



## Suggested recommendations to States considered in the 21<sup>st</sup> round of the Universal Periodic Review, 19-30 January 2015

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### **Recommendations to the government of Armenia**

#### *Freedom of expression and assembly*

- Respect and protect the rights to freedom of expression and peaceful assembly for all, including individuals critical of state authorities, those holding and expressing minority or dissenting political views or beliefs, and individuals identifying as gay, lesbian, bisexual, transgender or intersex.

#### *Human rights defenders and journalists*

- Respect and protect the right of human rights defenders and journalists to undertake their legitimate work without the fear of harassment, criminal prosecution or other pressure;
- Investigate promptly, effectively and impartially all reports of attacks or threats against human rights defenders, journalists and civil society activists, and identify the perpetrators and bring them to justice.

#### *Lesbian, gay, bisexual, transgender and intersex rights*

- Take measures to ensure that gay, lesbian, bisexual, transgender or intersex people are not subject to discrimination – in law and in practice;
- Ensure that the draft law on combating discrimination explicitly includes sexual orientation and gender identity as prohibited grounds for discrimination;
- Ensure that the Criminal Code and other relevant laws are amended so that any alleged hate motive, including those based on real or perceived sexual orientation and gender identity, associated with the crime is fully taken into account in the investigation, prosecution and sentencing;
- Ensure that any alleged hate motive associated with all crimes, those based on real or perceived sexual orientation and gender identity, are promptly, thoroughly, effectively and impartially investigated and taken into account in the prosecution and sentencing;
- Ensure that the victims of hate crimes against gay, lesbian, bisexual, transgender or intersex individuals have access to effective remedies;
- Publicly acknowledge the seriousness of discrimination on grounds of sexual orientation and gender identity and take concerted action to address it;

- Ensure that public officials, including governmental representatives and elected officers, refrain from making negative statements about gay, lesbian, bisexual, transgender or intersex people that could fuel or condone discrimination;
- Ensure that any discriminatory statements made by public officials are reviewed and the officials held to account in appropriate disciplinary or other proceedings.

*Ratification of regional and international human rights instruments*

- Sign, ratify or accede and strictly implement the Arms Trade Treaty without delay and with particular attention to implementing measures to prevent the diversion and illicit trafficking of all types of conventional arms;
- Pending the entry into force of the Arms Trade Treaty, to declare that they will apply provisionally Article 6 and Article 7 (as provided for in Article 23 on Provisional Application), prohibiting the transfer of arms that could be used to commit or facilitate serious violations of international human rights law and international humanitarian law;
- To ratify the Rome Statute of the International Criminal Court, signed on 1 October 1999, and implement it into national law;
- Ratify, without making any reservation, the Agreement on the Privileges and Immunities of the International Criminal Court;
- Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and to opt-in to the inquiry and inter-state mechanisms.

## **Recommendations to the government of Grenada**

*Discrimination against lesbian, gay, bisexual, transgender and inter-sex persons*

- Repeal all laws prohibiting and punishing consensual same-sex relations, including in the Criminal Code;
- Include in national legislation, and particularly as part of the ongoing review of the Constitution, sexual orientation and gender identity as basis for protection from discrimination and to establish and implement policies and initiatives to address discrimination based on sexual orientation or gender identity;
- Implement human rights education and anti-discrimination awareness-raising programs in collaboration with local human rights organizations working on behalf of lesbian, gay, bisexual, transgender and intersex persons.

*The death penalty*

- Establish an official moratorium on executions with a view to abolishing the death penalty for all crimes, as provided by four UN General Assembly resolutions adopted since December 2007, including most recently resolution 67/176 of 20 December 2012;
- Approve appropriate constitutional provisions in order to abolish the death penalty, as part of the ongoing review of the Constitution;
- Support calls to abolish the death penalty nationally and internationally, including by voting in favour of UN General Assembly resolutions on a moratorium on the use of the death penalty;
- Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at abolition of the death penalty.

*Ratification of regional and international human rights instruments*

- To sign, ratify - without making any reservation - and implement key international human rights standards, including the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, with technical and financial support by the UN and Inter-American systems as necessary;

- To ratify or accede - without making any reservation - and implement the Agreement on the Privileges and Immunities of the International Criminal Court, the Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity, the Convention on the Rights of Persons with Disabilities and the International Convention for the Protection of All Persons from Enforced Disappearance, with technical and financial support of the UN and Inter-American systems as necessary;
- Sign, ratify and implement the Inter-American Convention to Prevent and Punish Torture, the Inter-American Convention on the Forced Disappearance of Persons, the Inter-American Convention against Racism, Racial Discrimination and Related Forms of Intolerance, the Inter-American Convention against All Forms of Discrimination and Intolerance Discrimination, and the Inter-American Convention on the Elimination of all Forms of Discrimination Against Persons with Disabilities, with technical and financial support of the UN and Inter-American systems as necessary;
- Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and to opt-in to the inquiry and inter-state mechanisms.

## **Recommendations to the government of Guinea**

### *Excessive use of force and extrajudicial killings*

- Ensure that members of the police and gendarmerie are adequately trained on the appropriate use of force and firearms in accordance with international standards, including the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;
- Ensure prompt, impartial, independent and effective investigations into allegations of excessive use of force and extrajudicial killings by the security forces against civilians, including during peaceful demonstrations in September 2009 and in subsequent years;
- Establish an independent police complaints mechanism to carry out all investigations in case of serious allegations of excessive use of force by police officers, members of the armed forces and gendarmerie.

### *Torture and other ill-treatment*

- Carry out prompt, in-depth, independent and impartial investigations of all allegations of torture or other ill-treatment during detention in accordance with international standards;
- Take prompt legal action, whenever there is sufficient admissible evidence, against persons suspected of committing serious human rights violations, particularly torture and other ill-treatment of persons held in police custody or in preventive detention;
- Ratify without reservations the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and establish a national preventive mechanism as required by the Optional Protocol.

### *Freedom of assembly*

- Respect the rights to freedom of assembly of all its citizens and to allow peaceful demonstrations to be organized in appropriate locations - generally within sight and sound of their target audience – and with the necessary practical and security arrangements in place.

### *Freedom of expression, including in relation to journalists*

- Allow independent media outlets and journalists to operate freely, without fear of reprisal, unlawful restrictions and arbitrary prosecutions;
- Bring to justice perpetrators of attacks on journalists by thoroughly investigating all individuals and organisations accused of such abuses regardless of their links to state or non-state actors.

### *Impunity and international criminal justice*

- Continue efforts to investigate in accordance with international standards human rights violations committed on 28 September 2009 and its aftermath, to suspend from duty those accused while the

investigation is ongoing and, where there is sufficient admissible evidence, to prosecute without delay any suspects in fair trials;

- Protect the safety and security of witnesses and defendants in such trials by ensuring that effective protection policies are fully implemented by the authorities;
- Co-operate fully with the International Criminal Court in its preliminary investigation of the crimes committed on 28 September 2009 and its aftermath.

*The death penalty*

- Establish an official moratorium on executions with a view to abolishing the death penalty, as provided by four UN General Assembly resolutions, including 67/176 of 20 December 2012;
- To ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at abolition of the death penalty;
- Commute without delay all death sentences to terms of imprisonment;
- Ensure rigorous compliance in all death penalty cases with international standards for fair trials.

*Right to the highest attainable standard of health in the context of the Ebola outbreak*

- Ensure the free movement of humanitarian personnel and supplies;
- Ensure that civil society, including women's human rights activists, are consulted in the development, implementation and evaluation of response plans, so that these response contributes to protecting, respecting and fulfilling all the rights of people affected by the epidemic.
- Be mindful of the impact of the Ebola crisis on women and girls, including as carers of sick family members, and to ensure their access to medical care, especially during pregnancy and child birth.

*International human rights treaties*

- Ratify, without making any reservation, the Agreement on the Privileges and Immunities of the International Criminal Court (signed on 1 April 2004);
- Ratify or accede to - without making any reservation - the International Convention for the Protection of All Persons from Enforced Disappearance, implement it into national law and recognize the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of victims or other states parties;
- Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and to opt-in to the inquiry and inter-state mechanisms.

## **Recommendations to the government of Guinea-Bissau**

*International human rights treaties*

- Ratify the Rome Statute of the International Criminal Court, signed on 12 September 2000, and implement it into national law;
- Ratify or accede to, without making any reservation, the Agreement on the Privileges and Immunities of the International Criminal Court;
- Ratify, without making any reservation, the International Convention for the Protection of All Persons from Enforced Disappearance (signed on 24 September 2013), to implement it into national law, and to recognize the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of victims or other states parties;
- Adhere to the Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity, without making any reservation and to implement it into national law;
- Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and to opt-in to the inquiry and inter-state mechanisms.

## **Recommendations to the government of Guyana**

### *Violence against women and girls:*

- Fully and promptly implement the Sexual Offences Act, including through the development and implementation of a National Plan for the Prevention of Sexual Violence and the establishment of a Sexual Offences Unit;
- Ensure comprehensive data collection on all forms of violence against women and girls in order to support the effective implementation of laws, policies and programmes to eliminate violence against women and girls;
- Ensure the co-ordinated implementation of the National Domestic Violence Policy;
- Provide ongoing specialized training on the provisions of the Sexual Violence Act and the Domestic Violence Act for officials from the justice, health and law enforcement sectors, and to ensure that the public is fully aware of both Acts;
- Ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

### *Discrimination against lesbian, gay, bisexual, transgender and intersex persons*

- Repeal all provisions that discriminate against persons on the basis of their sexual orientation or gender identity, including Sections 352-354 of Chapter 8.01 of the Criminal Law (Offences) Act;
- Repeal all provisions, including Chapter 8.02 section 153 (1) (xlvii) of the Summary Jurisdiction (Offences) Act, which are used to discriminate against LGBTI persons;
- To fully and thoroughly investigate all incidents and acts of violence suspected of being motivated by homophobia or transphobia, and to bring to trial those suspected of criminal responsibility;
- Establish and implement policies and initiatives to address discrimination based on sexual orientation or gender identity.

### *Excessive use of force by the security forces*

- Ensure that all complaints of excessive use of force by the security forces are subject to immediate, thorough and independent investigation and, if state agents are charged with misconduct, that their cases are brought to trial before ordinary civilian courts in an expeditious manner and in line with international standards for fair trial;
- Establish a fully independent and adequately resourced oversight body to receive and investigate complaints of police misconduct;
- Ensure that members of the Guyana Police Force are adequately trained on the appropriate use of force and firearms in accordance with international standards, including the Basic Principles on the Use of Force and Firearms by Law enforcement Officials, and to ensure that all law enforcement is conducted in strict accordance with these.

### *The death penalty*

- Establish an official moratorium on executions with a view to abolishing the death penalty, as provided by four UN General Assembly resolutions adopted since December 2007, including most recently resolution 67/176 of 20 December 2012;
- Commute without delay all death sentences to terms of imprisonment, pending the full abolition of the death penalty;
- Ensure rigorous compliance in all death penalty cases with international standards for fair trial;
- Ratify without reservations the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at abolition of the death penalty.

*International human rights standards*

- To ratify, without making any reservation, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, opting into its inquiry and inter-state mechanism, and to implement these standards into national law;
- To ratify, without making any reservation, the American Convention on Human Rights, and implement it into national law.
- To ratify or accede to - without making any reservation - the International Convention for the Protection of All Persons from Enforced Disappearance, to implement it into national law, and to recognize the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of victims or other states parties;
- Adhere 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 Kenya**

*Violations in the context of counter-terrorism*

- Immediately investigate all reports of abuses by the state security forces carried out during “Operation Usalama Watch”, and to bring to trial any member of security forces suspected of committing a criminal offense;
- Immediately halt all forcible relocations of refugees to camps and forcible returns to Somalia;
- Guarantee that all people detained are ensured due process rights, including access to a lawyer of their own choice, and being brought promptly before an ordinary civilian judge, in line with Kenyan and international law.

*Forced evictions*

- Adopt a moratorium on mass evictions until adequate legal and procedural safeguards are in place to ensure that all evictions comply with international human rights standards;
- Expedite the enactment of the Evictions and Resettlement Bill into law and ensure that the bill complies with international human rights standards on housing and evictions;
- Develop comprehensive guidelines for officials in charge of carrying out evictions based on the UN Basic Principles and Guidelines on Development-based Evictions and Displacement and other international human rights standards;
- Initiate an independent and impartial investigation into police involvement in and conduct during the City Carton forced evictions on 10 May 2013;
- Immediately provide all necessary support and assistance to all those who have been subject to forced evictions, including adequate temporary housing, water and sanitation while ensuring effective remedy and reparations;
- Engage in a meaningful dialogue with Deep Sea residents and to provide full and accurate information on the timeline for the road construction project, the number of persons affected, and the proposed plans to minimize displacement and mitigate the impact on disadvantaged groups;
- Ensure that the Deep Sea Resettlement Action Plan is fully compliant with Kenya’s national and international human rights obligations and in particular obligations in the context of the right to adequate housing.

*Accountability for 2007-2008 post-election violence*

- Conduct prompt, thorough, independent and effective investigations into all allegations of crimes under international law and human rights violations committed during the post-election violence and,

where sufficient admissible evidence exists, to prosecute those suspected of the crimes before ordinary civilian courts;

- Amend the International Crimes Act so that national courts can prosecute crimes against humanity committed during the post-election violence as such crimes;
- Ensure that parliament promptly considers the report of the Truth, Justice and Reconciliation Commission and that efforts to implement its recommendations to ensure justice and reparations for victims are not undermined by political interference;
- Establish a comprehensive reparation program to ensure full and effective reparation for victims of the post-election violence, including taking into account the recommendations of the Truth, Justice and Reconciliation Commission on reparation;
- Cooperate fully and in good faith with the International Criminal Court, including on the protection of victims and witnesses and by supplying records and other evidence requested by the Court;
- End political attacks against the International Criminal Court, including by opposing African Union calls for non-cooperation with the Court and amendments that seek to undermine it;
- Remain a state party to the Rome Statute and to oppose efforts to repeal the International Crimes Act.

#### *The death penalty*

- Establish an official moratorium on executions with a view to abolishing the death penalty, as provided by four UN General Assembly resolutions, including 67/176 of 20 December 2012;
- Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at abolition of the death penalty;
- Commute without delay all death sentences to terms of imprisonment;
- Ensure rigorous compliance in all death penalty cases with international standards for fair trials, including the right to competent defence counsel at every stage of the proceedings and adequate time and facilities to prepare one's defence.

#### *Ratification of international human rights instruments*

- Sign, ratify or accede and strictly implement the Arms Trade Treaty without delay and with particular attention to implementing measures to prevent the diversion and illicit trafficking of all types of conventional arms;
- Pending the Treaty's entry into force, to declare that they will apply provisionally Article 6 and Article 7 (as provided for in Article 23 on Provisional Application), prohibiting the transfer of arms that could be used to commit or facilitate serious violations of international human rights law and international humanitarian law;
- Ratify or accede to, without making any reservation, the Agreement on the Privileges and Immunities of the International Criminal Court;
- Ratify, without making any reservation, the International Convention for the Protection of All Persons from Enforced Disappearance (signed on 6 Feb. 2007), to implement it into national law, and to recognize the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of victims or other states parties;
- Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and to opt-in to the inquiry and inter-state mechanisms.

## **Recommendations to the government of Kiribati**

#### *National legislation*

- Halt plans to amend the Criminal Code to introduce the death penalty and to ratify the International Covenant on Civil and Political Rights and its Optional Protocols.

*Ratification of regional and international human rights instruments*

- Sign, ratify or accede and strictly implement the Arms Trade Treaty without delay and with particular attention to implementing measures to prevent the diversion and illicit trafficking of all types of conventional arms;
- Pending the Treaty's entry into force, to declare that they will apply provisionally Article 6 and Article 7 (as provided for in Article 23 on Provisional Application), prohibiting the transfer of arms that could be used to commit or facilitate serious violations of international human rights law and international humanitarian law;
- Accede to the Rome Statute of the International Criminal Court and to implement it into national law;
- Ratify, without making any reservation, the Agreement on the Privileges and Immunities of the International Criminal Court;
- Ratify or accede to, without making any reservation, the International Convention for the Protection of All Persons from Enforced Disappearance, to implement it into national law, and to recognize the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of victims or other states parties;
- Adhere to the Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity, without making any reservation and to implement it into national law;
- Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and to opt-in to the inquiry and inter-state mechanisms.

**Recommendations to the government of Kuwait**

*Torture and ill treatment*

- Incorporate in domestic law a definition of torture in line with Article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- Promptly carry out independent and impartial investigations into all allegations of torture and ill-treatment, ensuring that those suspected of being responsible are held to account in fair trial procedures;
- Ensure that victims are treated with respect and that reparations are provided for instances of torture and ill-treatment and that the nature of the reparation take into account the wishes and needs of those affected.

*Freedom of expression*

- Free all prisoners of conscience, including Abdullah Fairouz, imprisoned solely for exercising his right to freedom of expression;
- Guarantee the right to freedom of expression and end the practice of arrest and trial, on charges relating to the peaceful and non-discriminatory expression of one's conscientiously held beliefs, of Twitter users, journalists and rights activists;
- Review the Penal and Press Codes on Misuse of Telephones and Eavesdropping Devices Law and its amendment of Law Number 40 off 2007, the Audio-Visual Media Law and Protection of National Unity Law with a view to repealing provisions that restrict and punish the exercise of the right to peaceful and non-discriminatory expression;
- Repeal or amend ill-defined or sweeping provisions that restrict or criminalize peaceful expression, including:
  - Articles 25, 29 and 111 of the Penal Code, addressing criticism of state figures, national security and defamation of religion;
  - Articles 19, 21 (3) and 21 (8) of the Press Code, addressing "criticism", "insult of public morals" and "criticism of [...] a public sector worker";



- Article 15 of the National Security Law, addressing the publication of content deemed offensive to religious “sects” or groups.

*Peaceful assembly*

- Review and amend Decree Law No. 65 of 1979 on Public Gatherings and Meetings, in light of the Constitutional Court ruling expected in November 2014 on a challenge to the law, with a view to bringing its provisions in line with Kuwait’s obligations under the International Covenant on Civil and Political Rights.

*Rights of stateless residents of Kuwait*

- Enable Bidun residents of Kuwait to have access to the courts or another independent tribunal with the force of law to challenge decisions made by the authorities and to make the case for their recognition as Kuwaiti nationals;
- Extend the right to peaceful assembly to the Bidun and set this out in law, and to end the use of excessive force against peaceful demonstrations;
- Drop all charges against Bidun residents of Kuwait in connection with their peaceful participation in demonstrations if they are not to be charged with an internationally recognizable criminal offence and given a fair trial;
- Begin a fair, transparent and swift adjudication of all Bidun applications for nationality, including the 34,000 applications acknowledged by the government to have been filed by 2013;
- Stop referring to Bidun as “illegal residents”;
- Ratify the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness;
- Determine and publish clear and objectively verifiable assessment criteria for naturalization, in consultation with national and international civil society.

*The death penalty*

- Establish an official moratorium on executions with a view to abolishing the death penalty, as provided by four UN General Assembly resolutions, including 67/176 of 20 December 2012;
- Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at abolition of the death penalty;
- Commute without delay all death sentences to terms of imprisonment;
- Ensure rigorous compliance in all death penalty cases with international standards for fair trials.

*Ratification of regional and international human rights instruments*

- Sign, ratify or accede and strictly implement the Arms Trade Treaty without delay and with particular attention to implementing measures to prevent the diversion and illicit trafficking of all types of conventional arms;
- Pending the Treaty’s entry into force, to declare that they will apply provisionally Article 6 and Article 7 (as provided for in Article 23 on Provisional Application), prohibiting the transfer of arms that could be used to commit or facilitate serious violations of international human rights law and international humanitarian law;
- Ratify the Rome Statute of the International Criminal Court, signed on 8 September 2000, and to implement it into national law;
- Ratify, without making any reservation, the Agreement on the Privileges and Immunities of the International Criminal Court;
- Ratify or accede to, without making any reservation, the International Convention for the Protection of All Persons from Enforced Disappearance, to implement it into national law, and to recognize the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of victims or other states parties;

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

## **Recommendations to the government of Kyrgyzstan**

### *Freedom of expression, association and peaceful assembly*

- Refrain from adopting legislation the effect of which is to limit the right to freedom of association and expression;
- Actively consult with civil society on all proposed amendments to legislation regulating freedom of association;
- Ensure that journalists, human rights defenders and other civil society activists are able to seek, receive and impart information, and to carry out their legitimate activities without intimidation, hindrance, harassment or pressure;
- Take all necessary measures to protect human rights defenders and independent lawyers working on cases related to violent clashes between ethnic Kyrgyz and Uzbeks in June 2010 from attacks, intimidation and harassment by the relatives of the alleged victims;
- Promptly and unconditionally release prisoner of conscience, Azimjan Askarov, imprisoned following an unfair trial on charges believed to have been fabricated in an attempt to stop his legitimate human rights work.

### *Torture and other ill-treatment*

- Ensure that all allegations of torture and other ill-treatment are investigated promptly, effectively and impartially, and that anyone suspected of being involved in torture or other ill-treatment is brought to justice in a fair trial that conforms to international standards and with sentences that are commensurate with the gravity of the crime, and to ensure reparation for the victims.

### *Violation of the non-refoulement obligation*

- Ensure that no one is forcibly returned, by means of extradition or otherwise, to a country where they would be at risk of torture or other ill-treatment.

### *Accountability for the June 2010 violence*

After months of rising ethnic tension, clashes between gangs of mostly ethnic Kyrgyz and Uzbek youths rapidly escalated on 10 June 2010 in Osh, southern Kyrgyzstan. Over the next four days, arson, looting and violent attacks, including killings and sexual violence, swept through the Osh and Jalal-Abad regions. Around 1,900 people were severely injured and over 400 killed. Satellite imagery has revealed that 1,807 buildings in Osh city alone were totally destroyed, the vast majority belonging to ethnic Uzbeks. While serious crimes were committed by members of both ethnic groups, the majority of the damage, injuries and deaths were suffered by ethnic Uzbeks. This has since been confirmed on numerous occasions by officially released figures. However, the Kyrgyzstani authorities have persistently refused to publicly acknowledge this. In May 2011, the International Kyrgyzstan Inquiry Commission found that there was strong evidence that crimes against humanity had been committed against ethnic Uzbeks in the city of Osh during the violence.

- Carry out an independent review of all the cases which resulted in a conviction for crimes purportedly committed during the June 2010 events. The review must be carried out without prejudice to any outstanding right of appeal, in order to identify any procedural violations, violations of fair trial guarantees, or the use of torture and other ill-treatment;
- Seriously consider the creation of separate dedicated units of investigators, prosecutors and judges to deal with crimes and human rights violations committed during and after the June 2010 events. As crimes against humanity have no statute of limitations, care and time should be taken to set up the most professional, effective and independent system to address all the violations thoroughly and without prejudice. The units should be based in Bishkek, the capital of Kyrgyzstan, to guarantee their independence and appointments should be ethnically and gender balanced;

- Establish a comprehensive reparation program to ensure full and effective reparation for all victims of the June 2010 violence.

*Discrimination against lesbian, gay, bisexual, transgender and inter-sex persons*

- Protect the rights of everyone, regardless of their real or perceived sexual orientation or gender identity, to freedom of expression and assembly, freedom from discrimination and equality before the law;
- Withdraw the Bill "On amendment to some legislative acts of the Kyrgyz Republic" from consideration by Parliament. Under this bill "the promotion of positive attitudes towards non-traditional sexual relations through the media", including the Internet, would be an offence punishable by a fine or up to one year's imprisonment, and to refrain from passing any legislation that discriminates against persons on the basis of their sexual orientation or gender identity;
- Include in national legislation "sexual orientation" and "gender identity" as the basis for protection from discrimination, and to establish and implement policies and initiatives to address discrimination based on sexual orientation or gender identity;
- Fully and thoroughly investigate all incidents and acts of violence suspected of being motivated by homophobia or transphobia, and bring to justice those responsible.

*Ratification of regional and international human rights instruments*

- Sign, ratify or accede and strictly implement the Arms Trade Treaty without delay and with particular attention to implementing measures to prevent the diversion and illicit trafficking of all types of conventional arms;
- Pending the entry into force of the Arms Trade Treaty, to declare that they will apply provisionally Article 6 and Article 7 (as provided for in Article 23 on Provisional Application), prohibiting the transfer of arms that could be used to commit or facilitate serious violations of international human rights law and international humanitarian law;
- Ratify the Rome Statute of the International Criminal Court, signed on 8 Dec. 1998) and to implement it into national law;
- Ratify or accede to, without making any reservation, the Agreement on the Privileges and Immunities of the International Criminal Court;
- Ratify or accede, without making any reservation, to the International Convention for the Protection of All Persons from Enforced Disappearance, to implement it into national law, and to recognize the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of victims or other states parties;
- Adhere to the Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity, without making any reservation and to implement it into national law;
- Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and to opt-in to the inquiry and inter-state mechanisms.

## **Recommendations to the government of Laos**

### *The right to freedom of expression, association and peaceful assembly*

- Remove all restrictions in law and practice which infringe upon the work of civil society organizations in Laos, and to ensure that legal provisions on the rights to freedom of expression, association and peaceful assembly are in line with international human rights standards;
- Respect and protect the right of human rights defenders and other civil society actors so that they can carry out their work unimpeded, including through training and instructions of law enforcement officials;
- Allow the legitimate activities of media and civil society organizations, and to bring national legislation and practice into line with Laos' international obligations;
- Ensure that both media and civil society organizations are able to undertake monitoring and reporting on human rights violations without fear of legal or other sanctions;
- Establish without delay a new, independent commission to undertake an impartial and thorough investigation into the enforced disappearance of Sombath Somphone and to ensure that all steps are taken to locate, rescue him from his captors and return him safely to his family as soon as possible, in accordance with Laos' obligations under international law.
- Release immediately and unconditionally prisoners of conscience Thongpaseuth Keuakoun and Seng-Aloun Phengphanh.

### *Poor prison conditions*

- Improve conditions in prison camps and detention facilities to ensure compliance with international standards, including the UN Standard Minimum Rules for the Treatment of Prisoners;
- Allow unfettered access to all places of detention for independent human rights monitors.

### *Restrictions on freedom of religion*

- End restrictions on the right to practice one's religion of choice without discrimination, in accordance with international human rights standards;
- Ensure that relevant authorities, including at the local level, are aware of their duty to protect individuals' right to freedom of religion, and to impose legal sanctions on officials, including police, who are found to have arbitrarily detained or otherwise punished persons solely on the basis of their religion or religious activities.

### *Protection of refugees and asylum-seekers*

- Ensure that all Lao Hmong returnees from Thailand are provided with humanitarian assistance for an adequate standard of living, including shelter, food, water and access to appropriate health services and access to education for children;
- Ensure that no asylum seekers, including North Koreans, are returned to a country where they would be at risk of torture, ill-treatment or other serious human rights violations, in accordance with the principles of *non-refoulement* and in line with Laos' obligations under international law.

### *The death penalty*

Pending full abolition of the death penalty:

- Establish an official moratorium on executions with a view to abolishing the death penalty, as provided by four UN General Assembly resolutions, including 67/176 of 20 December 2012;
- Commute without delay all death sentences to terms of imprisonment;
- Immediately remove all provisions in national law which are in breach of international human rights law, in particular by restricting the imposition of the death penalty to only the "most serious crimes" and abolishing all provisions which provide for mandatory death sentences,
- Ensure rigorous compliance in all death penalty cases with international standards for fair trials,

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

*Ratification of human rights standards and cooperation with UN human rights mechanisms*

- Ratify, without making any reservation, the International Convention for the Protection of All Persons from Enforced Disappearance (signed on 29 September 2008), making declarations under Article 31 and Article 32 recognizing the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of individuals claiming to be victims of enforced disappearance or abduction, to incorporate its provisions into domestic law, and to implement it in policy and practice;
- Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
- Ratify the Rome Statute of the International Criminal Court and the Agreement on Privileges and Immunities of the International Criminal Court, to incorporate their provisions into domestic law, and to implement them in policy and practice;
- Ratify Optional Protocols to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- Sign, ratify or accede and strictly implement the Arms Trade Treaty without delay and with particular attention to implementing measures to prevent the diversion and illicit trafficking of all types of conventional arms;
- Pending the Treaty's entry into force, to declare that they will apply provisionally Article 6 and Article 7 (as provided for in Article 23 on Provisional Application), prohibiting the transfer of arms that could be used to commit or facilitate serious violations of international human rights law and international humanitarian law;
- Facilitate the visit by the Special Rapporteur on freedom of peaceful assembly and association, as previously requested;
- Issue a standing invitation to the Special Procedures;
- Submit overdue periodic reports to the treaty bodies, including to the Human Rights Committee (due March 2011), the Committee against Torture (due October 2013, and to the Committee on Economic, Social and Cultural Rights (due June 2009).

*National legislation*

- Ensure that national legislation and its implementation in practice upholds Laos' obligations under international law.

## **Recommendations to the government of Lesotho**

*The death penalty*

- Establish an official moratorium on executions with a view to abolishing the death penalty, as provided by four UN General Assembly resolutions, including 67/176 of 20 December 2012;
- Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at abolition of the death penalty;
- Commute without delay all death sentences to terms of imprisonment;
- Ensure rigorous compliance in all death penalty cases with international standards for fair trials.

*Ratification of regional and international human rights instruments*

- Sign, ratify or accede and strictly implement the Arms Trade Treaty without delay and with particular attention to implementing measures to prevent the diversion and illicit trafficking of all types of conventional arms;

- Pending the Treaty's entry into force, to declare that they will apply provisionally Article 6 and Article 7 (as provided for in Article 23 on Provisional Application), prohibiting the transfer of arms that could be used to commit or facilitate serious violations of international human rights law and international humanitarian law;
- As a state party to the International Convention for the Protection of All Persons from Enforced Disappearance promptly recognize the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of victims or other states parties;
- Adhere to the Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity, without making any reservation, and to implement it into national law;
- Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and to opt-in to the inquiry and inter-state mechanisms.

## **Recommendations to the government of Spain**

### *Crimes under international law in Spanish law*

- To make torture and enforced disappearance criminal under national law in the Criminal Code, within the category of crimes under international law and in line with the Convention on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention on the Protection of All Persons from Enforced Disappearance;
- Provide in the legislation sanctions for such crimes in accordance with their seriousness, including by dismissing due obedience and fulfilment of duty arguments, and by introducing the criminal liability of superiors for such crimes;
- Stipulate unequivocally in the Criminal Code that the crimes of torture and enforced disappearance may not be subject to a statute of limitations;
- Amend the Criminal Code to make crimes against humanity criminal under national law, in full accordance with the Rome Statute of the International Criminal Court.

### *National security and anti-terrorist measures*

- End the use of incommunicado detention by repealing Articles 509, 520bis and 527 of the Criminal Procedure Act, which authorise and govern the use of incommunicado detention.

### *The principle of universal jurisdiction*

- Repeal the amendment to Article 23.4 of the Organic Law adopted in Organic Law 1/2014, which seriously undermines the obligation to extradite or prosecute (*aut dedere aut judicare*), to enable the authorities to investigate and prosecute persons suspected of a crime under international law on the basis of the principle of universal jurisdiction;
- Provide reparation to victims and their relatives.

### *National Human Rights Plan*

- Develop a Human Rights Plan and to ensure its effective implementation as an effective tool to guarantee the respect, promotion, protection and realization of human rights.

### *The rights of migrants and refugees, including to non-discrimination*

- Ensure the full and effective implementation of the asylum legislation, including access to effective asylum procedures in line with international law and to ensure that migration policies fully respect the principle of *non-refoulement*;
- End the practice of identity checks based on racial profiling;
- Provide essential healthcare and treatment for everyone living in Spain without discrimination, including irregular migrants.

*Freedom of expression and peaceful assembly*

- Avoid in further law reforms any legislative amendments which would disproportionately limit the exercise of the right to freedom of assembly;
- Promote the adoption by the security forces of clear protocols and best practice, based on international law and standards, to guide the management of public order during demonstrations.

*Excessive use of force and other ill-treatment by the security forces*

- Guarantee the right not to suffer torture or cruel, inhuman or degrading treatment, to ensure that all allegations of torture or other ill-treatment are subject to a prompt, thorough impartial and independent investigation before ordinary civilian courts, and to ensure reparation for the victims;
- Ensure that all law enforcement is conducted in strict accordance with the Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

*Violence against women*

- Guarantee the effective specialization and training of the judicial bodies in charge of investigating cases of gender-based violence, in line with the Basic Law on Comprehensive Protection Measures against Gender-Based Violence;
- Carry out an evaluation of the operation of the specialized courts charged with investigations cases of violence against women to identify and encourage best practice and to ensure accountability in any cases of lack of due diligence.

*Sexual and reproductive rights*

- Ensure that obligatory parental consent for girls between 16 and 18 years of age before accessing a legal abortion is not imposed through the reform of the "Organic Law 2/2010 of sexual and reproductive health and voluntary termination of pregnancy" or any other legislative reform.

*Sexual and reproductive rights*

- Ensure there is no retrogression in relation to the "Organic Law 2/2010 of sexual and reproductive health and voluntary termination of pregnancy" which regulates access to safe and legal abortion services in Spain;
- Take steps to fully comply with the 2012 recommendation by the Committee on Economic, Social and Cultural Rights to ensure full implementation of the "Organic Law 2/2010 of sexual and reproductive health and voluntary termination of pregnancy" and to ensure full access to safe and legal abortion services in accordance with the law to all women and girls, including from marginalized groups;
- Ensure that the obligatory parental consent for girls between 16 and 18 years of age before accessing a legal abortion is not imposed through reform of the "Organic Law 2/2010 of sexual and reproductive health and voluntary termination of pregnancy" or any other retrogressive legislative reform that introduces obstacles to women and girls in accessing safe and legal abortion services and violates their human rights.

*Impunity for past human rights violations*

- Investigate the crimes under international law committed during the Civil War and under Franco's regime and to guarantee the rights to truth, justice and reparation to all victims of the Civil War and Francoism;
- Adopt measures to fully and promptly implement the recommendations made to ensure that the Amnesty Law is not an obstacle to obtaining justice and to ensure the non-applicability of statutory limitations to crimes under international law, as recommended by the UN Human Rights Committee, the Committee against Torture the Working Group on Enforced or Involuntary Disappearance, and the Council of Europe;
- Cooperate fully and in good faith with the Argentinean judiciary in the investigation of crimes under international law committed during the Civil War and Francoism.

*International human rights standards*

- Opt-in to the inquiry and inter-state mechanisms of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

## **Recommendations to the government of Sweden**

*Torture and other ill-treatment*

- Incorporate into domestic law the crime of torture and to adopt a definition of torture that covers all the elements contained in Article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- Ensure that statutes of limitations are not applicable to acts of torture, attempts to commit torture, and acts by any person which constitute complicity or participation in torture.

*Involvement in US-led rendition programme and use of diplomatic assurances*

- Establish a full, effective and independent investigation into the role of the government and its agencies, in the transfer of Mohammed Alzery and Ahmed Agiza and where responsibility for crimes under international or national law is identified, criminal prosecutions should be initiated;
- Adopt a clear undertaking not to seek or rely on diplomatic assurances against torture or other ill-treatment as a basis for removals of individuals to countries where there is a real risk that the individual would be exposed to such treatment.

*International human rights treaties*

- Ratify, without making any reservation, the International Convention for the Protection of All Persons from Enforced Disappearance, signed on 6 February 2007, to implement it into national law, and to recognize the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of victims or other states parties;
- Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and to opt-in to the inquiry and inter-state mechanisms;
- Ratify ILO Convention No. 169, 1989 (Convention concerning Indigenous and Tribal Peoples in Independent Countries).

## **Recommendations to the government of Turkey**

*Freedom of conscience, expression and assembly*

- Adopt laws that recognize and guarantee the right to conscientious objection to military service, ensuring that any genuinely civilian alternative is not punitive in length;
- Amend Article 26 of the Constitution to ensure that the permissible grounds for restricting the right to freedom of expression are consistent with international human rights standards;
- Ensure that the application of all articles of the Penal Code and the Anti-Terrorism Law are in line with international standards on the rights to freedom of expression, association and assembly, and that any restrictions on the exercise of these rights, on grounds such as national security or public order, are necessary and proportionate;
- Repeal provisions of the Penal Code which directly and unfairly limit the right to freedom of expression, including Article 301 (Denigrating the Turkish Nation), Article 318 (Alienating the public from military service); Article 215 (Praising a crime or a criminal), and Article 125 (Criminal defamation);
- Bring the Internet Law in line with international and European standards, including case law of the European Court of Human Rights on the rights to freedom of expression and to privacy;
- Conduct a thorough review of the Law on Meetings and Demonstrations to explicitly recognise the right to peaceful spontaneous assembly, to remove excessive temporal and geographic restrictions on the holding of public assemblies, and to simplify notification requirements for planned



demonstrations;

- Remove provisions of the Law on Meetings and Demonstrations that criminalize peaceful participation in demonstrations, in particular Article 28/1 which criminalizes "participation in an unlawful demonstration", Article 32/1 which criminalizes "failure to disperse from an unlawful demonstration", and Article 34/1 which criminalizes "provoking others to participate in an unlawful demonstration".

*Torture and other ill-treatment and impunity*

- Instruct the police to employ mediation and negotiation when policing demonstrations to de-escalate conflicts before resorting to the use of force, and to provide training to this effect as necessary;
- In situations where force is unavoidable, to instruct the police to secure the safety of others and to restrict such force to the minimum amount necessary, in compliance with the UN Code of Conduct for Law Enforcement Officials;
- Implement the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment through the creation of an national preventive mechanism tasked with carrying out regular and ad-hoc unannounced visits to all places of detention;
- Establish a truly independent and effective police complaints mechanism, with no structural or organizational connection to the police, adequately staffed and headed by professionals of acknowledged competency, impartiality, expertise, independence and integrity, who are not members of the law enforcement agencies, and with its own corps of independent expert investigators.

*Independence and impartiality of the judiciary*

- Take steps to ensure the independence and impartiality of the judiciary and to ensure that all judges in the higher courts receive training on international human rights standards;
- Request the Council of Europe Venice Commission to provide an opinion on any further legislative changes affecting judicial institutions.

*Human rights of lesbian, gay, bisexual, transgender and intersex persons*

- Extend non-discrimination provisions in the Constitution and domestic law to include the grounds of sexual orientation and gender identity;
- Introduce comprehensive non-discrimination legislation.

*Human rights of Syrian refugees in Turkey*

- Maintain sufficient and appropriately located regular crossings, staffed by well-trained state agents, and allow all civilians seeking to leave Syria to enter Turkey, regardless of whether they have a passport or an urgent medical need;
- Give clear instructions to border guards that any use of force must adhere strictly to international standards on the use of force and firearms, in particular the requirements of necessity and proportionality;
- Establish prompt, thorough, independent and impartial investigation into reports of abuses at the border, and to ensure that any Turkish officials found to be responsible for ordering or carrying out abuses are held accountable and that victims and their families are granted access to an effective remedy;
- Actively pursue international assistance and be open to receiving international assistance and cooperating with international donors and to facilitate the registration and work of NGOs, INGOs and IGOs with expertise in addressing the essential needs of refugee populations;
- Fully and promptly implement the October 2014 Temporary Protection Directive - in particular the provisions on social and economic rights - in consultation with UNHCR, refugee organizations and civil society with expertise in refugee protection and service provision.

*Ratification of regional and international human rights instruments*

- Sign, ratify or accede and strictly implement the Arms Trade Treaty without delay and with particular attention to implementing measures to prevent the diversion and illicit trafficking of all types of conventional arms;
- Pending the entry into force of the Arms Trade Treaty, to declare that they will apply provisionally Article 6 and Article 7 (as provided for in Article 23 on Provisional Application), prohibiting the transfer of arms that could be used to commit or facilitate serious violations of international human rights law and international humanitarian law;
- Accede to the Rome Statute of the International Criminal Court and to implement it into national law;
- Ratify or accede to, without making any reservation, the Agreement on the Privileges and Immunities of the International Criminal Court;
- Ratify or accede to, without making any reservation, the International Convention for the Protection of All Persons from Enforced Disappearance, to implement it into national law, and to recognize the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of victims or other states parties;
- Adhere to the Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity, without making any reservation, and to implement it into national law;
- Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and to opt-in to the inquiry and inter-state mechanisms.