



## **Suggested recommendations to 13 of the States<sup>1</sup> coming up during the third round of reviews under the Universal Periodic Review December 2008**

### **Recommendations to the government of Bahamas**

#### *The death penalty*

- To repeal all provisions allowing for the death penalty and immediately declare a moratorium on all executions;
- To embark on a public education program to explain why the death penalty is a violation of fundamental human rights.

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

- To ensure that all complaints of excessive use of force by the security forces are subject to immediate, thorough and independent investigation and, if state agents are charged with misconduct, that their cases are promptly brought to trial.

#### *Violence against women*

- To amend existing legislation to ensure that marital rape is criminalized;
- To ensure the full and effective implementation of the Domestic Violence Protection Order Act.

#### *Migrants' rights*

- To implement migration policies that protect human rights, including by ratifying and implementing the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

#### *The International Criminal Court*

- To ratify the Rome Statute of the International Criminal Court, signed on 29 December 2000, and to implement it in national law;
- To ratify the Agreement on the Privileges and Immunities of the International Criminal Court, signed on 30 June 2004, and to implement it in national law.

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<sup>1</sup> This document contains suggested recommendations to be made during the interactive dialogue in the UPR Working Group with Bahamas, Barbados, Botswana, Burundi, Cape Verde, Colombia, Israel, Montenegro, Serbia, Turkmenistan, Tuvalu, United Arab Emirates and Uzbekistan.

## **Recommendations to the government of Barbados**

### *The death penalty*

- To repeal all provisions allowing for the death penalty and immediately declare a moratorium on all executions;
- To embark on a public education program to explain why the death penalty is a violation of fundamental human rights.

### *The International Criminal Court*

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

## **Recommendations to the government of Botswana**

### *The death penalty*

- To repeal all provisions allowing for the death penalty and immediately declare a moratorium on all executions;
- In the meantime, to end the secrecy surrounding executions and ensure that all prisoners facing execution are given the opportunity to consult with legal counsel and speak with close relatives.

### *The International Criminal Court*

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

## **Recommendations to the government of Burundi**

### *Violence against women*

- To develop, distribute and apply standardized procedures to accurately record the details of incidents of rape and other acts of sexual violence;
- To issue clear instructions to the highest level of the police force, the army and other security forces that all law enforcement officials must treat rape as a criminal;
- To ensure that all reports of rape and other forms of sexual violence by law enforcement officials are promptly, impartially and effectively investigated by an independent body and that the alleged perpetrators brought to justice. Officials accused of committing rape or other forms of sexual violence should be suspended from active duty during the investigation.

### *Torture and other ill-treatment*

- To explicitly condemn the practice of torture and other ill-treatment by law enforcement officials;
- To create an independent accountability mechanism to undertake prompt, thorough, independent and impartial investigations into all allegations of torture and other ill-treatment by law enforcement officials and to ensure that the perpetrators are brought to justice;
- To ensure reparation, including fair and adequate compensation, for victims of torture and ill-treatment inflicted by police or other state officials.

### *Administration of justice*

- To provide systematic training to all law enforcement officials on their responsibility to protect human rights, including by eliminating the practice of torture and other ill-treatment, in accordance with obligations under the international conventions to which Burundi is a party.

*The International Criminal Court*

- To accede to the Agreement on the Privileges and Immunities of the Court and to implement it in national legislation.

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

*The International Criminal Court*

- To complete as soon as possible the ratification process of the Rome Statute of the International Criminal Court and the Agreement on Privileges and Immunities of the Court and ensure their effective implementation in national legislation.

## **Recommendations to the government of Colombia<sup>2</sup>**

- To commit to full and prompt implementation of the human rights recommendations of the UN High Commissioner for Human Rights and other UN bodies.
- To withdraw the declaration made under Article 124 of the Rome Statute of the International Criminal Court and the declaration which attempts to limit the Court's jurisdiction in a potential case before it regarding political crimes.
- To publicly condemn violations of human rights and international humanitarian law by the security forces; make clear that such violations will not be tolerated; and adopt effective measures to prevent such violations and to bring those responsible to justice in civilian courts.
- To adopt measures to ensure that the military justice system does not claim jurisdiction in human rights cases involving members of the security forces.
- To ensure that perpetrators of human rights abuses, including paramilitaries and members of the guerrilla, do not benefit from legal measures exempting them from criminal prosecution or conviction. The judicial authorities must thoroughly investigate, and hold to account, those paramilitaries who supposedly demobilized but who were given *de facto* amnesties under Decree 128.
- To ensure that third parties, whether members of the security forces, state or government officials, or politicians, who have engaged in conduct amounting to complicity in the unlawful acts of paramilitary groups, are properly investigated and held to account in a court of law.
- To establish a fair and transparent process to identify and return all lands and other assets stolen by paramilitaries, including those transferred to third parties, and set a deadline by which to return these assets to their rightful owners or their families.
- To ensure that paramilitary groups, which still operate with the complicity or acquiescence of the security forces, are effectively disbanded, disarmed and prosecuted.
- To acknowledge the legitimacy of human rights work, refrain from making public statements questioning the work of human rights defenders, take effective measures to ensure that all

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<sup>2</sup> Failure by guerrilla groups operating in Colombia to comply with international humanitarian law and respect international human rights law is a serious factor in the unsatisfactory situation of human rights violations in Colombia. While that failure does not justify the government's shortcomings in fulfilling its own human rights obligations and commitments, Amnesty International considers that guerrilla groups operating in Colombia should:

- Publicly acknowledge their obligations to comply fully with international humanitarian law and make a public commitment to respect international human rights law.
- Comply fully and immediately with the recommendations directed to them by the Office of the UN High Commissioner for Human Rights.
- Immediately and unconditionally release all civilians held by their forces and commit to put an immediate end to all kidnapping and hostage-taking.

public servants, including members of the security forces, respect their work, and ensure that those responsible for making unfounded or unsubstantiated allegations against human rights defenders are subject to appropriate sanctions.

- To ensure that full and impartial criminal investigations are undertaken into human rights abuses committed against human rights defenders and trade unionists and that those responsible are held to account.
- To take effective measures to prevent the displacement of Indigenous, Afro-descendant, *campesino* and other communities in conflict zones and areas of economic importance who have a special dependency on or attachment to their lands.
- To ensure the full participation of NGOs in the special teams set up by UN Security Council Resolution 1612 on children and armed conflict, effective coordination with the UN on the reporting and monitoring mechanism, and the inclusion of sexual violence as a specific category within the mechanism. Also, acknowledge that paramilitaries, as well as guerrilla groups, continue to recruit children and, as such, should not be removed from the UN Secretary General's list of parties that recruit or use children in situations of armed conflict.

## **Recommendations to the government of Israel**

### *International humanitarian and human rights law in the OPT*

- To comply with its obligations under humanitarian and human rights law in the OPT.

### *Settlement policy in breach of the Fourth Geneva Convention*

- To halt the expansion of settlements in the OPT as a first step to removing them.

### *Impact on Palestinian communities by the fence/wall in the West Bank*

- To cease the construction of the fence/wall inside the West Bank, including East Jerusalem. If required, such a barrier should be built between Israel and the West Bank.

### *Destruction of Palestinian homes and agricultural land*

- To put an end to house demolition;
- To allocate responsibility for planning and building policies and regulations in the OPT to the local Palestinian communities;
- To repeal discriminatory provisions in laws and policies governing urban planning in Israel and to grant legal status and basic services to the "unrecognized" Arab and Bedouin villages.

### *Health and welfare of the occupied population in the West Bank*

- To end restrictions within the West Bank that limit Palestinians' right to health, education, work and an adequate standard of living.

### *The blockade of the Gaza Strip 2007-8*

- To immediately lift the blockade of Gaza and allow the passage of aid, fuel, electricity and other necessities;
- To allow patients in need of medical treatment outside Gaza to leave for treatment and return.

### *Torture and lack of due process for detainees*

- To end torture and other ill-treatment and allow detainees prompt access to lawyers;
- To charge detainees with a recognizably criminal offence and give them a fair trial, or release them;
- To refrain from moving Palestinians arrested in the OPT to detention facilities in Israel and to ensure that they have regular access to their families.

*Impunity for perpetrators of human rights violations*

- To ensure prompt, independent, impartial and thorough investigation of alleged violations of human rights and humanitarian law by Israeli forces, and of attacks by Israeli settlers, and to bring suspected perpetrators to justice in fair trials.

*Discriminatory laws and procedures: denial of family life*

- To repeal discriminatory laws and restrictions which deny Palestinians their right to family life.

*Lack of access to due process for asylum-seekers and migrants*

- To ensure the protection of all individuals within its jurisdiction, regardless of their immigration status, and that individuals are not returned to states where they would be at risk of serious human rights abuses.

*Unlawful killings*

- To put and end to unlawful killings and the use of disproportionate and reckless force and, in particular, cease all aerial bombardment and shelling of civilian areas.

*Restrictions on freedom of movement*

- To end the current regime of restriction of movement of people and goods for Palestinians in the West Bank.

**Recommendations to the government of Montenegro**

*Impunity for war crimes*

- To ensure that a full, independent and impartial investigation is carried out into the abduction and killing of at least 83 Bosniaks in 1992 with no further delay, and to ensure that it identifies the responsibility of senior political and military figures;
- To ensure that criminal proceedings against all those suspected of involvement in, or complicity with, the 1992 abduction and killing of the 83 Bosniaks – including officials at all levels of government – are conducted promptly, thoroughly and effectively, so that the perpetrators may be brought swiftly to justice.
- To investigate all other reports of war crimes that happened on its territory or that were reportedly carried out by or against its citizens, and to bring to justice the perpetrators, in cooperation with neighbouring countries as necessary.

*Discrimination against Roma and other minorities*

- To clearly define the term “national minorities” and to harmonize existing laws with the new Constitution to ensure effective protection of the rights of national minorities and their equal representation in public administration;
- To fully implement legislation which prohibits discrimination against Roma, including the Law on Minority Rights and Freedoms;
- To pay special attention to the full and effective integration of the Romani community and to take urgent action to ensure full respect for their human rights, including in cooperation with Roma representatives and by implementing in full the 2007 *Strategy for the Improvement of the Position of the Roma Population*;
- To take measures to ensure that Roma refugees and domiciled Roma are able to register both births and citizenship, in order to prevent the risk of statelessness;
- To take measures to regularize the status of internally displaced persons, including through implementation of the provisions of the Law on Asylum, to ensure that internally displaced persons, including Roma and others, have access to basic rights.

#### *Violations of the right to freedom of expression*

- To address effectively and without further delay politically motivated attacks against journalists and human rights defenders, including by undertaking prompt, thorough and impartial investigations into these crimes and to bring to justice those responsible in accordance with international standards for fair trial.

### **Recommendations to the government of Serbia**

#### *Ombudsman Institution*

- To ensure that the Serbian Ombudsperson Institution is adequately staffed, fully equipped, and accommodated in premises in accordance with the “Systematization Act”, with no further delay;
- To appoint as soon as possible the four deputies of the Ombudsperson and create conditions to facilitate their work.

#### *Impunity for war crimes*

- To ensure that those suspected of complicity in war crimes, including senior police, military personnel, and political officials, are brought to justice in proceedings that meet international standards for fair trial;
- To conclude investigations and make public indictments against those responsible for or complicit in the enforced disappearance in 1999 of ethnic Albanians, whose bodies were subsequently transported in refrigerated trucks to Serbia.

#### *Discrimination against Roma*

- To take urgent measures to ensure the registration of all Roma in Serbia, whether internally displaced or domiciled;
- To ensure that relevant ministries and local authorities take measures to legalize Romani settlements.

#### *Attacks on human rights defenders, LGBT people and the right to freedom of expression*

- To guarantee the rights of human rights defenders, including by taking specific measures to ensure their protection, in accordance with the UN Declaration on Human Rights Defenders;
- To undertake prompt and thorough investigations into all reports of attacks against human rights defenders and ensure that those responsible are brought to justice;
- To guarantee the rights of LGBT people to freedom of expression and assembly and to protection from violent attacks or threats of such violence.

### **Recommendations to the government of Turkmenistan**

#### *Freedom of expression and association and freedom of religion and belief:*

- To protect the human rights of political dissidents, religious believers, civil society activists and journalists and ensure that they are able to carry out their peaceful activities without harassment, threat of detention or imprisonment;
- To immediately and unconditionally release all prisoners of conscience;
- To protect the human rights of the relatives of political opponents, religious believers, journalists and civil society activists.

#### *The alleged armed attack on then President Saparmurad Niyazov in November 2002:*

- To ensure that those convicted in connection with the alleged attack are retried in proceedings that meet international standards for fair trial and to which international trial observers have access;

- To disclose the prisoners' whereabouts, and to grant access to them to the International Committee of the Red Cross, other independent observers, and their relatives;
- To make public the names of those who died in custody, to conduct thorough, impartial and independent investigations into the circumstances of their deaths, and to publicize the results;
- To undertake thorough, impartial and independent investigations into all allegations of torture or other ill-treatment.

*The right to a fair trial:*

- To fundamentally reform the judiciary to strengthen the rule of law;
- To bring laws and practices in line with international human rights standards on fair trial, in particular Articles 14 and 15 of the International Covenant on Civil and Political Rights.

*The right to be free from torture and other ill-treatment:*

- To eradicate impunity for torture and other ill-treatment and to initiate thorough, impartial and independent investigations into all such allegations;
- To conduct thorough, impartial and independent investigations into all deaths in custody;
- To publish the findings of these investigations and to bring to justice those responsible.

*The right to alternative civilian service for conscientious objectors:*

- To introduce legislative provisions to ensure that a civilian alternative of non-punitive length is available to those who object to military service based on conscientiously-held beliefs.

*The right to freedom of movement and to choose one's residence:*

- To lift travel restrictions imposed on political opponents, religious believers, civil society activists and their families;
- To abolish legislation and practices arising from the residence registration system (*propiska* system) that restricts access to housing, employment, social benefits, free health care and education for children.

*The right to non-discrimination:*

- To end discrimination against ethnic minorities, in particular with regard to access to employment and higher education;
- To enable ethnic minorities to establish non-governmental cultural institutions.

*The International Criminal Court*

- To accede to the Rome Statute of the International Criminal Court and 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.

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

*Access to justice*

- To ensure that the Court of Appeal is convened to hear the appeal of the Tuvalu Brethren Church case;
- To make the superior court (e.g. the High Court) more accessible to the general public;
- To ensure that the office of the People's Lawyer has adequate human and financial resources to effectively service the needs of the public in Funafuti and other islands.

#### *Citizenship and right to a nationality*

- To amend the relevant laws to provide remedies for stateless persons, including children, and those who were adversely affected by the Passport scheme of 1999.

#### *Gender discrimination*

- To amend the Constitution to prohibit discrimination on the grounds of “sex” or “gender”;
- To review and amend all laws that discriminate against or impact negatively on women and to change policies and practices which discriminate against or perpetuate the discrimination and marginalization of women, in order to bring these into line with the Convention on the Elimination of All Forms of Discrimination against Women and other international human rights standards.

#### *International human rights treaties*

- To ratify the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and other core human rights treaties;
- To enact laws through Parliament to implement the provisions of the human rights treaties to which Tuvalu is a party in domestic law;
- To ensure that the provisions of international human rights treaties and other standards are implemented in policy and practice.

#### *Accessibility of land on Funafuti*

- To consult with relevant stakeholders and civil society on how to effectively address issues of accessibility of land, overcrowding and other conditions affecting the human rights of landless tenants;
- To enact legislation to protect the rights of tenants of informal agreements or leases;
- To promote and protect the rights of persons currently living in squatter settlements to adequate health services, clean water and sanitation.

#### *Violence against women*

- To create greater public awareness of the issue of domestic violence and to involve government agencies and civil society in its eradication;
- To equip the police to deal effectively with domestic and sexual violence against women;
- To enact legislation to address violence against women, in particular domestic violence, on the basis of meaningful consultation with relevant stakeholders.

### **Recommendations to the government of United Arab Emirates**

#### *Ratification of human rights instruments*

- To ratify the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Migrant Workers Convention, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and ensure that their provisions are implemented.

#### *The death penalty*

- To 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.

#### *Incommunicado detention and torture*

- To publish up-to-date lists of all places of detention in a form that is readily accessible to lawyers and members of the public as a step towards ending the practice of incommunicado, secret detention and torture and other ill treatment;



- To make clear to all officers involved in arrest, detention and interrogation, in particular those of the *Amn al-Dawla*, that torture and other ill-treatment will not be tolerated under any circumstances and that those found responsible will be brought to justice in accordance with international standards for fair trial;
- To ensure that detainees have immediate access, in law and practice, to their lawyers and families, as well as adequate medical care;
- To establish and maintain a central register to detainees to ensure that they can be promptly traced;
- To bring to justice officers responsible for unlawful detention of detainees, including by failing to keep effective records of detainees;
- To allow regular, unannounced, independent and unrestricted inspections by national and international independent expert bodies to all places where people are or may be deprived of their liberty;
- To end torture and other ill-treatment, both before and after trial, and to ensure that detainees who lodge such complaints can do so without fear of reprisal or prosecution.

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

- To uphold the rights to freedom of expression, assembly and association, in accordance with international human rights law;
- To address deficiencies in the NGO law and its implementing regulations to enable the exercise of the right to freedom of association;
- To amend the overly broad provisions in the law to combat extremist activities in order not to criminalize the peaceful exercise of freedom of expression and association.

#### *Human rights defenders*

- To cease all intimidation of human rights defenders and to reform domestic legislation in line with the principles of the UN Declaration on Human Rights Defenders to fully protect the rights of human rights defenders, including their rights to peaceful assembly and association;
- To refrain from using laws on “extremism” to clamp down on peaceful dissent, independent media and civil society organizations;
- To investigate fully, promptly and impartially all reported human rights violations against civil society activists, journalists and members of groups or communities, and to bring to justice those responsible for involvement in such abuses, in trials which meet international standards of fair trial.

#### *Cooperation with UN human rights mechanisms*

- To cooperate fully with the UN Special Procedures, including by accepting all outstanding requests to visit the United Arab Emirates.

## **Recommendations to the government of Uzbekistan**

#### *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, the Optional Protocol to the Convention against Torture, and the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol;
- To ratify the Rome Statute of the International Criminal Court, signed on 29 December 2000, to accede to the Agreement on the Privileges and Immunities of the International Criminal Court and to enact their implementing legislation;
- To issue a standing invitation to the UN Special Procedures.

#### *Andizhan events*

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

#### *Freedom of expression and assembly*

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

#### *Torture or other ill-treatment*

- To ensure that all trials, including those of people charged in connection with the Andizhan events or terrorism, scrupulously uphold international standards for fair trial;
- To ensure that no statement obtained as a result of torture or other ill-treatment is used as evidence in trial proceedings, except as evidence against a person accused of torture or other ill-treatment;
- To ensure that all people deprived of their liberty are informed promptly of the reasons for their detention, 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;
- To condemn the use of torture and other ill-treatment and ensure prompt, thorough, independent and impartial investigations into all complaints of torture or other ill-treatment;
- To confirm that recently introduced *habeas corpus* guarantees extend to all forms of detention and cover judicial sanction of search warrants or surveillance operations, and that court procedures to determine judicial sanction of arrest are transparent and in conformity with international fair trial standards.

#### *Extradition of terrorism suspects*

- To ensure that all trials, including of people forcibly returned to Uzbekistan, scrupulously observe international standards for fair trial;
- To ensure that the whereabouts of those returned are promptly disclosed and that they are allowed prompt and regular access to a lawyer of their choice, as well as to their relatives and an independent medical practitioner;
- To grant the ICRC immediate access to those detained and imprisoned.

#### *The death penalty*

- To reveal the burial site of executed prisoners to relatives;
- To publish statistics on the use of the death penalty.