

# JUSTICE IS FOR EVERYONE

(Under Article 48 of the Constitution of Kenya)

**YOU HAVE THE RIGHT TO ACCESS TO JUSTICE**



**THE STATE SHALL ENSURE ACCESS TO  
JUSTICE FOR ALL PERSONS AND, IF ANY FEE  
IS REQUIRED, IT SHALL BE REASONABLE AND  
SHALL NOT IMPEDE ACCESS TO JUSTICE.**

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# KNOW YOUR RIGHTS: IF YOU ARE ARRESTED

(Under Article 49 of the Constitution of Kenya)

## YOU HAVE THE RIGHT TO:



Be informed why you're being arrested, in a language you understand



Remain silent – you don't have to say anything



Speak to a lawyer or a person of your choice



Be kept away from convicted criminals



Appear in court within 24 hours



Not be held longer than necessary without being charged



Apply for bail or bond



Be treated humanely and with dignity

### YOU CANNOT BE REMANDED IF:

The offence is only punishable by a fine or imprisonment for 6 months or less.

### WHAT THIS MEANS FOR YOU

- You are innocent until proven guilty.
- You are still protected by the Constitution even after arrest.
- The police must follow the law – and so must the courts.

### DID YOU KNOW?

Justice delayed is justice denied.  
Any delay in being brought to court violates your rights.

### HELPFUL TIP: ALWAYS ASK

- “Why am I being arrested?”
- “Can I speak to my lawyer?”
- “Am I being charged or released?”

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# RIGHTS DON'T END IN PRISON

(Under Article 51 of the Constitution of Kenya)

RIGHTS OF PERSONS DETAINED, HELD IN CUSTODY OR IMPRISONED

FREEDOM

DIGNITY

JUSTICE



## 1. YOU STILL HAVE RIGHTS!

Just because someone is detained, in police custody, or in prison, doesn't mean they stop being human or Kenyan.

You still have ALL your constitutional rights, except for those that are incompatible with being in custody.



## 2. YOU HAVE THE RIGHT TO: PETITION FOR HABEAS CORPUS

You can go to court and demand to be brought before a judge to determine whether your detention is legal or unlawful.



## 3. PARLIAMENT MUST ENSURE:

Humane Treatment by Law  
There must be laws that protect people in prisons, police cells, or any form of detention

No torture. No abuse. No neglect.

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# CAN YOUR RIGHTS BE LIMITED?

(Under Article 24 of the Constitution of Kenya)



**NO RIGHT CAN BE TAKEN AWAY .....UNLESS THE LAW ALLOWS IT.**

Your fundamental rights and freedoms in the Constitution cannot be limited arbitrarily. Any limitation must follow strict rules.



**THE LAW MUST PROVE THAT  
THE LIMITATION IS:**

**1. Reasonable and Justifiable**

In a free and democratic society.

**2. Based on Human Dignity, Equality, and Freedom**

**3. Must Consider These 5 Factors:**

- a) The type of right being limited
- b) The importance of the reason for the limitation
- c) The extent of the limitation
- d) Whether others' rights are affected
- e) If a less restrictive way could achieve the same purpose



**EXCEPTIONS (CLAUSES 4 & 5):**

4. Muslim law under Kadhis' Courts (on marriage, inheritance, etc.) can limit some rights only for Muslims.

5. Rights may be limited only in specific ways for members of the Kenya Defence Forces and National Police Service.

**REMEMBER:**

Rights are protected, not optional.

Limiting a right is a serious act that must be justified by law, not power.

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