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Draft report of the Working Group on the Universal Periodic Review*

Kenya

* * The annex to the present report is circulated as received

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Introduction

1. The Working Group on the Universal Periodic Review (UPR), established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its twenty-first session from 19 to 30 January 2015. The review of Kenya was held at the 7th meeting on 22 January 2015. The delegation of Kenya was headed by H. E. Prof. Githu Muigai, Attorney General of the Republic. At its 14th meeting held on 27 January 2015, the Working Group adopted the report on Kenya.

2. On 13 January 2015, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Kenya: China, Germany and Namibia.

3. In accordance with paragraph 15 of the annex to resolution 5/1 and paragraph 5 of the annex to resolution 16/21, the following documents were issued for the review of Kenya:

(a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/21/KEN/1);

(b) A compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/21/KEN/2);

(c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/21/KEN/3).

4. A list of questions prepared in advance by Belgium, Czech Republic, Germany, Netherlands, Norway, Slovenia, Spain, Switzerland, United Kingdom of Great Britain and Northern Ireland and United States of America was transmitted to Kenya through the troika. These questions are available on the extranet of the UPR.

I. Summary of the proceedings of the review process

To be completed by 6/02/15

II. Conclusions and/or recommendations*

[Paragraph numbers will change after section I is completed]

5. **The recommendations formulated during the interactive dialogue and listed below have been examined by Kenya and enjoy the support of Kenya:**

5.1. **Consider ratifying all outstanding international instruments and continue to domesticate such instruments (Lesotho);**

5.2. **Pursue efforts to adopt international human rights instruments, which the country is not yet a party to (Nicaragua);**

5.3. **Continue to review its laws and policies to bring them in conformity with the Constitution and to promote the rule-of-law, inclusiveness, and an effective two-tier government (Singapore);**

5.4. **Review its Penal Code to align it with the Constitution (Sweden);**



Conclusions and recommendations will not be edited

- 5.5. Consider the human rights elements with regard to the amendment of the security bill in the spirit of the new Constitution (Republic of Korea);
- 5.6. Ensure the full operationalization of the National Policy and Action Plan on Human Rights (South Africa);
- 5.7. Continue its efforts to establish an institutional and legislative framework for the provision of affordable legal aid and awareness services for all (Sudan);
- 5.8. Increase efforts to strengthen human rights education in the country (Uzbekistan);
- 5.9. Continue strengthening national capacity for the effective implementation of the National Programme and Plan of Action in the area of human rights (Belarus);
- 5.10. Repeat and amplify this request to the international community to support Kenya in its activities where supplementary resources are required to achieve its goals (Comoros);
- 5.11. Take measures to allocate to the National Human Rights Commission necessary human and financial resources to fulfil its mandate (Costa Rica);
- 5.12. Improve the implementation of the laws that protect the rights of women, girls and children (Costa Rica);
- 5.13. Continue to implement the National Policy and National Plan of Human Rights (Cuba);
- 5.14. Finalize the process of adoption of the national policy and plan of action for human rights and pursue relentlessly its programme “Vision 2030” aimed at reducing the number of persons living in poverty (Democratic Republic of the Congo);
- 5.15. Adopt the human rights action plan elaborated recently (Djibouti);
- 5.16. Further strengthen the monitoring and evaluation efforts on women’s empowerment and child protection (Ethiopia);
- 5.17. Ensure that human rights and fundamental freedoms enshrined in its Constitution are protected in the fight against terrorism and the national security plan and actions; pay particular attention to safeguarding the rights and safety of minorities and marginalized groups, as well as human rights defenders, refugees and stateless persons; address root causes of insecurity and radicalization and point out the need for a comprehensive counter radicalization strategy (Finland);
- 5.18. Continue to respect, protect, promote and fulfil all the rights and fundamental freedoms as stipulated in the bill of rights (Ghana);
- 5.19. Ensure the full and continued implementation of the various legislations put in place to safeguard the human rights and fundamental freedoms of all persons (Ghana);
- 5.20. Speed up the implementation of human rights legislations into concrete policies (Indonesia);
- 5.21. Continue its efforts to enhance human rights (Kuwait);

- 5.22. **Ensure an effective implementation of its National Policy and Action Plan on Human Rights in order to further promote and protect human rights of its population (Malaysia);**
- 5.23. **Expedite the operationalization of the National Policy and Action Plan on Human Rights for more concrete action in this regard (Mauritius);**
- 5.24. **Establish technical assistance programmes to train civil servants in a pragmatic human rights focused approach (Morocco);**
- 5.25. **Speed up finalization and adoption of the National Policy and Action Plan on Human Rights, which would provide a concrete national framework for the promotion and protection of human rights in Kenya (Netherlands);**
- 5.26. **Continue its efforts towards national reconciliation, and strengthen the National Human Rights Commission in conformity with the Paris Principles (Niger);**
- 5.27. **Develop a national action plan for the implementation of the UN guiding principles on business and human rights (Norway);**
- 5.28. **Allocate adequate resources to implement affirmative action policies for the protection and advancement of rights of women and girls (Philippines);**
- 5.29. **Implement UNSCR 1325 and related resolutions on women, peace and security (Estonia);**
- 5.30. **Adopt a National Action Plan on Security Council Resolution on Women, Peace and Security (1325) (Portugal);**
- 5.31. **Develop Human Rights Indicators, as suggested by the OHCHR (Portugal);**
- 5.32. **Continue implementation of national programmes in the sphere of education and healthcare (Russian Federation);**
- 5.33. **Provide comprehensive support to the institution of the family (Russian Federation);**
- 5.34. **Submit overdue reports to the relevant treaty bodies (Sierra Leone);**
- 5.35. **Extend an open invitation to the special procedures (Turkey);**
- 5.36. **Continue to cooperate with the UN human rights mechanisms within the framework of implementation of ratified international instruments (Uzbekistan);**
- 5.37. **Extend a standing invitation to all HRC mandate holders (Latvia);**
- 5.38. **Effectively cooperate with the Special Rapporteur on protection of the right to freedom of opinion and expression (Lithuania);**
- 5.39. **Extend a standing invitation to all special procedures (Portugal);**
- 5.40. **Develop targeted public campaigns to address gender stereotypes and discriminatory practices (Slovenia);**
- 5.41. **Adopt a comprehensive anti-discrimination law affording protection to all individuals, irrespective of their sexual orientation or gender identity (Sweden);**
- 5.42. **Continue efforts aimed at the elimination of harmful practices and stereotypes that discriminate against women (Egypt);**

- 5.43. **Guarantee gender equality and women's rights, including sexual and reproductive health rights (Estonia);**
- 5.44. **Eliminate stereotypes and harmful practices against women (including FGM, wife inheritance, forced and early marriage) (Estonia);**
- 5.45. **Continue its efforts towards ensuring gender equality in the field of education, health and employment (India);**
- 5.46. **Continue to actively implement all these adopted measures, to safeguard women empowerment and promote gender equality (Israel);**
- 5.47. **Prosecute the perpetrators of trafficking and sexual exploitation of women and children (Sierra Leone);**
- 5.48. **Ensure the strict enforcement of the laws prohibiting early marriage (Sierra Leone);**
- 5.49. **Set up special units in the Justice and Health to deal with gender based violence and discrimination (Spain);**
- 5.50. **End early marriages and trafficking of minors (Spain);**
- 5.51. **Take all possible efforts to strengthen protection for women and children against discrimination and violence (Sri Lanka);**
- 5.52. **Take all measures to guarantee that the Prohibition of Female Genital Mutilation Act of 2011 is fully implemented (Timor-Leste);**
- 5.53. **Ensure that harmful practices and stereotypes that discriminate women are eliminated (Timor-Leste);**
- 5.54. **Continue efforts to combat all forms of violence against women in particular female genital mutilation (Togo);**
- 5.55. **Consider increasing efforts to address the sexual exploitation of women and girls (Trinidad and Tobago);**
- 5.56. **Intensify awareness-raising campaigns about albinism to combat prejudice, stigmatization, discrimination and violence against persons with albinism (Togo);**
- 5.57. **Follow-through on the Government's commitment to investigate the killing of activist Hassan Guyo, and thoroughly investigate all extrajudicial killings in Kenya, with a view of ensuring accountability (United States of America);**
- 5.58. **Establish a moratorium on executions with a view to abolishing the death penalty for all crimes (Uruguay);**
- 5.59. **Implement legal and institutional measures to eliminate the discrimination and the harmful practices and stereotypes against women, particularly the harmful practices in connection with reproductive health and further increase Government funding for women (Albania);**
- 5.60. **Take further efforts against trafficking of children and eliminate child labour by enforcing compulsory education (Albania);**
- 5.61. **Raise the public awareness on the abolition of the death penalty and continue the efforts towards abolishing the death penalty (Albania);**
- 5.62. **Strengthen the implementation of measures in order to achieve the prohibition of the female genital mutilation (Angola);**

- 5.63. Continue to make efforts to abolish the death penalty (Angola);
- 5.64. Promptly and impartially investigate all allegations of torture and ill-treatment and strictly hold perpetrators accountable (Austria);
- 5.65. Strengthen measures to eradicate Female Genital Mutilation and child marriage (Austria);
- 5.66. Continue implementing decisive measures to prevent and eliminate cases of sexual exploitation of women and children (Belarus);
- 5.67. Fully implement the Prohibition of Female Genital Mutilation Act (Canada);
- 5.68. Step up efforts to combat all forms of sexual violence against women (Chile);
- 5.69. Boost measures intended to achieve the elimination of all forms of ill-treatment of girls and women, in particular, strengthen efforts focusing on those communities still engaged in female genital mutilation (Colombia);
- 5.70. Put in place a national policy for protection and assistance for street children and persons with albinism (Djibouti);
- 5.71. Seek to effectively combat child labour, by means of, inter alia, enforcing compulsory education, as stipulated in national policies (Egypt);
- 5.72. Continue fighting harmful traditional practices including FGM (Ethiopia);
- 5.73. Strengthen the measures to combat violence against women and draw up proper indicators to evaluate the progress (France);
- 5.74. Continue to ensure the full implementation of the legislation on the eradication of the harmful practice of female genital mutilation (Ghana);
- 5.75. Redouble efforts to eliminate extra-judicial killings and acts of violence and torture, and to educate military and police personnel on human rights principles (Holy See);
- 5.76. Introduce an efficient mechanism of monitoring of the implementation of the Prohibition of Female Genital Mutilation Act (Lithuania);
- 5.77. Combat trafficking and sexual exploitation of women and girls by means of adoption of a comprehensive national action plan in this domain (Lithuania);
- 5.78. Pursue eradicating child labour in Kenya by enforcing compulsory education (Lithuania);
- 5.79. Ensure that legislation to counter torture goes beyond just police forces, and covers all public bodies, and that it includes mechanisms for reparation of victims (Mexico);
- 5.80. Take measures to develop an integral plan of action to combat trafficking and sexual exploitation of women and girls including through medical and psychological assistance to victims of these crimes (Mexico);
- 5.81. Step up efforts to combat child labour with a view to its progressive eradication in a given timeframe (Mexico);
- 5.82. Adopt the bill on persons deprived of liberty (Morocco);

- 5.83. Continue addressing the issues of sexual exploitation of women and girls (Myanmar);
- 5.84. Take the necessary measures to eliminate the vulnerability of girls and women to sexual exploitation (Namibia);
- 5.85. Implement fully the Prohibition of Female Genital Mutilation Act of 2011 and the review of the policy on female genital mutilation (Poland);
- 5.86. Make further efforts to properly handle the case of discrimination and violence against women, including the prosecution of alleged perpetrators (Republic of Korea);
- 5.87. Continue its efforts towards the abolition of the death penalty (Rwanda);
- 5.88. Criminalize torture, in line with international human rights obligations, and fight extrajudicial executions, through, inter alia, capacity building for state agents (Brazil);
- 5.89. Adopt measures to guarantee effective access to protection and redress for women victims of violence, and strengthen the National Commission on Gender Equality in order to fulfil its mandate (Brazil);
- 5.90. Conform the juvenile justice system to be in accordance with international standards so as to prevent children from being legally accountable in courts (Serbia);
- 5.91. Continue efforts in support of the Truth, Justice and Reconciliation Commission (South Africa);
- 5.92. Fully cooperate with the International Criminal Court and protect witnesses (Switzerland);
- 5.93. Continue to cooperate with the Prosecutor of the International Criminal Court (Timor-Leste);
- 5.94. Continue its efforts on enhanced enforcement, institutional capacity-building and awareness-raising in the fight against corruption (Turkey);
- 5.95. Continue its 2012-2016 project on judicial transformation, by inserting changes at the level of the judicial authority through setting up appropriate strategies to enhance access and the expeditious delivery of justice (United Arab Emirates);
- 5.96. Work alongside parliament to ensure that the Truth, Justice and Reconciliation Commission's report and its recommendations are implemented, in particular on access to justice for victims of post-election violence (United Kingdom of Great Britain and Northern Ireland);
- 5.97. Continue the judicial reforms, in particular the implementation of the 2012-2016 framework of transformation of the judicial system (Algeria);
- 5.98. Continue ensuring respected principles of social equality and guarantee access to justice for vulnerable groups (Angola);
- 5.99. Ensure greater accountability and transparency of police and security forces, including publishing the results of investigations by the Independent Policing Oversight Authority (Australia);
- 5.100. End impunity for the perpetrators of violence related to the 2007 elections (Austria);

- 5.101. **Implement the recommendations made by the Truth, Justice and Reconciliation Commission, including investigation and punishment of those responsible for serious human rights violations and reparation for victims of such violations (Argentina);**
- 5.102. **In line with the conclusions of the report produced by the Truth, Justice and Reconciliation Commission in 2013, take all necessary steps to put in place a program for reparation for all victims of the 2007/2008 post-electoral violence (Belgium);**
- 5.103. **Continue to strengthen internal accountability mechanism for all security agencies, including investigating and prosecuting members of security agencies responsible for human rights violations (Canada);**
- 5.104. **Broadly disseminate the Report of Truth, Justice and Reconciliation and establish a legislative and administrative framework for effective implementation of its recommendations (Chile);**
- 5.105. **Raise the age of criminal responsibility so that it complies with international standards as set out by the Convention on the Rights of the Child (Czech Republic);**
- 5.106. **Ensure full respect for human rights by law enforcement agencies and ensure that violations are subjected to judicial prosecutions (France);**
- 5.107. **Fight against impunity of perpetrators of violence after the 2007 elections and ensure the follow up to the recommendations of the Truth, Justice and Reconciliation Commission (France);**
- 5.108. **Move to implement the recommendations towards national reconciliation proposed by the Truth, Justice, and Reconciliation Commission (Japan);**
- 5.109. **Investigate and bring to justice alleged perpetrators of all cases of torture and use of excessive force by security forces (Latvia);**
- 5.110. **Fully cooperate with the Office of the Prosecutor of the ICC in line with Kenya's obligations under the Rome Statute (Latvia);**
- 5.111. **Continue to strengthen all its anti-corruption institutions (Lesotho);**
- 5.112. **Continue to cooperate with the ICC, in particular by taking all necessary measures to ensure the safety and security of witnesses and victims (Liechtenstein);**
- 5.113. **Take further measures at the national level to prevent impunity of the perpetrators of the post-election violence (Liechtenstein);**
- 5.114. **Raise the age of criminal responsibility in line with international standards (Lithuania);**
- 5.115. **Take the requisite measures to safeguard the independence of the judiciary, thereby strengthening this branch of Government (Namibia);**
- 5.116. **Duly consider the recommendations contained in the report of the Truth, Justice and Reconciliation Commission (Namibia);**
- 5.117. **Continue its active engagement with its international and regional partners towards surmounting technical and financial constraints in implementing the recommendations of the Truth, Justice and Reconciliation Commission, especially those that pertain to human rights (Philippines);**

- 5.118. Continue judicial reform including through the implementation of framework programme for judicial reform 2012/2016, as well as the creation of the judges and magistrates vetting board and reforming the police and penitentiary system (Russian Federation);
- 5.119. Adopt a national programme of action on the fight against corruption (Russian Federation);
- 5.120. Continue reform of the judiciary and the penitentiary system (Senegal);
- 5.121. Review its national laws and policies in order to ensure that surveillance of digital communications is consistent with its international human rights obligations and is conducted on the basis of a legal framework which is publicly accessible, clear, precise and non-discriminatory (Liechtenstein);
- 5.122. Institute further administrative measures to secure the equitable representation and participation of women in governance (Serbia);
- 5.123. Ensure that attacks against human rights defenders are properly investigated and their perpetrators are prosecuted (Slovakia);
- 5.124. Review the Kenya Information and Communication (Amendment) Act and the Media Council Act in order to safeguard that the principles of the Kenyan Constitution are guaranteed and upheld (Sweden);
- 5.125. Implement fully the 2013 PBO Act, and safeguard rights and space for civil society, in line with the Kenyan Constitution (Sweden);
- 5.126. Take all the necessary measures to bring to an end attacks on journalists and ensure that the Information and Communication Act is in line with Kenya's human rights obligations, in particular press freedom (Switzerland);
- 5.127. Review all new legislation to ensure consistency with International Human Rights Law and the Constitution, consulting broadly to build a national consensus and protect the role of an active civil society (United Kingdom of Great Britain and Northern Ireland);
- 5.128. Implement the 2013 Public Benefits Organisations (PBO) Act, and ensure that any PBO amendments are undertaken in consultation with civil society (United States of America);
- 5.129. Guarantee freedom of expression, press, associations and peaceful assembly of journalists, activists and participants in demonstrations (Uruguay);
- 5.130. Continue efforts to increase the participation of women in elected assemblies (Algeria);
- 5.131. Ensure full respect for freedom of expression and the press (Australia);
- 5.132. Take measures to address all allegations of abuse or intimidation against human rights defenders by the security forces, and integrate human rights education into police training programmes (Botswana);
- 5.133. Repeal or amend any laws which may constrain or limit a vibrant civil society, in line with international human rights obligations and Kenya's Constitution (Canada);

- 5.134. **Strengthen measures to ensure gender equality in law and in practice in particular by applying positive measures for the participation of women in public life and private sector (Colombia);**
- 5.135. **Respect the Constitution's provisions on human rights in its amendments to the Public Benefit Organizations Act and amendments to media laws (Denmark);**
- 5.136. **Ensure that NGOs and human rights defenders can freely conduct their activities (France);**
- 5.137. **Create and maintain, in law and in practice, a safe and enabling environment, in which human rights defenders and civil society can operate free from hindrance and insecurity, in accordance with Human Rights Council Resolutions 22/6 and 27/31 (Ireland);**
- 5.138. **Ensure, in both legislation and its implementation, freedom of expression and freedom of the press as guaranteed in its Constitution (Japan);**
- 5.139. **Continue efforts to achieve as rapidly as possible the threshold of 30% women in Parliament, as recommended by the Kenyan Constitution (Mauritania);**
- 5.140. **Ensure that laws enacted to regulate NGOs will not undermine their independence or unduly restrict their activities in the defence of human rights (Netherlands);**
- 5.141. **Pursue efforts to fully recognize women rights, their empowerment and participation in decision making (Nicaragua);**
- 5.142. **Ensure strong public statements recognizing the legitimate and important role of human rights defenders and that all alleged attacks against human rights defenders are promptly and thoroughly investigated and that perpetrators are held accountable (Norway);**
- 5.143. **Fully implement the Public Benefit Organizations Act as soon as possible (Norway);**
- 5.144. **Increase representation of women in decision making bodies (Senegal);**
- 5.145. **Allocate more resources to social protection, including cash transfers to the most vulnerable groups in the society (South Africa);**
- 5.146. **Continue its efforts to alleviate poverty reduction (South Sudan);**
- 5.147. **Approve and implement the Water Bill as a matter of urgency, particularly for rural and suburban communities (Spain);**
- 5.148. **Continue its efforts in implementing national policy frameworks to eradicate poverty, unemployment and ensure equality (Sri Lanka);**
- 5.149. **Take all necessary measures to provide individuals that are under threat of being forcibly evicted with full protection against forced eviction in line with international obligations and commitments (Switzerland);**
- 5.150. **Continue to strengthen social protection programs developed on behalf of its people, especially the population most in need (Venezuela (Bolivarian Republic of));**

- 5.151. Continue to strengthen its successful educational policies in order to provide the greatest welfare and quality of life to its people (Venezuela (Bolivarian Republic of));
- 5.152. Continue its efforts to adopt a development policy to reduce poverty in order to protect and promote human rights (Yemen);
- 5.153. Accelerate efforts to empower those living below the poverty line through alleviation schemes (Zimbabwe);
- 5.154. Implement specific standards and regulations ensuring affordable water, sanitation and food for the most vulnerable groups and the barriers and challenges to poverty alleviation are properly addressed (Albania);
- 5.155. Continue its national efforts, with the support and assistance of the international community, for the promotion and protection of human rights particularly in the realization of economic, social and cultural rights of the people of Kenya (Bangladesh);
- 5.156. Strengthen its efforts to eradicate poverty and hunger in the country (Bangladesh);
- 5.157. Continue the initiatives to promote and protect its people's right to adequate housing (Brunei Darussalam);
- 5.158. Continue to promote poverty alleviation and enhance poverty reduction of women and children and people with disabilities (China);
- 5.159. Allocate more resources to social protection (Cuba);
- 5.160. Continue efforts to ensure effective respect for the right to property by facilitating registration of property deeds (France);
- 5.161. Improve social policies to combat social inequalities and poverty, in particular, youth unemployment (Holy See);
- 5.162. Continue the implementation of poverty eradication programs including by allocating sufficient national budget for those programs that impact directly on the lives of the people of Kenya (Indonesia);
- 5.163. Continue the measures for poverty reduction (Myanmar);
- 5.164. Further promote economic empowerment programmes and job creation to prevent the radicalization of the youth (Myanmar);
- 5.165. Take measures towards the adherence to the WHO standards on health service delivery (Serbia);
- 5.166. Continue its efforts to implement the adopted Strategies in particular the National Reproductive Health Strategy 2009-2015 (Sudan);
- 5.167. Intensify its efforts to improve health infrastructure as well as the quality and delivery of health services, including access to reproductive health information and contraceptives for women in marginalized areas (Thailand);
- 5.168. Consider continuing efforts to secure and retain adequate medical personnel in hardship and marginalized areas (Trinidad and Tobago);
- 5.169. Promote health and sanitary practices for the safety of mothers and their children, and uphold continually the inherent right to life (Holy See);
- 5.170. Continue to prioritize resources to equip its youths with the necessary education and skills to thrive in the global economy (Singapore);

- 5.171. Consider taking measures to increase the access of low-income children to education (Trinidad and Tobago);
- 5.172. Consider taking steps to increase opportunities to access higher education (Trinidad and Tobago);
- 5.173. Diligently work towards achieving its noble target to ensure free primary and secondary education schooling (Zimbabwe);
- 5.174. Further increase initiatives for the promotion of the right to education, especially for vulnerable children (Armenia);
- 5.175. Continue efforts aimed at enhancing the realization of the right to education and improving its quality (Egypt);
- 5.176. Strengthen effectively the protection of the rights of indigenous peoples, including to their ancestors' lands (Cabo Verde);
- 5.177. Take measures to protect and promote the rights of all ethnic minorities, including their participation in political representation entities, in public sphere and in economy (Colombia);
- 5.178. Take measures to provide for the representation of ethnic minorities in the government organs, organs and committees established in the new constitutions, and elected bodies, such as parliament (Costa Rica);
- 5.179. Continue implementing the legislation on the protection of the rights of indigenous peoples and their lands, as well as the anti-discrimination laws, especially with regard to religion and physical conditions such as Albinism (Holy See);
- 5.180. Continue to uphold the rights of indigenous and minority including vulnerable groups (Senegal);
- 5.181. Maintain its important humanitarian effort in cooperation with the international community and particularly the UNHCR in full respect of international refugee law (Belgium);
- 5.182. That no refugees should be forcibly returned to Somalia when conditions for their safe reestablishment are not present (Belgium);
- 5.183. Abide by the principle of non - refoulement and take steps to ensure that refugees/asylum seeker are not returned (Republic of Korea);
- 5.184. Ensure that all counter-terrorism measures carried out fully comply with Kenya's international law obligations (Austria);
- 5.185. Enact legislation on counter-terrorism, and ensure its full implementation (Botswana);
- 5.186. Ensure that all counter-terrorism measures undertaken fully comply with the Constitution, the rule of law and international human rights obligations (Canada);
- 5.187. Ensure that all steps taken to combat terrorism fully respect the Constitution and the rule of law (Chile);
- 5.188. Consider redoubling its efforts in the fight against terrorism (Lesotho);
- 5.189. Properly investigate extrajudicial killings and bring to justice alleged perpetrators, to ensure that all police and counter-terrorism activities are

carried out in compliance with the country's international obligations (Lithuania);

5.190. Ensure that the national security be pursued in a broad based and inclusive manner and in full compliance with the Constitution and international human rights obligations (Norway);

5.191. Continue strengthening counter terrorism measures (Rwanda);

5.192. Ensure that all security and counter-terrorism operations strictly comply with human rights standards, the rule of law, as well as with the Constitution of Kenya by for example enacting the Prevention of Torture Bill (Germany).

6. The recommendations below did not enjoy the support of Kenya and would thus be noted:

6.1. Ratify the International Convention on the Protection of the Rights of All Migrants Workers and Members of Their Families (Sierra Leone);

6.2. Ratify the Optional Protocol to CAT (Sierra Leone);

6.3. Ratify the Optional Protocol to CEDAW (Sierra Leone);

6.4. Accede to the International Convention for the Protection of All Persons from Enforced Disappearance (Sierra Leone);

6.5. Ratify the Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography and sign and ratify the Optional Protocol to the CRC on a Communications Procedure (Slovakia);

6.6. Accede to the Agreement on Privileges and Immunities of the International Criminal Court and implement it fully at the national level (Slovakia);

6.7. Ratify the Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty (Timor-Leste);

6.8. Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Togo);

6.9. Ratify the International Convention for the Protection of All Persons from Enforced Disappearance without reservations and incorporate it into domestic law (Uruguay);

6.10. Ratify the Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty (Uruguay);

6.11. Ratify the Optional Protocol to International Covenant on Economic, Social and Cultural Rights (Uruguay);

6.12. Ratify the Convention on the Prevention and Punishment of the Crime of Genocide (Armenia);

6.13. Ratify OP-CAT and sign ICPPED (Cabo Verde);

6.14. Ratify the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (Chile);

6.15. Sign and ratify the Optional Protocol to the International Convention on the Rights of Persons with Disabilities (Chile);

6.16. Ratify the ILO Convention No.169 (Chile);

- 6.17. **Ratify the Optional Protocol to the Convention against Torture (Denmark);**
- 6.18. **Accede to the optional protocols to the ICCPR (ICCPR-OP1, ICCPR-OP2), CAT (OP-CAT) and CRC (OP-CRC-SC) (Estonia);**
- 6.19. **Accede to the Agreement on Privileges and Immunities of the ICC (Estonia);**
- 6.20. **Ratify the Optional Protocol to the Convention against Torture (Germany);**
- 6.21. **Ratify the 2nd Optional Protocol to the Convention on the Rights of the Child as well as sign and ratify the 3rd Optional Protocol to the Convention, adopt respective amendments to the Children's Act of 2001 and fully implement the National Plan of Action on Children 2013-2017 (Germany);**
- 6.22. **Ratify the Kampala Convention on internally displaced persons in the light of the ongoing review of Kenya's refugee law (Ghana);**
- 6.23. **Accede to all human rights instruments to which it is not yet a party, specifically the Optional Protocol to the Convention Against Torture; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; and the International Convention for the Protection of All Persons from Enforced Disappearance (Madagascar);**
- 6.24. **Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Mali);**
- 6.25. **Ratify the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (Montenegro);**
- 6.26. **Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Montenegro);**
- 6.27. **Accede to the Optional Protocol to the Convention of the Rights of the Child on the sale of children, child prostitution and child pornography (Poland);**
- 6.28. **Ratify the Optional Protocol to the Convention against Torture (Portugal);**
- 6.29. **Ratify the Optional Protocol to CEDAW (Portugal);**
- 6.30. **Ratify the Optional Protocol to the CRC on Communication Procedure (Portugal);**
- 6.31. **Accede to the 1954 and 1961 conventions on stateless persons (Portugal);**
- 6.32. **Consider expediting the ratifications of the core human rights instruments, including the Optional Protocols to the Convention against Torture and the First Optional Protocol to the International Covenant on Civil and Political Rights (Republic of Korea);**
- 6.33. **Step up its efforts to ratify international human rights instruments that it is not yet a party to, particularly the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Philippines);**

- 6.34. **Allocate more resources to improve the capacity of the various constitutional commissions and oversight offices tasked with the promotion and protection of human rights in order to strengthen the implementation of their mandates (Thailand);**
- 6.35. **Strengthen the efforts to respect and protect women's rights and gender equality. This includes an effective implementation of an inter-sectorial policy and action plan on reproductive and sexual health and rights and prevention of violence against women (Finland);**
- 6.36. **Repeal legal provisions which foresee penalties against LGBT persons to respect the principle of non-discrimination (France);**
- 6.37. **Ensure that the Security Laws Amendment Bill is in line with human rights, limiting pretrial detention and not subjecting demonstrations to the approval of the Council of Minister (Spain);**
- 6.38. **Formalize its moratorium on the death penalty, with a view to its full abolition (Australia);**
- 6.39. **Abolish the death penalty (France);**
- 6.40. **Complete the process of abolition of the death penalty (Gabon);**
- 6.41. **Take concrete steps to abolish the death penalty (Ireland);**
- 6.42. **Accelerate progress towards abolishing the death penalty (Lithuania);**
- 6.43. **Abolish the capital punishment and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (Portugal);**
- 6.44. **Abolish the death penalty (Poland);**
- 6.45. **Implement the reconciliation put forth by the Independent Policing Oversight Authority's 2014 reports on the 'Usalama Watch' security operation and on the Mpektoni attacks (United States of America);**
- 6.46. **Decriminalize sexual relations between consenting adults of the same sex (Slovenia);**
- 6.47. **Decriminalize consenting relationships between adults of the same sex and adopt measures against violence and hate speech against persons and associations of LGBTI (Chile);**
- 6.48. **Decriminalize consensual same sex conduct between adults (Denmark);**
- 6.49. **Decriminalize sexual relation between consenting adults of the same sex (Poland);**
- 6.50. **Amend provisions under the recently adopted security law to ensure that Kenya's international human rights obligations are respected, in particular with regard to the right to freedom of expression (Austria);**
- 6.51. **Operationalize the Public Benefits Organizations Act of 2013 as a law facilitating an independent and unhindered work of civil society and refrain from enacting restrictive requirements with stifling effect on the country's NGOs, their functioning and funding (Czech Republic);**
- 6.52. **Review the compliance of the Kenya Information Communication (Amendment) Act of 2013 with international standards on freedom of**

expression, create an enabling environment for journalists and bloggers and decriminalize media offences and defamation (Czech Republic);

6.53. Ensure that laws regulating NGOs are in conformity with the rights to freedom of expression and association by repealing restrictions on NGO access to foreign funding (Germany);

6.54. Proceed to the swift enactment of the draft laws on the freedom of information, as mentioned in paragraph 41 of its National Report and to the urgent overall review of the penal treatment of freedom of expression offences, especially with regard to the protection of journalists (Greece);

6.55. Enact without delay the 2013 Access to Information Bill and Data Protection Bill (Latvia);

6.56. Abolish criminal sanctions for media offences (Latvia);

6.57. Decriminalize defamation to ensure that journalists were able to practice in a free and safe environment, to investigate all attacks on journalists (Lithuania);

6.58. Meet the stated commitment under the Maputo Declaration of allocating at least 10% of the state budget to agriculture development (Slovenia);

6.59. Increase the health budget allocation to the recommended minimum of 15 % GDP, in line with commitments under the Abuja Declaration, and expedite the process of implementing universal health care coverage (Slovenia);

6.60. Ensure that women have access to legal and safe abortion, especially in cases of pregnancy resulting from rape or incest (Slovenia);

6.61. Adopt legal and administrative measures to ensure freedom of movement and other basic rights of refugees, in particular, apply appropriate exemption categories for persons with specific protection needs to allow their continued stay in urban centres and avoid forced relocation, avoiding family separations among refugees and asylum seekers (Argentina).

7. All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.

Annex

Composition of the delegation

The delegation of Kenya was headed by H. E. Prof. Githu Muigai, Attorney General of the Republic and composed of the following members:

- H.E. Dr. John O. KAKONGE, Ambassador/Permanent Representative, Permanent Mission of Kenya to the United Nations Office in Geneva;
- Mrs. Maryann NJAU-KIMANI, OGW, Senior Deputy Solicitor General (Justice), Office of the Attorney General and Department of Justice;
- Mrs. Emily Achieng CHWEYA, Deputy Chief Legal Officer, Office of the Attorney General and Department of Justice;
- Mrs. Winfred Osimbo LICHUMA, Chairperson, the National Gender and Equality Commission;
- Mrs. Ann AMADI, Chief Registrar, the Judiciary;
- Mr. Michael Jonyo WISO, Senior Legal Officer, the Directorate of Criminal Investigations;
- Ms. Ciatiria Zipporah MBOROKI, Police Spokesperson, Kenya Police Service;
- Mrs. Rodah Adema Amulele OGOMA, Assistant Director of Public Prosecutions, Office of the Director of Public Prosecutions;
- Ms. Josephine SINYO, Deputy Chief State Counsel, Kenya Law Reform Commission;
- Mr. Antony MWICIGI, Principal Magistrate, the Judiciary;
- Mr. Duncan David OKELLO, Chief of Staff, the Judiciary;
- Mr. James KIHWAGA, Minister Counselor, Permanent Mission of Kenya to the United Nations Office in Geneva;
- Ms. Beatrice W. MWAURA, Foreign Service Officer, Ministry of Foreign Affairs and International Trade.
