



## Suggested recommendations to States considered in the tenth round of the Universal Periodic Review, 24 January – 4 February 2011

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### Recommendations to the government of Australia

#### *Constitution and national laws*

- To initiate reforms to recognise Aboriginal and Torres Strait Islander Peoples in the Constitution and to remove Section 25 which enables laws to discriminate against a particular race by excluding its members from voting in elections;
- To implement a Human Rights Act that embeds Australia's international human rights obligations and sets out ways of dealing effectively with human rights violations.

#### *Millennium Development Goals*

- To support concrete actions following a human rights based approach, particularly through its lead agency AusAid, to achieve the Millennium Development Goals and its target of 0.7 per cent of GNI in overseas development assistance.

#### *Discrimination against Aboriginal and Torres Strait Islander Peoples*

- To fully reinstate, without any qualifications, the Racial Discrimination Act into the arrangements under the Northern Territory Emergency Response and any subsequent arrangements, including the provision of appropriate compensation;
- To stop the compulsory acquisition of Aboriginal and Torres Strait Islander Peoples land and the quarantining of their social security payments under the current Northern Territory Emergency Response legislation;
- To address the disproportionate representation of Indigenous people in the criminal justice system;
- To reform the Native Title Act 1993 to address measures that have been found to be racially discriminatory by the Committee on the Elimination of Racial Discrimination;
- To allocate adequate resources for mental health services and other support measures for Indigenous persons with mental health problems, in line with international human rights law standards and the recommendations by the Special Rapporteur on health following his mission to Australia in November-December 2009;
- To ratify ILO Convention 169 on Indigenous and Tribal Peoples.

*Treatment of asylum-seekers*

- To increase the yearly intake of asylum-seekers under the offshore humanitarian program and to de-link the onshore program from the offshore humanitarian program quota;
- To stop the use of Christmas Island as an excised offshore processing centre for asylum-seekers who arrive by boat and to process them onshore;
- To rescind the policy of excision of Australian territory and to ensure that asylum-seekers are treated equally under Australian law and have their claims processed on mainland Australia in accordance with the UN Refugee Convention;
- To ensure that border control and anti-smuggling efforts are carried out in a manner that respects and protects human rights, do not interfere with search and rescue operations, and do not block access to asylum procedures or identification and protection of victims of human trafficking.

*Counter-terrorism laws*

- To review the human rights implications of the control order and preventative and administrative detention order schemes, the excessively broad powers of Australian Security Intelligence Organisation to detain and question people, the process for listing of terrorist organisations and reviewing such listing; and the offence of association with a terrorist organisation.

*Violence against women*

- To develop and implement a National Plan of Action to Reduce Violence against Women and their Children which defines set of objectives, targets, indicators, and activities and is sustained with a permanent leadership body to oversee the implementation of the plan and its ongoing funding;
- To include in the National Plan of Action provisions for a national body dedicated to ending violence against Indigenous women with the active participation of Indigenous women.

*Abortion laws*

- To decriminalise abortion and move to adopt harmonious laws related to termination of pregnancy across jurisdictions.

*LGBT rights*

- To extend LGBT people's right to marry and to become adoptive parents, as well as amend Federal discrimination laws to include sexuality and gender identity as a prohibited ground.

*International Criminal Court*

- To promptly accede to the Agreement on the Privileges and Immunities of the International Criminal Court and to implement it in national law;
- To withdraw the declarations made upon ratification of the Rome Statute, regarding the absolute discretion of the Attorney General to refuse to issue a certificate allowing a surrender or arrest requested by the International Criminal Court and the understanding that the offences in Articles 6, 7 and 8 of the Rome Statute will be interpreted and applied in a way in accordance with the way they are implemented in Australian domestic law.

*Other human rights treaties*

- To become party to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, which was opened for signature, ratification and accession in September 2009;
- To promptly accede to the International Convention for the Protection of All Persons from Enforced Disappearance, making the declarations set out in Articles 31 and 32 and to implement it in national law, in accordance with conventional and customary international law;
- To promptly accede to the Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity, without making prohibited reservations.

## **Recommendations to the government of Austria**

### *International and regional human rights standards*

- To ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; to ensure that the National Preventive Mechanism to be established meets all the criteria required by the Optional Protocol, in particular with regard to its independence and funding; and to ensure that the establishment of the mechanism is done in consultation with civil society;
- To step up efforts to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights as well as the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
- To ratify the International Convention for the Protection of All Persons from Enforced Disappearance, making the declarations set out in Articles 31 and 32 and to implement it in national law;
- To accede to the Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity, without making prohibited reservations;
- To immediately ratify Protocol 12 to the European Convention on Human Rights and the Revised European Social Charter, and to authorize the European Committee on Social Rights to consider collective complaints about implementation of this treaty by Austria.

### *National Human Rights Institution*

- To establish a National Human Rights Institution with A status in accordance with the Paris Principles.

### *Legal and constitutional human rights safeguards*

- To give full and effective implementation to all human rights enshrined in treaties to which Austria is a party, including economic, social and cultural rights; the right to asylum; children's rights and the prohibition of discrimination of all persons, including non-citizens;
- To ensure the full and effective implementation of the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child;
- To formally recognize the human rights to water and sanitation as rights derived from the right to an adequate standard of living.
- To set a narrow timeframe for criminalizing in domestic law the crime of torture in accordance with Article 1 and Article 4, paragraph 2, of the UN Convention against Torture, as recommended by the UN Committee against Torture;
- To continue to ensure that no person is removed to a place where there are serious grounds to believe that they would face a real risk of torture or other ill-treatment or other serious human rights violations and to encourage other governments not to seek or rely on diplomatic assurances.

### *Political measures*

- To start developing a National Action Plan on Human Rights as well as a National Action Plan on Racism and Xenophobia, in close consultation with civil society;
- To strengthen the role of ministerial and provincial human rights coordinators and to ensure they have adequate resources to perform their role effectively;
- To establish, in consultation with civil society, a mechanism or process to ensure and facilitate regular substantive dialogue with civil society on current and structural human rights concerns;
- To intensify efforts to consult with civil society in the preparation of the national report for the UPR and to establish, in consultation with civil society, a clear process to assess the UPR outcome document and to ensure implementation of the recommendations made to Austria in the UPR.

*Implementation of Treaty Body recommendations*

- To establish, in consultation with civil society, an adequate mechanism or process to ensure and facilitate systematic follow-up to and implementation of Treaty Body recommendations, including by making all views and concluding observations concerning Austria publicly available in German and by engaging in a regular substantive dialogue with civil society on these recommendations.

*Ill-treatment and excessive use of force and firearms by the police*

- To give careful consideration to the creation of a fully resourced independent mechanism to investigate allegations of serious human rights violations by law enforcement officials, with the power to order disciplinary proceedings and to refer cases directly to the judicial authorities;
- To ensure that all law enforcement officials use charged energy devices on the basis of the strictest standards, which must be consistent with international human rights law.

*Racism and xenophobia*

- To introduce a comprehensive and coherent data collection system for recording and monitoring racist crime in Austria;
- To train the police and the judiciary in how to address complaints of racially motivated crimes;
- To take steps to ensure that all allegations of racist misconduct by law enforcement officials are effectively investigated and appropriately punished.

*Refugees and asylum seekers*

- To ensure that asylum-seekers can challenge second-instance decisions on international protection before the Administrative Court, by re-integrating the Asylum Court into the Administrative Court system, thus allowing appeals against decision of the Asylum Court to the Administrative Court;
- To ensure effective and adequate access of all asylum-seekers to independent legal advice.

## **Recommendations to the government of Estonia**

*Ratification of international human rights standards*

- To become party to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, which was opened for signature, ratification and accession in September 2009;
- To ratify the International Convention for the Protection of All Persons from Enforced Disappearance, making the declarations set out in Articles 31 and 32, and to implement it in national law.

## **Recommendations to the government of Georgia**

### **Economic, social and cultural rights of internally displaced persons**

Despite welcome measures to provide displaced families with adequate housing and resettlement option, Amnesty International remains concerned about the lack of progress in realizing economic and social rights of the displaced in Georgia and calls to the Georgian government:

*Adequate housing:*

- To ensure that all housing provided to displaced people in collective centres and in new resettlement sites meets the criteria of habitability, as well as access to water, sanitation and other basic infrastructure and is in a suitable location;
- To ensure the prioritisation of those who require the most urgent attention and the most disadvantaged groups of people while allocating durable housing solutions;
- To ensure that plans for durable housing solutions are extended to all displaced people, including those living in or renting private accommodation.

*Barriers on access to work and livelihoods:*

- To develop a comprehensive programme to address barriers to work and lack of livelihoods in IDP resettlements as well as a detailed plan for its realization;
- To provide information on employment opportunities and to facilitate access of internally displaced persons to employment and income generating and livelihood opportunities.

*Barriers on access to healthcare:*

- To ensure the availability and quality of health care facilities, goods and services;
- To provide information on schemes for health care to all the internally displaced and support them in accessing such schemes. Ensure that essential medicines are affordable and available to them.

*Participation by internally displaced communities in decisions affecting their human rights*

- To create mechanisms to consult with displaced people and to ensure that internally displaced persons are fully informed about their right to return or to resettlement. All such decisions must be made voluntarily and without coercion;
- To ensure genuine consultation with and participation of displaced people in the development and implementation of plans for durable housing solutions.

**Forced evictions**

Forced evictions took place in Tbilisi in June, July and August 2010 when around 5,000 people were expelled from their residences, without genuine consultation and the provision of adequate alternative housing. Many were pressurised into involuntary resettlement in the Zugdidi region. While welcoming the halt to evictions in August and the finalization of the Standard Operating Procedures for Vacation and Re-allocation of Durable Housing Solutions for IDPs designed to govern all future evictions in Georgia, Amnesty International calls on the Georgian government:

- To ensure that no forced evictions take place and that evictions are carried out only as a last resort, and only in full compliance with the guarantees required under international human rights standards;
- To ensure that those evicted are provided with adequate housing as a matter of urgency and not involuntarily resettled.

**Ratification or accession to international human rights standards**

- To become party to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, which was opened for signature, ratification and accession in September 2009;
- To ratify the International Convention for the Protection of All Persons from Enforced Disappearance, making the declarations set out in Articles 31 and 32 and to implement it in national law.

**Recommendations to the government of Mozambique**

*Ratification of human rights treaties*

- To ratify all outstanding human rights treaties, in particular the International Covenant on Economic, Social and Cultural Rights and its Optional Protocol, the First Optional Protocol to the International Covenant on Civil and Political Rights, as well as the Optional Protocol to the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention for the Protection of All Persons from Enforced Disappearance, and the Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity, in all cases without making prohibited reservations;
- To incorporate the provisions of all international human rights treaties, once ratified, into domestic law;
- To reform the laws, regulations and codes of conduct that regulate the functioning of the police to bring them in line with international human rights standards.

*Extrajudicial executions*

- To carry out prompt, thorough and impartial investigations into all cases of suspected extrajudicial executions and other use of force or firearms by police resulting in death or serious injury;
- To bring to justice all perpetrators of unlawful killings, including those with command responsibility, in proceedings which meet international standards of fairness, even if there is no pressure from the public or families of the victims to try suspects;
- To extend an invitation to the UN Special Rapporteur on extrajudicial, summary or arbitrary executions in accordance with his request of April 2008.

*Excessive use force*

- To take steps to prevent excessive or arbitrary use of force, including by ensuring that police have access to alternative means to deal with potentially violent situations so that force used is proportional.

*Torture and other ill-treatment*

- To investigate all reports of torture and other ill-treatment in places of detention, with a view to bringing to justice those officers suspected of responsibility for acts of torture and other ill-treatment, in accordance with international standards for fair trials;
- To grant reparation, including fair and adequate compensation, to victims of torture and other ill-treatment inflicted by state agents.

*Arbitrary arrests and detentions*

- To ensure that arrests are carried out in accordance with the law by law enforcement officials and that officers found responsible for arbitrary arrests are brought to justice and not simply transferred to another police station;
- To ensure that detainees are brought before a court to have their detention legalised by a judge within 48 hours, in accordance with law, or released.

*Access to justice*

- To ensure that victims of human rights violations are not prevented from claiming reparations because they cannot afford to pursue their claim, including by carrying out an evaluation of the existing systems for legal assistance to ascertain what changes can be made to improve services and ensure that free legal assistance is indeed free;
- To ensure that the Justice Ombudsman is elected and the National Human Rights Commission is set up without further delay.

*International Criminal Court*

- To promptly ratify the Rome Statute of the International Criminal Court, signed on 8 December 2000, and to implement it in national law;
- To promptly 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 Myanmar**

*Protection of human rights in national legislation*

- To repeal or amend domestic legislation, in particular the 2008 Constitution, the 1962 Printers and Publishers Registration Act, Electronic Transactions Law, Section 505(B) of the Penal Code, The Unlawful Associations Act, and The 1950 Emergency Provisions Act to ensure that ambiguous provisions are clearly defined or removed, so that they cannot be applied in an arbitrary manner to suppress peaceful political dissent, opposition and freedom of expression;

- To ratify and effectively implement international human rights treaties, including the International Covenant on Civil and Political Rights and its two Optional Protocols; the International Covenant on Economic, Social and Cultural Rights and its Optional Protocol; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol; the International Convention on the Elimination of All Forms of Racial Discrimination; the International Convention for the Protection of All Persons from Enforced Disappearance, making the declarations set out in Articles 31 and 32; and the Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity;
- To promptly accede to the Rome Statute of the International Criminal Court and the Agreement on the Privileges and Immunities of the International Criminal Court and to implement them in national law;
- To fulfill existing obligations under international law and to ensure effective implementation of treaties to which Myanmar is a state party, including the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, and the ILO Conventions.

*Restrictions on freedom of expression and assembly*

- To remove all restrictions on freedom of association and assembly, including by refraining from penalizing peaceful political opposition activities;
- To remove restrictions on independent media, including international journalists, that violate the right to freedom of expression and end practices such as excessive media censorship and surveillance;
- To end surveillance, harassment, religious discrimination, arbitrary arrest, torture, and imprisonment of ethnic minority political activists.

*Political imprisonment*

- To release immediately and unconditionally all political prisoners arrested solely on the basis of their peaceful political activity, ethnicity or religion;
- To ensure that all trial proceedings conform to international fair trial standards, including the rights to a fair and public trial by a competent, independent and impartial tribunal, access to legal counsel of one's choosing, the presumption of innocence, and the opportunity to appeal through a process of judicial review.

*Prison conditions*

- To improve conditions in all prisons and detention facilities to ensure compliance with international standards, including the UN Standard Minimum Rules for the Treatment of Prisoners;
- To allow unrestricted access to all places of detention for independent human rights monitors.

*Crimes against humanity*

- To immediately halt all violations of international human rights and humanitarian law by the security forces, including extrajudicial executions and other unlawful killings, torture and other ill-treatment, and forced labour;
- To ensure that all acts violating international human rights and humanitarian law are subject to prompt, independent and impartial investigation, and that suspected perpetrators, including those suspected of ordering these acts, regardless of rank, are brought to justice in proceedings which meet international standards of fairness, and without the imposition of the death penalty;
- To cooperate fully with any international investigation of alleged violations of international human rights and humanitarian law, including crimes against humanity and war crimes, and to give investigators full access to the country.

*Survivors of Cyclone Nargis*

- To facilitate and support the UN and international aid agencies to provide long-term assistance to survivors of Cyclone Nargis and contribute to the reconstruction of affected areas;

- To ensure that all international aid workers are granted visas to work in the country without delay and given unfettered access to areas requiring humanitarian assistance;
- To release immediately and unconditionally those who were arrested and imprisoned for organising private relief efforts in the aftermath of the cyclone.

*The death penalty*

- To immediately impose a moratorium on executions, with a view to complete abolition of the death penalty, in line with UN General Assembly Resolutions 62/149 and 63/168.

## **Recommendations to the government of Namibia**

*Ratification of international human rights standards*

- To become party to the outstanding core international human rights treaties, in particular the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, which was opened for signature, ratification and accession in September 2009;
- To ratify the International Convention for the Protection of All Persons from Enforced Disappearance, making the declarations set out in Articles 31 and 32 and to implement it in national law;
- To accede to the Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity, without making prohibited reservations and to implement it in national law.

## **Recommendations to the government of Nauru**

*Ratification of international human rights standards*

- To promptly ratify and implement in national law the outstanding core international human rights treaties, including the International Covenant on Economic, Social and Cultural Rights and its Optional Protocol; the International Covenant on Civil and Political Rights and its two Optional Protocols; the International Convention for the Protection of All Persons from Enforced Disappearance, making the declarations set out in Articles 31 and 32; and the Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity, all without making prohibited reservations.

*International Criminal Court*

- To promptly ratify the Agreement on the Privileges and Immunities of the International Criminal Court, and to implement it in national law.

## **Recommendations to the government of Nepal**

*Criminal justice and legal reform*

- To expedite the enactment of legislation on enforced disappearance and the establishment of a truth and reconciliation commission, incorporating recommended amendments to ensure the legislation meets international standards of independence, transparency and effectiveness, including by removing time limits that could inhibit the filing of complaints, ensuring witness protection and removing any provisions for the possibility of amnesties. Truth and reconciliation procedures must not replace prosecution and punishment of those responsible for crimes involving human rights violations or full reparation to victims.

*Implementation of national legislation and policies*

- To introduce legislation providing criminal penalties for acts of torture and other ill-treatment;
- To withdraw powers from district-level authorities, such as the Chief District Officer, to try and sentence detainees to lengthy prison terms.



*Impunity for human rights violations*

- To ensure that the perpetrators of human rights violations, both past and present, are brought to justice in proceedings which meet international standards of fairness, and that surviving victims and families are provided with reparations, in accordance with international standards;
- To investigate all outstanding allegations of crimes involving violations of human rights and international humanitarian law committed by the army, the police or Maoist forces and, where there is sufficient evidence, to prosecute those responsible before competent, independent and impartial civilian courts. Cases such as the torture and murder of 15-year old Maina Sunawar by army personnel in 2004 should be prosecuted in civilian courts and without delay;
- To re-assess current members of the Nepal Army, including those participating in UN peace-keeping missions, to ensure that they are not implicated in serious human rights violations, and to reform the vetting process to safeguard against future deployment of suspected human rights violators;
- To commit to ending impunity for crimes against humanity and war crimes, including by ratifying the Rome Statute of the International Criminal Court, the International Convention for the Protection of All Persons from Enforced Disappearance, making the declarations set out in Articles 31 and 32; and the Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity; and by implementing them in national law.

*Role of national statutory bodies in the protection of human rights*

- To ensure the full independence and effective functioning of the National Human Rights Commission of Nepal, and to facilitate its full cooperation with human rights organizations and the OHCHR.

*Cooperation with international human rights mechanisms*

- To allow the UN Working Group on Enforced or Involuntary Disappearances and the Special Rapporteur on Human Rights Defenders to visit Nepal in line with their outstanding requests.

*Extrajudicial and summary executions*

- To ensure prompt, impartial, independent and effective investigations into all cases of unlawful killings and that all those suspected of being responsible, irrespective of rank, are brought to justice in trials that meet international standards of fairness.

*Restrictions on freedom of assembly*

- To ensure that the right to freedom of assembly is guaranteed and in particular to remove all restrictions placed on the Tibetan community's right to peaceful protest;
- Take immediate measures to end the practice of excessive use of force and violence by state forces against those exercising their rights to freedom of expression, association and assembly.

*Arbitrary detention*

- To ensure that no person is arrested for peacefully exercising their right to freedom of expression, association and assembly and that all arrests are carried out in accordance with the law and in line with human rights standards;
- To rescind or reform the Public Security Act so as to remove any government powers to detain persons in "preventive detention" without charge or trial.

*Violence against women and girls*

- To ensure that the police provide a safe and confidential environment for women and girls to report incidents of violence, including sexual violence, and that all such complaints are recorded and promptly, impartially and effectively investigated;
- To respect and protect the right of human rights defenders, especially women human rights defenders, to conduct their work without hindrance, intimidation or harassment in line with the UN Declaration on Human Rights Defenders.

*Protection of Nepalese migrant workers*

- To ratify and implement ILO Convention no. 87 concerning Freedom of Association and Protection of the Right to Organise;
- To ratify ILO Convention no. 181 concerning Private Employment Agencies, and implement measures to prevent abusive practices by recruiters and to ensure greater respect for migrant workers' rights;
- To ensure that foreign employment agencies facilitating migrant labour abroad adhere to the provisions of the Foreign Employment Act, 2064 (2007), especially Articles 25, 26, 27, and 72, so that migrant workers understand the conditions of their employment and are provided with a contract, insurance coverage, orientation training and a health check-up;
- To establish regional offices of the Ministry of Labour's Department of Foreign Employment, so that the overwhelming majority of migrant workers who reside outside the capital have equal access to the Department, including to its complaints mechanisms.

*Economic, social and cultural rights*

- To become party to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, which was opened for signature, ratification and accession in September 2009;
- To ensure that economic, social and cultural rights are legally enforceable in the new Constitution.

**Recommendations to the government of Niger**

*Extrajudicial executions*

- To open investigations into unlawful killings, notably in the context of the Tuareg conflict;
- To bring to justice those responsible of extrajudicial executions, notably members of the security forces;
- To provide reparation for the relatives of victims of extrajudicial executions.

*Torture and other ill-treatment*

- To give clear instructions to the security forces to always act in compliance with international human rights law, in particular the right to life and the prohibition of torture and other ill-treatment;
- To bring national legislation on torture and other ill-treatment in line with international human rights standards, to amend the 1961 Penal Code to include a comprehensive definition of torture as provided for in Article 1 of the UN Convention against Torture, to make any act of torture or ill-treatment a criminal offence and to make provision for penalties that reflects the gravity of the act;
- To ensure that anyone placed in detention is brought promptly before a judicial authority and has the option of disputing the legality of the decision to imprison;
- To draw up a plan of action to eradicate torture and ill-treatment and to bring to justice all suspected perpetrators of such acts;
- To inform members of the police and other law enforcement officers, in unambiguous language, that torture and ill-treatment are violations of human rights which will not be tolerated under any circumstances and that anyone committing such offences will be punished as provided for by law;
- To carry out impartial and effective investigation without delay into all complaints and information concerning torture and other ill-treatment;
- To ensure that all judges, prosecutors and lawyers are informed that confessions and statements obtained other than in the presence of a member of the public prosecutor's office and the suspect's counsel may not be used in support of the accusation before the court;
- To ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

*Freedom of expression*

- To respect the right to peaceful exercise of freedom of expression and assembly;
- To ensure that the right to freedom of expression, as enshrined in the Constitution as well as in relevant international human rights standards, is fully respected in practice, including for those who may wish to express dissenting view;
- To issue clear guidelines and inform all law enforcement personnel, at all levels, of their obligations to respect and protect human rights and to refrain from arresting and beating critics.

*Impunity for human rights violations*

- To repeal amnesty laws and to bring to justice those responsible for human rights violations regardless of how much time has elapsed since the commission of the crime;
- To take immediate steps to establish an independent complaints mechanism with a mandate to investigate all allegations of human rights violations and abuses by security forces and armed opposition groups;
- To promptly ratify the Agreement on the Privileges and Immunities of the International Criminal Court, and to implement it in national law;
- To promptly ratify the International Convention for the Protection of All Persons from Enforced Disappearance, signed in 2007, making the declarations set out in Articles 31 and 32 and to implement it in national law.
- To promptly accede to the Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity, without making prohibited reservations and to implement it in national law.

*The death penalty*

- To immediately establish a moratorium on executions with a view to abolishing the death penalty as provided by UN General Assembly resolution 62/149, adopted on 18 December 2007 and resolution 63/168 adopted on 18 December 2008;
- To commute without delay all death sentences to terms of imprisonment;
- To 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,
  - abolishing all provisions which provide for mandatory death sentences,
  - prohibiting the imposition of the death penalty on anyone suffering from a mental disability,
  - prohibiting executions of pregnant women and mothers with dependent infants;
- To ensure rigorous compliance in all death penalty cases with international standards for fair trial, including the rights:
  - to be tried before an independent, impartial and competent tribunal,
  - to competent defence counsel at every stage of the proceedings,
  - to adequate time and facilities to prepare one's defence,
  - to be presumed innocent until guilt has been proved beyond reasonable doubt,
  - to appeal to a higher court, and
  - to seek pardon and commutation of sentence;
- To ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at abolition of the death penalty.

*Slavery*

- To establish an independent and impartial enquiry into progress over the past 20 years and to consider steps towards complete eradication of slavery, slavery-like practices and related abuses and discrimination in Niger. The inquiry should involve religious leaders, traditional leaders, law enforcement officials and judicial officials as well as members of civil society including NGOs working against slavery;

- To ensure that the 2003 law which makes slavery a criminal offence is effectively enforced and that all people suspected of practicing slavery are prosecuted;
- To develop mechanisms for full and fair reparations for victims of slavery, including compensation and rehabilitation.

*Economic, social and cultural rights*

- To become party to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, which was opened for signature, ratification and accession in September 2009.

## **Recommendations to the government of Oman**

*Ratification of international human rights standards*

- To ratify and implement in national law the outstanding core international human rights treaties, including the International Covenant on Economic, Social and Cultural Rights and its Optional Protocol; the International Covenant on Civil and Political Rights and its two Optional Protocols; the International Convention for the Protection of All Persons from Enforced Disappearance, making the declarations set out in Articles 31 and 32; and the Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity – all without making prohibited reservations.

*International Criminal Court*

- To promptly ratify the Rome Statute of the International Criminal Court, signed in 2000, and the Agreement on the Privileges and Immunities of the International Criminal Court and to implement them in national law.

## **Recommendations to the government of Paraguay**

*Indigenous Peoples' rights*

- To design a national mechanism to address Indigenous Peoples' claims to their traditional lands, with the full participation of Indigenous groups and representatives, and to implement its decisions effectively;
- To conduct impartial investigations into the Itakyry case and to bring these to conclusion, including by sanctioning those found responsible. The State should ensure that the communities affected have sufficient support to make their representations and protect them from any future threats of illegal eviction;
- To ensure the systematic collection of data to allow policies to be tailored to the socio-economic needs of Indigenous Peoples;
- To develop an action plan to address disparities in socio-economic indicators between Indigenous Peoples and non-Indigenous peoples;
- To respond swiftly and fully to the concerns raised by the Committee on the Elimination of Racial Discrimination under its early warning procedure, with regard to violations of the right of Indigenous Peoples to their ancestral lands and the dire socio-economic circumstances in which they live.<sup>1</sup>

*Yakye Axa and Sawhoyamaxa communities:*

- To make every effort to return without further delay the traditional lands claimed by the Yakye Axa and Sawhoyamaxa communities, as ordered by the Inter-American Court of Human Rights;
- To ensure that until their lands are returned to them, coordinated steps are taken to secure both communities' survival, in particular the regular provision of food, adequate medical care, clean drinking water and sanitation facilities, and access to education;

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<sup>1</sup> [http://www2.ohchr.org/english/bodies/cerd/docs/early\\_warning/Paraguay31052010.pdf](http://www2.ohchr.org/english/bodies/cerd/docs/early_warning/Paraguay31052010.pdf)

- To commit to comply fully with the judgements of the Inter-American Court of Human Rights and the international standards on Indigenous Peoples' rights contained within them, and to express publicly its intention to do so;
- To guarantee the free, prior and informed consent of the community and its representatives, in all negotiations, if a solution to the Yakye Axa case is to be pursued through the provision of alternative lands;
- To guarantee that any alternative lands proposed are of sufficient quality, including sufficient water sources and accessibility, to ensure the community's health and survival;
- To consider in good faith any additional compensation requested by the community as a result of providing a second-best outcome to them;
- To ensure that all necessary procedures to pursue the resolution of the case through the provision of alternative lands are conducted with celerity;
- To pursue vigorously negotiations with the current owner of the lands claimed by the Sawhoyamaya until a positive outcome is reached.

*Ratification or accession to international human rights standards*

- To ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, which Paraguay signed on 6 October 2009.

*International Criminal Court*

- To promptly enact legislation implementing the Rome Statute of the International Criminal Court into national law.

## **Recommendations to the government of Rwanda**

*Freedom of expression*

- To urgently initiate the process to review the current "genocide ideology" law and other laws that unduly restrict freedom of expression, including those on "sectarianism" and "insulting the President", to bring them in line with Rwanda's obligations under international human rights law;
- To provide regular information, and to make it publicly available, on the application of the "genocide ideology" and "sectarianism" laws pending their revision, including the number of prosecutions, convictions and acquittals, and the sentences imposed;
- To make a clear public commitment to freedom of expression and to publicly agree to review past convictions under "genocide ideology", "sectarianism" or related laws;
- To allow journalists, political activists and human rights defenders, including those critical of the government, to exercise their right to freedom of expression and opinion without threats and harassment.

*Freedom of association*

- To guarantee the right to freedom of association and to ensure that political parties can register.

*Arbitrary detention*

- To ensure that no person is arrested for peacefully exercising their right to freedom of expression, association and peaceful assembly and that all arrests are carried out in accordance with the law and in line with human rights standards;
- To urgently investigate cases of arbitrary detention, including those which may constitute enforced disappearances.

*Justice system*

- To continue to reform the conventional justice system to enhance the independence of the judiciary and improve witness protection;

- To develop a mechanism to address alleged miscarriages of justice in *gacaca* trials;
- To charge with a recognizable criminal offence or release, military officials arrested and detained without charge and held incommunicado.

*Ratification of international human rights standards*

- To ratify and implement in national law the outstanding core international human rights treaties, in particular the First Optional Protocol to the International Covenant on Civil and Political Rights, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, and the International Convention for the Protection of All Persons from Enforced Disappearance, making the declarations set out in Articles 31 and 32.

*International Criminal Court*

- To accede to the Rome Statute of the International Criminal Court and the Agreement on the Privileges and Immunities of the International Criminal Court and to implement them in national law.

## **Recommendations to the government of St. Kitts and Nevis**

*The death penalty*

- To repeal all provisions allowing for the death penalty and to immediately declare a moratorium on all executions;
- To commute all death sentences to terms of imprisonment;
- Pending abolition of the death penalty, to ensure rigorous application of international standards for fair trial in all death penalty cases and to respect national legal procedures and the standards required by the Privy Council and the UN for the protection of the rights of prisoners sentenced to death.

*Ratification of international human rights standards*

- To ratify and implement in national law the outstanding core international human rights treaties, including the International Covenant on Economic, Social and Cultural Rights and its Optional Protocol; the International Covenant on Civil and Political Rights and its two Optional Protocols; the International Convention for the Protection of All Persons from Enforced Disappearance, making the declarations set out in Articles 31 and 32; and the Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity – all without making prohibited reservations.

*International Criminal Court*

- To promptly ratify the Agreement on the Privileges and Immunities of the International Criminal Court, and to implement it in national law.

## **Recommendations to the government of St. Lucia**

*Ratification of international human rights standards*

- To ratify and implement in national law the outstanding core international human rights treaties, including the International Covenant on Economic, Social and Cultural Rights and its Optional Protocol; the International Covenant on Civil and Political Rights and its two Optional Protocols; the International Convention for the Protection of All Persons from Enforced Disappearance, making the declarations set out in Articles 31 and 32; and the Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity – all without making prohibited reservations.

*International Criminal Court*

- To promptly ratify the Agreement on the Privileges and Immunities of the International Criminal Court, and to implement it in national law.

## **Recommendations to the government of Sao Tome and Principe**

### *Ratification of international human rights standards*

- To ratify and implement in national law the outstanding core international human rights treaties, including the International Covenant on Economic, Social and Cultural Rights and its Optional Protocol; the International Covenant on Civil and Political Rights and its two Optional Protocols; the International Convention for the Protection of All Persons from Enforced Disappearance, making the declarations set out in Articles 31 and 32; and the Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity – all without making prohibited reservations.

### *International Criminal Court*

- To promptly ratify the Rome Statute of the International Criminal Court, signed in 2000, and the Agreement on the Privileges and Immunities of the International Criminal Court without making prohibited reservations and to implement them in national law.