



## Suggested recommendations to States considered in the 26<sup>th</sup> round of the Universal Periodic Review, 31 October - 11 November 2016

Table of contents	
Page	Page
Haiti..... 1	Timor-Leste.....10
Iceland..... 3	Togo..... 11
Lithuania.....5	Uganda.....14
Republic of Moldova..... 5	Venezuela..... 15
South Sudan.....6	Zimbabwe..... 18
Syrian Arab Republic..... 7	

### **Recommendations to the government of Haiti**

#### *Internally displaced persons and the right to adequate housing*

- End all forced evictions, including from displacement camps;
- Immediately declare an official moratorium on mass evictions until all legal and procedural safeguards are in place, as required under international human rights law and standards;
- Ensure that all evictions comply with international law and standards on forced evictions, including the UN Basic Principles and Guidelines on Development-Based Evictions and Displacement;
- Ensure that programmes aimed at transforming IDP camps and informal settlements into formal neighbourhoods do not result in forced evictions and provide security of tenure to all beneficiaries;
- Ensure that all rental subsidy programmes are linked to livelihoods and income generating activities and benefit the entire IDP community and have provisions for legal support for housing, land and property matters, as recommended by the UN Special Rapporteur on the Human Rights of Internally Displaced Persons;
- Fully implement the National Policy on Housing and Habitat in a manner that ensures access, on the basis of non-discrimination, to adequate housing, particularly for those living in poverty.

#### *Migrants' rights*

- Update the 1999 Protocol of understanding with the Dominican Republic on the mechanisms of repatriation to ensure its full compliance with international law and standards;
- Systematically register people returning or being deported from the Dominican Republic and facilitate access to identity document for those who are Haitian nationals;
- Provide returnees with immediate assistance and protection, paying special attention to marginalized groups and persons at risk;
- Ensure access to adequate housing for all returnees, especially those who cannot provide for themselves.

*Stateless people*

- Identify and register persons who are stateless or at risk of statelessness;
- Facilitate settlement in Haiti and access to identity documents for stateless persons born in and expelled from the Dominican Republic and who wish to remain in Haiti;
- Facilitate, including through dialogue with the Dominican authorities, the return to the Dominican Republic of people born in the Dominican Republic who wish to return;
- Adopt and effectively implement the draft Nationality Law;
- Ratify, without making any reservation, and implement in national law the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness.

*Access to justice*

- Ensure that the judiciary, including the Supreme Council of the Judiciary (CSPJ), is provided with adequate resources and able to operate free from political interference;
- Implement practical measures throughout the country to accelerate consideration of the cases of those held in pre-trial detention and implement alternative measures to incarceration to ensure that pre-trial detention is used only as an exceptional measure;
- Ensure that the judicial authorities have sufficient resources to continue, free from political interference, the investigation into the crimes under international law and human rights violations committed during Jean-Claude Duvalier's era;
- Finalize the reform of the Criminal Code and ensure that rape and other crimes of sexual violence, torture, enforced disappearance, crimes against humanity, and discrimination are defined in line with international law and standards.

*Human rights defenders, lawyers, and journalists*

- Ensure prompt and effective investigation of all allegations of attacks, threats, harassment or intimidation against human rights defenders, lawyers and journalists; make the results public; bring the perpetrators to justice; and ensure effective remedies and adequate reparations to the victims;
- Provide effective national protection measures to lawyers, human rights defenders and journalists, including by fully implementing the precautionary measures (interim measures of protection) of the Inter-American Commission on Human Rights where these have been granted;
- Explicitly recognize the legitimacy of human rights defenders and publicly support their work, including by ensuring a safe and enabling environment in which to carry out their work without fear of intimidation or reprisals;
- Promote and widely disseminate the UN Declaration on Human Rights Defenders, and adopt national legislation for its effective implementation;
- Recognise the particular challenges faced by Women Human Rights Defenders and ensure they receive the protection they need against gender-based threats and violence due to their work.

*Violence against women and girls*

- Ensure that the police and judicial authorities systematically and effectively register all complaints of gender-based violence, including by collecting and disaggregating data across Haiti on the nature of the violence, the alleged identity of the perpetrator, their relationship with the victim, the rate of successful prosecution, and make the results public;
- Ensure that the judicial authorities investigate all report of gender-based violence promptly, impartially and effectively and bring to justice the suspected perpetrators in fair trials;
- Adopt and effectively implement comprehensive legislation on violence against women, including a definition of rape consistent with international standards, and criminalizing rape within marriage;
- Train prosecutors and judges in the handling of cases of rape and sexual violence in a manner

which is compliant with international standards, including in relation to the use of forensic evidence, and which avoids gender stereotyping.

*LGBTI persons*

- Fully investigate all acts of violence suspected of being motivated by discrimination against individuals because of their real or perceived sexual orientation or gender identity and bring the suspected perpetrators to justice in fair trials;
- Carry out training of police officers and other state agents on how to handle cases of violence, harassment and intimidation against people because of their real or perceived sexual orientation or gender identity, including by avoiding resort to gender stereotyping;
- Implement human rights education and anti-discrimination awareness-raising programs in collaboration with LGBTI rights organizations.

*Ratification of international standards*

- Ratify, without making any reservation, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and opt-in to the inquiry and inter-state procedures;
- Ratify the International Convention for the Protection of All Persons from Enforced Disappearance, signed on 6 February 2007, without making any reservation or declaration amounting to reservations, and recognize the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of victims and other states parties;
- Promptly ratify the Rome Statute of the International Criminal Court, signed on 26 February 1999, and the Agreement on the Privileges and Immunities of the International Criminal Court, and implement them fully into national law;
- Accede to the Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity, without making any reservation, and implement it into national law.

## **Recommendations to the government of Iceland**

*Ratification of international human rights treaties*

- Promptly ratify the Optional Protocols to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and to the International Covenant on Economic, Social and Cultural Rights;
- Ratify the UN Convention for the Protection of All Persons from Enforced Disappearance, and recognize the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of victims and other states parties.
- Ratify the UN Convention on the Rights of Persons with Disabilities and its Optional Protocol, and the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families.

*National human rights framework*

- Promptly establish a national human rights institution, fully compliant with the Paris Principles and in consultation with civil society, and drawing on the expertise, experience and network of the Icelandic Human Rights Centre (ICEHR) in this process;
- Include in the General Penal Code a definition of torture in line with that contained in the Convention on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- Develop and adopt anti-discrimination legislation, including through implementing EU Discrimination Directives 2000/43/EC and 2000/78/EC, both of which have yet to be implemented in Icelandic law.

*Prison conditions*

- Ensure that people deprived of their liberty are granted with adequate conditions in accordance with the Standard Minimum Rules for the treatment of prisoners (the Nelson Mandela Rules).

*Human Rights Defenders*

- Promote and widely disseminate the UN Declaration on Human Rights Defenders, and adopt national legislation for its effective implementation;
- Recognise the particular challenges faced by Women Human Rights Defenders and ensure they receive the protection they need against gender-based threats and violence due to their work.

*Children's rights*

- Implement the Act in Respect of Children to ensure that children are free to express their own views and can participate in decisions regarding their well-being, including in custody cases.

*Sexual violence*

- Implement a new action plan against sexual violence, with a particular focus on educating police officers, prosecutors and judges on the prevention of sexual violence, and foster increased understanding of the crime of sexual violence and a change in attitudes to such violence;
- Strengthen the services offered to women and girl survivors of sexual and domestic violence and adopt and implement an action plan on domestic and sexual violence, which is sensitive to the needs of immigrant women and girls, and women and girls with disabilities;
- Implement the recommendations in the report *Views of Professionals Working on Rape Cases within the Criminal Justice System and Suggestions for Improvements*, issued by the EDDA Center of the University of Iceland<sup>1</sup> in 2014, in particular to develop an action plan to improve access to justice in rape cases and in cases of sexual offences against children.

*Trafficking*

- Allocate sufficient financial and human resources to the police to increase its capacity to investigate cases of trafficking in persons and ensure that victims of trafficking receive justice and reparations;
- Strengthen training on trafficking issues for both professionals (police, prosecutors, judges, health care personnel, and social workers) and the general public.

*Refugees and asylum-seekers*

- Ensure that refugees are not forced to return to a country where they are at real risk of serious human rights violations or abuses;
- Resettle refugees who are in a vulnerable situation;
- Ensure that refugees can fully enjoy their right to work, adequate housing and education, are able to move freely, and can keep their own identity and travel documents;
- Ensure that asylum-seekers are allowed to enter the country to seek asylum in a fair and effective procedure and not returned to a country where they would be at real risk of serious human rights violations or abuses.

*Rights of migrants and minorities*

- Strengthen and coordinate efforts by the government, labour unions and NGOs working on migrant issues to counteract discrimination in the labour market;
- Commission research into violence faced by migrant women in Iceland and act on the findings in order to reduce such violence.

*LGBTI rights*

- Ensure protection of the rights of lesbian, gay, bisexual, transgender and intersex persons,

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<sup>1</sup> EDDA stands for Equality, Diversity, Development and Advancement

including through explicit prohibition of discrimination on the grounds of sexual orientation, gender identity, and sex characteristics.

## **Recommendations to the government of Lithuania**

### *International human rights standards*

- Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and opt-in to the inquiry and inter-state procedures.

### *Human Rights Defenders*

- Explicitly recognize the legitimacy of human rights defenders and publicly support their work, acknowledging their contribution to the advancement of human rights;
- Ensure a safe and enabling environment in which it is possible to defend human rights without fear of reprisal or intimidation;
- Thoroughly, promptly and independently investigate threats, attacks, harassment and intimidation against human rights defenders; bring their perpetrators to justice in fair trials; and ensure effective remedies and adequate reparations to the victims.

## **Recommendations to the government of Republic of Moldova**

### *Ratification of international standards*

- Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and opt-in to the inquiry and inter-state procedures;
- Promptly accede to the Agreement on the Privileges and Immunities of the International Criminal Court, and implement it into national law;
- Ratify the International Convention for the Protection of All Persons from Enforced Disappearance, signed on 6 February 2007, without making any reservation or declaration amounting to reservations, and recognize the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of victims and other states parties.

### *Human Rights Defenders*

- Explicitly recognize the legitimacy of human rights defenders and publicly support their work, acknowledging their contribution to the advancement of human rights;
- Promote and widely disseminate the UN Declaration on Human Rights Defenders, and adopt national legislation for its effective implementation;
- Ensure a safe and enabling environment in which it is possible to defend human rights without fear of reprisal or intimidation;
- Recognize the particular challenges faced by Women Human Rights Defenders who are at risk of certain forms of violence, and ensure they receive protection against any gender-based threats and violence they may face due to their work;
- Establish national protection mechanisms for human rights defenders at risk in consultation with human rights defenders and civil society organizations;
- Thoroughly, promptly and independently investigate threats, attacks, harassment and intimidation against human rights defenders; bring their perpetrators to justice in fair trials; and ensure effective remedies and adequate reparations to the victims.

## **Recommendations to the government of South Sudan**

### *International human rights standards*

- Promptly ratify or accede to human rights treaties, without making any reservation, including the International Covenant on Civil and Political Rights and its Optional Protocols, the International Covenant on Economic, Social and Cultural Rights and its Optional Protocol (and opt-in to the inquiry and inter-state procedures), the International Convention for the Protection of All Persons from Enforced Disappearance (and recognize the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of victims and other states parties), the Convention on the Rights of Persons with Disabilities, the African Charter on Human and Peoples' Rights, the African Charter on the Rights and Welfare of the Child, and the Protocol to the African Charter on the Rights of Women in Africa.
- Promptly accede to the Rome Statute of the International Criminal Court and the Agreement on the Privileges and Immunities of the International Criminal Court, and implement them fully in national law;
- Accede to the Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity, without making any reservation, and implement it into national law.

### *International standards relating to arms control*

- Promptly ratify and implement the Arms Trade Treaty, with particular attention to Article 6 on Prohibitions and Article 7 on Export and Export Assessment, which prohibit the transfer of arms that could be used to commit or facilitate serious violations of international human rights and humanitarian law.

### *National Security Service Act*

- Review and amend the National Security Service Act to limit the powers of the National Security Service to “information gathering, analysis and advice to the relevant authorities”, as provided in the Transitional Constitution; to explicitly exclude from the NSS powers to arrest, detain, conduct searches, seize property and use force; and to ensure that the Act complies with international, regional and national human rights standards.

### *Failure to provide for crimes under international law*

- Enact and enforce legislation that defines and criminalizes torture, enforced disappearance, genocide and crimes against humanity, in full compliance with international law, and ensure that such legislation also provides for command and superior responsibility, the irrelevance of official capacity, and the non-applicability of statute of limitations, amnesties, pre-conviction pardons and immunities.

### *South Sudan Human Rights Commission*

- Ensure that the South Sudan Human Rights Commission is provided with all necessary financial, logistical and technical support in order to effectively monitor, document and publicly report on the human rights situation in the country, particularly violations related to the internal armed conflict.

### *The death penalty*

- Immediately establish an official moratorium on executions with a view to abolishing the death penalty;
- Commute, without delay, all death sentences to terms of imprisonment;
- Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at abolishing the death penalty.

### *Restrictions on freedom of expression*

- Increase the space for independent human rights monitoring and reporting, including by providing full and unimpeded access for journalists, human rights organizations, human rights defenders, and other members of civil society to all areas of the country, including conflict-

affected areas;

- Immediately cease activities restricting freedom of expression, including threats, harassment, torture and other ill-treatment, and arbitrary detention of journalists, human rights defenders, and members of civil society;
- Conduct prompt, effective and impartial investigations into all allegations of threats, attacks, harassment and intimidation against journalists, human rights defenders, and members of civil society, hold those responsible to account in accordance with international standards for fair trial, and ensure effective remedies and adequate reparations to the victims;
- Explicitly recognize the legitimacy of human rights defenders and publicly support their work, acknowledging their contribution to the advancement of human rights and ensuring a safe and enabling environment in which to carry out their work without fear of reprisal or intimidation.

#### *Arbitrary arrest and detention*

- Immediately release from detention all human rights defenders, activists and political detainees or charge them with a recognizable offense and present them before an ordinary and competent civilian judicial authority.

#### *Internal armed conflict*

- End all violations of international human rights and humanitarian law committed by members of the armed forces or associated personnel, including unlawful killings, acts of sexual violence, attacks on civilians, looting and destruction of civilian property, violence against humanitarian personnel and assets, and other obstructions to humanitarian assistance.

#### *Criminal justice*

- Take steps to address human rights violations related to the criminal justice system by improving the capacity and functioning of the judiciary, prosecution, police and prison service.

#### *Impunity for human rights violations*

- Immediately suspend from active duty military and civilian officials against whom there is credible evidence that they have committed crimes under international humanitarian law or human rights abuses, pending independent and impartial investigations;
- Undertake prompt, effective and impartial investigations into allegations of crimes under international law and human rights violations or abuses and bring all those suspected of criminal responsibility to justice in open, accessible ordinary civilian courts and in fair trials without recourse to the death penalty;
- Ensure the establishment of the Commission for Truth, Reconciliation and Healing, the Compensation and Reparations Authority, and the Hybrid Court for South Sudan, as provided for in the Agreement on the Resolution of Conflict in South Sudan.

#### *Right to mental health services*

- Take steps to improve the availability, accessibility and quality of mental healthcare services across the country.

#### *LGBTI persons*

- Repeal provisions in the Penal Code criminalising consensual sex between adults of the same sex, including section 248(1) criminalizing "carnal intercourse against the order of nature".

## **Recommendations to the government of Syrian Arab Republic**

#### *Indiscriminate and direct attacks on civilians, medical facilities and workers*

- Cease immediately all indiscriminate shelling or other bombardments, including through barrel bombs, in recognition that indiscriminate attacks and direct attacks on civilians or civilian objects (such as hospitals and schools) constitute war crimes;

- Take all feasible precautions to minimize harm to civilians and damage to civilian objects, including giving advance effective warnings of impending attacks when possible to civilians likely to be affected; ensure that targets are in fact military objectives; and, particularly in the case of medical facilities, adhere strictly to the presumption of civilian character in case of doubt;
- Fully comply with the relevant provisions of international humanitarian law in the planning and execution of any air strikes by ensuring that civilians and civilian objects, including homes and medical facilities, are not targeted; and comply with provisions of UN Security Council resolutions 2139, 2165 and 2191 related to respect for international humanitarian law and human rights;
- Provide full co-operation and unhindered access to the Independent International Commission of Inquiry on the Syrian Arab Republic, as well as other international human rights monitors, to investigate all alleged crimes under international law and violations and abuses of international human rights law.

*Sieges and denial of humanitarian access*

- Immediately end the armed sieges of civilian areas, including Eastern Ghouta, Daraya, Mouadhmiyah, Zabadani and Madaya', end all attacks on medical and other humanitarian workers, and instruct all military and security personnel to afford them appropriate protection at all times;
- Allow unfettered access by UN and independent humanitarian agencies to assist civilians in areas under siege by providing food, water, medicines and medical aid, and by safely evacuating the sick, the elderly, families with children, and other civilians who lack shelter or wish to leave the area.

*Arbitrary arrests and detentions, enforced disappearance, and torture and other-ill treatment*

- End enforced disappearances, arbitrary arrests, torture and other ill-treatment, and extrajudicial executions, and make clear to all government forces and militias that such violations will not be tolerated;
- Grant independent international monitors, such as the UN-mandated Independent International Commission of Inquiry on the Syrian Arab Republic, unhindered access to all persons deprived of their liberty and allow them to investigate and monitor conditions in all detention facilities;
- Ensure that all those detained are registered and held in recognized places of detention, that they can challenge the legality of their detention before an independent court, and that they have access to a lawyer and to medical care and allowed regular visits by their families;
- Immediately and unconditionally release prisoners of conscience, imprisoned solely for the peaceful exercise of their human rights, or because of their identity;
- Ensure that all persons deprived of their liberty are protected from torture and other ill-treatment and treated humanely in accordance with international standards, including the UN Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules) and the UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules);
- Ensure that all cases of enforced disappearance are investigated, that those suspected of responsibility are prosecuted in civilian courts in proceedings that conform to international fair trial standards and that victims receive full reparation;
- End the use of unfair trials and the practice of trying civilians in military courts, abolish Military Field Courts and reform the Anti-Terrorism Court in line with international fair trial standards in law and in practice.

*The death penalty*

- Immediately establish an official moratorium on executions with a view to abolishing the death penalty;



- Commute all death sentences without delay;
- Pending full abolition of the death penalty, halt the implementation of any death sentences and ensure the most rigorous international standards for fair trial in proceedings related to offences where this punishment might be imposed.

*Human rights defenders and restrictions on freedom of expression*

- Increase the space for independent human rights monitoring and reporting, including by providing full and unimpeded access for journalists, human rights organizations, human rights defenders, and other members of civil society to all areas of the country;
- Immediately end the persecution of human rights defenders, members of civil society and journalists, including threats, harassment, torture and other ill-treatment, arbitrary detention, enforced disappearances and extrajudicial executions;
- Conduct prompt, effective and impartial investigations into all allegations of threats, attacks, harassment, intimidation, arbitrary detention, enforced disappearance, torture and other ill-treatment and extrajudicial executions of journalists, human rights defenders, and members of civil society; hold those responsible to account in accordance with international standards for fair trial without the recourse to the death penalty, and ensure effective remedies and adequate reparations to the victims;
- Immediately and unconditionally release all human rights defenders and other members of civil society detained solely as a result of their peaceful activities;
- Inform the families of the fate, whereabouts and legal status of all human rights defenders and civil society activists in their custody;
- Explicitly recognize the legitimacy of human rights defenders and ensure a safe and enabling environment for human rights defenders and other members of civil society to defend human rights without fear of reprisal or intimidation.

*Ratification of international standards*

- Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and opt-in to the inquiry and inter-state procedures, as well as the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- Promptly ratify the Rome Statute of the International Criminal Court, signed on 29 November 2000, accede to the Agreement on the Privileges and Immunities of the International Criminal Court, and implement them fully in national law;
- Accede to the Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity, without making any reservation, and implement it into national law;
- Ratify the International Convention for the Protection of All Persons from Enforced Disappearance, without making any reservation or declaration amounting to reservations, and recognize the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of victims and other states parties;
- Ratify the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol.

*International standards relating to arms control*

- Promptly accede to and implement the Arms Trade Treaty, with particular attention to Article 6 on Prohibitions and Article 7 on Export and Export Assessment, which prohibit the transfer of arms that could be used to commit or facilitate serious violations of international human rights and humanitarian law.

## **Recommendations to the government of Timor-Leste**

### *Ratification of international standards*

- Ratify without making any reservation, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and opt-in to the inquiry and inter-state procedures;
- Promptly accede to and implement the Arms Trade Treaty, with particular attention to Article 6 on Prohibitions and Article 7 on Export and Export Assessment, which prohibit the transfer of arms that could be used to commit or facilitate serious violations of international human rights and humanitarian law.

### *Impunity of past human rights violations*

- Discuss publicly in Parliament and in other public institutions the recommendations and findings in the reports of the Commission for Reception, Truth and Reconciliation in East Timor and the Commission of Truth and Friendship and agree action to give effect to these recommendations;
- Enact legislation to establish the Framework of the National Reparations Programme and the Public Memory Institute at the earliest opportunity, in accordance with international law and standards;
- Expedite the establishment of a Commission for Disappeared Persons, in collaboration with the government of Indonesia, as recommended by the Commission of Truth and Friendship in 2008;
- Amend UNTAET Regulation No. 2000/15 or take other measures to enable the investigation and, if there is sufficient admissible evidence, prosecution of those accused of crimes against humanity and gross human rights violations committed in the context of the 1999 independence referendum in Timor-Leste;
- Ensure that victims of gender-based violence can access justice, truth and reparation, including challenging the stigma and discrimination experienced by survivors of sexual violence and gender stereotypes that underlie violence against women in Timor-Leste;
- Promptly accede to the Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity, without making any reservation, and implement it into national law.

### *Enhancing the rule of law*

- Amend the Penal Code or pass new legislation, through transparent and broad consultation with civil society groups, to ensure that national law is brought into line with the Rome Statute of the International Criminal Court and other international law obligations;
- Review the decision to terminate the foreign judicial officers serving in Timor-Leste to ensure the integrity of the judiciary and the effective functioning of the judicial system in Timor-Leste. Any decision to remove judges, prosecutors or other judicial officers should be taken in accordance with procedures established in law, and be subject to independent review;
- Enact legislation to explicitly prohibit the use of amnesties and other measures of impunity for crimes under international law and human rights violations and abuses;
- Ensure that all legislation, draft legislation and other legal documents are widely available in both Portuguese and Tetum;
- Strengthen accountability mechanisms to deal promptly, impartially and effectively with suspected human rights violations by members of the security forces, in particular during the joint operations against Mauk Moruk and his followers, to bring to justice those suspected of criminal responsibility in fair trials before ordinary civilian courts, and to ensure the victims receive reparation.

### *Media restrictions*

- Revise the new Media Law and bring it into line with international law and standards, in particular to ensure that it will not restrict the legitimate work of journalists and the right of

people in Timor-Leste to freedom of expression, including the right to receive information.

*Enforced disappearances*

- Promptly accede without making any reservation to the International Convention for the Protection of All Persons from Enforced Disappearance, recognizing the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of victims or other states parties, and implement the Treaty in national law and practice.

*Domestic violence*

- Take all necessary steps to implement the 2015 recommendations by the UN Committee on the Elimination of Discrimination against Women relating to domestic violence to ensure that laws, policies and practices are in line with Timor-Leste's obligations under the Convention on the Elimination of All Forms of Discrimination against Women.

*Human Rights Defenders*

- Explicitly recognize the legitimacy of human rights defenders and publicly support their work, acknowledging their contribution to the advancement of human rights;
- Promote and widely disseminate the UN Declaration on Human Rights Defenders, and adopt national legislation for its effective implementation;
- Ensure a safe and enabling environment in which it is possible to defend human rights without fear of reprisal or intimidation;
- Establish national protection mechanisms for human rights defenders at risk in consultation with human rights defenders and civil society organizations;
- Thoroughly, promptly and independently investigate threats, attacks, harassment and intimidation against human rights defenders; bring their perpetrators to justice in fair trials without recourse to the death penalty; and ensure effective remedies and adequate reparations to the victims.

## **Recommendations to the government of Togo**

*International human rights instruments*

- Ratify the African Charter on Democracy, Elections and Governance, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

*Cooperation with the UN treaty bodies and Special Procedures*

- Submit all overdue reports to the Human Rights Committee, the Committee on the Rights of the Child, the Committee on the Rights of Persons with Disabilities, and the African Commission on Human and Peoples' Rights;
- Extend a standing invitation to the UN Special Procedures, and facilitate visits to Togo by the Working Group on Arbitrary Detention; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence; and the Special Rapporteur on the independence of judges and lawyers;
- Fully and effectively implement recommendations by the UN treaty bodies and Special Procedures, including releasing Kpatcha Gnassingbé and his co-detainees, as requested by the Working Group on Arbitrary Detention;
- Promptly recognize the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of victims and other states parties.

*National Human Rights Commission*

- Adopt measures to guarantee appropriate financial resources, full independence, and impartiality of the National Human Rights Commission, as Togo had accepted to do in the 2011 UPR, including by amending the law adopted in March 2016, which enables the President of the Republic to appoint members of the Commission, to ensure that the nomination process is transparent and subject to independent oversight;
- Promptly, thoroughly and impartially investigate the allegations that the government falsified the report of the National Human Rights Commission in 2012 in relation to the case of Kpatcha Gnassingbé and his co-detainees, and hold anyone suspected of having falsified the report to account and take appropriate measures to guarantee non-recurrence;
- Promptly, thoroughly and impartially investigate the threats against the President of the National Human Rights Commission in 2012 and bring anyone suspected to be responsible to justice in a fair trial;
- Ensure the findings of the National Human Rights Commission are made available to the public.

*Prison conditions*

- Develop and implement a strategy to reduce prison overcrowding, as Togo had accepted to do in the 2011 UPR, particularly by substituting detention with non-custodial measures;
- Ensure that all persons deprived of liberty are held in humane conditions, including in line with the UN Basic Principles for the Treatment of Prisoners and the Standard Minimum Rules for the Treatment of Prisoners and the Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders, as Togo had accepted to do in the 2011 UPR, particularly by ensuring that all detainees have access to sufficient food and drinkable water, adequate sanitary facilities and medical treatment.

*Freedom of assembly and use of force*

- Prohibit the deployment of military armed forces in public order situations;
- Provide the security forces with sufficient resources to police large scale or hostile demonstrations and counter-demonstrations and effective training in the appropriate and differentiated use of force and weapons, including anti-riot equipment;
- Amend laws regulating the use of force, particularly Decree N° 2013–013 on maintaining and restoring public order, to bring them in line with international standards, such as the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, including by revising the legal basis for the use of force and establishing clear rules for the use of force by the security forces in the context of policing demonstrations;
- Ensure arbitrary or abusive use of force and firearms by law enforcement officials is punished as a criminal offence and clarify that orders may not serve as an acceptable defence;
- Amend laws which violate the right to freedom of peaceful assembly, such as the Criminal Code and Law N°2011–010 on freedom of assembly and public and peaceful demonstrations, to bring them in line with international and regional human rights standards, including by clarifying that peaceful assemblies should not be banned unless less restrictive measures have proved inefficient, and removing provisions criminalizing the organization of and participation in peaceful demonstrations;
- Establish an independent oversight body with adequate human and financial resources and mandated to investigate serious incidents involving the use of force by the security forces, and establish individual and command responsibility, as well as institutional failures and deficiencies;
- Promptly, thoroughly and impartially investigate all allegations of excessive use of force and bring anyone suspected to be responsible to justice in a fair trial, including superior officers if they have failed to prevent the arbitrary use of force when they had an opportunity to do so.

*Freedom of expression and human rights defenders*

- Amend laws which violate the right to freedom of expression, such as the Criminal Code and the Press and Communication Code, to bring them in line with international and regional human rights standards, including by decriminalizing defamation, offending public officials, publishing, broadcasting or reproducing “false news”, hurling seditious chants, and by providing clearer definitions terrorism related charges;
- Adopt and implement national legislation to protect and facilitate the work of human rights defenders, journalists and bloggers, including a freedom of information law and a law to provide legal recognition and protection to human rights defenders;
- Promote and widely disseminate the UN Declaration on Human Rights Defenders, and adopt national legislation for its effective implementation;
- Ensure that all Togolese, including journalists, opposition leaders, real or perceived government opponents, and human rights defenders, are able to freely exercise their right to freedom of expression without fear of arrest, detention, intimidation, threats, harassment or attacks;
- Promptly, thoroughly and impartially investigate all allegations of arbitrary arrest and detention, intimidation, threats, harassment and attacks against human rights defenders, journalists or anyone expressing dissent, and bring any perpetrators to justice in fair trials and ensure effective remedies and adequate reparations to the victims;
- Recognize the particular challenges faced by Women Human Rights Defenders who are at risk of certain forms of violence, and ensure they receive the protection against any gender-based threats or violence they may face due to their work.

*Torture and other ill-treatment*

- Amend the Criminal Code to bring the definition of torture in line with the definition set out in Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as Togo had accepted to do in the 2011 UPR, and abolish the statute of limitation currently applicable to the offence of torture;
- Amend the Criminal Code to make all other cruel, inhuman or degrading treatment or punishment a punishable offence independently of its gravity;
- Amend the Criminal Procedure Code to bring it in line with international standards, as Togo had accepted to do in the 2011 UPR, particularly with a view to build in legal safeguards against torture, such as upholding the right to legal counsel as soon as the person is deprived of liberty and substituting pre-trial detentions with non-custodial measures unless strictly necessary;
- Amend the law adopted in March 2016 establishing the national preventive mechanism to guarantee its independence and to bring it in line with the guidelines provided by Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, including by clarifying that the mechanism will have appropriate and dedicated financial and human resources;
- Promptly, thoroughly and impartially investigate all allegations of torture and ill-treatment and bring anyone suspected to be responsible to justice in a fair trial, as Togo had accepted to do in the 2011 UPR.

*LGBTI rights*

- Repeal the provisions of the Criminal Code which criminalize consensual same-sex sexual conduct and incitement to consensual same-sex sexual conduct;
- Protect, respect and fulfil human rights for all, regardless of sexual orientation or gender identity and expression;
- Ensure LGBTI rights defenders are able to register their organizations without undue delays and benefit from the same rights and protection as other human rights defenders;
- Promptly, thoroughly and impartially investigate all allegations of attacks, arbitrary arrest and detention of persons on the basis of their real or perceived sexual orientation or gender identity

and expression and bring anyone suspected to be responsible to justice in a fair trial.

#### *Impunity for human rights violations*

- Promptly, thoroughly and impartially investigate all allegations of crimes under international law and human rights violations and bring all those suspected of criminal responsibility to justice in fair trials, independently of disciplinary sanctions or disciplinary processes, in particular with regard to the violations that occurred during the 2005 election;
- Put in place measures to safeguard the independence of the judiciary, particularly in relation to the security forces, in line with the UN Basic Principles on the Independence of the Judiciary;
- Fully and effectively implement the decisions of the ECOWAS Community Court of Justice, including by releasing Kpatcha Gnassingbé and his co-detainees and providing them with full reparation for the harm suffered;
- Promptly accede to the Rome Statute of the International Criminal Court, adhere to the Agreement on the Privileges and Immunities of the International Criminal Court, and implement them fully into national law;
- Accede to the Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity, without making any reservation, and implement it into national law.

### **Recommendations to the government of Uganda**

#### *Ratification of international standards*

- Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and opt-in to the inquiry and inter-state procedures;
- Promptly ratify the International Convention for the Protection of All Persons from Enforced Disappearance, signed on 6 February 2007, without making any reservation or declaration amounting to a reservation, and recognize the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of victims and other states parties;
- Promptly accede to and implement the Arms Trade Treaty, with particular attention to Article 6 on Prohibitions and Article 7 on Export and Export Assessment, which prohibit the transfer of arms that could be used to commit or facilitate serious violations of international human rights and humanitarian law.

#### *LGBTI persons*

- Repeal provisions in the Penal Code criminalising consensual sex between adults of the same sex, including section 145 criminalising "carnal knowledge against the order of nature";
- End the use of arrests and detention to harass LGBTI activists and cease preventing them from exercising their right to peaceful assembly and protest;
- Refrain from legislation and policy that advocates hatred against LGBTI by threatening "corrective" or "rehabilitative" measures.

#### *Human rights defenders*

- Thoroughly, promptly and independently investigate threats, attacks, harassment and intimidation against human rights defenders and civil society organisations, including the recent spate of break-ins and ransacking of NGO offices; bring their perpetrators to justice in fair trials without recourse to the death penalty; and ensure effective remedies and adequate reparations to the victims;
- Ensure a safe and enabling environment in which it is possible to defend human rights without fear of reprisal or intimidation;
- Ensure that the criminal justice system is not misused to target or harass human rights defenders;

- Recognise the particular challenges faced by human rights defenders, particularly those who work on women's rights and LGBTI rights, who are more at risk of suffering certain forms of violence, and ensure they receive protection against threats and violence;
- Explicitly recognize the legitimacy of human rights defenders and publicly support their work;
- Promote and widely disseminate the UN Declaration on Human Rights Defenders, and adopt national legislation for its effective implementation;
- Establish national protection mechanisms for human rights defenders at risk in consultation with human rights defenders and civil society organizations.

*Restrictions on freedoms of expression, association and assembly*

- Revise the Public Order Management Act to make it consistent with international human rights standards, and to eliminate vague provision that could be abused, including by police or security agents, to impose excessive restrictions on the rights to freedom of expression, association and peaceful assembly;
- End police brutality, arbitrary arrests and politically motivated prosecution of opposition leaders and supporters merely for expressing dissent or engaging in peaceful assembly.
- Take effective measures to protect journalists from beatings, arrest and intimidation merely for carrying out their legitimate work, and end interference in the operations of media houses, especially when they cover opposition activities

*Women's rights*

- Fulfil its earlier commitment to review the Anti-Pornography Act and bring it in line with international standards to ensure that it does not violate human rights, including the rights to freedom from discrimination, to privacy and to equality before the law.

*The death penalty*

- Abolish the death penalty for all crimes;
- Commute, without delay, all death sentences to terms of imprisonment;
- Pending its full abolition, ensure that the death penalty is, under no circumstances, imposed in violation of the guarantees provided for in Article 6 International Covenant on Civil and Political Rights.
- Ratify, without reservation, the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at abolition of the death penalty.

## **Recommendations to the government of Venezuela**

*International human rights standards*

- Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and opt-in to the inquiry and inter-state procedures;
- Promptly accede to and implement the Arms Trade Treaty, with particular attention to Article 6 on Prohibitions and Article 7 on Export and Export Assessment, which prohibit the transfer of arms that could be used to commit or facilitate serious violations of international human rights and humanitarian law.

*Human rights defenders*

- Explicitly and publicly recognize the legitimacy of the work of human rights defenders, including by making public statements recognizing their contribution to the promotion and protection of human rights and the rule of law;
- Halt ongoing attacks and smear campaigns against human rights defenders by high ranking officials.

- Ensure a safe and enabling environment in which it is possible to defend human rights without fear of reprisal or intimidation;
- Thoroughly, promptly and independently investigate threats, attacks, harassment and intimidation against human rights defenders and civil society organisations; bring their perpetrators to justice in fair trials; and ensure effective remedies and adequate reparations to the victims;
- Promote and widely disseminate the UN Declaration on Human Rights Defenders, and adopt national legislation for its effective implementation;
- Establish national protection mechanisms for human rights defenders at risk in consultation with human rights defenders and civil society organizations.

*Freedom of expression and the media*

- Ensure that journalists and media workers can carry out their work freely and independently and protect their well-being and physical integrity when reporting in the context of the humanitarian crisis.

*Impunity for human rights violations*

- Undertake independent, thorough and prompt investigations into all cases of human rights violations, bring those suspected of criminal responsibility to justice, and ensure that those convicted receive a punishment appropriate to the seriousness of the crime;
- Ensure that those who suffered violations of their human rights and who consider that they did not receive justice in the national courts, have access, without risk of reprisals, to the Inter-American human rights system as well as to UN human rights mechanisms;
- Promptly ratify the International Convention for the Protection of All Persons from Enforced Disappearance, signed on 21 October 2008, without making any reservation.
- Accede to the Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity, without making any reservation, and implement it into national law;

*Independence of judiciary*

- Guarantee the independence and impartiality of the judiciary, in accordance with international human rights law and standards;
- Strengthen and give the necessary resources to the Public Prosecutor's Office and the judiciary to enable them to carry out their work effectively and without interference from other branches of government;
- End the misuse of the justice system to harass those who are critical of government policies and drop any politically motivated charges against them;
- Release immediately and unconditionally prisoners of conscience Leopoldo Lopez and Rosmit Mantilla.

*Prison conditions*

- Ensure that prisons and detention centres meet international human rights standards, including the UN Standard Minimum Rules for the Treatment of Prisoners;
- Ensure that the wellbeing, security and physical integrity of those deprived of their liberty are protected and monitored by prison staff, including by allocating sufficient human and other resources to prisons to ensure these duties are fulfilled;
- Implement the provisional measures issued by the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights to protect the rights to life and security of inmates in several prisons in the country.

*Violence against women*

- Ensure that the Organic Law on the Right of Women to a Life Free of Violence is effectively implemented and the necessary resources allocated, including to establish women's refuges in



every state;

- Promptly issue the regulatory framework for the Organic Law on the Right of Women to a Life Free of Violence.

#### *Torture and other ill-treatment*

- Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- Ensure the definition of torture and other ill-treatment in the Special Law to Prevent and Punish Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment is in accordance with the definition in Article 1 of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- Make a punishable offence the acts of public officials who instigate or consent to acts of torture by others, and disseminate widely the content of the Special Law and the National Plan for the Prevention of Torture, including to civil society, Public Prosecution Service officials, law enforcement officials, and officials responsible for the custody of people deprived of their liberty;
- Ensure that the National Plan for the Prevention of Torture includes a timetable for its full implementation and indicators to monitor and evaluate its impact, and allocate sufficient resources for its prompt implementation;
- Promptly recognize the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of victims or other state parties to the International Convention for the Protection of All Persons from Enforced Disappearance.

#### *National Human Rights Plan*

- Develop and make public clear indicators to monitor progress in the implementation of the National Human Rights Plan and allocate the necessary resources;
- Ensure that the implementation of the National Human Rights Plan involves the participation of a wide range of stakeholders, including civil society representatives.

#### *International monitoring*

- Extend a standing invitation to the Special Procedures of the UN Human Rights Council, and in particular agree to visits by the UN Special Rapporteurs on torture, on the situation of human rights defenders, on the promotion and protection of the right to freedom of opinion and expression, and on the rights to freedom of peaceful assembly and of association;
- Reverse the decision to denounce the American Convention on Human Rights and return to the jurisdiction of the Inter-American Court of Human Rights and comply with its rulings.

#### *Police and security forces*

- Ensure that the police and security forces comply fully and at all times with international standards, including the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, when carrying out their duties, including when policing protests;
- Refrain from deploying the armed forces in public order operations and, if in exceptional circumstances this does occur, ensure that the armed forces act solely in support of and under the control of the civilian authorities and are subject to the same training, accountability mechanisms and sanctions as other sections of the security forces;
- Carry out independent, comprehensive and prompt investigations into allegations of extrajudicial executions, excessive use of force, arbitrary arrests and forced evictions in the context of *Operation Liberation and Protection of the People* and make public the result of such investigations.

#### *Economic, social and cultural rights*

- Ensure the full implementation of the 2015 recommendations by the UN Committee on Economic, Social and Cultural Rights, in particular in relation to addressing shortages of

housing, food and basic necessities, as well as medicines and surgical and medical equipment.

## **Recommendations to the government of Zimbabwe**

### *Ratification of International treaties*

- Ratify without making any reservation the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and opt-in to the inquiry and inter-state procedures;
- Promptly ratify the Rome Statute of the International Criminal Court (signed on 17 July 1998), accede to the Agreement on the Privileges and Immunities of the International Criminal Court, and implement them fully into national law;
- Accede to the Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity, without making any reservation, and implement it into national law;
- Promptly accede to and implement the Arms Trade Treaty, with particular attention to Article 6 on Prohibitions and Article 7 on Export and Export Assessment, which prohibit the transfer of arms that could be used to commit or facilitate serious violations of international human rights and humanitarian law.

### *Forced evictions*

- Immediately and unconditionally withdraw all threats of forced eviction by the government and local authorities and compensate those affected by previous evictions;
- Immediately declare an official moratorium on mass evictions until all legal and procedural safeguards are in place, as required under international human rights law and standards;
- Undertake a comprehensive review of all cases of forced evictions with the aim of providing effective remedies for the victims;
- Ensure access to minimum essential levels of education, healthcare, water and sanitation, including through the provision of humanitarian assistance to all victims of forced evictions, including victims of *Operation Murambatsvina* and the Tokwe-Mukosi flooding in Masvingo.

### *Abductions, enforced disappearances and lack of accountability*

- Immediately set up an independent judge-led Commission of Inquiry into the disappearance of Itai Dzamara with powers to subpoena witnesses, and ensure that its findings are made public and that those suspected of being implicated are brought to justice in fair trials;
- Allocate adequate financial and material resources to the Zimbabwe Human Rights Commission and the National Peace and Reconciliation Commission to enable the Commissions to fully and effectively fulfil their constitutional mandates;
- Ratify without making any reservation, the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention for the Protection of All Persons from Enforced Disappearance; implement them into national law, and recognize the competence of the Committee against Torture and the Committee on Enforced Disappearances to receive and consider communications from or on behalf of victims and other states parties.
- Take effective measures to address past human rights violations, including abductions and enforced disappearances by security agents, with a view to establishing the truth, giving access to justice to the victims, bringing perpetrators to account, and providing remedies to the victims, including compensation and treatment.

### *The death penalty*

- Immediately establish an official moratorium on executions;
- Abolish the death penalty in national legislation for all crimes;
- Commute, without delay, all death sentences to terms of imprisonment;

- Ratify, without reservation, the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at abolition of the death penalty.

*Restrictions on the rights to freedom of expression, association and assembly*

- Implement its obligations relating to the right to freedom of expression and the right to information by providing sufficient broadcasting licenses, particularly at the community level, to ensure pluralism of voices in debates;
- Conduct prompt, full, transparent and impartial investigation into all reports of harassment and intimidation of activists by security agents with the view to holding the perpetrators accountable;
- Repeal or amend sections of the Public Order and Security Act and other laws that place unnecessary restrictions on human rights defenders when exercising their rights to freedom of expression, association and peaceful assembly, in line with the Constitution of Zimbabwe, the International Covenant on Civil and Political Rights, and the UN Declaration on Human Rights Defenders.

*Human rights defenders*

- Explicitly recognize the legitimacy of human rights defenders and publicly support their work, acknowledging their contribution to the advancement of human rights;
- Promote and widely disseminate the UN Declaration on Human Rights Defenders, and adopt national legislation for its effective implementation;
- Create platforms for regular interaction between government officials and human rights defenders to build mutual trust, and ensure a safe and enabling environment in which it is possible to defend human rights without fear of reprisal or intimidation.
- Establish national protection mechanisms for human rights defenders at risk in consultation with human rights defenders and civil society organizations;
- Recognise the particular challenges faced by women human rights defenders who are at risk of certain forms of violence, and ensure the protection they need against any gender-based threats and violence they may face due to their work;
- Thoroughly, promptly and independently investigate threats, attacks, harassment and intimidation against human rights defenders; bring their perpetrators to justice in fair trials without recourse to the death penalty; and ensure effective remedies and adequate reparations to the victims;
- Invite the UN Special Rapporteur on Human Rights Defenders to visit Zimbabwe.

*LGBTI persons*

- Repeal provisions in the Penal Code criminalising consensual sex between adults of the same sex, including section 73 of the Criminal Law (Codification and Reform) Act criminalising 'sodomy'.