

ADVANCE QUESTIONS TO KENYA – ADD.2

NETHERLANDS

- **Corruption**

Kenya has considerable policy and legal frameworks in place to combat corruption, including the Kenya Anti-Corruption Commission. Nevertheless, the Netherlands has received reports that corruption continues to hamper human-rights related reform programmes such as Free Primary Education and Kazi Kwa Vijana. Could the Government of Kenya indicate to what extent initiatives to fight corruption have reduced corruption levels, and whether suspects in recent large corruption scandals will be prosecuted? How does the Government intend to tackle the perceived gap between policy and practice?

- **Protection of witnesses**

The Witness Protection Act was recently amended to better protect witnesses. The Netherlands has received report that many of the threats to witnesses have come from state agents, and that the number of such threats is expected to rise now that the ICC has begun investigations. What assurances can the government provide for the protection of witnesses?

- **Police reform**

Police reform, including the merger of the Regular police unit and the Administration police and the establishment of a civilian oversight authority, is one of the key reforms under the Kenya National Reconciliation Accord. Could the Government provide information on how it intends to proceed in implementing the proposed reforms. In this context, the Netherlands is also interested in the Government's response to recent killings of seven taxi drivers in Nairobi.

- **Extrajudicial killings**

Early 2008, the UN Special Rapporteur on Extrajudicial Killings Professor Philip Alston visited Kenya and reported on his visit. Kenya disagreed with the report's content. What steps has the Government taken to address issues raised in the report? How does the Government intend to address the elimination of extrajudicial killings as well as compensation and justice for the families of victims?

- **Post-election violence**

The ICC has begun investigations into the post-election violence. What can the Government do to avoid that only a few high-level suspects are prosecuted but that other perpetrators of the post-election violence in Kenya will not face the law?

- **Discrimination on the basis of sexual orientation**

In the Kenya draft constitution the Bill of Rights states that the neither the state nor any person shall discriminate against any person on any ground, including sex and belief. Nevertheless, the penal code criminalises sexual activity between consenting adults of the same sex and we have received reports of increased incidents of homophobia in Kenya. What steps will Kenya take to provide for the protection and

equal treatment of gay and lesbian people in Kenya and prohibit discrimination on the basis of sexual orientation?
