

ADVANCE QUESTIONS TO KENYA

BELGIUM

- We welcome the invitation and recent visits to Kenya of the special procedures on the human right to safe drinking water, the Independent expert on Somalia and on the rights of Internally displaced persons. We encourage Kenya to cooperate fully with the special procedures of the UN Human rights Council and would like to know if the government is considering an invitation as requested by the special procedures on Torture, on Enforce Disappearances and on right to Truth and would consider a standing invitation to all thematic special procedures?
- Is the Government of Kenya considering ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty? Is in the meanwhile the instauration of a formal moratorium on application of the death penalty as foreseen in several UN General Assembly resolutions a prospect for the Government?
- Is the Government of Kenya considering accepting the individual complaints procedure under all the human rights conventions to which it is already a State party?
- Is the Government of Kenya considering to sign and ratify the Arms Trade Treaty, taking into account the vast amounts of illegal arms present or transiting through its territory and the dire consequences of this situation on security in Kenya? Is the Government considering provisional application of articles 6 and 7 of the Treaty pending this ratification?
- Is the Government of Kenya considering to ratify without reservations the Agreement on privileges and immunities of the International Criminal Court?
- Will the Government of Kenya take initiatives allowing consideration by Parliament of legal or any other initiatives as recommended by the Kenyan Truth, Justice and Reconciliation Commission in its report as published in 2013?

CZECH REPUBLIC

- Does the Government of Kenya consider ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment (OP-CAT)? In what timeframe does it foresee the adoption of the Prevention of Torture Bill, which proposes a definition of torture and has been in the legislative process since 2010?

- How does Kenya prevent violence, hate speech and discrimination on grounds of sexual orientation and gender identity? Does the government promote public dialogue and awareness-raising in these areas with a view to allowing future revision of relevant laws so that they comply with the principle of non-discrimination?
- How does the Government ensure the freedom of expression and safety of journalists, bloggers and human rights activists in general?
- Does the government consider abolishing the death penalty and acceding to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty?
- Does the Government intend to further raise the age of criminal responsibility of children in order to bring it in line with international standards?

GERMANY

- Germany wishes to follow up on its recommendation made in 2010 to establish a comprehensive national policy and guidelines governing adoption in compliance with Convention on the Rights of the Child. What steps has the Government of Kenya taken to implement the National Plan of Action for Children 2013-2017 and generally to ensure that the human rights of children are fully realized?
- What steps has the Government of Kenya taken to accelerate the process of operationalizing the National Policy and Action Plan for Human Rights?

NETHERLANDS

Justice for the victims of the 2007 post-election violence

Which concrete steps are taken by the Government of Kenya to establish a local judicial mechanism to provide for the trial of the middle and lower level perpetrators of the 2007 post-election violence?

Extra-judicial killings

Which concrete steps have been taken to investigate the extra-judicial killings as documented by the Kenya National Commission on Human Rights?

Death Penalty

What concrete steps are being undertaken by the Kenyan Government toward *de jure* abolition of the death penalty?

Transitional Justice

When will the government commence implementation of the recommendations of the Truth, Justice and Reconciliation Commission?

NORWAY

- What progress has the Government of Kenya made in realizing justice for the victims of post-election violence and guaranteeing non-repetition?
- What independent investigations into extrajudicial killings, threats, harassment and intimidation of human rights defenders has the Government of Kenya undertaken?
- What steps has the Government of Kenya taken to prevent torture, enforced disappearances and extra judicial killings, including in efforts to counter terrorism?
- What concrete steps has the Government of Kenya taken to foster a broad-based and inclusive approach to tackling the threat of terrorism and insecurity?

SLOVENIA

- While the Constitution provides that not more than two-thirds of the members of elective or appointive bodies shall be of the same gender, you report that the National Assembly is made up of 290 elected representatives and 47 women county representatives, while the Senate consists of 47 elected members and 16 nominated women. We understand that these women's positions are in addition to any elected among the 290/47 members of the Assembly/Senate, and that only 16 women were elected as MPs in March 2013. While this is the highest number in Kenya's history, it falls well below the constitutional quota of one third, which would require 97 women to hold seats in the National Assembly, and 16 in the Senate. Can you please explain how the constitutional quota is being applied in parliamentary and other elections?
- What measures are being taken to address gender stereotypes that discriminate against women, prevent and redress gender-based violence, and to prevent sexual exploitation of women and girls?
- Recognizing that significant improvements to water infrastructure have been made, we would like to recall that the Special Rapporteur on the human rights to safe drinking water and sanitation recommended, inter alia, that the Water Bill clearly affirm that the allocation of water for personal and domestic use should be prioritized over other uses, and to set a mandatory affordability standard to ensure that water and sanitation were affordable to the poorest, some of whom now spend up to 10% of their income on water. How have these recommendations been integrated into the Water Bill, the draft National Water Policy, and the Water master plan?

- With regard to our 1st cycle recommendation on protection of street children, which Kenya accepted, we would be interested to hear what measures of care and protection are currently available to these children.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

- Given the importance that anti-terror legislation, while strengthening security, respects human rights and international obligations, what steps is the Kenyan Government taking to ensure that new security legislation complies with international human rights law and the Constitution?
- The Truth Justice and Reconciliation Commission submitted their report on 21st May 2013 covering human rights violations. What measures have been taken to implement all the recommendations particularly on access to justice for victims of post election violence in a speedy and transparent manner?
- Paragraph 54 of your national report mentions Civil Society Organisations (CSO) and the Public Benefits Organisation Act. What measures are being taken to create an enabling environment for civil society to contribute to the development of public policy, and the delivery and monitoring of public services?
- Please could you indicate whether Kenya is considering signing the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty?
- Recognising Kenya's long standing commitment to accommodating refugees as mentioned in paragraph 32 of your national report, how is Kenya intending to continue to uphold its international obligations including on non-refoulement?
- What steps is Kenya taking, in line with its Constitution, to reduce its maternal mortality rate?

UNITED STATES OF AMERICA

- In Kenya's 2010 UPR, the government noted that Kenya's human rights record had been marred by allegations of human rights violations by government security forces, including allegations of extra judicial killings (EJKs). The government also noted a commitment to working closely with the Special Procedures of the treaty bodies and mechanisms of the Council. What has the government done, specifically, to address allegations of EJKs by Kenya's security forces and to prevent future EJKs from occurring? Has the government made progress in the investigation of the killing of human rights activist Hassan Guyo in 2013? What level of cooperation has the government had with the Special Rapporteur on Extrajudicial, Arbitrary or Summary Executions?

- What steps is the government taking to ensure that consultations of a task force established by the Minister of Devolution on proposed amendments to the Public Benefits Organizations Act are comprehensive and far-reaching across Kenya? How will the report expected from the task force following consultations be integrated into the legislative process as relates to the Public Benefits Organizations Act?
- The Government of Kenya has pledged to fight trafficking in persons, particularly the trafficking of children. Noting the recent passing of the Victim Protection Act and the formation of the Counter Trafficking in Persons Advisory Committee, what steps is the government taking to sensitize its law enforcement officers to the trafficking problem? What steps is the GOK taking to enforce the existing laws to fight trafficking in persons? Additionally, how is the government planning on funding the various mechanisms designed to assist in the fight against trafficking?
- In its 2014 report, the ILO Committee of Experts on the Application of Conventions and Recommendations noted that the government has made various efforts to improve the child labor situation. What steps is the government taking to strengthen its efforts, going forward, to ensure progressive elimination of the worst forms of child labor? Specifically, why has the government not adopted the draft list of hazardous work for children and the National Policy on Child Labor? What steps is the government taking to strengthen the National Council for Children's Services?