



## Suggested recommendations to States considered in the 16th round of the Universal Periodic Review, 22 April – 3 May 2013

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### **Recommendations to the government of Azerbaijan**

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

- To end the harassment, intimidation, arbitrary detention and criminal prosecution of individuals and organizations legitimately exercising their right to freedom of expression, including to express critical or dissenting views;
- To ensure that human rights defenders, lawyers and other civil society actors are able to carry out their legitimate activities without fear or threat of reprisal, obstruction or legal and administrative harassment; and in particular to allow the organizations that were arbitrarily targeted and shut down during the protests last spring to resume their lawful activities;
- To 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 - with the necessary practical and security arrangements in place;
- To conduct a prompt, independent and impartial investigation into the use of force by law enforcement officers during the dispersal and arrest of protesters.

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

- To conduct a prompt, effective, independent and impartial investigation into the allegations of torture and other ill-treatment of the detained activists and to ensure that, where there is sufficient admissible evidence, those suspected of criminal responsibility are prosecuted in fair trial without recourse to the death penalty.

#### *Ratification of human rights treaties*

- To promptly ratify the International Convention for the Protection of All Persons from Enforced Disappearance, signed on 6 February 2007, making upon ratification the declarations set out in Articles 31 and 32 (recognition of the competence of the Committee on Enforced to receive and consider communications from or on behalf of victims and from other states parties Disappearance), and to implement the Convention into national law;<sup>1</sup>

<sup>1</sup> See also Amnesty International: No impunity for enforced disappearances: Checklist for effective implementation of the International Convention for the Protection of All Persons from Enforced Disappearance (<http://www.amnesty.org/es/library/info/IO51/006/2011/en>)

- To 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.

#### *International Criminal Court*

- To promptly accede to the Rome Statute of the International Criminal Court and to implement it in national law;<sup>2</sup>
- To accede to the Agreement on the Privileges and Immunities of the International Criminal Court and to implement it in national law.

### **Recommendations to the government of Bangladesh**

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

- To ensure that all allegations of torture and ill-treatment are impartially investigated, and that, where there is sufficient admissible evidence, those suspected of criminal responsibility are prosecuted in fair trials without recourse to the death penalty.

#### *Indigenous Peoples in the Chittatong Hill Tracts*

- To put in place an effective mechanism to address land disputes between Indigenous Peoples and Bengali settlers;
- To conduct prompt and impartial investigations into all reported instances of violence against Indigenous women and girls while ensuring victim and witness protection.

#### *The death penalty*

- To establish an official moratorium on executions with a view to abolishing the death penalty, as provided by UN General Assembly resolutions 62/149 of 18 December 2007, 63/168 of 18 December 2008, 65/206 of 21 December 2010 and 67/176 of 20 December 2012;
- To commute all death sentences to terms of imprisonment and to ensure that proceedings in all death penalty cases comply with international standards for fair trials.

#### *Enforced disappearances*

- To carry out an impartial and independent investigation into reports of abductions and enforced disappearances and to ensure that police and other security agencies fully co-operate with the investigation;
- To establish and make public the truth about the disappearances and, where there is sufficient admissible evidence, to prosecute those suspected of being responsible for enforced disappearance in a fair trial and without recourse to death penalty;
- To ratify promptly the International Convention for the Protection of All Persons from Enforced Disappearance, making the declarations set out in Articles 31 and 32 (recognition of the competence of the Committee on Enforced Disappearance to receive and consider communications from or on behalf of victims and from other states parties), and to implement the Convention in national law.<sup>3</sup>

#### *War crimes trials*

- To bring to justice all those suspected of criminal responsibility for human rights violations or crimes under international law during the 1971 war of independence, regardless of what party they supported or what political affiliation they had at that time;
- To remove the constitutional bar against challenging the jurisdiction of the Bangladeshi court, the International Crimes Tribunal;

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<sup>2</sup> See also Amnesty International: International Criminal Court: Updated checklist for effective implementation ([www.amnesty.org/en/library/info/IO53/009/2010](http://www.amnesty.org/en/library/info/IO53/009/2010))

<sup>3</sup> See also Amnesty International: No impunity for enforced disappearances: Checklist for effective implementation of the International Convention for the Protection of All Persons from Enforced Disappearance (<http://www.amnesty.org/es/library/info/IO51/006/2011/en>)

- To accede promptly to the 1968 Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity, without making any reservation or declaration amounting to a reservation, and to implement it in national law.

*Harassment of journalists*

- To ensure that all journalists and editors are free to peacefully express their views and opinions without being harassed, intimidated, detained or tortured.

*International Criminal Court*

- To promptly implement the Rome Statute of the International Criminal Court into national law;<sup>4</sup>
- To accede to the Agreement on the Privileges and Immunities of the International Criminal Court and to implement it in national law.

*Ratification of international human rights treaties*

- To become party to 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 Burkina Faso**

*Right to Health*

- To introduce a total exemption from fees charged for services, drugs and supplies for reproductive health services, including emergency obstetric care, in line with commitments by President Blaise Compaoré in 2010;
- To invest in an expansion of family planning services and information for all women, taking steps to ensure confidential access to such services and information for all women, including adolescents;
- To ensure that hospitals are fully equipped to offer emergency obstetric care and that they have adequate supplies of drugs, blood and other materials necessary for providing appropriate care, adequate supplies of electricity or alternative sources of power, and proper ventilation;
- To recruit more qualified staff and to create incentives to encourage qualified staff to work in rural areas and to ensure that they receive adequate training and support;
- To ensure that safe and legal abortion services are available, accessible, acceptable and of good quality for all women who require them in the circumstances set out in national legislation;
- To repeal the provision of the Penal Code that permits the imprisonment of anyone who carries out an abortion;
- To implement immediately and in full the subsidy policy in all health facilities and to create robust monitoring and accountability systems;
- To ensure the equitable distribution of health facilities, goods and services throughout the country and when selecting locations for new health facilities and blood banks, to prioritize the most marginalized sectors of the population, who face the greatest barriers in accessing health facilities.

*Discrimination against women and harmful practices*

- To review national legislation to ensure that early marriage is forbidden and to remove any discrimination between men and women regarding the legal age of marriage;
- To take concrete steps to eliminate harmful customary practices, such as female genital mutilation (FGM), which are prohibited by law.

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<sup>4</sup> See also Amnesty International: *International Criminal Court: Updated checklist for effective implementation* ([www.amnesty.org/en/library/info/IO53/009/2010](http://www.amnesty.org/en/library/info/IO53/009/2010))

*Death penalty*

- To commute without delay all death sentences to terms of imprisonment;
- To abolish the death penalty completely, in line with international and regional trends towards its abolition.

*Ratification of international human rights treaties*

- To ratify without reservations the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and to opt-in to the inquiry and inter-state mechanisms, as well as the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty;
- To recognize – as provided under Articles 31 and 32 of the International Convention for the Protection of All Persons from Enforced Disappearance - the competence of the Committee on Enforced Disappearance to receive and consider communications from or on behalf of victims and from other states parties;
- To implement the International Convention for the Protection of All Persons from Enforced Disappearance in national law;<sup>5</sup>
- To accede promptly to the 1968 Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity, without making any reservation or declaration amounting to a reservation, and to implement it in national law.

**Recommendations to the government of Cameroon**

*Impunity for serious human rights violations*

- To establish prompt, independent and impartial investigations into allegations of excessive use of force, killings, torture and ill- treatment, and other human rights violations, and to make the methods and findings of such investigations public;
- To ensure that those suspected of criminal responsibility for human rights violations are brought to justice, whatever their official position, in fair trials without recourse to the death penalty, and that officials suspected of ordering, carrying out or condoning human rights violations are suspended from active duty during the investigations;
- To provide effective training to all law enforcement officials to ensure that they are aware of their human rights obligations, including the right and duty to refuse to obey orders that violate human rights.

*Restrictions on freedom of expression and association*

- To immediately stop harassing, threatening and attacking human rights defenders, trade unionists and journalists and to work with a broad cross-section of human rights defenders and journalists to identify measures needed to provide them with adequate protection;
- To ensure that swift action is taken to investigate all threats or attacks against human rights defenders and journalists, and to bring to justice those responsible for such acts in trials that meet international fair trial standards and without recourse to the death penalty;
- To refrain from using criminal law to silence dissent and/or views critical of government officials or policy, and to repeal any such laws;
- To respect and promote the right to freedom of expression, peaceful assembly and association, including by representatives of political parties, media and other civil society groups, as set out in international and regional human rights treaties to which Cameroon is party, in particular the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights.

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<sup>5</sup> See also Amnesty International: Pas d'impunité pour les disparitions forcées. Liste des principes à respecter en vue d'une application efficace de la Convention internationale pour la protection de toutes les personnes contre les disparitions forcées ([www.amnesty.org/fr/library/info/IOR51/006/2011/fr](http://www.amnesty.org/fr/library/info/IOR51/006/2011/fr))

*Prosecution of same sex relations*

- To repeal Article 347 of the Penal Code and other laws that criminalize same-sex sexual relations between consenting adults;
- To take all necessary legislative, administrative and other measures to prohibit and eliminate discriminatory treatment on the basis of sexual orientation at every stage of the administration of justice;
- To ensure that all allegations and reports of human rights violations based on sexual orientation or gender identity are promptly and impartially investigated, and that those suspected of being the perpetrators are brought to justice.

*Poor prison conditions*

- To ensure that officials of the procuracy carry out frequent visits to all detention centres to ensure that all held are lawfully detained, and to allow visits to all places of detention by independent observers, including human rights defenders;
- To ensure that all detainees are allowed immediate access to legal counsel and adequate and free medical assistance as well as family visits;
- To launch independent investigations into any deaths in custody and to bring those responsible to justice.

*Female genital mutilation*

- To institute a comprehensive public policy and laws to eradicate the practice of female genital mutilation;
- To mobilize state institutions and resources to promote the rights of women, including by actively campaigning against FGM and making women and men in Cameroon aware of its adverse physical and psychological effects on women and girls.

*Possible prisoners of conscience*

- To ensure that all elements of fair trial are afforded to the defendants, including the right to be tried within a reasonable period of time by a competent, independent and impartial court; to guarantee the presumption of innocence, including by ensuring that the burden of proof as to the guilt of the accused rests with the prosecution; and to ensure the equality of arms between prosecution and defendants, including by ensuring adequate time and facilities to prepare their defence, to communicate with counsel of their own choosing, to examine, or have examined, the witnesses against them and to obtain the attendance and examination of witnesses on their behalf under the same conditions as witnesses against them.

*The death penalty*

- To establish an official moratorium on executions and to abolish the death penalty, in line with international and regional trends towards its abolition, as well as the call by the National Commission on Human Rights and Freedoms for abolition;
- To commute without delay all existing death sentences to terms of imprisonment, including convictions under application of the mandatory death penalty;
- To immediately remove from national law any death penalty provisions which are in breach of international human rights law, in particular all capital crimes which do not involve intentional killing, as well as all provisions for mandatory death sentences;
- To 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 treaties*

- To become party to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and to opt-in to the inquiry and inter-state mechanisms;

- To ratify promptly the International Convention for the Protection of All Persons from Enforced Disappearance, signed on 6 February 2007, making upon ratification the declarations set out in Articles 31 and 32 (recognition of the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of victims and from other states parties), and to implement it into national law.<sup>6</sup>

#### *The International Criminal Court*

- To ratify the Rome Statute of the International Criminal Court, signed on 17 July 1998, and to implement it into national law;<sup>7</sup>
- To accede to the Agreement on the Privileges and Immunities of the International Criminal Court and to implement it in national law.

### **Recommendations to the government of Canada**

#### *Implementation of human rights obligations*

- To launch a process of law reform to establish a formal mechanism for transparent, effective and accountable implementation of Canada's international human rights obligations. An *International Human Rights Implementation Act* should be developed through a process of extensive consultation with provincial and territorial governments, Indigenous Peoples and organizations and civil society groups;
- To provide to the Human Rights Council, within one year of its UPR, a report on the precise plans for implementation of its UPR recommendations, including procedures and resources to be made available to ensure meaningful participation of civil society and Indigenous Peoples and organizations;
- To publicly and unequivocally commit to the principle that Canada's record must regularly be assessed by UN human rights experts, bodies and other processes, as part of universal human rights protection, and to engage constructively with the recommendations resulting from such reviews.

#### *Normative and institutional framework*

- To ratify, without making any reservation or declaration amounting to a reservation, the Optional Protocol to the Convention against Torture; the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights while opting in to the inquiry and inter-state mechanisms; the Convention on the Protection of the Rights of all Migrant Workers and Members of their Families; the Optional Protocol to the Convention on the Rights of Persons with Disabilities; and the International Convention on the Protection of All Persons from Enforced Disappearance and to implement them all in national law.
- To develop a plan of action for implementing the Declaration on the Rights of Indigenous Peoples;
- To establish and implement an effective regulatory framework for holding companies registered in Canada accountable for the human rights impact of all their operations;
- To adopt a policy of carrying out independent human rights impact assessments of all trade agreements;
- To recognize jurisdiction of courts to enforce extra-territorial application of human rights obligations.

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<sup>6</sup> See also Amnesty International: Pas d'impunité pour les disparitions forcées. Liste des principes à respecter en vue d'une application efficace de la Convention internationale pour la protection de toutes les personnes contre les disparitions forcées (<http://www.amnesty.org/fr/library/info/IO51/006/2011/fr> )

<sup>7</sup> See also Amnesty International: *Liste actualisée des principes à respecter en vue d'une mise en oeuvre efficace de la Cour pénal international* ([www.amnesty.org/en/library/asset/IO53/009/2010/en/44d3559d-025c-4ada-a8ab-466ef01729b7/ior530092010fra.pdf](http://www.amnesty.org/en/library/asset/IO53/009/2010/en/44d3559d-025c-4ada-a8ab-466ef01729b7/ior530092010fra.pdf))

*Indigenous Peoples*

- To enact and implement laws and policies to ensure that approval of resource extraction activities is contingent on formal, rigorous and meaningful consultation with Indigenous Peoples and that development proceeds only with the free, prior and informed consent of those Indigenous Peoples whose rights are affected, consistent with international human rights standards. Indigenous Peoples whose rights to lands and resources are the subject of as yet unresolved disputes should receive the same protections;
- To work with governments across Canada to implement the Ipperwash Inquiry recommendations;
- To ensure that funding for First Nations child and family services agencies is equitable and adequate to meet the needs of First Nations children;
- To provide adequate resources to ensure that water and sanitation in First Nations communities meet the standards enjoyed by other people in Canada and to adopt urgent measures to address the needs of communities that have no potable water or sewage systems.

*Women*

- To develop a comprehensive national plan of action for addressing violence against Indigenous women.
- To increase funding for the protection and promotion of women's human rights, including for the prevention and remedy of violence against women;
- To ensure social assistance rates are adequate to ensure that women can realize their rights to food and housing;
- To collect comprehensive, disaggregated data on violence against women, women's economic status, and unpaid work;
- To establish an independent oversight body for federally-sentenced women prisoners, including a process for adjudication of involuntary segregation decisions;
- To reinstate funding for advocacy and research on women's rights.

*Refugees and migrants*

- To repeal the provisions on mandatory detention of designated foreign nationals;
- To entitle all refused refugee claimants to a meaningful appeal on the merits by the Refugee Appeal Division, without discrimination as to national origin or method of arrival;
- To ensure that refugees and refugee claimants have access to adequate health care, regardless of their nationality;
- To provide absolute protection against *refoulement* to torture.

*Counter-terrorism*

- To implement the recommendation for review and oversight of national security activities from the Maher Arar Inquiry;
- To provide Abdullah Almalki, Ahmad Abou-Elmaati and Muayyed Nureddin with redress;
- To reform the immigration security certificate system to meet international fair trial standards;
- To replace the Ministerial Direction with a policy on intelligence and information sharing consistent with international standards;
- To ensure Omar Khadr receives redress for the human rights violations he has experienced.

*Policing and administration of justice*

- To amend the Guidelines for the Use of Conducted Energy Weapons to require that CEDs will only be used in situations involving an imminent threat of death or serious injury;
- To thoroughly examine the role of players other than the police at the G8/G20 Summits;
- To withdraw the Quebec emergency laws and to conduct a public inquiry into the policing of Quebec student protests;

- To ensure that extradition or criminal prosecution will be pursued over deportation with respect to individuals accused of committing international crimes subject to universal jurisdiction;
- To amend the State Immunity Act to allow civil suits involving crimes that are subject to universal jurisdiction.

*Economic, social and cultural rights*

- To support legal enforcement of economic, social and cultural rights in domestic courts;
- To develop comprehensive national plans of action or strategies to address homelessness and poverty.

## **Recommendations to the government of Cape Verde**

*Ratification of international human rights treaties*

- To 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;
- To ratify promptly the International Convention for the Protection of All Persons from Enforced Disappearance, signed on 6 February 2007, making upon ratification the declarations set out in Articles 31 and 32 (recognition of the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of victims and from other states parties), and to implement it in national law;<sup>8</sup>
- To accede promptly to the 1968 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.

*International Criminal Court*

- To implement Cape Verde's obligations under the Rome Statute of the International Criminal Court;<sup>9</sup>
- To accede to the Agreement on the Privileges and Immunities of the International Criminal Court and to implement it in national law.

## **Recommendations to the government of Colombia**

*On human rights defenders*

- To take more effective measures to ensure the protection of human rights defenders and trade unionists at risk, in strict accordance with their wishes, including by desisting from making statements that call into question the legitimacy of human rights work and thereby putting activists at greater risk of attack;
- To ensure that the judicial authorities carry out full and impartial criminal investigations and prosecutions into human rights violations and abuses committed against human rights defenders;
- To end the misuse of the legal system to undermine the work of human rights defenders and trade unionists, including by prosecuting them on the basis of spurious charges.

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<sup>8</sup> See also Amnesty International: No impunity for enforced disappearances: Checklist for effective implementation of the International Convention for the Protection of All Persons from Enforced Disappearance (<http://www.amnesty.org/es/library/info/IO51/006/2011/en>)

<sup>9</sup> See also Amnesty International: *International Criminal Court: Updated checklist for effective implementation* ([www.amnesty.org/en/library/info/IO53/009/2010](http://www.amnesty.org/en/library/info/IO53/009/2010)).



*On violence against women*

- To develop and effectively implement a comprehensive and inter-disciplinary plan of action to address violence against women in consultation with survivors and women's organizations, and based on the repeated recommendations made by the United Nations and the Inter-American human rights system;
- To support the bill before Congress "to guarantee access to justice for victims of sexual violence, especially sexual violence in the context of the armed conflict."

*On impunity for human rights violations or abuses*

- To repeal constitutional reforms, such as the "legal framework for peace" and measures to strengthen the military justice system, which risk increasing impunity;
- To ensure that the military justice system does not claim jurisdiction in cases of human rights violations involving members of the security forces, as well as serious violations of international humanitarian law;
- To dismantle paramilitary groups and break their links with sectors of the armed forces and the police, including by effectively investigating and sanctioning those suspected of having such links;
- To amend the Criminal Code so that crimes against humanity and all war crimes are defined as crimes under national law;
- To enact legislation implementing the Rome Statute of the International Criminal Court into national law;
- To recognize the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of victims or from other state parties to the International Convention for the Protection of All Persons from Enforced Disappearance;<sup>10</sup>
- To accede promptly to the 1968 Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity, without making any reservation or declaration amounting to a reservation and to implement it into national law.

*On communities at risk:*

- To ensure that effective measures are adopted to improve the protection of civilians, including internally displaced people, in line with UN human rights recommendations and the UN Guiding Principles on Internal Displacement. Civilians whose human rights have been violated by paramilitaries must be acknowledged by the state as victims of the conflict;
- To comply with the obligation to prevent the displacement of Indigenous Peoples from their lands and commit to uphold the rights contained in the UN Declaration on the Rights of Indigenous Peoples;
- To comply with the January 2009 Constitutional Court ruling on Indigenous Peoples and displacement, which calls on the government to devise and implement an effective plan to guarantee the rights of displaced and endangered Indigenous Peoples.

*Ratification of international human rights treaties*

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

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<sup>10</sup> See also Amnesty International: No a la impunidad de las desapariciones forzadas. Lista de requisitos para la implementación efectiva de la Convención Internacional contra las Desapariciones Forzadas ([www.amnesty.org/es/library/info/IO51/006/2011/es](http://www.amnesty.org/es/library/info/IO51/006/2011/es))

## **Recommendations to the government of Cuba**

### *Ratification of international human rights treaties*

- To ratify without reservations or further delay the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and its Optional Protocol and to opt-in to the inquiry and inter-state mechanisms;
- To implement the International Convention for the Protection of All Persons from Enforced Disappearance;<sup>11</sup>
- To make the declarations set out in Articles 31 and 32 of the International Convention for the Protection of All Persons from Enforced Disappearance, i.e. recognition of the competence of the Committee on Enforced Disappearance to receive and consider communications from or on behalf of victims and from other states parties;
- To review national legislation, including the Constitution, and bring these in line with international human rights standards.

### *International Criminal Court*

- To promptly accede to the Rome Statute of the International Criminal Court, and implement it into national law;<sup>12</sup>
- To accede to the Agreement on the Privileges and Immunities of the International Criminal Court and to implement it in national law.

### *The death penalty*

- To abolish the death penalty for all crimes.

### *Cooperation with UN Special Procedures*

- To make all the necessary arrangements to immediately facilitate the visit of the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, as per the invitation that was extended in 2009;
- To respond to the outstanding visit requests by the UN Special Procedures by extending invitations to the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the UN Special Rapporteur on freedom of religion;
- To issue a standing invitation to all UN Special Procedures to demonstrate its willingness to cooperate with these mechanisms.

### *Legal restrictions to fundamental freedoms*

- To cease the harassment, intimidation, persecution and arbitrary detention of human rights activists, independent journalists and government critics who peacefully exercise their rights to freedom of expression, assembly and association;
- To allow independent media outlets and journalists to operate freely, without fear of reprisal, unlawful restrictions and arbitrary prosecutions;
- To revoke or amend all laws that criminalize, or are used to criminalize, freedom of expression, in particular Articles 53 and 62 of the Constitution, Article 91 of the Criminal Code, Law No. 88 for the Protection of National Independence and the Economy of Cuba, and other legal provisions which unlawfully limit the right to freedom of expression.

### *Independence of the judiciary and the right to a fair trial*

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<sup>11</sup> See also Amnesty International: No a la impunidad de las desapariciones forzadas, Lista de requisitos para la implementación efectiva de la Convención Internacional contra las Desapariciones Forzadas (<http://www.amnesty.org/es/library/info/IO51/006/2011/es>).

<sup>12</sup> See also Amnesty International: Corte Penal Internacional: Lista actualizada de requisitos para la aplicación efectiva del Estatuto de Roma (<http://www.amnesty.org/en/library/info/IO53/009/2010>)

- To provide full judicial guarantees and fair trials, in accordance with international human rights standards, including the rights to be heard by an independent tribunal and to immediate access to a lawyer of choice;
- To undertake a judicial review of all the sentences and cases where there is evidence that the fundamental right to a fair trial has been violated, to ensure that a thorough and impartial retrial takes place and victims have access to redress.

*Arbitrary arrests including short-term and incommunicado detention*

- To ensure that no one is detained or imprisoned solely for the peaceful exercise of their right to freedom of opinion and expression, association and assembly. Anyone so detained should be released immediately and unconditionally;
- To ensure that everyone is informed, at the time of detention, of the specific reasons for their arrest;
- To end the practice of incommunicado detention as it violates the rights of people deprived of their liberty;
- To ensure access for all detainees to a lawyer of their choice immediately upon arrest and throughout the period of pre-trial detention, as well as to their family and, if necessary, to a doctor;
- To ensure that interrogation of detainees takes place in the presence of an independent defence counsel to ensure that statements taken in evidence from a detainee are given freely and not as a result of coercion.

*Prisoners of conscience*

- Immediately and unconditionally release all prisoners of conscience who have been imprisoned solely for exercising their right to freedom of expression.

## **Recommendations to the government of Djibouti**

*Ratification of international human rights treaties*

- To become party to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and to opt-in to the inquiry and inter-state mechanisms;
- To ratify the International Convention for the Protection of All Persons from Enforced Disappearance, making upon ratification the declarations set out in Articles 31 and 32, i.e. recognition of the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of victims and from other states parties, and to implement it in national law;<sup>13</sup>
- To accede promptly 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.

*International Criminal Court*

- To implement the Rome Statute of the International Criminal Court in national law;<sup>14</sup>
- To accede to the Agreement on the Privileges and Immunities of the International Criminal Court and to implement it in national law.

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<sup>13</sup> See also Amnesty International, *Pas d'impunité pour les disparitions forcées. Liste des principes à respecter en vue d'une application efficace de la Convention internationale pour la protection de toutes les personnes contre les disparitions forcées* (<http://www.amnesty.org/fr/library/info/IO51/006/2011/fr>) (also available in Arabic)

<sup>14</sup> See also Amnesty International: *Liste actualisée des principes à respecter en vue d'une mise en oeuvre efficace de la Cour pénal international* (<http://www.amnesty.org/en/library/asset/IO53/009/2010/en/44d3559d-025c-4ada-a8ab-466ef01729b7/ior530092010fra.pdf>)

## **Recommendations to the government of Germany**

### *Ratification of international human rights treaties*

- To ratify the International Convention on the Rights of Migrant Workers and Their Families and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and to opt-in to the inquiry and inter-state mechanisms;
- To accede promptly to the 1968 Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity, without making any reservation or declaration amounting to a reservation and to implement it into national law.

### *National Preventive Mechanism*

- To ensure that the National Preventive Mechanism established under the Optional Protocol to the Convention against Torture is able to carry out its functions effectively and in line with the obligations under the Optional Protocol, including by ensuring it is adequately resourced.

### *Diplomatic Assurances*

- To refrain from seeking and accepting diplomatic assurances purporting to mitigate the risk of torture or other ill-treatment, both in the context of extradition and deportation, from states where there are substantial grounds for believing that a person would be at risk of torture or ill-treatment upon return to the state concerned;
- To prohibit in national law, including by amending the administrative regulations governing the Residence Act, the invocation of diplomatic assurances against torture or other cruel, inhuman or degrading treatment as a means of addressing the risk of such abuse that a person would face if transferred to another state;
- To publish updated information on whether diplomatic assurances have been applied.

### *Lack of protection for asylum-seekers*

- To ensure that the best interest principle is taken into consideration in any decision concerning child asylum applicants, including unaccompanied or separated asylum-seeking children;
- To repeal article 18a of the Asylum Procedure Act (known as the “Airport Procedure”);
- To repeal article 34a, paragraph 2 of the Asylum Procedure Act and grant an effective remedy against decisions taken purportedly in compliance with the Dublin II Regulation.

### *Refugees, asylum-seekers and migrants*

- To strictly comply with international refugee and human rights law and standards, including EU law, when considering whether to detain and maintain the detention of asylum-seekers, including in Dublin II cases;
- As recommended by the Committee against Torture in its concluding observations following the examination of Germany’s 12th periodic report in 2011:
  - To ensure mandatory medical checks and systematic examination of mental illnesses or traumatization of all asylum-seekers including the “Dublin cases” by independent and qualified health professionals upon arrival in all federal states detention facilities;
  - To provide adequate accommodation for detained asylum-seekers separate from remand prisoners in all detention facilities;
- To exempt all public authorities that provide medical services for migrants in an irregular situation from the requirement to report the identity of the individual concerned to the Office of Alien Affairs, pursuant to section 87, paragraph 2 of the Residence Act;
- To enact new provisions to ensure the right to a dignified minimum existence for people who continue to live in Germany after their asylum claims have been dismissed and for migrants in other circumstances.

*Excessive use of force by police*

- Ensure full compliance with the required standards of prompt, impartial, independent, adequate, and effective investigations, by establishing an independent police complaints' mechanism that carries out all investigations in case of serious allegations of ill-treatment by police officers;
- Introduce individual identification for uniformed police officers and those who wear special gear.

**Recommendations to the government of the Russian Federation**

*Ratification of international human rights treaties*

- To become party to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and opt-in to the inquiry and inter-state mechanisms;
- To ratify – without making any reservation or declaration amounting to reservation – the International Convention for the Protection of All Persons from Enforced Disappearance, making upon ratification the declarations set out in Articles 31 and 32, i.e. recognition of the competence of the Committee on Enforced Disappearance to receive and consider communications from or on behalf of victims and from other states parties, and to implement the Convention into national law;<sup>15</sup>
- To accede, without making any reservation or declaration amounting to reservation, to the Optional Protocol to the Convention against Torture and implement it into national law.

*International Criminal Court*

- To promptly ratify the Rome Statute of the International Criminal Court, signed on 13 September 2000, and implement it into national law;<sup>16</sup>
- To accede to the Agreement on the Privileges and Immunities of the International Criminal Court and to implement it in national law.

*Cooperation with UN human rights mechanisms*

- To cooperate fully with all UN human rights mechanisms, including the Special Procedures.

*Freedom of expression and assembly*

- To respect and protect the rights to freedom of expression and peaceful assembly for all, including those who represent a minority or have a dissenting political or other opinion;
- To remove legislative and other regulations which limit the legitimate exercise of the rights to freedom of expression and assembly, and to refrain from arbitrarily restricting these freedoms;
- To investigate all allegations of arbitrary, excessive and disproportional use of force by police against demonstrators, and to bring to justice those responsible.

*Human rights defenders and journalists*

- To 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;
- To investigate promptly, effectively and impartially all reports of attacks or threats against human rights defenders, journalists and civil society activists, and to identify those suspected of criminal responsibility and bring them to justice.

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<sup>15</sup> See also Amnesty International, *No impunity for enforced disappearances: Checklist for effective implementation of the International Convention for the Protection of All Persons from Enforced Disappearance* (<http://www.amnesty.org/es/library/info/IO51/006/2011/en>)

<sup>16</sup> See also Amnesty International: International Criminal Court: Updated checklist for effective implementation ([www.amnesty.org/en/library/info/IO53/009/2010](http://www.amnesty.org/en/library/info/IO53/009/2010))

*The right to freedom of association*

- To reverse the law 'On Introducing Changes to Certain Pieces of Legislation of the Russian Federation as Regards Regulation of Activities of Non-Commercial Organizations Performing the Functions of Foreign Agents'.

*Torture and other ill-treatment*

- To take effective steps to eliminate torture and other ill-treatment by law enforcement agencies;
- To introduce effective mechanisms to ensure accountability of law enforcement officials for all human rights violations, including the use of torture and other ill-treatment, secret and unacknowledged detention, and enforced disappearances;
- To ensure that the new departments within the Investigative Committee, mandated to investigate human rights violations committed by law enforcement officials, are adequately resourced and that all relevant cases are referred to them for investigation.

*The death penalty*

- To abolish the death penalty.

*The right to a fair trial*

- To take all necessary steps to strengthen the independence of the judiciary, including by ensuring that courts are free from political interference or any form of pressure from the executive;
- To ensure that all criminal suspects and defendants have unobstructed access to legal counsels of their choice from the moment they are taken into custody and for the duration of criminal proceedings against them.
- To introduce effective disciplinary and other measures against investigation officials who circumvent the rules and procedures by which lawyers are assigned to work on cases of criminal suspects as state-appointed lawyers.

*Lesbian, gay, bi-sexual, transgender and intersex rights*

- To introduce legislation prohibiting discrimination on grounds of sexual orientation and to take measures to ensure that it is fully and effectively implemented;
- To repeal regional laws and regulations which promote or condone discrimination on grounds of sexual orientation, to abstain from passing similar legislation at the federal level and to take effective steps to prevent arbitrary use of existing regulations to discriminate against the rights of LGBTI people, including their rights to freedom of expression and peaceful assembly.

*Women's human rights*

- To promptly introduce specific legislation for the prevention of domestic violence;
- To allocate adequate resources for the development of support services for victims of domestic violence, including the establishment of additional shelters, throughout the country;
- To take effective steps to end discrimination and violence against women and girls in the North Caucasus, including by eradicating impunity for it, sending a clear message that human rights abuses and discrimination against women will not be tolerated, ensuring that the victims have access to effective services and protection schemes, and amending regulations to protect women and girls from discrimination, including discrimination based on religious beliefs or "cultural traditions".

**Recommendations to the government of Turkmenistan**

*Cooperation with the UN human rights mechanisms*

- To allow the UN Special Procedures, in particular the Working Group on arbitrary detention and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment to visit Turkmenistan in line with their outstanding requests.

*Freedom of opinion and expression, freedom of assembly and of association*

- To release all prisoners of conscience immediately and unconditionally;
- To ensure that everyone, including human rights defenders, leaders of opposition parties, religious believers, civil society activists and journalists can peacefully exercise their right to freedom of expression in conformity with Turkmenistan's obligations under the International Covenant on Civil and Political Rights;
- To investigate all reports of assaults on and harassment of human rights defenders, independent journalists and civil society activists and bring to justice those responsible.

*Torture or other ill-treatment*

- To ensure that all trials scrupulously uphold international standards for fair trial;
- To ensure that no statement obtained as a result of torture or other ill-treatment is used as evidence in trial proceedings, except as evidence against a person accused of torture or other ill-treatment;
- To ensure prompt, thorough, independent and impartial investigations into all complaints of torture or other ill-treatment and that those responsible are held to account.

*Access to detention facilities*

- To grant full access to all detention facilities to independent national and international monitoring organizations;
- To establish an independent monitoring system for detention facilities as a matter of priority.

*Enforced disappearances following unfair trials and incommunicado detention*

- Immediately reveal the fate and whereabouts all those subjected to enforced disappearance;
- Investigate all cases of enforced disappearance and ensure that those suspected of criminal responsibility are brought to justice in fair trials;
- Ensure that all those sentenced to long-term imprisonments following the November 2002 events, are retried in proceedings which meet international standards on fairness and to which international trial observers have access;
- Make public the names of all prisoners who died in custody; conduct thorough, impartial and independent investigations into the circumstances of their deaths, and publicize the results.

*Freedom of movement*

- Abolish the "propiska" system and adopt further legislative and other measures to ensure compliance of the legal system and practice with the right to freedom of movement.

*Ratification of international human rights treaties*

- To become party to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and opt-in to the inquiry and inter-state mechanisms;
- To accede promptly to the International Convention for the Protection of All Persons from Enforced Disappearance, making upon accession the declarations set out in Articles 31 and 32 (recognition of the competence of the Committee on Enforced Disappearance to receive and consider communications from or on behalf of victims and from other states parties), and to implement the Convention into national law;<sup>17</sup>
- To accede to the 1968 Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity, without making any reservation or declaration amounting to a reservation and to implement it into national law.

*International Criminal Court*

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<sup>17</sup> See also Amnesty International, No impunity for enforced disappearances: Checklist for effective implementation of the International Convention for the Protection of All Persons from Enforced Disappearance.

- To promptly accede to the Rome Statute of the International Criminal Court, and implement it into national law;<sup>18</sup>
- To accede to the Agreement on the Privileges and Immunities of the International Criminal Court and to implement it in national law.

## **Recommendations to the government of Tuvalu**

### *Ratification of International Human Rights Treaties*

- To ratify the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and its Optional Protocol and to opt-in to the inquiry and inter-state mechanisms;
- To accede promptly to the International Convention for the Protection of All Persons from Enforced Disappearance, making upon accession the declarations set out in Articles 31 and 32, i.e. recognition of the competence of the Committee on Enforced Disappearance to receive and consider communications from or on behalf of victims and from other states parties, and to implement the Convention into national law;<sup>19</sup>
- To accede to the 1968 Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity, without making any reservation or declaration amounting to a reservation , and to implement it into national law.
- To enact laws through Parliament to implement in domestic law the provisions of the human rights treaties to which Tuvalu is a party;
- To ensure that the provisions of international human rights treaties and other standards are also implemented in policy and practice.

### *Gender discrimination*

- To amend the Constitution of Tuvalu to include provisions prohibiting discrimination on the grounds of “sex” or “gender”;
- To review all relevant laws which discriminate or impact negatively on women and to amend laws and change policies and practices which either expressly discriminates against or perpetuate the discrimination and marginalisation of women, so as to bring them into line with the Convention on the Elimination of All Forms of Discrimination against Women and other international human rights standards.

### *Sexual and gender based violence*

- To create an institutional strategy to reduce domestic violence;
- To work for the enactment of appropriate legislation to address violence against women generally, and domestic violence in particular, after meaningful consultation with relevant stakeholders.

### *Access to Justice*

- To find ways to make the High Court more accessible to the general public;
- To put in place measures to ensure that the office of the People’s Lawyer is sustainable and has adequate human and financial resources to effectively service the needs of the public in Funafuti as well as in the other islands.

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<sup>18</sup> See also Amnesty International: International Criminal Court: Updated checklist for effective implementation ([www.amnesty.org/en/library/info/IO53/009/2010](http://www.amnesty.org/en/library/info/IO53/009/2010)).

<sup>19</sup> See also Amnesty International, No impunity for enforced disappearances: Checklist for effective implementation of the International Convention for the Protection of All Persons from Enforced Disappearance (<http://www.amnesty.org/es/library/info/IO51/006/2011/en>)



*Freedom of religion*

- To repeal the Religious Organisations Restrictions Act 2010 (passed on 1 January 2011), which contrary to constitutional guarantees of freedom of religion states as its purpose to restrict the spread of beliefs and practices in a manner which undermines traditional values;
- To fully implement the right to freedom of religion in national laws, by ensuring that everyone is free to practise his or her own faith without penalty.

*International Criminal Court*

- To promptly accede to the Rome Statute of the International Criminal Court, and implement it into national law;<sup>20</sup>
- To accede to the Agreement on the Privileges and Immunities of the International Criminal Court and to implement it in national law.

**Recommendations to the government of Uzbekistan**

*Andizhan events:*

- Agree to and facilitate a thorough, independent and impartial international investigation into the circumstances of the events in Andizhan on 12-13 May 2005, including in accordance with Uzbekistan's obligations under the International Covenant on Civil and Political Rights.

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

- Ratify, without making any reservation or declaration amounting to a reservation the Optional Protocol to the Convention against Torture, the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol, the 1968 Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity, and the International Convention for the Protection of All Persons from Enforced Disappearance (making upon ratification or accession the declarations set out in Articles 31 and 32 -recognition of the competence of the Committee on Enforced Disappearance to receive and consider communications from or on behalf of victims and from other states parties-, and to implement the Convention into national law;<sup>21</sup>
- To become party to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and opt-in to the inquiry and inter-state mechanisms;
- Ratify the Rome Statute of the International Criminal Court, signed on 29 December 2000, and enact implementing legislation;<sup>22</sup>
- To accede to the Agreement on the Privileges and Immunities of the International Criminal Court and to implement it in national law.

*Cooperation with UN human rights mechanisms*

- To issue a standing invitation to the Special Procedures of the UN Human Rights Council.

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

- Release immediately and unconditionally all prisoners of conscience;
- Investigate all reports of assaults on and harassment of human rights defenders, independent journalists and civil society activists and bring to justice those responsible;
- Ensure that everyone, including human rights defenders, can peacefully exercise their right to freedom of expression in conformity with Uzbekistan's obligations under the International Covenant on Civil and Political Rights.

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<sup>20</sup> See also Amnesty International: International Criminal Court: Updated checklist for effective implementation (<http://www.amnesty.org/en/library/info/IO53/009/2010>)

<sup>21</sup> See also Amnesty International, No impunity for enforced disappearances: Checklist for effective implementation of the International Convention for the Protection of All Persons from Enforced Disappearance (<http://www.amnesty.org/es/library/info/IO51/006/2011/en>)

<sup>22</sup> See also Amnesty International: International Criminal Court: Updated checklist for effective implementation (<http://www.amnesty.org/en/library/info/IO53/009/2010>)

*Torture or other ill-treatment*

- Ensure that all trials, Uzbekistan including those of people charged in connection with membership of banned religious organizations , scrupulously uphold international standards for fair trial;
- Ensure that no statement obtained as a result of torture or other ill-treatment is used as evidence in trial proceedings, except as evidence against a person accused of torture or other ill-treatment;
- Ensure prompt, thorough, independent and impartial investigations into all complaints of torture or other ill-treatment;
- Expedite the establishment of an independent monitoring mechanism of all places of detention.

*Human rights violation in the context of national security and the fight against terrorism*

- Ensure that all trials, including of people forcibly returned to of people charged with terrorist offences, scrupulously observe international standards for fair trial;
- Ensure that the whereabouts of those returned to Uzbekistan are promptly disclosed and that they are allowed prompt and regular access to a lawyer of their choice, as well as to their relatives and an independent medical practitioner.