

**United Nations Human Rights Council**

**35th Session of the UPR Working Group**

**Geneva, 23rd January 2020**

**German Recommendations and advance questions to**

**Kenya**

Madam President,

Germany would like to offer the following reccomendations:

1. Review the 2018 “associations bill” and ensure that NGO laws are in line with the right to freedom of expression.
2. Ensure that surveillance and profiling of citizens respect the right to privacy including judicial oversight.
3. investigate reported cases of extra-judicial killings and police violence and provide for victims’ rehabilitation.
4. Adopt an inclusive non-discrimination law, ensuring the protection enshrined in Article 27(4) of the Constitution.
5. Fully implement the Prevention of Torture Act including victims’ access to rehabilitation.
6. Establish and implement minimum standards ensuring protection and rehabilitation of victims of trafficking.

We commend Kenya for its efforts such as the introduction of the “Prevention of Torture Act” and the amendments to the “Public Order Act”.

However, we remain concerned about persisting discriminatory measures in the public sector against minorities and marginalized groups.

Thank you, Madam President.

**GERMAN ADVANCE QUESTIONS TO KENYA:**

* What actions did Kenya take concerning the Rights of children since the 2nd UPR cycle, including concerning the implementation of the National Plan of Action on Children? Why did Kenya not ratify the 2nd Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and neither signed nor ratified the 3rd Optional Protocol to the Convention on the Rights of the Child?
* What measures are planned to fully operationalize the National Coroner’s Service Act 2017 and the Prevention of Torture Act 2017 with a view to ensure that perpetrators of torture and extrajudicial executions are held accountable?
* What actions does Kenya intend to take in order to harmonize the two existing Data Protection Bills (National Assembly and Senate)?