weak State capacity exhibited by weak institutions, poor law enforcement and inadequate checks and balances, religious extremism is likely to gain ground. Extremist networks bank on the State's deteriorating security situation and its incapacity to control, for example, the trafficking of people, weapons and drugs or money laundering. Extremist groups exploit the power vacuum by offering services and security which in turn provide income to the extremist networks.

Where the State exercises excessive political control over religious community life in order to defend authoritarian political structures against possible challenges, extremist views are likely to take root. Laws and policies that are designed to control religion or bureaucratic actions that impose unreasonable burdens on certain religious communities breed religious extremism.

3.5.8 Lack of parental guidance

The upbringing of children may have drastic negative impact on them. Unguided and unguarded children are an easy target for cultism and religious extremism.

The family unit in Kenya has disintegrated in several cases. Single parenthood has become increasingly prevalent and in many cases where there is co-parenting the male leadership has disintegrated. Single parenthood may result in undermining of kinship-based family structures. In addition, some single parents deny their children access to their co-parent, leading especially to father-absence from the home. Lack of a father figure is one of the factors that may contribute to mental illness especially from adolescence. People with certain mental illnesses are more

susceptible to brainwashing in the name of religion and may be easily trapped in cults and religious extremism.

3.5.9 Ignorance

Perpetrators in the guise of religion prey on the followers' lack of knowledge on purported religious propositions they hold or practice.

3.6 Effects of religious extremism and cultism

Religious extremism and cultism gives rise to various deleterious effects.

3.6.1 Physical, psychological and emotional damage

Physical abuse in cults include incest, assault, starvation and denial of medical care. Involvement in a cult can result in severe emotional and psychological trauma, including anxiety, depression, insomnia, amnesia and post-traumatic stress disorder (PTSD). This is due to the intense psychological and emotional manipulation and control that is exerted over cult members, as well as the feelings of guilt, shame, and confusion that often result from leaving the cult.

3.6.2 Loss of lives and property

Sometimes cults or religious extremists cause harm to outsiders when cult members or extremists commit acts of terror or murder.

3.6.3 Insecurity in the society

Some cultic practices amount to commission of crimes such as rape, kidnapping, human trafficking, murder and money laundering, among others.

3.6.4 Broken families

Cults accomplish the severing of family bonds in various ways. Cults, by their very nature, discourage relationships with outsiders. They view the world as divided between insiders (cult members) and outsiders (non-cult members). Outsiders, including family members, are often viewed as a threat to the group. Cult

involvement can also result in strained or broken relationships, as members may struggle to connect with family members who are not part of the cult. When a person becomes involved in a cult, not only is the individual affected, but often the whole family system. Parents, grandparents, siblings and spouses struggle with a range of emotions as they lose their loved one to the group. Once a family has come to identify that a loved one is involved in a harmful group, family members may experience a range of emotions including anger, isolation, shame, fear, sadness, guilt, frustration, doubt, and anxiety. Even within a family, the reactions of individual members may be drastically different from each other, which adds to the stress the family is already experiencing.

3.6.5 Deprivation of access to education

Education is a major catalyst or instrument for development in any society. However, only a safe and peaceful environment can facilitate and guarantee the development expected in a society. Some cults prohibit their members from pursuing education as they reject both societal goals and the approved institutional means of achieving the goals. They isolate themselves from reality and prefer to adopt alternative lifestyles.

3.7 Combating religious extremism and cultism

To combat the menace of religious extremism and cultism in Kenya, a multi-faceted approach is required. These includes:

3.7.1 Education

In order to establish awareness regarding the possible abuses perpetrated by religious cults, their practices must be observed and made known to the general public through the media and other awareness creation fora.

There is a need to educate young people about the dangers of cultism and provide them with alternatives that can lead to positive outcomes. This can be achieved through school awareness programs, community outreach, and social media campaigns.

3.7.2 Family Support

Parents and guardians should provide emotional support and guidance to their children. They should also monitor their children's behaviour to identify red flags associated with cultism and seek help when necessary.

There is need to implement the National Policy on Family Promotion and Protection to address the emerging impacts of abuse of religion on family, and to safeguard the positive elements of religion within the family. The Government should embark on training on positive parenting.

3.7.3 Multi agency approach

Law enforcement agencies should be well-equipped and trained to detect and prevent extremist and cultic activities. There should be a multiagency approach in investigating and prosecuting crimes related to religious extremism.

3.7.4 Rehabilitation

Cult members who renounce their membership should be provided with counselling and rehabilitation services to help them reintegrate into society.

3.7.5 Intra faith and interfaith Dialogue

Intra-faith and inter-faith dialogues at the county and national levels can promote a counter-narrative to religious extremism, and also develop more concrete measures at the local and community levels that could be implemented through networks of religious organizations.

The more a society provides opportunities for dialogue, and for different groups to develop mutual understanding with one another, the greater the chance that trust, tolerance and respect for diversity will flourish. Approaches centred on an active listening of societal concerns, on inclusive dialogue, and on fostering active and open participation in public processes, can have a transformative impact. This requires trusted and credible "insider mediators" able to engage relevant political, social, and civic leaderships, build dialogue across lines of tension, and convene and facilitate critical conversations.

Religious leaders are perceived to have the legitimacy to mediate and play an important role in early warning, and in identifying potential signs of radicalization or extremist recruitment.

3.7.6 Collaboration

There should be collaboration among government agencies, civil society organizations, religious leaders, and the media to address the problem of cultism. This can help to create a more coordinated and effective response to the issue.

3.7.7 Enhancing the fight against corruption

An increased focus on fighting corruption helps to enhance the legitimacy of state institutions and directly contributes to reducing perceptions of injustice and inequality. Countries or local communities that make a solid effort to reduce the petty and grand corruption that fuel people's perceptions of injustice provide a visible sign that the causes of inequality and unequal opportunities are being addressed. There is need to build capacities of anti-corruption institutions, foster capacities of citizens to monitor transparency and accountability in government and in assessing corruption risks in religious organisations.

3.7.8 Developing policies on wealth creation

The Government should develop policies that provide for economic empowerment through the creation of jobs and livelihoods and reduction of inequalities. The State should put in place programmes aimed at improving the livelihoods of groups at risk (youth in particular), meaning improving their skills and education levels and ensuring better access to jobs and upward mobility.

Government policies and programmes should also support women's organizations that seek to provide alternative social, educational and economic activities for young women that are susceptible to religious extremism. Investing in women's economic autonomy is critical in preventing religious extremism as women's economic status builds their own resilience, as well as that of their families, against joining extremist groups.

CHAPTER FOUR:

POLICY PROVISIONS AND IMPLEMENTATION FRAMEWORK

4.0 Introduction

This chapter presents policy provisions and implementation framework for the Religious Organizations Policy, 2024. It reviews existing regulatory framework governing the practice of religion in Kenya, identifies gaps and then provides policy provisions that will address identified gaps.

4.1 Policy Framework

The Government's commitment to give life to the constitutional right of freedom of religion or belief is demonstrated by the formulation, approval and implementation of pertinent laws, policies, standards and guidelines pertaining to freedom of religion or belief. A policy that promotes and protects the right to freedom of religion or belief is an integral part of strengthening the rule of law, promoting our national values and principles of governance, supporting universal human rights and contributing to conflict prevention. The implementation of such a policy plays a significant role in building a society which is resilient against religious extremism.

This Policy provides comprehensive policy guidance on measures and strategies to promote and protect the freedom of religion or belief. It provides broad guidance to both State and non-State actors. The policy measures and implementation are defined around the following four key policy focus areas:

- (a) Reviewing the regulatory framework for religious organisations
- (b) Strengthening the institutional framework for regulation of religious organizations
- (c) Strengthening corporate governance, accountability and transparency of religious organizations
- (d) Combating religious extremism and religious intolerance in a timely, consistent and coherent manner

4.2 Reviewing the regulatory framework for religious organisations

4.2.1 Policy Statement

The enjoyment the freedom of religion depends in critical ways on the legal structures available to religious organizations to organize their affairs. The State shall enact laws that ensure that no act of the Government or any of its agencies, officers, or employees shall burden, curtail, impinge, or encroach on the person's right to exercise one's freedom of religion or belief. In addition, such legislation shall also prohibit any act by a person, natural or juridical, or any group of persons, that burdens, curtails, impinges or encroaches on the said right.

4.2.2 Policy Provisions

1. The Government shall enact legislation that—

- (a) sets standards for registration of religious organisations and for the recognition of the legal status of registered religious organisations;
- (b) provides for the establishment of independent internal governance structures in religious organisations;
- (c) provides for the registration of umbrella bodies and their role in realizing self-regulation of religious organisations;
- (d) prohibits any public advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence;
- (e) provides for the declaration of the governance structures, programmes, ministries, charitable activities, education activities, commercial ventures and general sources of finances of religious organisations;
- (f) provides for the limitation of freedom of religion and belief on the basis of public health, public order, security and protection of the rights and freedoms of others in accordance with Article 24 of the Constitution;
- (g) provides for the regulation of religious broadcast content that perpetrate religious extremism;
- (h) establishes a dispute resolution mechanism for religious organizations.

2. The Government shall facilitate vetting of religious organisations seeking new registration through National Intelligence Services (NIS) and County Security Intelligence Committees (CSIC).

4.3 Strengthening the institutional framework for regulation of religious organizations

4.3.1 Policy Statement

The implementation of this Policy will require coordination of various Government agencies, umbrella bodies and private institutions.

4.3.2 Policy Provisions

1. The Government shall enact legislation that establishes an independent State corporation, structured as a Commission with representation from major religious groups, that is responsible for the registration of religious organisations, administering the national regulatory framework and monitoring compliance with the law.
2. The Government shall decentralize and digitize the services offered by the regulatory body.
3. The Government should collaborate with Charitable or Community Service organizations in charitable activities in areas of health, education and other humanitarian assistance. The Government may offer various incentives including tax relief, waiver or exemptions, access to public land and property.

4.4 Strengthening corporate governance, accountability and transparency of religious organizations

Effective leadership and governance in religious organisations is one of the greatest enablers of the protection and promotion of the freedom of religion and belief. It is therefore important to strengthen governance and coordination structures and develop the leadership, governance and management capacities of religious leaders to optimize their role in the management of religious organisations and decision making.

4.4.1 Policy Statement

The Government shall strengthen the governance, leadership and management capacities of religious leaders for effective involvement in decision making and leadership responsibilities. The Government shall further strengthen stakeholder and intergovernmental coordination mechanisms at different levels to ensure compliance.

4.4.2 Policy Provisions

1. Religious organisations shall comply with relevant laws e.g building and physical planning laws, environmental laws, public health laws etc
2. Religious organisations shall comply with orders or directions of the Religious Affairs Commission (to be established) and their internal rules or constitutions
3. Religious organisations shall establish appropriate management structures in accordance with the law and their constitutions;
4. Religious organisations shall enhance participation of members of religious organizations in decision making;
5. Religious organisations shall declare their governance structures, general sources of finances when filing annual returns
6. The Government in collaboration with religious organisations shall develop and implement a comprehensive national leadership, governance and management training programme for religious leaders and organisations on corporate governance.

4.5 Combating religious extremism, religious intolerance and abuse of religion in a timely, consistent and coherent manner

4.5.0 Introduction

To effectively combat abuse of religion by individuals engaging in fraud in the guise of religious practice, this Policy will require coordination of relevant Government agencies, religious umbrella bodies and private institutions.

4.5.1 Policy statement

Amongst other prior religious practices that have caused harm, injury and death to people are various terrorists acts in the name of religion that have occurred in this region. These include terrorist attacks at the US Embassy in Kenya (1998), Paradise Hotel-Kikambala-Mombasa (2002), Westgate Mall-Nairobi (2013), Mpeketoni-Lamu (2014), Garissa University College-Garissa, (2015) and Dusit Hotel-Nairobi (2019). Religious extremism has also been manifested in the theology of healing in Loliondo-Tanzania and the more recent *Shakahola* tragedy (2023).

These events have brought to the fore the tragic consequences of our failure to prevent serious violations of human rights and atrocity crimes in the guise of religion. These crimes cause immense suffering, undermine prospects for peace and development, and leave scars on communities and societies that can take generations to heal. Atrocity crimes do not generally happen suddenly or spontaneously. The processes leading to them take time to unfold, time that should be used to act on the warning signs. One of the most common of these signs is the dissemination of extremist messages in public discourse and the media, including social media, which spread hostility and encourage people to commit violence against vulnerable members of the society.

Finding the means to diffuse religious incitement and prevent it from reaching its intended audience, “immunizing” the audience from the effects of incitement and presenting alternative messages, can help to prevent and curb the violence that can lead to atrocity crimes.

Abuse of religion and religious extremism is conduct that is harmful to the individual and the public good. There has previously not been clear specific and adequate definition of crimes committed under the guise of religion. This Policy recommends that crimes relating to practice of religion including fraud and intent to deceive, extortion, extremism and harm to children under the guise of religion be identified, stipulated in the law and enforced. Stakeholders in the religious sector should be sensitised about these matters to ensure compliance.

4.5.2 Policy Provisions

1. The Government shall adopt a multi-agency and collaborative approach in the identification, investigation and prosecution of religious extremism at the national and county levels.
2. The Government shall promote, through the educational system and other means, respect for diversity and mutual understanding by encouraging a wider knowledge of the diversity of religions and beliefs within the country.
3. Religious and non-religious actors shall refrain from fostering inter-faith tensions and shall promote an atmosphere of respect and tolerance amongst all persons regardless of their religion or belief to defuse emerging tensions.
4. The Government shall review the education curriculum to include instruction against religious extremism, violent extremism and cultism.
5. Religious organisations shall encourage interfaith and intra-faith dialogue and partnerships to combat intolerance and discrimination on grounds of religion or belief, foster understanding and mutual respect between individuals and communities of different religions or beliefs, and advance freedom of religion or belief for all.
6. The Government shall put in place dialogue and engagement initiatives between the Government and religious or belief communities on issues pertaining to freedom of religion and belief.
7. The Government shall facilitate exchange of information and regular dialogue with religious organisations and other stakeholders.
8. The Government shall establish de-radicalisation programmes and provide psychosocial support to victims of religious extremism.
9. The law enforcement agencies shall monitor the media, including social media, to ensure that content that constitutes religious extremism is constantly identified and countered; to diffuse religious incitement and prevent it from reaching its intended audience.
10. The Government shall ensure that public officers have basic knowledge of all religions and human rights standards, and are trained to rise above prejudice and discrimination and engage with sensitivity with religious or belief communities.

CHAPTER FIVE

IMPLEMENTATION, MONITORING, EVALUATION AND REVIEW OF THE POLICY

5.0 Introduction

This Chapter presents the monitoring, evaluation and reporting mechanisms for Religious Organizations Policy as well as provisions on the review of the policy.

5.1 Overview

This Policy shall be implemented through various instruments including legislation, regulations, guidelines, programmes, administrative action, annual work plans and budgets, and monitoring and evaluation frameworks. To determine the success of implementation, the Policy and its associated strategies and plans shall be carefully monitored and evaluated at various policy implementation stages and levels.

5.2 Policy dissemination

The responsible ministry in collaboration with various Government agencies, religious organisations, umbrella bodies and other stakeholders shall spearhead the dissemination of the Policy throughout the country using multi-media strategies.

5.3 Policy planning and implementation framework

The Government shall develop programmes and enact enabling legislation, regulations, guidelines and standards to support the implementation of the Policy.

To guide the systematic implementation of the Policy, the responsible ministry shall translate the policy into medium-term and annual development plans and budgets. The plans shall be accompanied by clear funding and resource mobilization strategies which shall be executed through the annual work plans and budgets developed within the national budgeting framework.

Annex I Outlines the implementation matrix for the policy.

5.4 Policy implementation approach

The policy implementation approach will involve a highly collaborative and participatory strategy involving religious organisations, umbrella bodies and stakeholders at different levels. Stakeholder engagement and communication strategy for the implementation of the policy shall be developed and implemented. In addition, political leadership at all levels shall be mobilized to support the religious liberty agenda through legislation, financing and advocacy.

5.5 Monitoring and evaluation framework

The responsible ministry and umbrella bodies shall undertake monitoring and evaluation of the Policy. In this regard, the responsible ministry shall, within one year of coming into effect of the Policy, establish a monitoring and evaluation framework.

The monitoring and evaluation framework will help track, monitor and evaluate the policy implementation and its outcomes. The key performance indicators to monitor performance and measure changes at various levels of policy implementation will be collaboratively developed. The policy implementation shall be monitored and evaluated through the annual multi-stakeholder sector review forums and midterm and end term reviews. The annual reviews will be aligned with the annual national budgeting processes. The responsible ministry will issue guidelines and procedures for conducting the policy review processes.

5.6 Review of the Policy

This Policy will be reviewed every ten (10) years and as when the need arises. The review will be coordinated by the Religious Affairs Commission (proposed to be set up under a new Religious Organisations Bill).

Annex I: Implementation Matrix

Activity	Time Frame (In Annual Years)					Means of Verification	Responsibility	
	Y1	Y 2	Y 3	Y 4	Y5		Lead Agency	Other Agencies
Implementation of the Religious Organizations Policy, 2024	√	√	√	√	√	Policy implemented	Ministry of Interior and National Administration	Office of the Attorney General & Department of Justice KICD CA TSC NPS
Enactment of legislation to facilitate self-regulation religious' institutions	√					Legislation to facilitate self-regulation of religious institutions (Religious Organizations Act)	Office of the Attorney General & Department of Justice	Parliament Judiciary
	√					Office of Religious Affairs	Office of AG and Department of	Parliament

Activity	Time Frame (In Annual Years)					Means of Verification	Responsibility	
	Y1	Y 2	Y 3	Y 4	Y5		Lead Agency	Other Agencies
						Commission /Office of Registrar of Religious Organisations established	Justice	Judiciary
	√					specialised dispute resolution mechanism for religious organisations established	Office of AG and Department of Justice	Parliament of Judiciary
	√					Religious Affairs Commission Established		
	√					Religious Umbrella Bodies Established		
Creation of the Office of Religious Affairs Commission at the county level	√					Decentralised registration and regulation services of religious organisations	Office of AG and Department of Justice	

Activity	Time Frame (In Annual Years)					Means of Verification	Responsibility	
	Y1	Y 2	Y 3	Y 4	Y5		Lead Agency	Other Agencies
Involvement of the National Intelligence Service (NIS) and County Security Intelligence Committees (CSICs) in vetting of new religious organisations	√	√	√	√	√	Enhanced vetting process	Ministry of Interior and National Administration	
Involvement of umbrella religious organisations to assist in the vetting process	√	√	√	√	√	Involvement of umbrella religious organisations to assist in vetting of religious organisations including registration of new religious organizations	Religious Affairs Commission	Office of the Attorney General & Department of Justice
Amendment of the Kenya Information Communication Act (KICA) provide for regulation of broadcast of online content.	√					Broadcast of online religious content regulated	Communication Authority (CA)	Office of the Attorney General & Department of Justice

Activity	Time Frame (In Annual Years)					Means of Verification	Responsibility	
	Y1	Y 2	Y 3	Y 4	Y5		Lead Agency	Other Agencies
Review of the education curriculum to incorporate training on religious extremism	√	√	√	√	√	Education curriculum reviewed to include instruction against religious extremism, violent extremism and cultism.	KICD	Ministry of Education NCTC TSC
Training and sensitisation of teachers on the harm from religious extremism and cults, and on the need for religious tolerance.	√							
	√					Educators on sects, religious extremism, violent extremism, and cultism trained.	KICD	
	√					Training of Educators on religious matters		
						Value-based education through curriculum review promoted	KICD	

Activity	Time Frame (In Annual Years)					Means of Verification	Responsibility	
	Y1	Y 2	Y 3	Y 4	Y5		Lead Agency	Other Agencies
						Sensitisation of teachers and mainstreaming of all-round education curricula and extracurricular activities undertaken Teachers sensitized	KICD	Interfaith Umbrella religious organisations
						Curriculum reviewed to include a topic on religious dialogue to enhance interfaith relations and to promote religious tolerance through creation of forums and platforms		

Activity	Time Frame (In Annual Years)					Means of Verification	Responsibility	
	Y1	Y 2	Y 3	Y 4	Y5		Lead Agency	Other Agencies
Monitoring and regulation of teachers	√					Teachers of religious education to prevent teachings and conduct that impacts negatively on the student monitored	TSC	KICD
Development of a framework for introduction of chaplaincy services in basic and tertiary institutions	√					Chaplaincy introduced services in all learning institutions	Ministry of Education	KICD TSC
Media sensitisation	√					Inclusion of media literacy and education on digital citizenship	CA	National Security Organs
Interfaith dialogue and activities in public spaces	√					Community forums, interfaith dialogues, and public discussions to promote tolerance and	Office of the President	

Activity	Time Frame (In Annual Years)					Means of Verification	Responsibility	
	Y1	Y 2	Y 3	Y 4	Y5		Lead Agency	Other Agencies
						social cohesion organized		
Research and investigation on religious extremism	√					Educational materials on religious extremism and support of initiatives aimed at countering religious extremism developed and disseminated	KICD	National Research Bureau
Establishment of a multi-agency team coordinating organ convened by Religious Affairs Commission made up of national security organs, Communication Authority, among others to manage abuse of media on broadcasting religious content	√					Management of abuse of media for religious extremism through a content monitoring body	CA	Office of the President

Activity	Time Frame (In Annual Years)					Means of Verification	Responsibility	
	Y1	Y 2	Y 3	Y 4	Y5		Lead Agency	Other Agencies
Introduction of national day dedicated for campaign against extremism and abuse of religion.	√						Office of the President	
Undertake civic education through religious institutions, CBOs, relevant government institutions and media	√	√	√	√	√	Awareness created among members of the public	KICD	Ministry of Education Civil Societies NGAO and other government institutions, Religious Organizations Media
Development and operationalisation of an integrated and technologically enabled mode of reporting that includes dedicated toll- free helplines, social media platforms, online platforms,	√	√	√	√	√	Reporting through integrated technology	Information communication Technology Authority (ICTA)	Office of the Registrar of Religious Organisations

Activity	Time Frame (In Annual Years)					Means of Verification	Responsibility	
	Y1	Y 2	Y 3	Y 4	Y5		Lead Agency	Other Agencies
web and mobile applications								
Put in place effective whistleblowing mechanisms, suggestion boxes at the registrar`s devolved offices, social media and devoted telephone lines to increase accountability and trust and uncover misconduct	√	√	√	√	√	Witness protection act and the expedite the enactment of the whistle blowers Bill fully implemented	The Office of the Attorney General & the Department of Justice	Registrar of Religious Organisations
Formation of a multi-agency committee comprising religious actors and government organs in the Religious Affairs Commission in combating harmful practices in the guise of religion	√	√	√	√	√	Formulation and implementation of a multi- sectoral framework for reporting religious abuse	Registrar of religious organisations	Ministry of Interior and National Administration
Investigation of individuals engaged in religious extremism and other related	√	√	√	√	√	Effective investigation and prosecution of	NPS	ODPP

Activity	Time Frame (In Annual Years)					Means of Verification	Responsibility	
	Y1	Y 2	Y 3	Y 4	Y5		Lead Agency	Other Agencies
crimes and offences						individuals involved in religious extremism		
Self-regulation of religious broadcasting	√	√	√	√	√	Effective Self-regulation of the Media	Actors in media industry	Relevant government agencies
Development of counselling and rehabilitation mechanisms.	√	√	√	√	√	Rehabilitation, disengagement and reintegration programmes	State Ministry of Labour and Social Protection	Faith-based Organizations CSOs Ministry of public Service, Performance and Delivery Management
i. Deregistration and publicization through media and Kenya gazette of religious organisations linked to religious extremism, cultic and occultism	√					Proposed Corrective Actions	Registrar of Religious Organisations	Other relevant government agencies

Activity	Time Frame (In Annual Years)					Means of Verification	Responsibility	
	Y1	Y 2	Y 3	Y 4	Y5		Lead Agency	Other Agencies
<p>practices</p> <p>ii. publicization through media and Kenya gazette of names of individuals linked to religious extremism, cultic and occultism practices</p> <p>iii. Taking of the necessary disciplinary measures by religious institutions</p>								
Registration of all unregistered institutions	√					Registration of all unregistered religious institutions	Registrar of Religious Organisations	Religious Affairs Commission
<p>Enforcement of compliance by all registered religious organisations with all requirements of the law.</p> <p>This compliance shall include the already existing</p>	√	√				Filing of annual returns and compliance with all requirements under the Act by All registered	Registrar of religious organisations	Other relevant government agencies

Activity	Time Frame (In Annual Years)					Means of Verification	Responsibility	
	Y1	Y 2	Y 3	Y 4	Y5		Lead Agency	Other Agencies
exempted religious organisations						institutions		
Effective due diligence in the country of domicile at the applicant's cost	√	√	√	√	√	Registration of foreign-based FBOs and their local partners	Religious Affairs Commission	Other relevant government agencies