

## Country File

# KENYA



Last updated: **December 2008**

<b>Region</b>	Africa
<b>Legal system</b>	Civil and Islamic Law
<b>UNCAT Ratification/ Accession (a)/ Succession (d)</b>	21 February 1997 (a)
<b>Relevant Laws</b>	<ul style="list-style-type: none"><li>• Constitution of 1963 (amended in 1999)</li><li>• The Police Act (Chapter 84 Laws of Kenya)</li><li>• Chief's Authority Act (Chapter 128 Laws of Kenya)</li><li>• Children Act of 2001 (Act No. 8, 2001)</li></ul>
<b>Relevant Articles</b>	<ul style="list-style-type: none"><li>• <b>Prohibition of Torture:</b><ul style="list-style-type: none"><li>- Article 74 of the Constitution</li><li>- Section 14A of the Police Act</li><li>- Section 20 of the Chief's Authority Act</li><li>- Section 18 of the Children Act</li></ul></li><li>• <b>Definition of Torture:</b></li><li>• <b>Penalties:</b><ul style="list-style-type: none"><li>- Section 14A of the Police Act</li><li>- Section 20 of the Chief's Authority Act</li></ul></li><li>• <b>Others:</b><ol style="list-style-type: none"><li>1. <b>Lawful Sanctions:</b> Article 74 of the Constitution</li></ol></li></ul>
<b>Languages Available</b>	<ul style="list-style-type: none"><li>• English (official language)</li></ul>
<b>Other Relevant Information</b>	

## Relevant Articles – KENYA

### ENGLISH

#### Constitution of 1963 (amended in 1999)

##### **Article 74**

1. No person shall be subject to torture or to inhuman or degrading punishment or other treatment.
2. Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question authorized the infliction of any description of punishment that was lawful in Kenya on 11th December, 1963.

#### The Police Act (Chapter 84 of the Laws of Kenya)

##### **Section 14A**

1. ...
2. No police officer shall subject any person to torture or to any other cruel, inhuman or degrading treatment.
3. Any police officer who contravenes the provisions of this section shall be guilty of a felony.

#### Chief's Authority Act (Chapter 128 of the Laws of Kenya)

##### **Section 20**

1. No chief shall –
  - a. ...
  - b. in the performance of his functions or the exercise of his powers under this Act -
    - (i) subject any person to torture or to any other cruel, inhuman or degrading treatment;
    - (ii) ...
3. A chief who contravenes any of the provisions of this section or the provisions of any code of conduct prescribed under subsection (2) shall, without prejudice to any other penalty prescribed by law, be guilty of an offence and liable to a fine not exceeding ten thousand shillings, or to imprisonment for a term not exceeding one month, or to both.

## Children Act of 2001 (Act No. 8, 2001)

### **Section 18**

1. No child shall be subjected to torture, cruel treatment or punishment, unlawful arrest or deprivation of liberty.
2. ...