



**THE REPUBLIC OF KENYA**

LAWS OF KENYA

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**THE PREVENTION OF TORTURE ACT**

CHAPTER 65C

2017

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**CHAPTER 65C****PREVENTION OF TORTURE ACT**

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## CHAPTER 65C

## PREVENTION OF TORTURE ACT

[Date of assent: 13th April, 2017.]

[Date of commencement: 20th April, 2017.]

**AN ACT of Parliament to give effect to Article 25(a) and 29(d) of the Constitution and to the principles of the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment; to provide for the prevention, prohibition and punishment of acts of torture and cruel, inhuman or degrading treatment or punishment; reparations to victims of torture and cruel, inhuman or degrading treatment or punishment; and for connected purposes**

[Act No. 12 of 2017.]

## PART I – PRELIMINARY

**1. Short title**

This Act may be cited as the Prevention of Torture Act, 2016 and shall come into operation upon publication in the Gazette.

**2. Interpretation**

In this Act, unless the context otherwise requires —

**"Board"** means the Board of Trustees appointed under section 30 of the Victims Protection Act, 2014 (No. 17 of 2014);

**"Cabinet Secretary"** means the Cabinet Secretary for the time being responsible for matters relating to justice;

**"Commission"** means the Kenya National Commission on Human Rights established under section 3 of the Kenya National Commission on Human Rights Act, 2011 (No. 14 of 2011);

**"cruel, inhuman and degrading treatment or punishment"** includes a deliberate and aggravated treatment or punishment not amounting to torture, inflicted by a public officer or a person acting on behalf of a public officer against a person under their custody, causing suffering, gross humiliation or degradation to the person;

**"intermediary"** means a person authorized by a court, on account of their expertise or experience, to give evidence on behalf of a vulnerable witness and may include a parent, relative, psychologist, counsellor, guardian, children's officer or social worker;

**"public officer"** means a public officer as defined under Article 260 of the Constitution;

**"torture"** has the meaning assigned to it in section 4;

**"victim"** means a person subjected to torture or cruel, inhuman or degrading treatment or punishment or any other person who has suffered harm as a result of an act of torture or cruel, inhuman and degrading treatment or punishment; and