



## Suggested recommendations to states considered in the seventh round of Universal Periodic Review, February 2010

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### **Recommendations to the government of Angola**

#### *Ratification of human rights treaties*

- To incorporate the provisions of international human rights standards into domestic law, including provisions on the right to adequate housing and on the prohibition of torture;
- To reform all laws and regulations in the country, particularly those related to forced evictions and policing, including by bringing them into line with international human rights laws and standards;
- To ratify all outstanding human rights treaties, including the UN Convention against Torture and its Optional Protocol, the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, 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 and implement them in national law.

#### *International Criminal Court*

- To ratify the Rome Statute of the International Criminal Court as included in Angola's voluntary pledges and commitments to promote human rights, in the context of its candidature to the Human Rights Council for the term 2007-2010, and to implement it in national law;
- To accede to the Agreement on the Privileges and Immunities of the International Criminal Court and implement it in national law.

#### *Forced evictions*

- To stop all forced evictions and to place a moratorium on mass evictions until a comprehensive human rights-based housing policy and a legal framework providing effective remedies are in place;
- To provide immediate assistance, including adequate housing, to those who have been forcibly evicted and who remain homeless, and to adequately compensate all victims of forced evictions;
- To ensure that all people who may be affected by evictions are accorded the legal protections to which they are entitled under international standards, including adequate notice, consultation, due process and assurance of adequate alternative housing;

- To extend, as a matter of urgency, an invitation to the UN Special Rapporteur on the right to housing to visit Angola, to enable her to assist with the development of legislation and policies that comply with international human rights law and standards.

#### *Human rights defenders*

- To respect and protect the work of human rights defenders and other members of civil society by ensuring that they are free to carry out their human rights activities without interference, in accordance with international human rights standards and in line with Angola's voluntary pledges made in the context of its election to the UN Human Rights Council;
- To ensure any action taken to regulate human rights organizations is not politically motivated, but based strictly on legal provisions consistent with international human rights standards.

#### *Freedom of expression and association*

- To ensure that no one is arrested for peacefully exercising their rights to freedom of expression, association and assembly;
- To respect, protect and promote the right to freedom of expression of journalists, in particular with regard to the well-established international human rights principle that public officials should tolerate more, rather than less, criticism than private individuals;
- To amend or repeal laws providing punishment for alleged defamation of the head of state or other public officials.

#### *Human rights violations by the police*

- To ensure that prompt, impartial and thorough investigations are carried out into all suspected cases of extrajudicial execution, torture and ill-treatment, excessive use of force, death in custody or other human rights violations by the police, and that the perpetrators of such violations are brought to justice promptly and in accordance with international standards for fair trial;
- To ensure that police accountability mechanisms are effective, transparent and responsive to the needs of the public, especially victims of human rights violations by the police and their families;
- To ensure reparation, including fair and adequate compensation, for victims of human rights violations by the police and their families.

### **Recommendations to the government of Bolivia**

#### *Constitutional reform and the political change process*

- To take all possible measures to ensure a smooth transition to the new Constitution and related national institutions, while paying due respect to guarantees of human rights and the rule of law;
- To promote and encourage enhanced collaboration and coordination between the branches of the state, in particular between the executive and the judiciary, and to ensure that the judiciary is able to fulfil its functions efficiently, independently and without political interference;
- To ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty and the Protocol to the American Convention on Human Rights to Abolish the Death Penalty.

#### *Human rights violations, including unlawful killings*

- To expedite impartial and comprehensive investigations into the events surrounding the violence in Pando in September 2008, as well as other incidents, with the aim of identifying those responsible and bringing them to justice in a competent, independent and impartial court;
- To clarify the roles played by the armed forces, the police and the judicial authorities before, during and after the violence in Pando, including any failure to respond to or stem the violence.

#### *Justice and impunity*

- To ensure that the Supreme Court and the Constitutional Court can carry out their functions, including through ensuring the designation of officials of proven technical ability, moral probity and independence from any external influence;
- To implement the Rome Statute of the International Criminal Court in national law, and to bring such legislation in line with international law, including the definition of torture;
- To provide in domestic law that genocide, crimes against humanity and war crimes are not subject to statute of limitations, including civil suits, in accordance with the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity, to which Bolivia is a party;
- To make concerted efforts to locate and make available archives relating to human rights abuses committed during the period of military rule;
- To issue a standing invitation to the Special Procedures of the Human Rights Council to visit Bolivia.

#### *Discrimination and violence against Indigenous Peoples and human rights defenders*

- To investigate and take appropriate action against regional and national state officials alleged to be responsible for discrimination against Indigenous Peoples;
- To ensure the prompt and full implementation of the recommendations to protect the rights of Indigenous Peoples by the UN Special Rapporteur on Indigenous Peoples, the UN Permanent Forum on Indigenous Issues, and the Inter-American Commission on Human Rights.

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

- To ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights;
- To allocate adequate resources to implement national policies to reduce maternal mortality, to remove barriers preventing poor and Indigenous women from accessing reproductive and maternal health care, including by providing language support and training of health professionals, and to provide clear and accessible information to women about their sexual and reproductive rights and right to health;
- To ensure full and prompt implementation of provisions to strengthen economic, social and cultural rights contained in the new Constitution through effective and sustainable policies at the national and local levels and the allocation of adequate resources.

#### *International Criminal Court and other human rights treaties*

- To accede to 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.

### **Recommendations to the government of Bosnia and Herzegovina**

#### *Sexual violence*

- To ensure access to justice for survivors of war crimes of sexual violence, and that all cases of rape and other war crimes of sexual violence are promptly, impartially and effectively investigated and prosecuted in accordance with international fair trial standards.

#### *Definition of crimes of sexual violence in domestic law*

- To amend the Criminal Code to include a definition of “sexual violence” in line with international standards and jurisprudence related to the prosecution of war crimes of sexual violence and to remove the condition of “force or threat of immediate attack” from the present definition;

- To ensure that all cases of war crimes, including in the entity courts, are adjudicated based on the Criminal Code.

#### *Witness protection and support*

- To develop programmes and allocate adequate resources for the long-term protection of witnesses who testify in war crimes proceedings before the War Crimes Chamber of the State Court and before the entity courts. Such programmes should include the possibility of re-location of witnesses within the country or abroad;
- To develop programmes and allocate adequate resources for long-term witness support, including psychological, economic and social support. Such programmes should include the preparation of potential witnesses several months before the start of the trial and be devised and implemented in close cooperation with NGOs providing support to the survivors of war crimes of sexual violence.

#### *Failure to provide adequate reparation*

- To develop a strategy on reparation for victims of war crimes of sexual violence, including restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition to the victims. The strategy should also guarantee access to psychological assistance and other support and should be developed with the involvement of survivors and NGOs that represent and/or work with them;
- To develop a system by which persons wishing to apply for civilian victim of war status are assisted by a psychologist and social worker in the application process. The role of a psychologist should be to ensure that applicants do not suffer re-traumatization during the application process. The role of a social worker should be to explain the procedure to survivors and to help them to collect and present the relevant documentation;
- To ensure that the process of applying for civilian victim of war status is transparent and independent and that the institutions conducting it, including NGOs, are well equipped to carry out interviews with survivors, including by providing psychological and other professional assistance and facilities guaranteeing privacy;
- To amend the law on civilian victims of war in Republika Srpska by removing the discriminatory deadline for application for civilian victim of war status and to re-open the procedure for applying.

## **Recommendations to the government of Egypt**

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

- To modify the definition of the crime of torture in national law to bring it into full conformity with the definition in Article 1(1) of the UN Convention against Torture, in particular by explicitly prohibiting all forms of cruel, inhuman or degrading treatment or punishment, making clear that the prohibition is absolute and must not be suspended under any circumstances, including during a state of war or other public emergency;
- To investigate all allegations of torture or other ill-treatment promptly and thoroughly and to bring to justice those responsible;
- To ensure that any statement which is established to have been made as a result of torture or ill-treatment is not invoked as evidence in any proceedings, except against a person accused of torture or ill-treatment, and to introduce legal safeguards to this effect;
- To provide disaggregated data on a yearly basis on the number of complaints received of torture and other ill-treatment by a state official, the number of investigations conducted and the number of disciplinary measures taken, as well as the number of prosecutions and convictions for torture and other ill-treatment.

#### *Abuses in the name of national security and counter-terrorism*

- To ensure that new legislation being developed to combat terrorism takes full account of Egypt's obligations under international human rights law and does not entrench under statute law current emergency or other provisions that facilitate human rights violations, including violations of freedoms of expression, association and assembly, torture or other ill-treatment, right to privacy and unfair trials;
- To end incommunicado and secret detention in State Security Investigation (SSI) and any other premises, where security detainees are at risk of torture or other ill-treatment and where detention conditions may constitute a form of cruel, inhuman or degrading treatment or punishment;
- To make public the names of all detainees transferred to Egyptian custody since 2001, the circumstances of their transfer, their current whereabouts and the reasons for their continued detention, and to supply all of these details to their families and lawyers and to the International Committee of the Red Cross (ICRC).

#### *Unfair trials before military and emergency courts*

- To stop referring security-related cases involving civilians to military and emergency courts, to halt immediately all trials of civilians before military courts, and to transfer to civilian courts for a new trial or a re-trial in proceedings that meet international fair trial standards, the cases of those convicted on the basis of evidence obtained or suspected to have been obtained by means of torture or other ill-treatment.

#### *Administrative detention*

- Pending repeal of the Emergency Law, to review and revise the provisions relating to court review of the legality of detention to ensure that anyone detained by order of the Interior Minister appears in court without delay and that court orders for release are not circumvented by issuing new administrative detention orders;
- To release immediately all those detained under the Emergency Law for whom release orders have been issued by a competent court.

#### *The death penalty*

- To immediately establish an official 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 A 63/168, adopted on 18 December 2008;
- To commute without delay all death sentences to terms of imprisonment;
- To restrict the imposition of the death penalty only to the most serious crimes and to review the Penal Code to that effect;
- To ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at abolition of the death penalty.

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

- To repeal or review all laws that criminalize the legitimate exercise of freedom of expression, association, assembly and of other human rights.

#### *Discrimination*

- To change all laws and practices which discriminate against religious or ethnic minorities, including Copts, Bahai's and Shias;
- To undertake all measures to prevent sectarian attacks and to promptly and impartially investigate all reports of attacks against members of religious and ethnic minorities.

#### *Arrest, detention and imprisonment of suspected LGBT individuals*

- To end the arrest and prosecution of people for their real or alleged homosexuality and to release immediately and unconditionally anyone imprisoned solely on the basis of their imputed sexual orientation.

#### *The right to adequate housing and forced evictions*

- To immediately end all forced evictions and to enforce a clear prohibition on forced evictions;
- To ensure that no evictions, including from state-owned land, are carried out until the procedural protections required under international human rights law are in place in national law and adhered to;
- To develop a comprehensive plan, consistent with Egypt's obligations under international human rights law, to address the inadequate housing conditions leading to threats to life and health of people living in slums in Egypt;
- To ensure the active participation of and genuine consultation with the affected communities in developing and implementing the plan.

#### *Violations against migrants, refugees and asylum-seekers*

- To ensure that the security forces use force only in strict accordance with international human rights standards and are instructed that they may not use firearms or other lethal force except when this is strictly necessary to protect their own lives or the lives of others;
- To publish and disseminate in a form that is readily accessible to members of the public the rules and regulations on the use of force by the security forces;
- To investigate promptly, thoroughly and impartially all cases in which Egyptian border guards or other security forces have opened fire on people seeking to cross Egypt's borders with Israel or other countries, to bring to justice those responsible for killings or other excessive use of force, and to provide reparations to those whose rights have been violated;
- To respect its obligation to allow asylum-seekers meaningful access to asylum procedures and to UNHCR and to ensure that individuals who are fleeing persecution are afforded international protection.

#### *Violence against women*

- To introduce legal provisions to protect women from domestic violence, including marital rape and sexual harassment, in compliance with Egypt's obligations under international human rights law;
- To amend the Penal Code to allow abortion for women and girls victims of rape.

#### *Co-operation with UN mechanisms*

- To implement recommendations by UN treaty bodies and special procedures, to submit overdue reports notably to the Human Rights Committee, the Committee against Torture and the Committee on Economic, Social and Cultural Rights, to issue a standing invitation to all UN human rights experts, and to facilitate immediately the visits requested by the special procedures, including the Special Rapporteur on torture, the Special Rapporteur on extrajudicial executions and the Special Rapporteur on the independence of judges and lawyers.

#### *International Criminal Court and other human rights treaties*

- To ratify the Rome Statute of the International Criminal Court and to implement it in national law;
- To accede to the International Convention for the Protection of All Persons from Enforced Disappearance and implement it in national law;
- To accede to the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment;
- To ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

## **Recommendations to the government of El Salvador**

### *Protection of the human rights of women and girls*

- To implement recommendations made by UN treaty bodies in relation to repeal of the prohibition of all forms of abortion;
- To decriminalize abortion in all circumstances, such that women and girls are not subject to criminal sanctions for seeking or obtaining an abortion under any circumstances;
- To revise legislation to allow therapeutic abortion in cases of pregnancy resulting from rape or incest and in circumstances where continuation of the pregnancy would put the health or life of the woman or girl at risk, and to ensure that such abortion services are accessible without restrictions;
- To ensure that medical professionals are not criminally sanctioned for providing safe abortion services.

### *International Criminal Court and other human rights treaties*

- To accede to the Rome Statute of the International Criminal Court and to implement it in national law;
- To accede to the Agreement on the Privileges and Immunities of the International Criminal Court and to implement it in national law;
- To accede to the International Convention for the Protection of All Persons from Enforced Disappearance and to implement it in national law;
- To accede to the 1968 Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity;
- To accede to the ILO Convention 169, the Indigenous and Tribal Peoples Convention, and to implement it in national law;
- To accede to the Optional Protocol to the Convention on the Elimination of Discrimination against Women;
- To accede to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and to implement it in national law.

## **Recommendations to the government of Fiji**

### *National legislation and national institutions*

- To ensure the explicit protection of human rights in domestic law, including by reinstating the 1997 Constitution;
- To immediately repeal the Public Emergency Regulations in force since 10 April 2009;
- To ensure the full independence and effective functioning of the Fiji Human Rights Commission.

### *Ratification of human rights treaties*

- To ratify and implement the International Covenant on Civil and Political Rights and its Optional Protocols, the Convention against Torture and its Optional Protocol, and the International Covenant on Economic, Social and Cultural Rights.

### *Independence of the judiciary*

- To immediately reinstate the judges, magistrates and other judicial officers who were unlawfully removed by President Iloilo on 10 April 2009;
- To immediately halt any undue interference with the independence of the judiciary, including the Fiji Law Society, and to ensure that the processes governing the qualification and discipline of judges and lawyers are free from political interference as required by international law and standards.

#### *Violations of freedom of expression*

- To put an immediate halt to the censorship of the media and to allow the people of Fiji and the media the right to freedom of expression, including the right to publish views critical of the government without fear of arrest or other forms of intimidation or punishment.

#### *Harassment, intimidation and detention of critics and activists*

- To immediately end all violations of human rights by members of the security forces and government officials, including arbitrary arrest, intimidation, threats, assaults and detention of journalists, critics and other members of the public;
- To drop all charges against Adi Teimumu Kepa, Reverend Ame Tugae, Reverend Tuikilakila Waqairatu and Reverend Manasa Lasaro, who, if convicted, Amnesty International would regard as prisoners of conscience, imprisoned solely for the peaceful exercise of their rights to freedom of expression and association.

#### *Torture and other cruel, inhuman or degrading treatment or punishment and deaths in custody*

- To ensure that all violations of human rights are subject to prompt, effective and impartial investigation and that the suspected perpetrators, including those ordering these acts, regardless of rank, are brought to justice in proceedings which meet international standards of fairness and without recourse to the death penalty;
- To ensure that victims of human rights violations are provided with full reparation, including restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition;
- To ensure that all military and police officials involved in arrest and detention and those authorized to use lethal force under the new decrees be instructed that they have the right and duty to refuse to obey any order to participate in violations of international human rights law;
- To ensure that military and police officials follow the UN Code of Conduct for Law Enforcement Officials, which states *inter alia* that officers “may use force only when strictly necessary and to the extent required for the performance of their duty”.

#### *Violence against women*

- To put in place a consultative process, including with women's' organizations in Fiji, to address violence against women.

#### *Cooperation with the international community*

- To cooperate fully with the UN human rights mechanisms, the Commonwealth Secretariat, the Pacific Islands Forum and the international community in implementing recommendations for the restoration of the rule of law, the independence of the judiciary and respect for human rights;
- To invite the Special Procedures to visit Fiji, in particular the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on human rights defenders;
- To ensure full cooperation with and meaningful access to Fiji for international human rights and humanitarian organizations.

#### *International Criminal Court and other human rights treaties*

- To accede to the Agreement on the Privileges and Immunities of the International Criminal Court and to implement it in national law;
- To accede to the International Convention for the Protection of All Persons from Enforced Disappearance and to implement it in national law;
- To accede to the 1968 Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity.

## **Recommendations to the government of Gambia**

### *Unlawful arrest and detention*

- To comply with the June 2008 ruling by the ECOWAS Community Court of Justice to release Chief Ebrima Manneh without further delay and to pay him US\$100,00 in damages;
- To immediately and unconditionally release all prisoners of conscience and to also release anyone detained unlawfully or charge them with a recognizably criminal offence;
- To publically condemn unlawful arrest and detention, torture and other ill-treatment, enforced disappearances, unlawful killings, and unfair trials against journalists, opposition politicians and other perceived political opponents, and to ensure that all reports of such human rights violations are fully investigated and those responsible brought to justice;
- To immediately instruct the police, the army and the National Intelligence Agency to cease unlawful arrest and detention and to end torture and other ill-treatment of anyone in their custody;
- To ensure that prisoners are held only in officially recognized places of detention and to put in place a system of regular, independent, unannounced and unrestricted inspection visits to all places of detention.

### *Deaths, torture and ill-treatment in detention and enforced disappearance*

- To investigate all allegations of torture and ill-treatment, extra-judicial execution, enforced disappearance, and to bring the perpetrators to justice in line with international standards of fair trial and without recourse to the death penalty;
- To guarantee full reparation, including compensation, restitution, rehabilitation, satisfaction and guarantees of non-repetition, for the victims (or their relatives) of torture and ill-treatment, enforced disappearance and extrajudicial execution;
- To improve the conditions of detention in the Mile 2 Central Prison and all other official places of detention and to ensure that all detainees have access to medical care, adequate and appropriate food, adequate hygiene, and exercise.

### *Unfair trials*

- To strengthen the independence of the judiciary in line with the UN Basic Principles on the Independence of the Judiciary;
- To ensure that all judicial appointments comply with decisions of the Judicial Service Commission;
- To ensure that all Gambians, including journalists, opposition leaders and human rights defenders, enjoy full access to the protection of the law and that any judicial investigations and proceedings against them are conducted in strict accordance with international fair trial standards;
- To immediately and unconditionally release the six journalists convicted of sedition in August 2009.

### *The death penalty*

- To immediately establish an official 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 A 63/168, adopted on 18 December 2008;
- To commute without delay all death sentences to terms of imprisonment;
- Pending total abolition of the death penalty, to immediately remove all provisions that breach international human rights law, in particular:
  - To abolish all provisions in legislation which provide for the death penalty for persons under the age of 18 at the time of their alleged crime;

- To restrict the imposition of the death penalty to only the most serious crimes;
- To abolish all provisions in legislation which provide for mandatory death sentences;
- To prohibit the imposition of the death penalty on anyone suffering from a mental disability;
- To prohibit execution of pregnant women and mothers with dependent infants;
- Further pending total abolition of the death penalty, to ensure respect for international standards for fair trial in all death penalty cases;
- To ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

*International Criminal Court and other human rights treaties*

- To accede to the Agreement on the Privileges and Immunities of the International Criminal Court and to implement it in national law;
- To accede to the International Convention for the Protection of All Persons from Enforced Disappearance and to implement it in national law.

**Recommendations to the government of Iran**

*Ratification of international treaties*

- In light of recent and persistent reports of torture and other ill-treatment, to ratify as a matter of priority to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol;
- To remove the reservation to the Convention on the Rights of the Child and to ratify, without reservation, the Convention on the Elimination of All Forms of Discrimination against Women, the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty, the International Convention for the Protection of All Persons from Enforced Disappearance, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, and the Rome Statute of the International Criminal Court and to implement these in national law.

*Discrimination*

- To revise and amend all legislation which discriminates against women, religious or linguistic minorities or which prohibits consensual sexual relations outside marriage, including same-sex sexual relations;
- To remove all discriminatory provisions against women and girls in national law in relation to marriage, divorce, custody of children, inheritance and freedom of movement.

*Freedom of expression, association and assembly*

- To ensure that domestic law does not criminalize the legitimate exercise of the rights to freedom of expression, association and assembly and conforms fully with Iran's obligations under international human rights law and standards;
- To immediately and unconditionally release all those held for peacefully exercising these rights and to desist from arbitrarily detaining individuals.

*Excessive use of force by security agents*

- To take immediate measures to end the practice of excessive use of force and violence by police, Basij paramilitaries or other government agents against those exercising their rights to freedom of expression, association and assembly;
- To end the use of the Basij to police demonstrations;

- To investigate all cases of unlawful killings, deaths in custody and other suspicious deaths in line with the UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions.

#### *Judicial safeguards*

- To ensure that agents carrying out arrests disclose their identity at the point of arrest;
- To ensure that persons suspected of a criminal offence are only arrested on the basis of an arrest warrant shown to them at the time of the arrest and promptly brought before a court to allow them to challenge the lawfulness of their detention;
- To abolish incommunicado detention and end secret detention;
- In all cases, including security related cases, to give detainees access to a lawyer from the moment of arrest.

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

- To end all forms of torture and other ill-treatment in detention, including prolonged solitary confinement, and to ensure that those accused of abusing detainees are brought to justice;
- To end cruel, inhuman or degrading punishments such as flogging, amputation and other corporal punishment imposed as retribution;
- To prosecute for torture state agents found responsible for rape and other sexual abuse of detainees;
- To ensure that any statement which is established to have been made as a result of torture or other ill-treatment is not invoked as evidence in any proceedings, except against a person accused of torture or other ill-treatment, and to introduce legal safeguards to this effect.

#### *Unfair trials*

- To revise the procedures for trials held in Iranian courts, including Revolutionary Courts, to ensure that they comply with international standards for fair trial;
- To ensure that defendants are granted full rights to legal counsel and are able to mount an adequate defence, including the possibility to thoroughly examine all evidence against them and to call and cross-examine witnesses.

#### *The death penalty*

- To immediately establish an official 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 immediately halt all executions of juvenile offenders and to prohibit in law the imposition of the death penalty for crimes, including murder, committed by anyone under 18 years of age;
- To end execution by stoning;
- To review existing and proposed laws to reduce the use of the death penalty, including by reducing the number of capital offences, with the aim of abolishing the death penalty in due course, and by abolishing all provisions in legislation which provide for mandatory death sentences;
- Pending abolition, to ensure that the death penalty may be imposed only in response to the most serious crimes and only following trial proceedings which conform fully to international fair trial standards;
- Considering the serious flaws in the administration of justice in Iran, to commute all death sentences;
- To ensure that all persons under sentence of death can seek pardon and commutation of their sentence from the authorities, including in cases of retribution.

#### *Co-operation with UN mechanisms*

- To implement recommendations by UN treaty bodies and special procedures, to issue a standing invitation to all UN human rights experts, and to facilitate immediately the visits requested by the special procedures, in particular the Special Rapporteur on torture and the Special Rapporteur on extrajudicial executions.

### **Recommendations to the government of Iraq**

#### *The death penalty*

- To immediately establish an official 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 urgently commute the death sentences imposed on at least 900 people, including 17 women, who have exhausted all legal appeals;
- Pending the total abolition of the death penalty, to immediately remove all provisions that breach international human rights law, in particular:
  - To restrict the imposition of the death penalty to only the most serious crimes;
  - To prohibit the imposition of the death penalty on anyone suffering from a mental disability;
- Further pending the abolition of the death penalty, to ensure that international standards for fair trial are rigorously respected in all death penalty cases;
- To ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

#### *Prolonged detention without charge or trial*

- To release or charge with a recognizably criminal offence all those currently held without charge or trial.

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

- To carry out prompt, independent and impartial investigations into all allegations of torture and other ill-treatment and to bring to justice those responsible in fair trials and without recourse to the death penalty.

#### *Unfair trials*

- To ensure adherence in all cases to the most rigorous standards of fair trial, including:
  - the right to be tried before an independent and impartial tribunal;
  - the right to have access to a competent defense counsel of one's choice at all stages of the proceedings;
  - the right to be presumed innocent until proven guilty according to law;
  - the right to call witnesses in one's own defense;
  - the exclusion of evidence elicited as a result of torture or other ill-treatment from use in court.

#### *Gender-based violence*

- To investigate all incidents of violence against women, as well as against men who identify themselves as gay or who are assumed by their attackers to engage in same-sex sexual relations, and to bring those responsible to justice;
- To amend all legislation that discriminates against women and allows mitigation on grounds of "honour" for violent crimes against women;
- To provide adequate protection measures and facilities for women at risk of violence, including setting up shelters and imposing restraining orders against individuals posing serious risk.

*Abuses against minorities and others on account of their religion, ethnicity or profession*

- To undertake prompt and impartial investigations into all reports of attacks against members of religious and ethnic minorities, journalists and human rights activists, and to bring to justice those responsible;
- To announce publicly, including through media outlets and awareness-raising programmes, that the targeting of people on account of their religion, ethnicity or profession will not be tolerated and will be firmly punished.

*International Criminal Court and other human rights treaties*

- To accede to the Rome Statute of the International Criminal Court and to implement it in national law;
- To accede to the Agreement on the Privileges and Immunities of the International Criminal Court and to implement it in national law;
- To accede to the International Convention for the Protection of All Persons from Enforced Disappearance and to implement it in national law;
- To accede to the 1968 Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity.

## **Recommendations to the government of Italy**

*Protection against torture:*

- To incorporate into domestic law the crime of torture and to adopt a definition of torture that covers all the elements contained in Article 1 of the UN Convention against Torture.

*Law of 15 July 2009, n. 94, the “Security package”:*

- To amend or withdrawn those provisions of the “Security package” that may result in discrimination against minorities living in Italy;
- To ensure that the provisions in the “Security package” fully comply with Italy’s obligations under international human rights law, including by:
  - ensuring that the right to adequate housing is protected, respected and fulfilled, including provision of or assistance in finding adequate housing;
  - prohibiting actions that could incite discrimination or hostility towards minority groups, including Roma, Sinti and migrants.

*Rights of migrants, refugees and asylum-seekers:*

- To ensure full respect of the rights of asylum-seekers, refugees and migrants;
- To cooperate closely with other countries to ensure that those rescued at sea are immediately brought to a place of safety, while fully respecting the principle of *non-refoulement* and ensuring their access to a fair and satisfactory asylum procedure;
- To ensure that border control policies, on land or at sea, are in line with international and regional human rights obligations so as to fully protect the human rights of those on the move;
- To end immediately the policy of transporting third country nationals to Libya after intercepting them in international waters.

*Forced evictions:*

- To ensure that evictions are carried out only after all feasible alternatives have been explored, including through genuine consultation with those directly affected;
- To provide adequate and reasonable prior notification;
- To ensure adequate alternative accommodation;

- To guarantee the right to legal redress, including to challenge eviction orders in court and to receive effective legal remedy.

#### *Counter-terrorism and national security*

- To ensure that counter-terrorism and national security measures comply fully with the European Convention on Human Rights, the International Covenant on Civil and Political Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- To bring all counter-terrorism legislation, including the so-called “Pisanu Law”, into compliance with Italy's international human rights obligations;
- To not forcibly return anyone to a country where they could be at risk of torture or other ill-treatment;
- To comply promptly and fully with the decisions of the European Court of Human Rights.

#### *Italian business operations in Nigeria:*

- To require by law that extractive companies, headquartered or domiciled in Italy, undertake human rights due diligence measures in respect of all their overseas operations, with particular attention to high-risk areas such as the Niger Delta;
- To establish parliamentary or similar oversight mechanisms to hear evidence on and review complaints against corporate actors in the extractive sector;
- To ensure that people whose human rights are violated by overseas operations of extractive companies headquartered or domiciled in Italy can access effective remedy in Italy, including access to the courts, in cases where they cannot access effective remedy in their own state;
- To engage with and support the government of Nigeria in establishing an independent oversight body for the oil and gas industry.

#### *Human rights treaties*

- To promptly ratify the International Convention for the Protection of All Persons from Enforced Disappearance and to implement it in national law;
- To accede to the 1968 Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity.

## **Recommendations to the government of Kazakhstan**

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

- To ratify all outstanding human rights treaties, in particular the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty;
- To ratify the Rome Statute of the International Criminal Court and to enact implementing legislation.

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

- To publicly condemn the use of torture and other ill-treatment and to ensure prompt, impartial and comprehensive investigation of all complaints of torture or cruel, inhuman or degrading treatment or punishment of any person subjected to any form of arrest, detention or imprisonment, as well as when there are reasonable grounds to believe that torture or ill-treatment has occurred even if no complaint was made;
- To consider establishing a fully resourced independent agency to investigate all allegations of human rights violations committed by officers of all law enforcement agencies or by persons acting on orders of such agencies or with the knowledge or complicity of such agencies;
- To ensure that this agency is also mandated to review past investigations conducted by law enforcement officers into allegations of torture or other ill-treatment and of judicial proceedings

in such cases, and that it be given effective access to remand and court hearings, investigations and other relevant processes;

- To ensure that no statements obtained as a result of torture or other ill-treatment are used as evidence in trial proceedings, except as evidence against a person accused of torture or other ill-treatment;
- To ensure that national legislation is amended to ensure that individuals deprived of their liberty are registered from the moment of apprehension, and not only after a three-hour time limit;
- To ensure that those deprived of their liberty are informed promptly of the reasons for their detention, of any charges against them, and allowed prompt and regular access to a lawyer of their choice, as well as to their relatives and an independent medical practitioner.

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

- To ensure that all trials, including those of terrorism suspects, scrupulously observe international standards of fairness;
- To ensure the prompt disclosure of the whereabouts of all detainees, including those suspected of involvement in terrorist acts and detained by National Security Service (NSS) officers, and their prompt and regular access to a lawyer of their choice, and to their relatives and an independent medical practitioner;
- To grant Public Monitoring Commissions immediate access to those detained in NSS facilities.

#### *Refugees and asylum-seekers*

- To respect the principle of *non-refoulement* and its obligations under international law and standards, which prohibit the return of a person to a country or territory where they may face serious human rights violations, and to ensure that no one is expelled, returned or extradited to a country, in particular Uzbekistan and China, where they would be at risk of torture or other ill-treatment or of execution following an unfair trial;
- To fully respect the right to seek asylum and to ensure that all those seeking international protection in Kazakhstan, in particular refugees and asylum-seekers from China and Uzbekistan, are provided protection in line with the Refugee Convention and UNHCR's mandate, including access to durable solutions;
- To ensure that all persons seeking international protection have access to fair and transparent asylum procedures, with the right of appeal.

#### *Freedom of religion*

- To ensure respect for the human rights of religious believers and to enable them to carry out their peaceful activities free from harassment and without threat of detention, imprisonment or other human rights violations.

#### *International Criminal Court and other human rights treaties*

- To accede to the Rome Statute of the International Criminal Court and to implement it in national law;
- To accede to the Agreement on the Privileges and Immunities of the International Criminal Court and to implement it in national law;
- To accede to the 1968 Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity.

## **Recommendations to the government of Madagascar**

#### *Human rights violations by security forces*

- To open independent and impartial investigations into all human rights violations committed during the current political crisis, including the unlawful killings that took place at the time of

the 7 February 2009 demonstrations in front of Ambohitsorohitra Presidential Palace in Antananarivo, as well as those that have occurred in the course of other demonstrations since the *Haute Autorité de la Transition* (HAT) seized power in March 2009, and to ensure that those responsible for human rights violations are brought to justice in accordance with international standards for fair trial;

- To ensure reparation, including fair and adequate compensation, for victims of human rights violations by the security forces and for their families;
- To take urgent and adequate steps to strengthen the training of security forces in the use of force and firearms in accordance with international human rights standards, in particular the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, and to ensure that the security forces have adequate and appropriate equipment to enable them to maintain public order;
- To immediately and effectively disband the bodies set up by the HAT to carry out arrests, detentions and the investigation of crimes, including the *Commission Nationale Mixte d'Enquête* (CNME), the Tactical Unit and the *Force d'Intervention Spéciale* (FIS), and to leave the investigation of criminal offences to the existing judicial system, in particular the police and public prosecutor's office.

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

- To ensure that no one is arrested for exercising their rights to freedom of expression, association and peaceful assembly;
- To open investigations into all threats and attacks against lawyers and journalists and to ensure that those responsible are brought to justice in proceedings that fully respect international fair trial standards.

#### *International Criminal Court and other human rights treaties*

- To implement the Rome Statute of the International Criminal Court in national law;
- To 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 and to implement it in national law;
- To ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, which Madagascar has already signed.

## **Recommendations to the government of Nicaragua**

#### *Protection of the human rights of women and girls*

- To repeal Articles 143, 145, 148 and 149 of the Penal Code and to decriminalize abortion in all circumstances, such that women and girls are not subject to criminal sanctions for seeking or obtaining an abortion under any circumstances;
- To implement all the recommendations made by the UN treaty bodies in relation to the repeal of the prohibition of all forms of abortion;
- To revise legislation to allow therapeutic abortion in cases of pregnancy resulting from rape or incest and in circumstances where continuation of the pregnancy would put the health or life of the woman or girl at risk, and to ensure that such abortion services are accessible without restrictions;
- To ensure that medical professionals are not criminally sanctioned for providing safe abortion services;
- To ensure that all health institutions and clinics promote awareness and implementation of the Nicaraguan Obstetric Protocols when treating obstetric complications;

- To undertake immediate law reform to ensure that rape victims have access to counseling, medical care and psycho-social and legal support in line with World Health Organization guidelines and able to make free and informed decisions on how to manage the consequences of rape, including continuation or termination of a pregnancy;
- To ensure access for women and men to contraceptive information and services to enable them to make informed choices about sex and reproduction, free from coercion and discrimination;
- To increase the provision of antenatal, maternity and postnatal services and assistance and support for parents.

#### *Violence against women and girls*

- To publicly condemn violence against women and girls;
- To raise public awareness to denounce sexual abuse of women and girls and to remove the stigma for those who suffer such abuse;
- To investigate and prosecute complaints of sexual abuse and violence, including marital rape and incest;
- To ensure women and girls' safety, protection and autonomy as well as their physical, mental and social well-being in the aftermath of suffering abuse;
- To establish a specific policy and plan of action to eradicate sexual violence against women and girls.

#### *Human rights defenders*

- To ensure that human rights defenders and medical professionals campaigning to raise awareness of the negative impact of the revised law on abortion and to promote and defend the human rights of women and girls, are able to carry out their legitimate work without restrictions or fear of reprisals, in accordance with the UN Declaration on Human Rights Defenders;
- To investigate fully, promptly and impartially any reported human rights abuses against human rights defenders and civil society activists, and to bring to justice anyone suspected of involvement in such abuses.

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

- To uphold the rights to freedom of expression, assembly and association and to allow restrictions only when prescribed by law and in line with international human rights standards;
- To investigate fully, promptly and impartially any reported human rights abuses against journalists and media workers, and to bring to justice anyone suspected of involvement in such abuses.

#### *International Criminal Court and other human rights treaties*

- To accede to the Rome Statute of the International Criminal Court and to implement it in national law;
- To accede to the Agreement on the Privileges and Immunities of the International Criminal Court and to implement it in national law;
- To accede to the International Convention for the Protection of All Persons from Enforced Disappearance and to implement it in national law;
- To accede to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

## **Recommendations to the government of Qatar**

### *The death penalty*

- To immediately establish an official 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;
- Pending the total abolition of the death penalty, to immediately remove all provisions that breach international human rights law, in particular:
  - To restrict the imposition of the death penalty to only the most serious crimes;
  - To prohibit the imposition of the death penalty on anyone suffering from a mental disability;
  - To prohibit executions of pregnant women and mothers with dependent infants;
- Further pending the total abolition of the death penalty, to ensure that international standards for fair trial are rigorously respected in all death penalty cases, including:
  - the right to be tried before an independent, impartial and competent tribunal;
  - the right to competent defence counsel at every stage of the proceedings;
  - the right to adequate time and facilities to prepare one's defence;
  - the right to be presumed innocent until guilt has been proved beyond a reasonable doubt;
  - the right to appeal to a higher court;
  - the right to seek pardon and commutation of sentence;
- To ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

### *Restrictions on the right to freedom of expression and association*

- To immediately lift the severe restrictions on the rights to freedom of expression, association and assembly.

### *Discrimination and violence against women*

- To ensure that national laws that discriminate against women and facilitate violence against women are amended or repealed, including family laws, laws and procedures relating to the authority of guardians of women, nationality laws, and housing regulations;
- To lift its reservations to the Convention on the Elimination of All Forms of Discrimination against Women or to amend them in such a way that they are compatible with the object and purpose of the Convention;
- To reinforce measures to prevent violence against women, including violence within the family and against foreign domestic workers, and to bring to justice those responsible for such crimes.

### *Exploitation of migrant workers*

- To promote and protect the economic, social and cultural rights of migrant workers, including their right to an adequate standard of living;
- To ensure that laws, policies and practices fully conform with international human rights standards to protect the human rights of migrant workers, including their right to freedom of movement and physical integrity.

### *Arbitrary arrest and detention without charge*

- To bring legislation related to arrest and detention procedures, including the Counter-Terrorism Law (Law No. 3 of 2004) and the Law on the Protection of Society (Law No. 17 of 2002), into line with international human rights standards, so that it:
  - protects detainees against arbitrary arrest and detention,
  - limits the period during which a detained person may be held without charge,

- imposes strict limits on the use of incommunicado detention, including by requiring the detaining authorities to inform detainees' families of their arrest within a short, prescribed period of time, and to allow detainees prompt access to their families, legal representatives and independent medical practitioners.

#### *Arbitrary deprivation of nationality*

- To end the discriminatory use of deprivation of Qatari nationality as a means of penalizing suspected political opponents;
- To ensure that any decision to deprive a person of their nationality conforms to principles of due process, including by ensuring that those affected are fully informed of the reasons for the deprivation of their nationality and are able to contest the decision in an independent court of law.

#### *International Criminal Court and other Human Rights treaties*

- To accede to the Rome Statute of the International Criminal Court and to implement it in national law;
- To accede to the Agreement on the Privileges and Immunities of the International Criminal Court and to implement it in national law;
- To accede to the International Convention for the Protection of All Persons from Enforced Disappearance and to implement it in national law;
- To accede to the 1968 Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity.

### **Recommendations to the government of San Marino**

#### *International Criminal Court and other human rights treaties*

- To accede to the Agreement on the Privileges and Immunities of the International Criminal Court and to implement it in national law;
- To accede to the International Convention for the Protection of All Persons from Enforced Disappearance and to implement it in national law;
- To accede to the 1968 Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity.

### **Recommendations to the government of Slovenia**

#### *Human rights violations suffered by "the erased"*

- To adopt legislative and other measures to grant full reparation, including restitution, satisfaction, compensation, rehabilitation and guarantees of non-repetition, to all individuals affected by "the erasure";
- To ensure that such measures apply to all "erased" persons irrespective of where they currently reside;
- To organize an outreach campaign to inform "the erased" currently living outside Slovenia of the existence of the new legislative measures and the possibility to benefit from these.

#### *Human rights treaties*

- To promptly ratify the International Convention for the Protection of All Persons from Enforced Disappearance and to implement it in national law.