

3RD UPR CYCLE SIMPLIFIED RECOMMENDATIONS ON TORTURE, EXTREJUDICIAL KILLINGS AND THE DEATH PENALTY



Independent Medico-Legal Unit
A World Free From Torture, Violence and Discrimination

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Introduction

In 2006 the United Nations General Assembly near unanimously adopted Resolution 60/251, to establish a Human Rights Council (replacing the Human Rights Commission) with the responsibility for promoting universal respect for the protection of all human rights and fundamental freedoms for all. One of the key mandates of the Council is to undertake a Universal Periodic Review (UPR), on the fulfilment of each States' human rights obligations and commitments. The UPR is therefore a unique Human Rights mechanism where each of the 194 UN Members States are peer-reviewed and examined on their entire human rights record every five years regardless of its size or political influence, under the same rules and supervision. States are required to respond not only to all recommendations made by its peers, but also to provide data on the implementation of recommendations it has previously Accepted, including voluntary commitments. It remains a co-operative process that requires the full participation of the State under Review. It complements the work of all UN treaty bodies. The UPR is a very important process for advancing the realization of human rights based on the recommendations that are received by the State.

Ahead of Kenya's 3rd Cycle UPR, members of Kenya's Stakeholders Coalition on the UPR came together to draft over 25 reports that were submitted to the UN Human Rights Council. Kenya's human rights record was reviewed for the third time by the UN Human Rights Council on 23rd January, 2020. 3 days after the review, the Government received an Outcome Document. At the said review, Kenya received a total 319 recommendations (compared to 253 in the second cycle in 2015). Of these, the State out rightly Accepted 261 recommendations. It Deferred 5 recommendations (to allow for consultation with the relevant MDAs in Nairobi); and out rightly Noted 53 recommendations. The Outcome Document of the review, the Working Group report, was to be formally adopted by the UN Human Rights Council during the June, 2020 session.

The Recommendations from the 3rd Cycle of the UPR process.

ISSUE	RECOMMENDATIONS
1. Abolition of the Death Penalty	Ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming to abolish the death penalty.
2. Prevention of Torture	Ratifying the Optional Protocol to the Convention against Torture establishes an international inspection system for places of detention.
3. Accountability through Prosecution of all perpetrators of EJE, enforced disappearances and torture	<ul style="list-style-type: none">• Ensure that complete and impartial investigations are conducted into all allegations of enforced disappearances, extrajudicial executions, torture and arbitrary detention• Bring all those responsible for human rights violations to justice, as well as to continue police reforms• Continue the efforts to end extra-judicial killings by police officers, including in the context of counter-terrorism measures.• Take preventive measures and ensure comprehensive investigations in all allegations of torture, ill-treatment and extra-judicial killings by security forces and strictly hold perpetrators accountable.• Strengthen oversight over the state security forces and adequately investigate the allegations against the state security forces of torture, extrajudicial killings and arbitrary detentions
4. Capacity building of Law Enforcement officers on human rights.	<ul style="list-style-type: none">• Training and awareness programmes for state officials in human rights for effective implementation of the Law on Prevention of Torture.• Enhance human rights training and awareness for law enforcement officials to end all violations, including excessive or arbitrary use of force and extra-judicial killings
5. Access to Justice	<ul style="list-style-type: none">• Prevent torture and impunity through full implementation of the National Coroners Service Act 2017 and the Prevention of Torture Act 2017, including an evaluation tool to monitor progress.• Continue efforts to combat torture by effectively implementing throughout the country the torture prevention law adopted in 2017



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