



**THE REPUBLIC OF KENYA**

LAWS OF KENYA

---

---

**CONSTITUTION OF KENYA, 2010**

Published by the National Council for Law Reporting  
with the Authority of the Attorney-General

[www.kenyalaw.org](http://www.kenyalaw.org)



**CONSTITUTION OF KENYA, 2010**

**ARRANGEMENT OF ARTICLES**

**PREAMBLE**

**CHAPTER ONE – SOVEREIGNTY OF THE PEOPLE AND  
SUPREMACY OF THIS CONSTITUTION**

*Article*

1. Sovereignty of the people.
2. Supremacy of this Constitution.
3. Defence of this Constitution.

**CHAPTER TWO – THE REPUBLIC**

4. Declaration of the Republic.
5. Territory of Kenya.
6. Devolution and access to services.
7. National, official and other languages.
8. State and religion.
9. National symbols and national days.
10. National values and principles of governance.
11. Culture.

**CHAPTER THREE – CITIZENSHIP**

12. Entitlements of citizens.
13. Retention and acquisition of citizenship.
14. Citizenship by birth.
15. Citizenship by registration.
16. Dual citizenship.
17. Revocation of citizenship.
18. Legislation on citizenship.

**CHAPTER FOUR – THE BILL OF RIGHTS**

**PART 1 – GENERAL PROVISIONS RELATING TO  
THE BILL OF RIGHTS**

19. Rights and fundamental freedoms.
20. Application of Bill of Rights.
21. Implementation of rights and fundamental freedoms.
22. Enforcement of Bill of Rights.
23. Authority of courts to uphold and enforce the Bill of Rights.
24. Limitation of rights or fundamental freedoms.
25. Fundamental Rights and freedoms that may not be limited.

**PART 2 – RIGHTS AND FUNDAMENTAL FREEDOMS**

26. Right to life.
27. Equality and freedom from discrimination.
28. Human dignity.
29. Freedom and security of the person.
30. Slavery, servitude and forced labour.
31. Privacy.
32. Freedom of conscience, religion, belief and opinion.

- 33. Freedom of expression.
- 34. Freedom of the media.
- 35. Access to information.
- 36. Freedom of association.
- 37. Assembly, demonstration, picketing and petition.
- 38. Political rights.
- 39. Freedom of movement and residence.
- 40. Protection of right to property.
- 41. Labour relations.
- 42. Environment.
- 43. Economic and social rights.
- 44. Language and culture.
- 45. Family.
- 46. Consumer rights.
- 47. Fair administrative action.
- 48. Access to justice.
- 49. Rights of arrested persons.
- 50. Fair hearing.
- 51. Rights of persons detained, held in custody or imprisoned.

PART 3 – SPECIFIC APPLICATION OF RIGHTS

- 52. Interpretation of Part.
- 53. Children.
- 54. Persons with disabilities.
- 55. Youth.
- 56. Minorities and marginalised groups.
- 57. Older members of society.

PART 4 – STATE OF EMERGENCY

- 58. State of emergency.

PART 5 – KENYA NATIONAL HUMAN RIGHTS  
AND EQUALITY COMMISSION

- 59. Kenya National Human Rights and Equality Commission.

CHAPTER FIVE – LAND AND ENVIRONMENT

PART 1 – LAND

- 60. Principles of land policy.
- 61. Classification of land.
- 62. Public land.
- 63. Community land.
- 64. Private land.
- 65. Landholding by non-citizens.
- 66. Regulation of land use and property.
- 67. National Land Commission.
- 68. Legislation on land.

PART 2 – ENVIRONMENT AND NATURAL RESOURCES

- 69. Obligations in respect of the environment.
- 70. Enforcement of environmental rights.
- 71. Agreements relating to natural resource.

72. Legislation relating to the environment.

#### CHAPTER SIX – LEADERSHIP AND INTEGRITY

73. Responsibilities of leadership.  
 74. Oath of office of State officers.  
 75. Conduct of State officers.  
 76. Financial probity of State officers.  
 77. Restriction on activities of State officers.  
 78. Citizenship and leadership.  
 79. Legislation to establish the ethics and anti-corruption commission.  
 80. Legislation on leadership.

#### CHAPTER SEVEN – REPRESENTATION OF THE PEOPLE

##### PART 1 – ELECTORAL SYSTEM AND PROCESS

81. General principles for the electoral system.  
 82. Legislation on elections.  
 83. Registration as a voter.  
 84. Candidates for election and political parties to comply with code of conduct.  
 85. Eligibility to stand as an independent candidate.  
 86. Voting.  
 87. Electoral disputes.

##### PART 2 – INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION AND DELIMITATION OF ELECTORAL UNITS

88. Independent Electoral and Boundaries Commission.  
 89. Delimitation of electoral units.  
 90. Allocation of party list seats.

##### PART 3 – POLITICAL PARTIES

91. Basic requirements for political parties.  
 92. Legislation on political parties.

#### CHAPTER EIGHT – THE LEGISLATURE

##### PART 1 – ESTABLISHMENT AND ROLE OF PARLIAMENT

93. Establishment of Parliament.  
 94. Role of Parliament.  
 95. Role of the National Assembly.  
 96. Role of the Senate.

##### PART 2 – COMPOSITION AND MEMBERSHIP OF PARLIAMENT

97. Membership of the National Assembly.  
 98. Membership of the Senate.  
 99. Qualifications and disqualifications for election as member of Parliament.  
 100. Promotion of representation of marginalised groups.  
 101. Election of members of Parliament.  
 102. Term of Parliament.  
 103. Vacation of office of member of Parliament.  
 104. Right of recall.  
 105. Determination of questions of membership.

##### PART 3 – OFFICES OF PARLIAMENT

106. Speakers and Deputy Speakers of Parliament.