

Kenya

Harmonized Draft Constitution November 2009

Freedom of association

53. (1) Every person has the right to freedom of association.
- (2) The right extends to the formation, operation and continued existence of organizations.
- (3) A person shall not be compelled to join an association of any kind.
- (4) The State shall take legislative measures and adopt policies to promote civil society participation in decision-making and in the management of public affairs at all levels of government.
- (5) Any legislation that requires registration of civil society organizations shall provide that—
- (a) Registration may not be withheld unreasonably;
 - (b) Registration shall be in the hands of a body that is independent of government or any other form of political control;
 - (c) Any fee chargeable shall be no more than is necessary to defray the cost of the procedure;
 - (d) There shall be a right to have a fair hearing before a registration is cancelled;
 - (e) An appeal to an independent tribunal against a decision to cancel a registration.
- (6) Any legislation that applies standards of conduct to civil society organizations shall be formulated with input from affected organizations.