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PREAMBLE

We, the people of Kenya –

ACKNOWLEDGING the supremacy of the Almighty God of all creation:

HONOURING those who heroically struggled to bring freedom and justice to our land:

PROUD of our ethnic, cultural and religious diversity and determined to live in peace and unity as one indivisible sovereign nation:

RESPECTFUL of the natural environment that is our heritage, and determined to sustain it for the benefit of future generations:

COMMITTED to nurturing and protecting the well-being of the individual, the family and the community:

RECOGNISING the aspirations of all Kenyans for a government based on the essential values of freedom, democracy, social justice and the rule of law:

EXERCISING our sovereign and inalienable right to determine the form of governance of our country and having participated fully in the making of this Constitution:

ADOPT, enact and give this Constitution to ourselves and to our future generations.

GOD BLESS KENYA

CHAPTER ONE

SOVEREIGNTY OF THE PEOPLE AND SUPREMACY OF THE CONSTITUTION

Sovereignty of the people

1. (1) All sovereign authority belongs to the people of Kenya and may be exercised only in accordance with this Constitution.
- (2) Authority is delegated to the following State organs, which shall perform their functions in accordance with this Constitution –
 - (a) Parliament and the legislative structures in the devolved governments;
 - (b) the national executive and the executive structures in the devolved governments;
 - (c) the Judiciary and other independent tribunals; and
 - (d) the constitutional Commissions and State offices.

Supremacy of the Constitution

2. (1) This Constitution is the supreme law of the Republic and binds all State organs at all levels of government and all persons throughout Kenya.
- (2) A law that is inconsistent with this Constitution is void to the extent of the inconsistency and any action or omission in contravention of this Constitution is invalid.
- (3) A person, or a group of persons, may bring an action in the High Court for a declaration that any law is inconsistent with, or is in contravention of, this Constitution.
- (4) If the High Court makes a declaration under clause (3), it may also make any order necessary to give effect to the declaration.

Defence of the Constitution

3. (1) Every person has an obligation to respect and defend this Constitution.
- (2) Any attempt to establish a system of government otherwise than in compliance with this Constitution is unlawful.

CHAPTER TWO

THE REPUBLIC

Declaration of the Republic

4. (1) Kenya is a sovereign Republic.
- (2) The Republic is founded on principles of good governance through multiparty democracy, participatory governance, transparency and accountability, separation and devolution of powers, respect for human rights and fundamental freedoms and the rule of law.

Territory

5. (1) Kenya consists of the territory recognized under international law.
- (2) Kenya comprises the regions, districts and boroughs set out in the First Schedule.
- (3) Each district and borough shall be divided into such locations, with such boundaries, as are prescribed by an Act of Parliament.

Devolution

6. The sovereign authority of the people is exercised at –
 - (a) the national level;
 - (b) the regional level ;
 - (c) the district level; and
 - (d) the locational level.

Capital

7. (1) The capital of Kenya is Nairobi.
- (2) All national State organs shall be decentralised to all regions.

Languages

8. (1) The national language of the Republic is Kiswahili.
- (2) The official languages of the Republic are Kiswahili and English.
- (3) The State shall respect, promote and protect the diversity of languages of the people of Kenya and sign language.
- (4) The State shall promote the development and use of Braille and other appropriate modes of communication for persons with visual and other impairments.

State and religion

9. (1) State and religion shall be separate.
- (2) There shall be no State religion.
- (3) The State shall treat all religions equally.

National symbols

10. The national symbols of the Republic, as set out in the Second Schedule, are –
 - (a) the national flag;

- (b) the national anthem;
- (c) the coat of arms; and
- (d) the public seal.

National days

11. The national days are –

- (a) 1st June – Madaraka Day;
- (b) 20th October – Mashujaa Day; and
- (c) 12th December – Jamhuri Day.

CHAPTER THREE

NATIONAL VALUES, PRINCIPLES AND GOALS

National values, principles and goals

12. (1) The national values, principles and goals contained in this Chapter apply to all State organs, State officers, public officers, citizens and private bodies whenever any of them –
 - (a) applies or interprets this Constitution or any other law; or
 - (b) applies, makes or implements policy decisions.
- (2) The State shall –
 - (a) promote national unity and develop the commitment of all citizens to the spirit of nationhood and patriotism;
 - (b) recognise the diversity of the people and promote and protect the cultures of its communities;
 - (c) promote the participation of the people in public affairs and facilitate the sharing and devolution of power;
 - (d) ensure open and transparent government and accountability of State officers, public officers, State organs and public authorities;
 - (e) take effective measures to eradicate all forms of corruption;
 - (f) ensure access of the people to independent, impartial, competent, timely and affordable institutions of justice;
 - (g) recognise the role of civil society in governance and facilitate its role in ensuring the accountability of government;
 - (h) protect and promote human rights and fundamental freedoms and enhance the dignity of individuals and communities;
 - (i) ensure full participation of women, persons with disabilities, marginalized communities and all other citizens in the political, social and economic life of the country;
 - (j) implement the principle that not more than two-thirds of the members of elective or appointive bodies shall be of the same gender;
 - (k) progressively implement the principle that at least five per cent of the members of elective and appointive bodies shall be persons with disabilities;
 - (l) recognise the special responsibilities that the State, society and parents owe to children and uphold the family and the institution of marriage;
 - (m) be committed to social justice and the realization of the rights of the people of Kenya to basic needs and a secure environment;
 - (n) promote the development of, and recognise and enhance the role of, science and technology;

- (o) eliminate disparities in development between the various parts of the country and sectors of society;
- (p) manage national resources fairly and efficiently for the welfare of the people;
- (q) recognise its responsibilities to future generations of the people of Kenya, by pursuing policies for the sustainable management of the environment; and
- (r) be a good citizen of Africa and of the world and commit itself to work for international peace and solidarity.

CHAPTER FOUR

CITIZENSHIP

General principles

13. Every citizen is –
- (a) entitled to the rights, privileges and benefits of citizenship, subject to the limits set out in this Constitution;
 - (b) entitled to a Kenyan passport and to any document of registration and identification issued by the State to citizens; and
 - (c) subject to the duties and responsibilities of citizenship.

Retention of existing citizenship

14. Every person who was a citizen immediately before the effective date retains the same citizenship status as from that date.

Acquisition of citizenship

15. (1) Citizenship may be acquired by birth, registration, or naturalization.
- (2) Every person who was not a citizen immediately before the effective date but would have been a citizen if this Constitution had been in force, is entitled, on application, to be registered as a citizen.

Citizenship by birth

16. (1) Every person born in Kenya is a citizen if, at the date of the person's birth, either the mother or the father of the person is a citizen.
- (2) A person born outside Kenya is a citizen if, at the date of the person's birth, either the mother or the father of the person is –
- (a) a citizen who was born in Kenya; or
 - (b) a citizen by registration or naturalization.
- (3) If either parent of a person died before that person was born, for all purposes of this Chapter, that parent's citizenship at the time of death applies as if that parent had survived until the birth of that person.

Citizenship and marriage

17. (1) A person who has been married to a citizen for a period of at least seven years is entitled, on application, to be registered as a citizen.
- (2) Citizenship is not lost through marriage or the dissolution of marriage.

Citizenship by naturalization

18. A person who has been lawfully resident in Kenya for a continuous period of at least seven years, and who satisfies the conditions prescribed by an Act of Parliament, may apply to be naturalized as a citizen.

Adopted children and foundlings

- (1) A child who is not a citizen and who is adopted by a citizen is entitled on application to become a citizen.

- (2) A child found in Kenya who appears to be less than eight years of age, and whose nationality and parents are not known, is presumed to be a citizen by birth.

Dual citizenship

20. (1) A person who is a citizen does not lose citizenship by reason only of acquiring the citizenship of another country.
- (2) A person who as a result of acquiring the citizenship of another country ceased to be a Kenyan citizen is entitled, on application, to regain Kenyan citizenship.
- (3) Parliament shall enact legislation providing for conditions upon which citizenship may be granted to individuals, other than individuals referred to in clauses (1) and (2), who are citizens of other countries.

Deprivation of citizenship

21. A person may be deprived of citizenship only if the person acquired citizenship by means of fraud, false representation or concealment of any material fact.

Residence

22. (1) The following persons may enter and reside in Kenya if they comply with the conditions prescribed by Parliament governing entry and residence –
- (a) a former citizen;
 - (b) a foreign wife or widow or foreign husband or widower of a citizen; and
 - (c) a child of a citizen.
- (2) Parliament shall enact legislation governing the entry into and residence in Kenya of other categories of persons and providing for the status of permanent residents.

Responsibilities of a citizen

23. (1) In order to fulfil the national values, principles and goals, all citizens have the responsibility to –
- (a) acquire basic understanding of the provisions of this Constitution and promote its ideals and objectives;
 - (b) uphold and defend this Constitution and the law;
 - (c) vote and become involved in other forms of political participation;
 - (d) engage in work, including home-making, for the support and welfare of themselves and their families, for the common good and to contribute to national development;
 - (e) develop their abilities to the greatest possible extent through acquisition of knowledge, continuous learning and the development of skills;
 - (f) contribute to the welfare and advancement of the community where they live;

- (g) contribute to the welfare and advancement of the nation by paying all taxes lawfully due;
 - (h) strive to foster national unity and live in harmony with others;
 - (i) promote democracy, good governance and the rule of law;
 - (j) promote family life and act responsibly in the context of the family;
 - (k) protect and safeguard public property from waste and misuse;
 - (l) protect the environment and conserve natural resources;
 - (m) co-operate with law enforcement agencies for the maintenance of law and order;
 - (n) desist from acts of corruption; and
 - (o) understand and enhance the Republic's place in the international community.
- (2) The responsibilities set out in clause (1) apply equally where appropriate to non-citizens.

Legislation on citizenship

24. Parliament shall enact legislation –

- (a) prescribing procedures by which a person may become a citizen;
- (b) providing for the voluntary renunciation of citizenship;
- (c) providing procedures for the deprivation of citizenship; and
- (d) generally giving effect to the provisions of this Chapter.

CHAPTER FIVE

CULTURE

Principles concerning culture

25. The State shall –
- (a) promote understanding, tolerance and appreciation of diversity;
 - (b) respect, preserve, protect and promote the heritage of Kenya, and in particular, its cultural, historical, religious, sacred, archaeological and other significant sites and artefacts;
 - (c) promote –
 - (i) the development of all forms of education and equal opportunity for individuals to attain the highest possible standard of education, and maintain an education policy that enhances culture and cultural values; and
 - (ii) all forms of national and cultural expression through literature, the visual and performing arts, science, communication, information, mass media, publications and libraries;
 - (d) support, promote and protect scientific and intellectual research, innovation and application;
 - (e) support and promote the development of medical technology, preventive medicine and the appropriate application of modern and traditional medical practices;
 - (f) recognize the role of science and indigenous technologies and knowledge and intellectual creativity in the development of the nation; and
 - (g) support, promote and protect indigenous knowledge, literature, art, oral traditions, performing arts and other cultural heritage and the intellectual property rights of the people of Kenya.

National Commission on Culture

26. (1) There is established the National Commission on Culture consisting of the chairperson, two vice-chairpersons and seven other members.
- (2) The functions of the Commission are to –
- (a) advise on matters of policy and practice relating to culture;
 - (b) carry out and promote research into and documentation of the cultures of Kenya, including national history and customary law;
 - (c) protect cultural sites and historic monuments for the benefit of the communities for which those sites have significance, and for the nation;
 - (d) endeavour to secure the return of historically and culturally significant relics, archeological finds, documents and other

- expatriated material culture for the enrichment of Kenyan museums;
- (e) enhance the sustainable use of the heritage and creativity of the nation for tourism and other economic uses;
 - (f) promote and preserve Kiswahili, all languages of the people of Kenya and sign language and Braille;
 - (g) establish criteria for recognition and honouring of national heroes and heroines;
 - (h) encourage and develop the positive traditions of the nation in the support, protection and care of disadvantaged and vulnerable members of society; and
 - (i) generally carry out the objectives of this Chapter.

Cultural day

27. The 26th day of December is designated as Utamaduni Day.

CHAPTER SIX

THE BILL OF RIGHTS

Part I – General provisions relating to the Bill of Rights

Fundamental rights and freedoms

28. (1) This Bill of Rights is an integral part of Kenya's democratic State and is the framework for social, economic and cultural policies.
- (2) The purpose of the recognition and protection of human rights is to preserve the dignity of individuals and communities and to promote social justice and the realization of the potential of all human beings.
- (3) The rights and freedoms set out in this Chapter –
- (a) belong to each individual and are not granted by the State;
 - (b) do not exclude other rights not mentioned in this Chapter, recognised or conferred by law, except to the extent that they are inconsistent with this Chapter; and
 - (c) are subject only to the limitations contemplated in this Chapter.

Application of the Bill of Rights

29. (1) The Bill of Rights applies to all laws and binds all State organs and all persons.
- (2) Every person shall enjoy the rights and freedoms in the Bill of Rights, to the greatest extent consistent with the nature of the right.
- (3) When applying a provision of the Bill of Rights as required by clause (1), a court –
- (a) shall develop the law to the extent that legislation does not give effect to that right or freedom;
 - (b) shall adopt the interpretation that most favours the enforcement of a right or freedom; and
 - (c) may develop rules of law to limit that right or freedom in a manner consistent with Article 33.
- (4) When interpreting the Bill of Rights, a court, tribunal or forum –
- (a) shall promote the values that underlie an open and democratic society based on human dignity, equality, equity and freedom; and
 - (b) shall promote the spirit, purport and objects of the Bill of Rights.
- (5) When interpreting and applying a particular right or freedom, if the State claims that it does not have the resources to implement the right or freedom, a State organ, court, tribunal or forum shall be guided by the following principles –
- (a) it is the responsibility of the State to show that the resources are not available;

- (b) in allocating resources, the State has an obligation to give priority to ensuring the widest possible enjoyment of the right having regard to prevailing circumstances, including the vulnerability of the groups or individuals claiming the violation of their right; and
- (c) a court, tribunal or the Commission on Human Rights and Administrative Justice may not interfere with a decision by a State organ concerning the allocation of available resources, solely on the basis that the court, tribunal or forum or the Commission would have reached a different conclusion.

Implementation of rights and freedoms

30. (1) It is a fundamental duty of every State organ to observe, respect, protect, promote and fulfil the rights and freedoms in this Chapter, as appropriate, in the exercise of all their powers and functions.
- (2) The State shall take legislative, policy and other measures to achieve the progressive realisation of the rights guaranteed under Articles 60, 61, 62, 63, 64, 65 and 66.
- (3) Parliament and the Commission on Human Rights and Administrative Justice shall establish standards for the achievement of the rights mentioned in clause (2).
- (4) The State shall recognise and facilitate the role of civil society in the promotion and protection of the rights and freedoms in the Bill of Rights.
- (5) All public officers and State organs, and their employees have the responsibility to equip themselves to understand and deal with the needs of special groups within society including women, older members of society, persons with disabilities, children, youth and members of minority and marginalized communities and of particular ethnic, religious and cultural communities.
- (6) The State shall fulfil all its international obligations in respect of human rights and for that purpose the State shall –
- (a) report on time to international human rights bodies on the implementation of human rights treaties and other instruments;
 - (b) publish reports intended for submission by the State to international bodies for a reasonable period and facilitate public discussion and debate on them before the reports are revised and submitted; and
 - (c) facilitate submissions by civil society organizations to international human rights bodies.
- (7) The comments and recommendations of international bodies relating to the international obligations of the State shall be disseminated to the public, and the Government shall make a statement to Parliament on whether and how it intends to implement those recommendations.
- (8) The State shall establish the necessary machinery to give full effect to the provisions of the Bill of Rights.

Enforcement of the Bill of Rights

31. (1) A person referred to in clause (2) has the right to complain to the Commission on Human Rights and Administrative Justice, and to institute court proceedings, alleging that a right in the Bill of Rights has been denied, violated, infringed or threatened.
- (2) The persons who may complain to the Commission or institute court proceedings in accordance with clause (1) are –
- (a) a person acting in that person's own interest;
 - (b) a person acting on behalf of another person who cannot act in their own name;
 - (c) a person acting as a member of, or in the interest of, a group or class or persons;
 - (d) a person acting in the public interest; and
 - (e) an association acting in the interest of one or more of its members.
- (3) The Chief Justice shall make rules providing for court proceedings mentioned in clause (1), which shall satisfy the following criteria –
- (a) that the rights of standing provided for in this Article are fully facilitated;
 - (b) that formalities for starting proceedings are kept to the minimum, in particular that the court shall, if necessary, be prepared to entertain proceedings on the basis of informal documentation;
 - (c) that the court, while observing the rules of natural justice, shall not be unreasonably restricted by technical requirements;
 - (d) that no fee may be charged for commencing proceedings under this Article; and
 - (e) that an organisation or individual with particular expertise may, with the leave of the court, appear as a friend of the court.

Authority of the court to uphold and enforce the Bill of Rights.

32. (1) The High Court has jurisdiction to hear applications for redress for a violation of a right contained in the Bill of Rights.
- (2) Parliament shall enact legislation to give original jurisdiction in appropriate cases to subordinate courts to hear applications for redress for a contravention of the Bill of Rights.
- (3) In any matter brought before it under Article 31, a court may grant appropriate relief, including –
- (a) a declaration of rights;
 - (b) a declaration of invalidity of any law that infringes the Bill of Rights and is not justified in terms of Article 33;
 - (c) an order of compensation against the State or any person responsible for the violation of the rights; and
 - (d) orders of judicial review.

- (4) In proceedings against a public authority for a violation of human rights, a court may not award costs against the plaintiff, or applicant, unless the court determines that the case was frivolous, vexatious or devoid of merit.

Limitation of rights

33. (1) A right or freedom set out in the Bill of Rights may be limited only –
- (a) by a limitation or qualification expressly set out in the provision containing that right or freedom and may be otherwise limited only by a law of general application; and
 - (b) to the extent that the limitation is reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom, taking into account all relevant factors, including –
 - (i) the nature of the right;
 - (ii) the importance of the purpose of the limitation;
 - (iii) the nature and extent of the limitation;
 - (iv) the need to ensure that the enjoyment of rights and freedoms by any individual does not prejudice the rights and freedoms of others; and
 - (v) the relation between the limitation and its purpose and whether there are less restrictive means to achieve the purpose.
- (2) Despite clause (1)(b), a provision in legislation is not valid in the case of legislation enacted or amended after the effective date, unless that legislation specifically expresses the intention to limit that right or freedom and the nature and extent of the limitation.
- (3) Despite clause (1), a provision in legislation –
- (a) shall not be construed as limiting a right or freedom set out in the Bill of Rights unless the provision is clear and specific about the right or freedom to be limited and the nature and extent of the limitation; and
 - (b) shall not limit a right or freedom set out in the Bill of Rights so as to derogate from the core or the essential content of the right.
- (4) The State or a person seeking to justify a particular limitation, shall demonstrate to the court, tribunal or forum that the requirements of this Article have been satisfied.
- (5) The provisions of this Chapter on equality shall be qualified to the extent strictly necessary for the application of Islamic law to persons who profess the Muslim faith in relation to personal status, marriage, divorce and inheritance.

Part II – Fundamental rights and freedoms

Right to life

34. (1) Every person has the right to life.

- (2) The life of a person begins at conception.
- (3) Abortion shall not be permitted unless, in the opinion of a registered medical practitioner, the life of the mother is in danger.

Equality

35. (1) Every person is equal before the law and has the right to equal protection and equal benefit of the law.
- (2) Equality includes the full and equal enjoyment of all rights and freedoms.

Freedom from discrimination

36. (1) The State shall not discriminate directly or indirectly against any person on any ground, including race, sex, pregnancy, marital status, health status, ethnic or social origin, colour, age, disability, religion, conscience, belief, culture, dress, language or birth.
- (2) A person shall not discriminate directly or indirectly against another person on any ground in terms of clause (1).
- (3) A person may not be compelled to indicate or define that person's ethnicity or race.
- (4) Despite clause (1), the State shall take legislative and other measures including but not limited to affirmative action programmes and policies designed to benefit individuals or groups who are disadvantaged, whether or not as a result of past discrimination, but any such measure taken shall –
 - (a) adequately provide for any benefits to be on the basis of genuine need; and
 - (b) be permissible in terms of Article 33 .

Gender

37. (1) Women and men have the right to equal treatment including the right to equal opportunities in political, economic, cultural and social activities.
- (2) Women and men have an equal right to inherit, have access to and manage property.
- (3) Any law, culture, custom or tradition that undermines the dignity, welfare, interest or status of women or men is prohibited.
- (4) Despite clause (1), the State shall –
 - (a) protect women and their rights, taking into account their unique status and natural maternal role in society; and
 - (b) provide reasonable facilities and opportunities to enhance the welfare of women to enable them to realise their full potential and advancement.

Older members of society

38. (1) Older members of society are entitled to continue to enjoy all the rights and freedoms set out in the Bill of Rights.

- (2) The State shall take legislative and policy measures to ensure the rights of older persons to –
 - (a) participate fully in the affairs of society;
 - (b) pursue their personal development;
 - (c) be free from all forms of discrimination and abuse;
 - (d) live in dignity and respect;
 - (e) retain their social, economic and political autonomy; and
 - (f) receive reasonable care and assistance of their family and the State.
- (3) Parliament shall enact legislation to establish a council to define and advise on policies and programmes for the care and protection of older members of society.

Youth

- 39. (1) The youth constitute an integral part of society and are entitled to enjoy all the rights and freedoms set out in the Bill of Rights, taking into account their unique needs.
- (2) The State shall take legislative and other measures, including but not limited to affirmative action policies and programmes, to promote the welfare of the youth.
- (3) The measures referred to under clause (2) shall include measures to ensure for the youth –
 - (a) access to quality and relevant education and training;
 - (b) participation in governance;
 - (c) access to gainful employment;
 - (d) adequate opportunities in the social, political, economic and other spheres of national life;
 - (e) freedom of association to further their legitimate interests;
 - (f) protection from any culture, custom, tradition or practice that could undermine their dignity or quality of life; and
 - (g) a life free from discrimination, exploitation or abuse.

Children

- 40. (1) Children hold a special place in society.
- (2) It is the duty of parents, the family, society and the State to nurture, protect and educate children.
- (3) All children, whether born within or outside wedlock, are equal before the law and have equal rights under this Constitution.
- (4) A child's best interests shall be of paramount importance in every matter concerning the child.
- (5) A child's mother and father, whether married to each other or not, have an equal responsibility to protect and provide for the child.
- (6) Every child has a right to –

- (a) a name and a nationality from birth and to have their birth registered;
 - (b) parental care, or to appropriate alternative care when the child is separated from its parents;
 - (c) free and compulsory basic education;
 - (d) be protected from discrimination, harmful cultural rites and practices, exploitation, neglect or abuse;
 - (e) be protected from all forms of exploitation and any work that is likely to be hazardous or adverse to the child's welfare;
 - (f) adequate nutrition, shelter, basic health care services and social services;
 - (g) be free of corporal punishment or other forms of violence or cruel and inhumane treatment in schools and other institutions responsible for the care of children;
 - (h) not take part in hostilities or to be recruited into armed conflicts and to be protected from situations of armed conflict;
 - (i) not be arrested or detained except as a measure of last resort, and, when arrested or detained, to be treated in a manner that promotes the child's dignity and self-worth and that pays attention to the child's rights, including but not limited to the right to –
 - (i) be so detained only for the shortest appropriate period of time;
 - (ii) be kept separate from adults in custody;
 - (iii) be accorded legal assistance by the State; and
 - (iv) be treated in a manner, and to be kept in conditions, that take account of the child's disability, if any, gender and age;
 - (j) have a legal practitioner assigned to the child by the State and at State expense in other proceedings affecting the child, if injustice would otherwise result; and
 - (k) know of decisions affecting the child, to express an opinion and have that opinion taken into account, taking into consideration the age and maturity of the child and the nature of the decision.
- (7) Children with special needs are entitled to the special protection of the State and society.
- (8) The State has the obligation to take steps to implement in law and administration the provisions of this Constitution and of international instruments and standards on the rights of the child.

Family

41. (1) The family is the natural and fundamental unit of society and the necessary basis of social order.
- (2) Every adult –

- (a) has the right to marry a person of the opposite sex, based upon the free consent of the parties; and
 - (b) has the right to found a family.
- (3) A person shall not marry another person of the same sex.
- (4) Parties to a marriage are entitled to equal rights at the time of the marriage, during the marriage, and at the dissolution of the marriage.
- (5) Parliament shall enact legislation that recognises –
- (a) marriages concluded under any tradition, or system of religious, personal or family law; and
 - (b) personal and family law under any tradition, or adhered to by persons professing a particular religion,
- to the extent such marriages or systems are consistent with this Constitution.

Persons with disabilities

42. (1) Persons with disabilities are entitled to enjoy all the rights and freedoms set out in the Bill of Rights, and to be full participants in society.
- (2) Persons with disabilities have a right to –
- (a) respect and human dignity including to be treated, addressed and referred to, in official or private contexts, in a manner and in words that are not demeaning or derogatory;
 - (b) access to education, to institutions and facilities for persons with disabilities that are as integrated into society as a whole as is compatible with the interests of those persons;
 - (c) access to all places, to public transport and to information and communications;
 - (d) use of sign language, Braille and other appropriate means of communication;
 - (e) participate in decision-making at all levels;
 - (f) equal rights to inherit, have access to and to manage property;
 - (g) access to materials and devices to overcome constraints arising from those disabilities; and
 - (h) treatment and opportunities in all spheres of life that are both fair and equal to those of other members of society.
- (3) The State shall take legislative and other measures to ensure that persons with disabilities enjoy all the rights referred to in clause (2).
- (4) Legislation and policy measures provided for in clause (3) shall make special provision for women with disabilities.

Minorities and marginalized groups

43. (1) Minorities and marginalized groups are entitled to enjoy all the rights and freedoms set out in the Bill of Rights, on a basis of equality, taking into account their special circumstances and needs.

- (2) The State shall take legislative and other measures to put in place affirmative action programmes, designed to benefit Minorities and marginalized groups.
- (3) The measures referred to in clause (2) shall include measures to ensure that Minorities and marginalized groups –
 - (a) participate and are fully represented in governance and in all other spheres of national life;
 - (b) are accorded special opportunities in the educational and economic fields;
 - (c) are accorded special opportunities for access to gainful employment;
 - (d) are assisted to develop their cultural values, languages and practices;
 - (e) are assisted to have reasonable access to water, health services and transport infrastructure;
 - (f) have a reasonable opportunity to meet their basic needs; and
 - (g) live a life free from discrimination, exploitation or abuse.

Human dignity

44. (1) Every person has inherent dignity and the right to have that dignity respected and protected.
- (2) The inherent dignity of every person –
 - (a) includes the right to dispose of the remains of deceased persons in a dignified manner; and
 - (b) extends to their remains after burial.

Freedom and security of the person

45. Every person has the right to freedom and security of the person, which includes the right –
 - (a) not to be deprived of freedom arbitrarily or without just cause;
 - (b) not to be detained without trial, except during a state of emergency in which case the detention is subject to Article 75;
 - (c) to be free from all forms of violence from either public or private sources;
 - (d) not to be tortured in any manner, whether physical or psychological; and
 - (e) not to be subjected to corporal punishment or to be treated or punished in a cruel, inhuman or degrading manner.

Slavery, servitude and forced labour

46. (1) A person shall not be held in slavery or servitude.
- (2) A person shall not be required to perform forced labour.

Privacy

47. Every person has the right to privacy, which includes the right not to have –

- (a) their person or home searched;
- (b) their property searched;
- (c) their possessions seized;
- (d) information relating to their family or private affairs unnecessarily required or revealed; or
- (e) the privacy of their communications infringed.

Freedom of religion, belief and opinion

48. (1) Every person has the right to freedom of conscience, religion, thought, belief and opinion.
- (2) Every person has a right, either individually or in community with others, in public or in private, to manifest any religion or belief through worship, observance, including observance of a day of worship, practice or teaching.
- (3) Every religious community is entitled to establish and run places of education at its own expense and to provide religious instruction for persons of that community in the course of providing the education.
- (4) Religious observances and religious instruction may be conducted at State or State-aided institutions, if –
- (a) they are conducted on an equitable basis; and
 - (b) attendance at such observances or religious instruction is voluntary.
- (5) A person may not be denied access to any institution, employment or facility or the enjoyment of any right, for reasons of that person's religious beliefs.
- (6) A person shall not compel another person –
- (a) to take an oath that is contrary to that person's religion or belief or that involves expressing a belief that the person does not hold;
 - (b) to take an oath in a manner that is contrary to that person's religion or belief or that involves expressing a belief that the person does not hold;
 - (c) to receive religious instruction or to take part in or attend a religious ceremony or to observe a day of rest or other observance that relates to a religion that is not that person's religion;
 - (d) to perform, observe or undergo a religious practice or rite;
 - (e) to disclose that person's religious convictions or beliefs; or
 - (f) to do any other act that is contrary to that person's religion or belief.

Freedom of expression

49. (1) Every person has the right to freedom of expression, which includes –
- (a) freedom to receive or impart information or ideas;

- (b) freedom of artistic creativity, including dress; and
 - (c) academic freedom and freedom of scientific research.
- (2) The right referred to in clause (1) does not extend to –
- (a) propaganda for war;
 - (b) incitement to violence; or
 - (c) advocacy of hatred that –
 - (i) constitutes vilification of others or incitement to cause harm, or
 - (ii) is based on any prohibited ground of discrimination contemplated in Article 36.

Freedom of the media

50. (1) Freedom and independence of electronic, print and other media of all types are guaranteed.
- (2) The State shall not –
- (a) exercise control over, or interfere with, any person concerned in broadcasting, production or circulation of any publication, or in the dissemination of information by any medium; or
 - (b) harass or penalize any person for any opinion or view, or the content of any broadcast, publication or dissemination.
- (3) Broadcasting and other electronic media have freedom of establishment, subject only to licensing procedures that –
- (a) are designed to ensure the necessary regulation of the airwaves and other forms of signal distribution; and
 - (b) are independent of control by government, political interests or commercial interests.
- (4) All State-owned media shall be independent and impartial and shall afford fair opportunities and facilities for the presentation of divergent views and dissenting opinions.
- (5) Parliament shall enact legislation that –
- (a) makes reasonable provision for equitable allocation of airtime by State-owned and other specified categories of broadcasting media, to political parties either generally or during election campaigns;
 - (b) regulates freedom to broadcast in order to ensure fair election campaigning; and
 - (c) provides for the establishment of a body which shall be independent of government or political control and reflective of the interests of all sections of the community, and which shall set media standards, and regulate and monitor compliance with those standards.

Access to information

51. (1) Every citizen has the right of access to –

- (a) information held by the State; and
 - (b) any information that is held by another person and that is required for the exercise or protection of any right or freedom.
- (2) Every person has the right to demand the correction or deletion of untrue or misleading information that affects that person.
 - (3) The State shall publish and publicize any important information affecting the nation.
 - (4) Parliament shall enact legislation to provide for access to information.

Freedom of association

52. (1) Every person has the right to freedom of association.
- (2) The right extends to the formation, operation and continued existence of organisations.
- (3) A person shall not be compelled to join an association of any kind.
- (4) The State shall take legislative and policy measures to promote and encourage civil society participation in decision-making and in the management of public affairs at all levels of government.
- (5) Any legislation that requires civil society organisations to register or otherwise be subject to control, shall provide that –
 - (a) registration may be required only if there is good reason for it;
 - (b) registration shall be in the hands of a body that is independent of Government or political control;
 - (c) any fee chargeable shall be no more than is necessary to defray essential cost of the procedure;
 - (d) there shall be a right to registration, unless there is good reason to the contrary;
 - (e) any standards of conduct applied to organisations shall be formulated with input from the affected organisations; and
 - (f) de-registration procedures shall provide for a fair hearing and for a right of appeal to an independent tribunal.

Assembly, demonstration, picketing and petition

53. Every person has the right, peaceably, unarmed and without the requirement of prior permission, to assemble, to demonstrate, to picket, and to present petitions to public authorities.

Political rights

54. (1) Every citizen is free to make political choices, which includes the right –
 - (a) to form, or participate in forming, a political party;
 - (b) to participate in the activities of, or recruit members for, a political party; and
 - (c) to campaign for a political party or cause.
- (2) Every citizen has the right to free, fair and regular elections for –

- (a) any elective public body or office established under this Constitution; and
 - (b) office bearers of any political party of which the citizen is a member.
- (3) Every adult citizen has the right –
- (a) to be registered as a voter and to vote by secret ballot in any election referred to in clause (2); and
 - (b) to stand for public office, or office within a political party of which they are a member, and if elected, to hold office.

Freedom of movement and residence

55. (1) Every person has the right to freedom of movement.
- (2) Every person has the right to leave Kenya.
- (3) Every citizen has the right to enter into, remain in and reside anywhere in Kenya.

Refugees and asylum

56. (1) A person who has sought refuge in Kenya has a right not to be returned or taken to another country if that person has a well-founded fear of persecution in that other country, or of other treatment that would justify that person's being regarded as a refugee.
- (2) Parliament shall enact legislation in compliance with international law and practice, governing persons who seek refuge or asylum in Kenya.

Freedom of trade, occupation and profession

57. Every person has the right to choose a trade, occupation or profession.

Protection of right to property

58. (1) Subject to Article 83, every person has a right to acquire and own property in any part of Kenya, either individually or in association with others.
- (2) Parliament shall not enact a law that permits the State, or any person –
- (a) to arbitrarily deprive a person of property of any description;
 - (b) to arbitrarily deprive a person of any interest in, or right over, such property; or
 - (c) to limit or in any way restrict the enjoyment of any right under this Article on the basis of any of the grounds set out under Article 36(1).
- (3) The State shall not deprive a person of property of any description, or of any interest in, or right over, property, unless that deprivation –
- (a) results from an acquisition of land or an interest in land or a conversion of an interest in land, or title to land, in accordance with Chapter Seven; or
 - (b) is for a public purpose or in the public interest and is carried out in accordance with this Constitution or an Act of Parliament that –

- (i) requires prompt payment in full, of a just compensation to the person, before the property is taken;
 - (ii) allows any person who has an interest in, or right over, that property a right of access to a court of law.
- (4) Provision may be made for compensation to be paid to occupants in good faith of the land so acquired who may not hold title to that land.
 - (5) The right recognized and protected under this Article does not cover any property that has been unlawfully acquired.

Labour relations

- 59. (1) Every person has the right to fair labour practices.
- (2) Every worker has the right to –
 - (a) fair remuneration;
 - (b) reasonable working conditions;
 - (c) form, join or participate in the activities and programmes of a trade union; and
 - (d) go on strike.
- (3) Every employer has the right to –
 - (a) form and join an employers' organisation; and
 - (b) participate in the activities and programmes of an employers' organisation.
- (4) Every trade union and every employers' organisation has the right to –
 - (a) determine its own administration, programmes and activities;
 - (b) organise; and
 - (c) form and join a federation.
- (5) Every trade union, employers' organisation and employer has the right to engage in collective bargaining.

Social security

- 60. (1) Every person has the right to social security.
- (2) The State shall provide appropriate social security to persons who are unable to support themselves or their dependants.

Health

- 61. (1) Every person has the right to health, which includes the right to health care services, including reproductive health care.
- (2) No person may be refused emergency medical treatment.

Education

- 62. (1) Every person has the right to education.
- (2) The State shall institute a programme to implement the right of every child to free and compulsory pre-primary and primary education and in so doing shall pay particular attention to children with special needs.

- (3) The State shall take measures to make secondary and post-secondary education progressively available and accessible.
- (4) Every person has the right to establish and maintain, at that person's own expense, independent educational institutions that comply with the requirements of this Constitution, and meet standards laid down in legislation.

Housing

- 63. Every person has the right to accessible and adequate housing.

Food

- 64. Every person has the right to be free from hunger and to adequate food of acceptable quality.

Water

- 65. Every person has the right to water in adequate quantities and of satisfactory quality.

Sanitation

- 66. Every person has the right to a reasonable standard of sanitation.

Environment

- 67. Every person has the right –
 - (a) to an environment that is safe for life and health;
 - (b) to have the environment protected, for the benefit of present and future generations, through legislative and other measures that –
 - (i) prevent pollution and ecological degradation; and
 - (ii) promote conservation; and secure ecologically sustainable development and use of natural resources while promoting economic and social development; and
 - (c) to free information about the environment.

Language and culture

- 68. (1) Every person has the right to use the language, and to participate in the cultural life, of that person's choice.
- (2) A person belonging to a cultural or linguistic community shall not be denied the right, with other members of that community –
 - (a) to enjoy that person's culture and use that person's language; or
 - (b) to form, join and maintain cultural and linguistic associations and other organs of civil society.
- (3) A person shall not compel another person to perform, observe or undergo any cultural practice or rite.

Consumer rights

- 69. (1) Consumers have the right to –
 - (a) goods and services of reasonable quality;

- (b) the information necessary for them to gain full benefit from goods and services;
 - (c) the protection of their health, safety, and economic interests; and
 - (d) compensation for loss or injury arising from defects in goods or services.
- (2) The principles in this Article apply to goods and services offered by State organs, public and private persons and other entities.
 - (3) Parliament shall enact legislation to provide for consumer protection and for fair, honest and decent advertising.

Fair administration

70. (1) Every person has the right to administrative action that is expeditious, efficient, lawful, reasonable and procedurally fair.
- (2) Every person whose rights have been adversely affected by administrative action has the right to be given written reasons for the action.
- (3) Parliament shall enact legislation to give effect to the rights in clause (1) and such legislation shall provide for the review of administrative action by a court or, where appropriate, an independent and impartial tribunal.

Right not to obey unlawful instructions

71. (1) Every person has a right not to obey unlawful instructions.
- (2) A person shall not be liable to punishment under any law for disobeying unlawful instructions.

Access to courts

72. (1) Every person has the right to have any dispute that can be resolved by the application of law decided in a fair public hearing before a court or, where appropriate, another independent tribunal or forum.
- (2) Any fee required to be paid by a person under clause (1) shall be reasonable and not serve to impede access to justice.

Rights of arrested persons

73. (1) Every person who is arrested has the right –
- (a) to be informed promptly in language that person understands of the reason of the arrest;
 - (b) to remain silent;
 - (c) to be informed promptly in language that person understands –
 - (i) of the right to remain silent; and
 - (ii) of the consequences of not remaining silent;
 - (d) to communicate with that person's lawyers and other persons whose assistance is necessary;
 - (e) not to be compelled to make any confession or admission that could be used in evidence against that person and where that

person freely chooses to make a confession, it shall be made before a court or magistrate;

- (f) to be held separately from persons who are serving a sentence;
 - (g) to be brought before a court as soon as reasonably possible, but not later than forty eight hours after being arrested or not later than the end of the first court day after the expiry of the forty eight hours, if the forty eight hours expire outside ordinary court hours or on a day that is not an ordinary court day;
 - (h) at the first court appearance after being arrested, to be charged or to be informed of the reason for the detention to continue, or to be released; and
 - (i) to be released on bond or bail pending a charge or trial on reasonable conditions unless there are compelling reasons to the contrary.
- (2) A person shall not be remanded in custody for an offence if that offence is punishable by a fine only or imprisonment for not more than six months.

Fair trial

74.

- (1) Every accused person has the right to a fair trial, which includes the right –
- (a) to be presumed innocent until the contrary is proved;
 - (b) to be informed of the charge with sufficient detail to answer it;
 - (c) to have adequate time and facilities to prepare a defence;
 - (d) to a public trial before a court established under this Constitution;
 - (e) to have the trial begin and conclude without unreasonable delay;
 - (f) to be present when being tried;
 - (g) to choose, and be represented by, an advocate and to be informed of this right promptly;
 - (h) to have an advocate assigned to the accused person by the State and at State expense, if substantial injustice would otherwise result, and to be informed of this right promptly;
 - (i) to remain silent, and not to testify during the proceedings;
 - (j) to adduce and challenge evidence;
 - (k) not to be compelled to give self-incriminating evidence;
 - (l) to have the assistance of an interpreter without payment if the accused person cannot understand the language used at the trial;
 - (m) not to be convicted for an act, or omission, that at the time it was committed or omitted was not –
 - (i) an offence in Kenya; or

- (ii) a crime under general principles of law recognised by the major legal systems or by international law;
 - (n) not to be tried for an offence in respect of an act or omission for which that person has previously been either acquitted or convicted;
 - (o) to the benefit of the least severe of the prescribed punishments if the prescribed punishment for an offence has been changed between the time that the offence was committed, and the time of sentencing; and
 - (p) of appeal to, or review by, a higher court.
- (2) Whenever this Article requires information to be given to a person, that information shall be given in language that the person understands.
 - (3) Evidence obtained in a manner that violates any right in the Bill of Rights shall be excluded if the admission of that evidence would render the trial unfair or otherwise be detrimental to the administration of justice.
 - (4) An accused person charged with an offence, other than an offence that the court may try by summary procedures, shall be entitled, on request, to a transcript of the proceedings of the trial.
 - (5) An accused person has the right to a copy of the record of proceedings within fourteen days after they are concluded, in return for a reasonable fee as prescribed by law.
 - (6) A person convicted of a criminal offence and whose appeal has been dismissed by the highest court to which the person is entitled to appeal, or who did not appeal within the time allowed for appeal, may petition the High Court for a new trial if new and compelling evidence has become available.

Rights of persons held in custody

75. (1) A person held in custody under the law, whether sentenced or not, retains all the fundamental rights under this Constitution, except to the extent that a right is clearly incompatible with the fact of being in custody.
- (2) A person held in custody has the right –
 - (a) to be treated in a way that respects human dignity, and not be subject to discrimination on the basis of any prohibited ground;
 - (b) not to be exploited or abused by staff or fellow prisoners, and the State shall take adequate steps to ensure that person's protection;
 - (c) to accommodation and facilities that satisfy the standards of decent clothing, housing, food, health, and sanitation guaranteed elsewhere in the Bill of Rights;
 - (d) to reasonable health care at public expense, and to pay for that person's own health care by that person's own doctors if necessary;

- (e) to exercise and education, and to work in return for reasonable remuneration;
 - (f) to observe that person's religion, and not to be subjected to treatment that violates that person's religious practices and convictions;
 - (g) to communicate with that person's lawyers, religious advisers, spouses, close family, and other persons whose assistance is necessary and to visits of reasonable frequency and duration;
 - (h) to privacy, including the separation of women and men, to the extent compatible with the preservation of law, order and discipline;
 - (i) to be informed by authorized persons of the rules and decisions that affect that person;
 - (j) to a fair hearing in any disciplinary proceedings;
 - (k) to fair consideration for parole or remission of sentence and for other rehabilitative measures;
 - (l) to complain to the Kenya Correctional Service, the Commission on Human Rights and Administrative Justice or any similar institution, and to communicate with the press;
 - (m) to vote; and
 - (n) in the case of persons with disabilities, to facilities modified as necessary to fit the circumstances of such disabilities.
- (3) The State shall ensure that the Kenya Correctional Service, so far as it relates to convicted prisoners, observes the minimum standards laid down under relevant international law and international standards.

State of emergency

76. (1) A state of emergency may be declared only in accordance with Article 153(4) and only when –
- (a) the State is threatened by war, invasion, general insurrection, disorder, natural disaster or other public emergency; and
 - (b) the declaration is necessary to meet the circumstances for which the emergency is declared.
- (2) A declaration of a state of emergency, and any legislation enacted or other action taken in consequence of that declaration, is effective only –
- (a) prospectively; and
 - (b) for no more than fourteen days from the date of the declaration, unless the National Assembly resolves to extend the declaration.
- (3) The National Assembly may extend a declaration of a state of emergency –
- (a) by resolution adopted –
 - (i) following a public debate in the Assembly; and

- (ii) by the majorities set out in clause (4); and
 - (b) for no more than two months at a time.
- (4) The first extension of a state of emergency shall be adopted with a supporting vote of sixty-five per cent of the members of the Assembly, and any subsequent extension shall be adopted with a supporting vote of at least seventy-five per cent of the members of the Assembly.
- (5) The High Court may decide on the validity of –
 - (a) a declaration of a state of emergency;
 - (b) any extension of a declaration of a state of emergency; or
 - (c) any legislation enacted, or other action taken, in consequence of a declaration of a state of emergency.
- (6) Any legislation enacted in consequence of a declaration of a state of emergency may derogate from the Bill of Rights only to the extent that –
 - (a) the derogation is strictly required by the emergency; and
 - (b) the legislation –
 - (i) is consistent with the Republic’s obligations under international law applicable to a state of emergency;
 - (ii) conforms to clause (7); and
 - (iii) is published in the Gazette as soon as reasonably practicable after being enacted,and does not take effect until it is so published.
- (7) An Act of Parliament that authorizes a declaration of a state of emergency, or legislation enacted or other action taken in consequence of any declaration, may not permit or authorize the indemnification of the State, or of any person, in respect of any unlawful act.

CHAPTER SEVEN

LAND AND PROPERTY

Principles of land policy

77. (1) Land is Kenya's primary resource and the basis of livelihood for the people, and shall be held, used and managed in a manner which is equitable, efficient, productive and sustainable.
- (2) The Government shall define and keep under review a national land policy ensuring the following principles –
- (a) equitable access to land and associated resources;
 - (b) security of land rights for all land holders, users and occupiers in good faith;
 - (c) sustainable and productive management of land resources;
 - (d) transparent and cost effective administration of land;
 - (e) sound conservation and protection of ecologically sensitive areas;
 - (f) the discouragement of customs and practices that discriminate against the access of women to land; and
 - (g) encouragement of communities to settle land disputes through recognized local community initiatives consistent with this Constitution.

Vesting and classification of land

78. (1) All land in Kenya belongs to the people of Kenya collectively as a nation, as communities and as individuals.
- (2) All land in Kenya is designated as public, community or private.

Public land

79. (1) Public land is –
- (a) land which at the effective date was unalienated government land as defined by an Act of Parliament;
 - (b) land lawfully held, used or occupied by any government Ministry, department or agency of local authority, except where such land is occupied under a private lease;
 - (c) all minerals as defined by any law;
 - (d) land transferred to the Republic by way of reversion or surrender;
 - (e) land in respect of which no individual or community ownership can by any legal process be established;
 - (f) land in respect of which no heir can by ordinary legal process be identified;

- (g) government forests other than forests to which Article 80(2)(e) applies, game reserves, and water catchment areas, national parks, animal sanctuaries, specially protected areas;
 - (h) all roads and thoroughfares specified by an Act of Parliament;
 - (i) all rivers, lakes and other areas of water as defined by an Act of Parliament;
 - (j) the territorial sea and its sea bed;
 - (k) all land between high and low water mark;
 - (l) any land not classified as private or community land under this Constitution; and
 - (m) any other land declared to be public land by an Act of Parliament.
- (2) Public land, classified under Article 79(1)(a) to (f) shall vest in and be held by district governments in trust for the people resident in the relevant district and shall be administered on their behalf by the National Land Commission.
 - (3) Public land classified under Article 79(1)(g) to (m) shall vest in and be held by Government in trust for the people of Kenya and shall be administered on their behalf by the National Land Commission.
 - (4) Public land shall not be disposed of or otherwise used except in terms of legislation specifying the nature and terms of that disposal or use.

Community land

- 80.**
- (1) Community land shall vest in and be held by communities identified on the basis of ethnicity, residence or community of interest.
 - (2) For the purposes of clause (1) "community land" includes –
 - (a) all land lawfully held as trust land by devolved governments;
 - (b) land lawfully registered in the name of group representatives under the provisions of any law for the time being in force;
 - (c) land lawfully held, managed or used by specific communities as community forests, grazing areas or shrines;
 - (d) land lawfully transferred to a specific community by any process of law;
 - (e) ancestral lands lawfully occupied by hunter-gatherer communities; and
 - (f) any other land declared to be community land by an Act of Parliament,
 but shall not include public land as defined in Article 79.
 - (3) Any unregistered community land shall be held in trust by district governments on behalf of the communities.
 - (4) Community land shall not be disposed of or otherwise used except in accordance with an Act of Parliament.
 - (5) Parliament shall enact legislation to give effect to this Article.

Private land

81. Private land includes –

- (a) any registered land held by any person under a freehold tenure;
- (b) land held by any person under leasehold tenure; and
- (c) any other land that may be declared private land under an Act of Parliament.

Property rights of spouses

82. A surviving spouse shall not be deprived of a reasonable provision out of the estate of a deceased spouse whether or not the spouse died having made a will.

Landholding by non-citizens

- 83.**
- (1) A person who is not a citizen may hold or use land on the basis of leasehold tenure only, and such a lease however granted, shall not exceed ninety-nine years.
 - (2) An agreement, deed or conveyance or whatever nature which confers on a person who is not a citizen an interest in land greater than a ninety-nine year lease, is void.
 - (3) On the effective date, any interest in land greater than a ninety-nine year lease held by a person who is not a citizen shall revert to the State and the State shall grant to a person who held such a greater interest, a ninety-nine year lease.
 - (4) Parliament shall enact legislation to bring into effect the provisions of clause (3).

Regulation of land use

- 84.**
- (1) The State has the power to regulate the use of any land, interest or right in land in the interest of defence, public safety, public order, public morality, public health, land use planning or the development or utilization of property.
 - (2) The State shall encourage and provide a conducive, social, economic, political and legal atmosphere for the creation, development and management of property.
 - (3) The State shall ensure –
 - (a) the establishment of a housing development fund to enable the people of Kenya to gain access to more and better housing; and
 - (b) the development and review of a national housing policy with a view to increasing, regulating and maintaining the national housing stock.
 - (4) Parliament shall enact legislation –
 - (a) requiring the State and relevant organizations including devolved governments to encourage the use of acceptable, affordable and reasonable intermediate technologies, building materials, innovations and methods in the property sector provided their use is not harmful and injurious to persons and the environment; and