

# SHERIA MASHINANI

THE OFFICIAL NEWSLETTER



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## WHAT IS SHERIA MASHINANI?

### WHAT WE DO

Simply to say, The Sheria Mashinani program is a training of trainers. In partnership with CrimeSiPoa, the SLC recruited 40 youth leaders from all 13 villages in Kibra, and over 14 weeks, took them through various areas of law including Criminal Procedure, Human rights, Labour Laws and Business Law. The curriculum of the program is enshrined in the Sheria Mashinani Manual, authored by members from the Strathmore Law Clinic. This program is motivated by the Law Clinic's longstanding objective of maximizing its impact in Kibra through the provision of accurate legal information. To that end, the program was divided into two phases: a training program and an outreach one.

# HAKI ZETU!

Having successfully completed the first phase, Strathmore Law Clinic and Crime Si poa, along with the trainees and Kenya National Commission on Human rights (KNCHR), will be embarking on the second phase. The outreach program entails the trainees conducting three awareness sessions. In these sessions, they will address legal issues facing their communities and offer free legal information to their fellow residents. Welcome to our first session! If you are interested in the program, feel free to reach out to [sheriamashinanisl@gmail.com](mailto:sheriamashinanisl@gmail.com).



# KNOW YOUR RIGHTS

## EVICTION

It is the fifth day of the month and tenants across the country sit in utter fear waiting for that knock. A knock, which in itself paints a frightening picture, one of undue force and a helpless recipient. In other instances, onto the tenants' doors will go padlocks with all their worldly goods being locked inside. The landlords will then refuse to grant the tenant access again until they have paid the month's rent. With the harsh economic times, many

remain helpless and these lawbreaking landlords get to have their way using such crude and unjust means. Are evictions lawful? How should an eviction be issued?

### What are the main causes of evictions?

- Non-payment of rent.
- Urban redevelopment.
- Demolition or removal of the housing from use.



## WHAT ARE THE MANDATORY PROCEDURES DURING EVICTION?

### SECTION 152 G(1) OF THE LAND LAWS AMENDMENT ACT

- A. Those who are carrying out the evictions must be properly identified
- B. Formal authorisation (mainly in the form of an eviction notice) must be presented to the tenants before the eviction.
- C. Where a large group of people are being evicted, government officials or their representatives must be present during the eviction.
- D. Evictions must be done in a manner that respects the tenants' dignity, right to life and security.
- E. Vulnerable groups, that is, women, children, the elderly and persons with disabilities must have special measures to protect them in place.

- F. Mechanisms to protect the tenants' property from destruction must be put in place.
- G. Measures must be put in place to ensure that the tenants' property is not lost and that none of their possessions are left behind involuntarily.
- H. There should be minimum use of force during the eviction.

### How an Eviction Notice should be issued

The landlord should serve a notice not less than 3 months before the intended date of eviction as provided for under Section 152 E (1) of the LLAA.

Subsection 2 of the same Section provides for the requirements of a notice of eviction which are as follows:

- It must be in writing and in a national and official language;
- In the case of a large group of persons;
- it must be displayed in not less than five strategic locations within the occupied land.

### What is a Warrant and Notice of Eviction?

A warrant of eviction is an order issued by a court in an action for eviction brought by a landlord. This warrant authorises the relevant officer to remove tenants and their personal property from the premises. Once the landlord is granted the legal right to evict the tenant, he ought to issue a notice of eviction to the tenant to this effect. An eviction notice is a written letter to either comply with your rental or lease agreement (whether it's verbal or written) or vacate the property.

“ NIMEKATA KUHAMA ”





# RIGHTS OF ARRESTED PERSONS

## KNOW YOUR RIGHTS

**Article 49 (1) of the Constitution of Kenya states that an arrested person has the right - (a) to be informed promptly, in a language that the person understands - (i) the reason for the arrest (ii) the right to remain silent and (iii) the consequences of not remaining silent.**

### **Arrest with a warrant and without a warrant.**

Police officers can arrest you with or without a warrant. However, the instances in which one can be arrested without a warrant are specifically



## WHAT RIGHTS DO YOU HAVE?

### **THE RIGHTS OF AN ARRESTED PERSON**

Any person once arrested, with or without a warrant, has the following rights guaranteed under **Article 49(1) of the Constitution of Kenya 2010:**

**1. The right to be informed promptly, in a language that the person understands, the reason for the arrest, the right to remain silent; and the consequences of not remaining silent.**

**2. The right to remain silent.** Remaining silent protects the accused from saying something that may incriminate them as anything the arrested person says from the moment of arrest can or will be used against them in court.

**3. The right to communicate with and advocate** or a person whose assistance is necessary.

provided in law. **An arrest without warrant occurs when the police arrests:** 1. Any person whom he suspects upon reasonable grounds of having committed a cognizable offence (an offence that doesn't need a warrant).

2. Any person who commits a breach of the peace in the presence of a police officer such as shouting, starting a fight or making a scene for no proper reason; 3. Any person who obstructs a police officer while in the execution of his duty, or who has escaped or attempts to escape from lawful custody;

**4. The right not to be compelled to make any confession or admission that could be used in evidence against the person.**

**5. The right to be held separately** from persons who are serving a sentence.

**6. The right to be brought before a court** as soon as reasonably possible, but not later than 24 hours after being arrested, or if the 24 hours ends outside ordinary court hours, or on a day that is not an ordinary court day, the end of the next court day.

**7. The right to be released on bond or bail, on reasonable conditions,** pending a charge or trial, unless there are compelling reasons not to be released.

In the event one has any complaint about police conduct such as complaints ought to be forwarded to IPOA or to the National Police Service.

4. Any person in whose possession anything is found which may reasonably be suspected to be stolen property or who may reasonably be suspected of having committed an offence with reference to that thing; (for example an item which has been described as stolen and which matches the appearance of an item you are carrying around). 5. Any person whom he suspects upon reasonable grounds of being a deserter from the armed forces; 6. Any person whom he finds in a highway, yard or other place during the night and whom he suspects upon reasonable grounds of having committed or being about to commit a felony.

“ **AN ARRESTED PERSON HAS THE RIGHT TO BE INFORMED PROMPTLY, IN A LANGUAGE THAT THE PERSON UNDERSTANDS, THE REASON FOR THE ARREST, THE RIGHT TO REMAIN SILENT AND THE CONSEQUENCES OF NOT REMAINING SILENT.**

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**ARTICLE 49 (1) OF THE CONSTITUTION OF KENYA.**

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“ **IPOA Complaints Management Team on, +254 792 532 626/627; +254 773 999 000; +254 772 333 000; +254 780 490 600/601**

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# SACCO SOCIETIES AKA 'CHAMA'S'

The word **SACCO** means Savings and Credit Cooperative Organization. A Sacco is owned, managed and run by its members who have a common bond to organize, promote the welfare and economic interests of its members. They may be deposit taking, meaning in day-to-day running they hold themselves out to accept deposits. They may also non-deposit taking.

## So how does one get to register a Sacco?

**Step 1: Registering your Sacco (deposit taking).** The first step in registering a Sacco is to go through the regular process of registering a co-operative. That means filling Form 1 with the copies of the by-laws. Once a Sacco obtains a certificate of registration for co-operatives, it may apply for a license to operate as a deposit-taking Sacco from the Sacco Societies Regulatory Authority (SASRA).

**Step 2: Requirement to Operate** If the Sacco intends on taking deposits from its members/customers, it will be required to obtain a license from SASRA.

Numbers of members at registration is dependent on sector:

- 50 members for agricultural society.
- 20 for Savings and Credit Cooperative Society (Sacco)
- 10 members for other types of Cooperatives.
- Members are required to be above 15 years of age; while board members must be 18 years of age and above.



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**FOR FURTHER INFORMATION YOU CAN VISIT THE COOPERATIVE SOCIETY DEPARTMENT TO GET THE COMPREHENSIVE INFORMATION, FEES, APPLICATION TIMES AND FORM AND RESOURCES NEED TO COMPLETE YOUR REGISTRATION.**

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## MFANYIKAZI NI MFANYIKAZI KWELI?

### CHILD LABOUR

**Child labour** is any form of labour that is most likely to be mentally, socially and physically harmful to the child or interferes with their schooling. A child is every human being below the age of eighteen years.

The Law requires that;

1. No child under the age of 13 years is allowed to work. The children should go to school and during holidays stay at home and play.
2. However, children between the age of 13 and 16 can perform light work such as minimal cleaning.
3. An employer between the age of 16 years and 18 years can only be an apprentice and can only work between 6.30 am and 6.30 pm.

### Forms of Child Labour Forms of child labour include;

- Slavery
- Child trafficking
- Debt bondage
- Serfdom is when a person is forced to live and work on land belonging to another person, often with little or no pay.
- Sexual exploitation
- Forced labour
- Producing and trafficking drugs
- Organized beggary. Children are sometimes even intentionally disfigured to attract more money from passers-by, and they may be beaten if they don't manage to collect enough money.



### Effects of Child Labour On The Child

1. Malnourishment especially when they work long hours and are poorly fed.
2. Poor health due to exposure to unhealthy working conditions such as working in mines.
3. School dropouts.
4. Mental health problems due to the exploitations.
5. Poor human development.

**Get in touch with us**

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