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

Kenya

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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

A. Presentation by the State under review

5. The delegation of Kenya, headed by H. E. Prof. Githu Muigai, Attorney General of the Republic, affirmed Kenya's commitment to the Universal Periodic Review (UPR) mechanism. The second review was particularly important because it provided an opportunity for States to account for the promises made during the first review. Kenya underlined the implementation of a substantial number of recommendations made in the first UPR while others were in the process of being implemented through policy development initiatives and programmatic interventions.
6. Kenya stated that since the last UPR, it has promulgated a new robust Constitution. The country has been in a constitutional and political transitional moment, implementing the various aspects of the new Constitution through direct constitutional actions, mandatory legislative interventions, requisite policy development and institutional reforms. Despite these achievements, there were still a number of challenges that threatened to hinder the Government progress such as poverty, corruption, terrorism and diseases.
7. Kenya emphasized that the holding of peaceful elections in March 2013 should be underscored given that the previous election was fraught with violence and almost tipped Kenya into an abyss of chaos. The elections were adjudged as free, fair and credible by many international observers. The holding of peaceful election bore testimony to the many reforms that the Government had undertaken.

8. The preparation of the report followed an all-inclusive and participatory process that brought together Government agencies, national human rights institutions, civil society organizations and the Office of the High Commissioner on Human Rights.

9. Kenya stated that during the review in 2010, it accepted 149 recommendations out of the 150 given. Based on recommendations accepted in the last review, wide ranging reforms had been undertaken to improve access to justice, rule of law and access to economic and social rights particularly for the poor and vulnerable.

10. Of specific mention was the entrenchment of the Kenya National Commission on Human Rights, the National Gender and Equality Commission, and the Commission on Administrative Justice, in the Constitution. This provided the Commissions with the necessary independence to monitor the observance of human rights in the country by both public and private bodies.

11. Turning to the criminal justice system, Kenya indicated that wide ranging reforms in the justice sector had seen the creation of a strong judiciary that was adequately empowered to uphold the supremacy of the Constitution, improve the administration of justice, enforce respect for human rights and ensure that legislation and Government actions were in line with constitutional provisions. The Judiciary operated a distinctly independent and considerably enhanced budget, selected its judges independently and had undertaken an elaborate process of vetting of judicial officers.

12. In ensuring the transformation of the police service, Kenya reported that various constitutional, legislative and administrative measures had been taken. All police officers were undergoing a vetting process against set criteria on professionalism, integrity, track record of performance and psychological fitness. More than 17,000 police officers had been trained and sensitized on the respect of human rights. An Independent Police Oversight Authority was established in 2011.

13. With regard to recommendations concerning humanizing correctional facilities, Kenya noted the efforts made to decongest correctional facilities and create a more humane environment.

14. In order to protect and empower women and promote girls, Kenya stressed that measures have been taken including the constitutional guarantee for women to contest elections and seek other appointive positions successfully; achievement of gender parity in primary school enrolment; enactment of legislation to increase women's access to land ownership and use through inheritance and personal acquisition. The enactment of the Prohibition of Female Genital Mutilation Act 2011 to prevent and punish FGM which was practiced by a few communities in the country has also been a key milestone.

15. With regard to the recommendations on the prevention of torture, Kenya stated that the Constitution provided safeguards for the prevention of torture. A Prevention of Torture Bill 2014 has been drafted through a consultative process and was awaiting submission to the Cabinet for Approval. The training curriculum for police officers incorporated practical training on respect for human rights, including the prohibition of torture and ill treatment which were also strongly prohibited by the Police Service Act.

16. Kenya noted that it received recommendations on the status of internally displaced persons, and that it had taken significant measures to settle all profiled persons arising from the post 2007 election and forest eviction displacements.

17. In relation to the protection of the right of freedom to information, Kenya mentioned the development of the Access to Information and Data Protection bills 2013 to give effect to Article 35 of the Kenyan Constitution which provides for citizens' right to access to information held by the Government and its agencies. The bills have been published awaiting consultation and tabling to Parliament.

18. Kenya reported that it continued to cooperate fully with human rights special procedures and mandate-holders from the United Nations and the African human rights system. It has hosted the UN Special Rapporteur on the human right to safe drinking water and sanitation and the Special Rapporteur on human rights of internally displaced persons (IDPs).

19. Kenya emphasized that it has, and continued to fully cooperate with the International Criminal Court (ICC) as was its obligation under the Rome Statute. Protocol and professional etiquette demanded not to disclose the actual nature of this cooperation. Needless to say, the Government of Kenya had facilitated all the required documentation, court file perusal opportunities, witness testimony, and had granted the court requisite immunities and privileges to support the court's activities.

20. Kenya also emphasized that it had put in place measures to give effect to socio-economic rights, despite huge budgetary challenges experienced by the country.

21. To improve access to water and sanitation particularly in arid areas and semi-arid areas, the Maruba Dam was completed in the Machakos area with water storage capacity and treatment capacity serving 100,000 people. In Nairobi, Sasumua Dam has been rehabilitated substantially reducing the water shortage.

22. Concerning food security situation, the Government through the Ministry of Agriculture, Livestock and Fisheries had various projects in place to address food security challenges.

23. To improve the quality of education and ease the financial burden on many households, the allocation for free tuition in secondary schools and free primary education had been increased by 33 percent in the 2014/ 2015 fiscal budget. This was a major step towards ensuring that primary schooling and secondary education was truly free within the following three years. Efforts had also been made to ensure that no child missed out on school due to poverty.

24. The Government of Kenya has committed itself to ensuring the right to adequate housing through a number of policies, legislative and programmatic interventions. Other interventions include encouraging the private sector to invest in affordable, quality housing, through a variety of incentives, the introduction of appropriate cost effective building technology.

25. With regard to recommendations made on the protection of indigenous peoples, Kenya stated that its Constitution provided several avenues for the protection and strengthening of indigenous peoples' personal and collective rights. Indigenous communities' issues were addressed within the purview of vulnerable and marginalized groups.

26. Kenya further highlighted a few stellar achievements by the Government since the last review including the creation of a devolved system of Government and a shift from the centralized to the devolved system of governance in a seamless manner and with little disruption to service delivery.

27. With regard to gender equality, Kenya emphasized that it had over 21 per cent women representation in Parliament, the highest ever in the country's history. The Government of Kenya abolished all maternity charges in public facilities in June 2013; this helped reducing maternal mortality rates.

28. Concerning terrorism, Kenya indicated that it had on several occasions become a victim of terror attacks, which have had a negative impact on the full realization of human rights and fundamental freedoms. Lives had been lost and property destroyed. Travel advisories issued against Kenya have dealt a blow to the tourism industry which played a

very important role in Kenya's economy. Guided by relevant UN resolutions, Kenya embarked on establishing the institutional, policy and legal structures to safeguard the security of the nation from terrorism. The recent Security Laws Amendment Act 2014 had been perceived as likely to hinder the enjoyment of human rights and freedoms. This suggestion was unfounded. A review of the amendment will reveal its similarities in comparable jurisdictions.

29. Kenya invited the international community and esteemed members of the UPR working Group to partner with it and provide it with support towards human rights awareness campaigns and greater international support for the provision of services to the refugee population hosted in Kenya.

B. Interactive dialogue and responses by the State under review

30. During the interactive dialogue, 96 delegations made statements. Recommendations made during the dialogue are to be found in section II of the present report.

31. Serbia encouraged Kenya to invest further efforts in preventive care so as to improve the health of the general population.

32. Sierra Leone commended Kenya for the progress made since its first review and on the democratic general elections of 2013.

33. Singapore took note that Kenya had made progress in achieving the goals of its Vision 2030 since the first review.

34. Slovakia expressed concern regarding attacks and threats against human rights defenders and media. It encouraged ensuring that schools are provided with sufficient funds.

35. Slovenia referred to its previous recommendation on ending FGM and called on Kenya to ensure the enforcement of the Prohibition of Female Genital Mutilation Act.

36. South Africa encouraged Kenya to continue all efforts towards the promotion of human rights including the right to development.

37. South Sudan commended Kenya for the holding of free and fair elections in 2013, and the empowerment of persons with disabilities.

38. Spain commended the introduction of a new Constitution in 2010 and the recognition in this Constitution of the right of access to water.

39. Sri Lanka commended the implementation of the first UPR recommendation to enshrine a Bill of Rights within the new Constitution.

40. The Sudan commended the holding of peaceful elections in 2013 and the legislative and policy making developments in the field of human rights.

41. Sweden expressed concerns regarding media legislation, the implementation of the Kenyan Public Benefits Organization Act and the criminalization of consensual adult same-sex conduct.

42. Switzerland expressed concerns regarding violations of journalists' human rights, and Kenya's refusal to cooperate with the ICC despite ratifying the Rome Statute.

43. Thailand welcomed the promulgation of the new Constitution containing a Bill of Rights that provides explicit protection to vulnerable and marginalized populations.

44. Timor-Leste noted positive steps, including the adoption of the Counter-Trafficking in Persons Act and developments relating to women and children's rights.

45. Togo encouraged Kenya to give priority to implementing the recommendations of the Truth, Justice and Reconciliation Commission.
46. Trinidad and Tobago noted efforts to improve the quality of life and strides to bolster food security and agriculture.
47. Tunisia encouraged Kenya to complete its human rights legal arsenal, and welcomed the creation of the Independent Policing Oversight Authority and the witness protection programme.
48. Turkey commended the successful 2013 general elections. It noted that Kenya faced compound security challenges and reiterated its support in the fight against terrorism.
49. The United Arab Emirates commended progress made, in particular legal reforms and the modernisation of the legal apparatus.
50. The United Kingdom of Great Britain and Northern Ireland stated that the reports of abuses by security forces demonstrated a need for greater accountability and civilian oversight.
51. The United States of America urged Kenya to uphold its Constitution and ensure that NGOs are not prevented from working to deepen democracy.
52. Uruguay urged Kenya to adopt measures such as awareness raising campaigns to address the difficulties faced by persons with albinism to accede to basic services.
53. Uzbekistan commended Kenya on the adoption of the new Constitution, the establishment of the National Commission on Human Rights and judicial reforms.
54. The Bolivarian Republic of Venezuela highlighted measures undertaken in education and in particular those aimed to ensure free tuition in schools.
55. Yemen noted the adoption of laws, including in the area of combating human trafficking and prohibiting the female genital mutilation.
56. Zimbabwe commended Kenya on organising human rights awareness campaigns as well as human rights training for public officials.
57. Albania noted that the rate of maternal mortality and of transmission of HIV/AIDS from mother to child remained high.
58. Algeria welcomed efforts made to promote enjoyment of human rights, in particular economic, social and cultural rights and combat violence against women.
59. Angola commended Kenya on modernising and restructuring the judiciary in order to ensure effective and transparent administration of judiciary.
60. Argentina expressed concern about the lack of measures to implement the report of the Truth, Justice and Reconciliation Commission. It welcomed efforts to eliminate discrimination.
61. Armenia noted with appreciation the efforts to promote the right to education and gender equality.
62. Australia expressed concern about lack of justice and accountability in relation to the 2007-2008 post-election violence, as well as about intimidation and ill-treatment of civil society representatives.
63. Austria remained concerned that female genital mutilation persisted and that implementation of the relevant laws was inadequate.
64. Bangladesh stated that despite existing challenges, Kenya made progress in the areas of health care, and in promoting equality between men and women.

65. Belarus noted the active cooperation of Kenya with the UN treaty bodies and OHCHR as well as the efforts to eliminate poverty.
66. Belgium inquired about the implementation of the Independent Policing Oversight Authority Act of 2011, and noted with appreciation the humanitarian efforts of Kenya.
67. Benin urged Kenya to reform police services and abolish the death penalty. It called upon the international community to support Kenya's efforts with the view of achieving socio-economic development and promoting human rights.
68. Botswana welcomed the adoption of the Constitution and laws regarding female genital mutilation, human trafficking and the judiciary.
69. Brunei Darussalam commended Kenya on measures undertaken to provide housing to all, including youth, women and persons with disabilities and address environmental issues.
70. Cabo Verde noted legislative reforms in the areas of justice and anti-corruption as well as women's representation in the elected bodies.
71. Canada noted with concern reports of extrajudicial killings, torture, mass arbitrary detentions and extortion by the police.
72. The Central African Republic highlighted the enactment of a new Constitution, law prohibiting FGM, law against trafficking of persons and the judicial reform.
73. Chile underlined the enactment of a new Constitution with a view to enhancing a constitutional, legal and institutional framework in order to strengthen human rights.
74. China appreciated Kenya for conducting the judicial reform, promoting good governance, transparency and efficiency in the judiciary, and addressing impunity.
75. Colombia commended the steps taken to implement the recommendations from the first UPR as well as transparency and collaboration with the human rights mechanisms.
76. Comoros commended the enactment of the 2010 Constitution and adoption of the mid-term development plan 2013-2017.
77. The Congo encouraged Kenya to continue its efforts to strengthen the national security in order to reduce the number of terrorist acts that had an undeniable impact on the economic growth.
78. Costa Rica highlighted the robust legal framework as well as judicial reforms in order to have robust and independent mechanisms capable of monitoring effective promotion and protection of human rights.
79. Cuba noted progress in reforms of the judicial system and police, protection of women, assistance for internally displaced persons and fight against corruption.
80. Responding to questions, Kenya indicated that since the adoption of the Constitution in 2010, it promulgated a piece of legislation that went to the questions of how Kenya ratified treaties and processed them into domestication legislation.
81. Regarding human rights defenders, Kenya stated that it was committed to open, transparent and democratic constitutional system. Kenya welcomed the work done by independent human rights defenders. It underlined actions taken by the Government in a few cases of interference in the work of human rights defenders. Kenya reported that none of them was being detained in the country.
82. Regarding the ICC, Kenya stressed that its relationship with the ICC was very much misunderstood. It indicated that it was among the first countries that negotiated the Rome Statute, ratified and domesticated it. Therefore, it would be totally untruth to suggest that

Kenya had been a reluctant participant in the work of the ICC. Besides, major critical voices came from countries which were not themselves parties to the ICC. Kenya had fully cooperated with the ICC since an investigation into the Kenya situation was opened six years ago. Kenya had a host agreement with the ICC that was extensive, and had provided immunities and privileges for the officials of the ICC to work in Kenya. The ICC had a permanent investigator and other officials moving freely in the country. Kenya had supplied the ICC with all the information and material that under Kenya laws and in its interpretation of its international obligations had under its duties to do. Kenya stressed that there was a Kenyan case continuing before the ICC. The witnesses were testifying in locations provided by the Government through communication equipment in the manner secured by the Government. Critics that Kenya had impeded the work the ICC were most regrettable and untruth.

83. Kenya reported that it had come through a long period of national dialogue on the new Constitution. Critical social issues were put to the various fora in which the Constitution was negotiated. That included abortion, death penalty and sexual identity, particularly the use of criminal law in these cases. These issues were really divisive and the requisite political and social consensus on these issues was a working progress. In the meantime, Kenya has not executed a single person since 1987. On the rights of LGBT, not a single individual could confirm the application of the criminal law on the basis of his/her sexual orientation. Besides, the judiciary had intervened in progressive ways such as directing the Government to recognize the right of those who wanted to change their sexual identify in Governmental documents.

84. Concerning terrorism, the question of Kenya counter-terrorism initiatives arose in the context of the recent amendment of Security Laws 2014. Kenya reiterated that the amendments made were consistent with the Constitution. The case was pending in the High Court which had the final pronouncement.

85. As regards gender equality and reproductive health rights, Kenya indicated that it had made very good progress in terms of gender inclusion. For example, in terms of both public and private representation, 17% of women were represented in the boards of private companies and the highest rate in the public sector was 40%. The Supreme Court directed that in August 2015, Kenya should have a framework in place to ensure the constitutional quota of women in the National Assembly and the Senate.

86. The Persons with Disability Act provided for the establishment of the National Development Fund for Persons with Disability. This Fund was first full operational in 2009-2010. Although with a delay, the second Board of Trustees had been appointed and gazetted in 2014.

87. On the adoption of children, Kenya indicated that it acceded to the Hague Convention for the Protection of Children and inter-country adoption and developed guidelines on adoption and the National Adoption Committee handled the process on inter-country adoption. Regarding measures of care and protection for street children, they were protected by the Children Act of 2001 on equal basis with other children. Street Family Rehabilitation Trust Fund was established and street children were given protection, education, care and vocational training.

88. Kenya recognized that the judiciary was under staff. Staff mapping and skills exercise was recently concluded with a view to addressing the staffing needs. It was however encouraging noting that the number of judiciary officers, magistrates, etc. had increased as well as the budget. The judiciary was committed towards the implementation of the judiciary framework 2012-2015.

89. Kenya stressed that it had very vibrant civil society organizations which were continuously called upon to partner with the Government in the formulation of policies,

legislation and programmatic processes in line with the Constitution. Civil society organizations have been involved in many processes, including the preparation of the UPR report. With regard to the Public Benefits Organization Act, following NGOs' request to review the proposed amendment to the PBO Act, the Government had set up a task force in December 2014 to explore options, secure a consensus and receive recommendations regarding the amendment.

90. Concerning poverty alleviation, the Government had reviewed the national policy on older persons and aging 2009 and the persons with disability Act to align them to the Constitution. The Government has enacted the Social Assistance Act 2013. The Act created an Authority that was mandated with the provision of social assistance in the form of financial or social services.

91. On the Truth, Justice and Reconciliation Commission's (TJRC) report, the Government was committed to its implementation. In December 2013, the National Assembly debated and passed an Amendment TJRC Act to effectively allow the National Assembly to consider the report and to provide for the immediate implementation of recommendations. In accordance with the amendment, the Government had already appointed an Inter-agency Committee to examine the recommendations, nature and scope of the implementation framework. Many of the Committee's recommendations were being already implemented.

92. On the situation of refugees, Kenya had largely pursued an open door policy by allowing a free flow of refugees into the country. This open door policy was characterized by the liberal admission of refugees. Despite challenges regarding the high number of refugees and terrorism-related incidents, Kenya was still committed to its obligations and the terms of the Tripartite Agreement regarding safe and dignified voluntary repatriation of refugees to Somalia in line with international law.

93. On extrajudicial killings, torture and forced disappearance, Kenya indicated that excessive use of power and abuse of office by the law enforcement agencies was criminal and punishable by the law. The Government had come up with reforms in the police, including an independent police authority which was a civilian oversight.

94. The Czech Republic appreciated the information on the implementation of previous UPR recommendations.

95. The Democratic Republic of the Congo requested information on the recommendations of the TJRC and the decentralisation of the administration.

96. Denmark encouraged Kenya to take action against incitement to hatred against LGBTI persons and remove barriers for their access to health services.

97. Djibouti commended the enactment of a new Constitution which strove to strengthen and protect human rights.

98. Egypt noted the enactment of a new Constitution and establishment of the National Commission on Human Rights and the Commission on the Administration of Justice.

99. Estonia encouraged Kenya to continue efforts to become part of all the main international human rights instruments.

100. Ethiopia commended the projection of vision 2030 to become middle income country and encouraged Kenya to further strengthen its efforts to tackle poverty.

101. Finland made recommendations on fight against terrorism and women's rights.

102. France commended the constitutional and legislative reforms undertaken since the last UPR to increase the respect for human rights.

103. Gabon commended the submission of several reports to treaty bodies, enactment of a new Constitution and launch of a number of judicial reforms.
104. Germany expressed concerns about the increasing number of human rights violations, in particular against asylum seekers and refugees, and reports of unlawful killings by police.
105. Ghana commended the enactment of a new Constitution and the promotion of strong institutions with a view to strengthening human rights.
106. Greece expressed concern regarding delays in enacting new national policies on freedom of information and expression.
107. Holy See noted steps taken to protect migrants, ensure greater access to education and towards fulfilment of basic needs.
108. India welcomed various actions to safeguard women's empowerment; whilst noting challenges in combating female genital mutilation.
109. Indonesia noted various actions taken to address poverty including credit facilities and Constituency Development Fund.
110. Ireland urged Kenya to ensure that security procedures accord with international human rights principles and expressed concern at reports of intimidation of human rights defenders.
111. Israel recognised national security challenges given the upsurge in terrorist attacks and noted measures taken to simultaneously protect citizens and respect human rights.
112. Japan welcomed expansion of rights and promotion of devolved governance under the new Constitution. It hoped that resulting progress in rural development would advance human rights in Kenya.
113. Kuwait noted with interest the national report on efforts made to implement recommendations previously accepted and the progress achieved to advance national priorities.
114. Latvia expressed concerns about torture and extra-judicial killings, attacks on journalists, bloggers and media workers, as well as about lack of cooperation with ICC investigations.
115. Lesotho commended efforts resulting from the first review. It referenced national priorities and initiatives for advancement of human rights.
116. Libya credited progress in implementation of recommendations accepted during the first cycle, and commended the goal towards achieving free education.
117. Liechtenstein noted the ICC case and urged that responses to terrorist threats comply with international obligations.
118. Lithuania commended the introduction of a moratorium on the death penalty and welcomed enactment of the Prohibition of Female Genital Mutilation Act.
119. Madagascar encouraged continuing programs in health, justice, education, employment and combatting poverty in Kenya.
120. Malaysia referenced implementation of previous recommendations combating gender-based violence and trafficking in women and girls; and lauded the adoption of the National Policy and Action Plan on Human Rights.
121. Mali referenced economic and social achievements and efforts to implement previously accepted recommendations.

122. Mauritania commended achievements in human rights including progress in the areas of justice, education and health, protection and empowerment of women in public life.
123. Mauritius commended Kenya's commitment to human rights and inclusion of right based approaches in the Constitution.
124. Mexico welcomed the new Constitution and took note of its economic, social and cultural rights provisions and protection of vulnerable groups.
125. Montenegro requested information on activities to eliminate child prostitution and trafficking, as well as on violence against street children and the lack of appropriate care for them.
126. Morocco commended judicial and legal aid reform and praised the proactive role of national institutions in promoting human rights.
127. Myanmar commended the adoption of legislative and policy measures which enabled better enjoyment of human rights and fundamental freedoms.
128. Namibia welcomed the formulation of policies which aim to enhance the enjoyment of rights and make the Bill of Rights a reality for Kenyans.
129. The Netherlands expressed concerns about restrictive legislation on civil society and emphasised the need to ensure that counter terrorism measures conform to human rights obligations.
130. Nicaragua welcomed the review of a large number of laws as a sign of UPR bearing fruit, and noted progress in gender equality.
131. Niger commended the strengthening of legal and institutional framework for human rights protection and a progressive bill of rights.
132. Norway acknowledged civil society's important role for development and Kenya's commitment to ensuring that extractive industries are human rights compliant.
133. The Philippines noted with appreciation the expansion of human rights protection, and the progressive realisation of socio-economic rights.
134. Poland acknowledged progress on legal and institutional frameworks for combatting female genital mutilation.
135. Portugal commended cooperation with the Human Rights Council's special procedures and took note of the existing moratorium on the death penalty.
136. The Republic of Korea welcomed the new Constitution which provides better protection and fulfilment of human rights, and also improvements in political and governance structures.
137. The Russian Federation commended judicial reform, the creation of a Judges and Magistrates Vetting Board, and reform in the police and penitentiary system.
138. Rwanda commended progress on human rights since Kenya's first review, and appreciated its significant role in upholding core values of the East Africa Community.
139. Senegal commended Kenya's significant progress on human rights since its first review. It praised the "vision 2030" initiative as important for promoting poverty reduction and economic development.
140. Brazil referred to remaining challenges, including in the area of freedom of expression and association, and rights of LGBT persons.

141. Regarding the age of criminal responsibility, Kenya stressed that it was in a process of enacting the amendment to the Children Act to bring it from 8 to 12 years. As regards post electoral violence, various efforts had been made. Some prosecutions had been completed and others pending in courts. Kenya also highlighted efforts addressing the issue of IDPs and the enactment of the Victim Protection Act 2014 in line with the recommendations of the TJRC's report. On LGBT, Kenya reported that a policy had been developed by the Ministry of Health specific to them. Concerning indigenous peoples, measures had been taken to protect them and conflicts which emerged had been sorted within the law. Finally, Kenya thanked States and NGOs for the very positive contribution to its review. It assured its commitment both to the UPR and to the United Nations human rights mechanisms.

II. Conclusions and/or recommendations**

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

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

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

142.3. **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);**

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

142.5. **Consider the human rights elements with regard to the amendment of the security bill in the spirit of the new Constitution (Republic of Korea);**

142.6. **Ensure the full operationalization of the National Policy and Action Plan on Human Rights (South Africa);**

142.7. **Continue its efforts to establish an institutional and legislative framework for the provision of affordable legal aid and awareness services for all (Sudan);**

142.8. **Increase efforts to strengthen human rights education in the country (Uzbekistan);**

142.9. **Continue strengthening national capacity for the effective implementation of the National Programme and Plan of Action in the area of human rights (Belarus);**

142.10. **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);**

142.11. **Take measures to allocate to the National Human Rights Commission necessary human and financial resources to fulfil its mandate (Costa Rica);**

142.12. **Improve the implementation of the laws that protect the rights of women, girls and children (Costa Rica);**

Conclusions and recommendations will not be edited

- 142.13. Continue to implement the National Policy and National Plan of Human Rights (Cuba);
- 142.14. 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);
- 142.15. Adopt the human rights action plan elaborated recently (Djibouti);
- 142.16. Further strengthen the monitoring and evaluation efforts on women’s empowerment and child protection (Ethiopia);
- 142.17. 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);
- 142.18. Continue to respect, protect, promote and fulfil all the rights and fundamental freedoms as stipulated in the bill of rights (Ghana);
- 142.19. 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);
- 142.20. Speed up the implementation of human rights legislations into concrete policies (Indonesia);
- 142.21. Continue its efforts to enhance human rights (Kuwait);
- 142.22. 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);
- 142.23. Expedite the operationalization of the National Policy and Action Plan on Human Rights for more concrete action in this regard (Mauritius);
- 142.24. Establish technical assistance programmes to train civil servants in a pragmatic human rights focused approach (Morocco);
- 142.25. 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);
- 142.26. Continue its efforts towards national reconciliation, and strengthen the National Human Rights Commission in conformity with the Paris Principles (Niger);
- 142.27. Develop a national action plan for the implementation of the UN guiding principles on business and human rights (Norway);
- 142.28. Allocate adequate resources to implement affirmative action policies for the protection and advancement of rights of women and girls (Philippines);
- 142.29. Implement UNSCR 1325 and related resolutions on women, peace and security (Estonia);
- 142.30. Adopt a National Action Plan on Security Council Resolution on Women, Peace and Security (1325) (Portugal);

- 142.31. **Develop Human Rights Indicators, as suggested by the OHCHR (Portugal);**
- 142.32. **Continue implementation of national programmes in the sphere of education and healthcare (Russian Federation);**
- 142.33. **Provide comprehensive support to the institution of the family (Russian Federation);**
- 142.34. **Submit overdue reports to the relevant treaty bodies (Sierra Leone);**
- 142.35. **Extend an open invitation to the special procedures (Turkey);**
- 142.36. **Continue to cooperate with the UN human rights mechanisms within the framework of implementation of ratified international instruments (Uzbekistan);**
- 142.37. **Extend a standing invitation to all HRC mandate holders (Latvia);**
- 142.38. **Effectively cooperate with the Special Rapporteur on protection of the right to freedom of opinion and expression (Lithuania);**
- 142.39. **Extend a standing invitation to all special procedures (Portugal);**
- 142.40. **Develop targeted public campaigns to address gender stereotypes and discriminatory practices (Slovenia);**
- 142.41. **Adopt a comprehensive anti-discrimination law affording protection to all individuals, irrespective of their sexual orientation or gender identity (Sweden);**
- 142.42. **Continue efforts aimed at the elimination of harmful practices and stereotypes that discriminate against women (Egypt);**
- 142.43. **Guarantee gender equality and women's rights, including sexual and reproductive health rights (Estonia);**
- 142.44. **Eliminate stereotypes and harmful practices against women (including FGM, wife inheritance, forced and early marriage) (Estonia);**
- 142.45. **Continue its efforts towards ensuring gender equality in the field of education, health and employment (India);**
- 142.46. **Continue to actively implement all these adopted measures, to safeguard women empowerment and promote gender equality (Israel);**
- 142.47. **Prosecute the perpetrators of trafficking and sexual exploitation of women and children (Sierra Leone);**
- 142.48. **Ensure the strict enforcement of the laws prohibiting early marriage (Sierra Leone);**
- 142.49. **Set up special units in the Justice and Health to deal with gender based violence and discrimination (Spain);**
- 142.50. **End early marriages and trafficking of minors (Spain);**
- 142.51. **Take all possible efforts to strengthen protection for women and children against discrimination and violence (Sri Lanka);**
- 142.52. **Take all measures to guarantee that the Prohibition of Female Genital Mutilation Act of 2011 is fully implemented (Timor-Leste);**

- 142.53. Ensure that harmful practices and stereotypes that discriminate women are eliminated (Timor-Leste);
- 142.54. Continue efforts to combat all forms of violence against women in particular female genital mutilation (Togo);
- 142.55. Consider increasing efforts to address the sexual exploitation of women and girls (Trinidad and Tobago);
- 142.56. Intensify awareness-raising campaigns about albinism to combat prejudice, stigmatization, discrimination and violence against persons with albinism (Togo);
- 142.57. 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);
- 142.58. Establish a moratorium on executions with a view to abolishing the death penalty for all crimes (Uruguay);
- 142.59. 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);
- 142.60. Take further efforts against trafficking of children and eliminate child labour by enforcing compulsory education (Albania);
- 142.61. Raise the public awareness on the abolition of the death penalty and continue the efforts towards abolishing the death penalty (Albania);
- 142.62. Strengthen the implementation of measures in order to achieve the prohibition of the female genital mutilation (Angola);
- 142.63. Continue to make efforts to abolish the death penalty (Angola);
- 142.64. Promptly and impartially investigate all allegations of torture and ill-treatment and strictly hold perpetrators accountable (Austria);
- 142.65. Strengthen measures to eradicate Female Genital Mutilation and child marriage (Austria);
- 142.66. Continue implementing decisive measures to prevent and eliminate cases of sexual exploitation of women and children (Belarus);
- 142.67. Fully implement the Prohibition of Female Genital Mutilation Act (Canada);
- 142.68. Step up efforts to combat all forms of sexual violence against women (Chile);
- 142.69. 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);
- 142.70. Put in place a national policy for protection and assistance for street children and persons with albinism (Djibouti);
- 142.71. Seek to effectively combat child labour, by means of, inter alia, enforcing compulsory education, as stipulated in national policies (Egypt);

- 142.72. **Continue fighting harmful traditional practices including FGM (Ethiopia);**
- 142.73. **Strengthen the measures to combat violence against women and draw up proper indicators to evaluate the progress (France);**
- 142.74. **Continue to ensure the full implementation of the legislation on the eradication of the harmful practice of female genital mutilation (Ghana);**
- 142.75. **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);**
- 142.76. **Introduce an efficient mechanism of monitoring of the implementation of the Prohibition of Female Genital Mutilation Act (Lithuania);**
- 142.77. **Combat trafficking and sexual exploitation of women and girls by means of adoption of a comprehensive national action plan in this domain (Lithuania);**
- 142.78. **Pursue eradicating child labour in Kenya by enforcing compulsory education (Lithuania);**
- 142.79. **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);**
- 142.80. **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);**
- 142.81. **Step up efforts to combat child labour with a view to its progressive eradication in a given timeframe (Mexico);**
- 142.82. **Adopt the bill on persons deprived of liberty (Morocco);**
- 142.83. **Continue addressing the issues of sexual exploitation of women and girls (Myanmar);**
- 142.84. **Take the necessary measures to eliminate the vulnerability of girls and women to sexual exploitation (Namibia);**
- 142.85. **Implement fully the Prohibition of Female Genital Mutilation Act of 2011 and the review of the policy on female genital mutilation (Poland);**
- 142.86. **Make further efforts to properly handle the case of discrimination and violence against women, including the prosecution of alleged perpetrators (Republic of Korea);**
- 142.87. **Continue its efforts towards the abolition of the death penalty (Rwanda);**
- 142.88. **Criminalize torture, in line with international human rights obligations, and fight extrajudicial executions, through, inter alia, capacity building for state agents (Brazil);**
- 142.89. **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);**

- 142.90. Conform the juvenile justice system to be in accordance with international standards so as to prevent children from being legally accountable in courts (Serbia);
- 142.91. Continue efforts in support of the Truth, Justice and Reconciliation Commission (South Africa);
- 142.92. Fully cooperate with the International Criminal Court and protect witnesses (Switzerland);
- 142.93. Continue to cooperate with the Prosecutor of the International Criminal Court (Timor-Leste);
- 142.94. Continue its efforts on enhanced enforcement, institutional capacity-building and awareness-raising in the fight against corruption (Turkey);
- 142.95. 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);
- 142.96. 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);
- 142.97. Continue the judicial reforms, in particular the implementation of the 2012-2016 framework of transformation of the judicial system (Algeria);
- 142.98. Continue ensuring respected principles of social equality and guarantee access to justice for vulnerable groups (Angola);
- 142.99. Ensure greater accountability and transparency of police and security forces, including publishing the results of investigations by the Independent Policing Oversight Authority (Australia);
- 142.100. End impunity for the perpetrators of violence related to the 2007 elections (Austria);
- 142.101. 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);
- 142.102. 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);
- 142.103. Continue to strengthen internal accountability mechanism for all security agencies, including investigating and prosecuting members of security agencies responsible for human rights violations (Canada);
- 142.104. Broadly disseminate the Report of Truth, Justice and Reconciliation and establish a legislative and administrative framework for effective implementation of its recommendations (Chile);
- 142.105. 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);

- 142.106. **Ensure full respect for human rights by law enforcement agencies and ensure that violations are subjected to judicial prosecutions (France);**
- 142.107. **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);**
- 142.108. **Move to implement the recommendations towards national reconciliation proposed by the Truth, Justice, and Reconciliation Commission (Japan);**
- 142.109. **Investigate and bring to justice alleged perpetrators of all cases of torture and use of excessive force by security forces (Latvia);**
- 142.110. **Fully cooperate with the Office of the Prosecutor of the ICC in line with Kenya's obligations under the Rome Statute (Latvia);**
- 142.111. **Continue to strengthen all its anti-corruption institutions (Lesotho);**
- 142.112. **Continue to cooperate with the ICC, in particular by taking all necessary measures to ensure the safety and security of witnesses and victims (Liechtenstein);**
- 142.113. **Take further measures at the national level to prevent impunity of the perpetrators of the post-election violence (Liechtenstein);**
- 142.114. **Raise the age of criminal responsibility in line with international standards (Lithuania);**
- 142.115. **Take the requisite measures to safeguard the independence of the judiciary, thereby strengthening this branch of Government (Namibia);**
- 142.116. **Duly consider the recommendations contained in the report of the Truth, Justice and Reconciliation Commission (Namibia);**
- 142.117. **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);**
- 142.118. **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);**
- 142.119. **Adopt a national programme of action on the fight against corruption (Russian Federation);**
- 142.120. **Continue reform of the judiciary and the penitentiary system (Senegal);**
- 142.121. **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);**
- 142.122. **Institute further administrative measures to secure the equitable representation and participation of women in governance (Serbia);**
- 142.123. **Ensure that attacks against human rights defenders are properly investigated and their perpetrators are prosecuted (Slovakia);**

- 142.124. 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);
- 142.125. Implement fully the 2013 PBO Act, and safeguard rights and space for civil society, in line with the Kenyan Constitution (Sweden);
- 142.126. 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);
- 142.127. 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);
- 142.128. 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);
- 142.129. Guarantee freedom of expression, press, associations and peaceful assembly of journalists, activists and participants in demonstrations (Uruguay);
- 142.130. Continue efforts to increase the participation of women in elected assemblies (Algeria);
- 142.131. Ensure full respect for freedom of expression and the press (Australia);
- 142.132. 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);
- 142.133. 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);
- 142.134. 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);
- 142.135. Respect the Constitution's provisions on human rights in its amendments to the Public Benefit Organizations Act and amendments to media laws (Denmark);
- 142.136. Ensure that NGOs and human rights defenders can freely conduct their activities (France);
- 142.137. 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);
- 142.138. Ensure, in both legislation and its implementation, freedom of expression and freedom of the press as guaranteed in its Constitution (Japan);
- 142.139. Continue efforts to achieve as rapidly as possible the threshold of 30% women in Parliament, as recommended by the Kenyan Constitution (Mauritania);

- 142.140. Ensure that laws enacted to regulate NGOs will not undermine their independence or unduly restrict their activities in the defence of human rights (Netherlands);
- 142.141. Pursue efforts to fully recognize women rights, their empowerment and participation in decision making (Nicaragua);
- 142.142. 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);
- 142.143. Fully implement the Public Benefit Organizations Act as soon as possible (Norway);
- 142.144. Increase representation of women in decision making bodies (Senegal);
- 142.145. Allocate more resources to social protection, including cash transfers to the most vulnerable groups in the society (South Africa);
- 142.146. Continue its efforts to alleviate poverty reduction (South Sudan);
- 142.147. Approve and implement the Water Bill as a matter of urgency, particularly for rural and suburban communities (Spain);
- 142.148. Continue its efforts in implementing national policy frameworks to eradicate poverty, unemployment and ensure equality (Sri Lanka);
- 142.149. 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);
- 142.150. Continue to strengthen social protection programs developed on behalf of its people, especially the population most in need (Venezuela (Bolivarian Republic of));
- 142.151. 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));
- 142.152. Continue its efforts to adopt a development policy to reduce poverty in order to protect and promote human rights (Yemen);
- 142.153. Accelerate efforts to empower those living below the poverty line through alleviation schemes (Zimbabwe);
- 142.154. 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);
- 142.155. 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);
- 142.156. Strengthen its efforts to eradicate poverty and hunger in the country (Bangladesh);
- 142.157. Continue the initiatives to promote and protect its people's right to adequate housing (Brunei Darussalam);

- 142.158. Continue to promote poverty alleviation and enhance poverty reduction of women and children and people with disabilities (China);
- 142.159. Allocate more resources to social protection (Cuba);
- 142.160. Continue efforts to ensure effective respect for the right to property by facilitating registration of property deeds (France);
- 142.161. Improve social policies to combat social inequalities and poverty, in particular, youth unemployment (Holy See);
- 142.162. 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);
- 142.163. Continue the measures for poverty reduction (Myanmar);
- 142.164. Further promote economic empowerment programmes and job creation to prevent the radicalization of the youth (Myanmar);
- 142.165. Take measures towards the adherence to the WHO standards on health service delivery (Serbia);
- 142.166. Continue its efforts to implement the adopted Strategies in particular the National Reproductive Health Strategy 2009-2015 (Sudan);
- 142.167. 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);
- 142.168. Consider continuing efforts to secure and retain adequate medical personnel in hardship and marginalized areas (Trinidad and Tobago);
- 142.169. Promote health and sanitary practices for the safety of mothers and their children, and uphold continually the inherent right to life (Holy See);
- 142.170. Continue to prioritize resources to equip its youths with the necessary education and skills to thrive in the global economy (Singapore);
- 142.171. Consider taking measures to increase the access of low-income children to education (Trinidad and Tobago);
- 142.172. Consider taking steps to increase opportunities to access higher education (Trinidad and Tobago);
- 142.173. Diligently work towards achieving its noble target to ensure free primary and secondary education schooling (Zimbabwe);
- 142.174. Further increase initiatives for the promotion of the right to education, especially for vulnerable children (Armenia);
- 142.175. Continue efforts aimed at enhancing the realization of the right to education and improving its quality (Egypt);
- 142.176. Strengthen effectively the protection of the rights of indigenous peoples, including to their ancestors' lands (Cabo Verde);
- 142.177. 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);

- 142.178. 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);
- 142.179. 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);
- 142.180. Continue to uphold the rights of indigenous and minority including vulnerable groups (Senegal);
- 142.181. Maintain its important humanitarian effort in cooperation with the international community and particularly the UNHCR in full respect of international refugee law (Belgium);
- 142.182. That no refugees should be forcibly returned to Somalia when conditions for their safe reestablishment are not present (Belgium);
- 142.183. Abide by the principle of non - refoulement and take steps to ensure that refugees/asylum seeker are not returned (Republic of Korea);
- 142.184. Ensure that all counter-terrorism measures carried out fully comply with Kenya's international law obligations (Austria);
- 142.185. Enact legislation on counter-terrorism, and ensure its full implementation (Botswana);
- 142.186. Ensure that all counter-terrorism measures undertaken fully comply with the Constitution, the rule of law and international human rights obligations (Canada);
- 142.187. Ensure that all steps taken to combat terrorism fully respect the Constitution and the rule of law (Chile);
- 142.188. Consider redoubling its efforts in the fight against terrorism (Lesotho);
- 142.189. 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);
- 142.190. 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);
- 142.191. Continue strengthening counter terrorism measures (Rwanda);
- 142.192. 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).
143. The recommendations below did not enjoy the support of Kenya and would thus be noted:
- 143.1. Ratify the International Convention on the Protection of the Rights of All Migrants Workers and Members of Their Families (Sierra Leone);
- 143.2. Ratify the Optional Protocol to CAT (Sierra Leone);

- 143.3. **Ratify the Optional Protocol to CEDAW (Sierra Leone);**
- 143.4. **Accede to the International Convention for the Protection of All Persons from Enforced Disappearance (Sierra Leone);**
- 143.5. **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);**
- 143.6. **Accede to the Agreement on Privileges and Immunities of the International Criminal Court and implement it fully at the national level (Slovakia);**
- 143.7. **Ratify the Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty (Timor-Leste);**
- 143.8. **Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Togo);**
- 143.9. **Ratify the International Convention for the Protection of All Persons from Enforced Disappearance without reservations and incorporate it into domestic law (Uruguay);**
- 143.10. **Ratify the Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty (Uruguay);**
- 143.11. **Ratify the Optional Protocol to International Covenant on Economic, Social and Cultural Rights (Uruguay);**
- 143.12. **Ratify the Convention on the Prevention and Punishment of the Crime of Genocide (Armenia);**
- 143.13. **Ratify OP-CAT and sign ICPPED (Cabo Verde);**
- 143.14. **Ratify the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (Chile);**
- 143.15. **Sign and ratify the Optional Protocol to the International Convention on the Rights of Persons with Disabilities (Chile);**
- 143.16. **Ratify the ILO Convention No.169 (Chile);**
- 143.17. **Ratify the Optional Protocol to the Convention against Torture (Denmark);**
- 143.18. **Accede to the optional protocols to the ICCPR (ICCPR-OP1, ICCPR-OP2), CAT (OP-CAT) and CRC (OP-CRC-SC) (Estonia);**
- 143.19. **Accede to the Agreement on Privileges and Immunities of the ICC (Estonia);**
- 143.20. **Ratify the Optional Protocol to the Convention against Torture (Germany);**
- 143.21. **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);**
- 143.22. **Ratify the Kampala Convention on internally displaced persons in the light of the ongoing review of Kenya's refugee law (Ghana);**

- 143.23. **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);**
- 143.24. **Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Mali);**
- 143.25. **Ratify the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (Montenegro);**
- 143.26. **Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Montenegro);**
- 143.27. **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);**
- 143.28. **Ratify the Optional Protocol to the Convention against Torture (Portugal);**
- 143.29. **Ratify the Optional Protocol to CEDAW (Portugal);**
- 143.30. **Ratify the Optional Protocol to the CRC on Communication Procedure (Portugal);**
- 143.31. **Accede to the 1954 and 1961 conventions on stateless persons (Portugal);**
- 143.32. **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);**
- 143.33. **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);**
- 143.34. **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);**
- 143.35. **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);**
- 143.36. **Repeal legal provisions which foresee penalties against LGBT persons to respect the principle of non-discrimination (France);**
- 143.37. **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);**
- 143.38. **Formalize its moratorium on the death penalty, with a view to its full abolition (Australia);**

- 143.39. **Abolish the death penalty (France);**
- 143.40. **Complete the process of abolition of the death penalty (Gabon);**
- 143.41. **Take concrete steps to abolish the death penalty (Ireland);**
- 143.42. **Accelerate progress towards abolishing the death penalty (Lithuania);**
- 143.43. **Abolish the capital punishment and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (Portugal);**
- 143.44. **Abolish the death penalty (Poland);**
- 143.45. **Implement the reconciliation put forth by the Independent Policing Oversight Authority's 2014 reports on the 'Usalama Watch' security operation and on the Mpeketoni attacks (United States of America);**
- 143.46. **Decriminalize sexual relations between consenting adults of the same sex (Slovenia);**
- 143.47. **Decriminalize consenting relationships between adults of the same sex and adopt measures against violence and hate speech against persons and associations of LGBTI (Chile);**
- 143.48. **Decriminalize consensual same sex conduct between adults (Denmark);**
- 143.49. **Decriminalize sexual relation between consenting adults of the same sex (Poland);**
- 143.50. **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);**
- 143.51. **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);**
- 143.52. **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);**
- 143.53. **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);**
- 143.54. **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);**
- 143.55. **Enact without delay the 2013 Access to Information Bill and Data Protection Bill (Latvia);**
- 143.56. **Abolish criminal sanctions for media offences (Latvia);**
- 143.57. **Decriminalize defamation to ensure that journalists were able to practice in a free and safe environment, to investigate all attacks on journalists (Lithuania);**

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

143.59. **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);**

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

143.61. **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).**

144. **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.
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