



Suggested recommendations to States considered during the 29th session of the Universal Periodic Review, 15-26 January 2018

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Recommendations to the government of Bahamas

HUMAN RIGHTS DEFENDERS

- Publicly recognize human rights defenders, including women human rights defenders and LGBTI defenders and human rights defenders who face particular risks and threats, and ensure support for them to carry out their human rights work;
- Refrain from using language that stigmatizes, abuses or discriminates against human rights defenders, for example by characterizing them as “destabilizers” or “criminals” merely for defending human rights and the environment;
- Adopt and implement legislation to recognize and effectively protect all human rights defenders, including protecting them from undue online surveillance, in line with Goal 16, Target 16.10;¹
- Ensure thorough, prompt and independent investigations into all reports of threat and harassment against human rights defenders and bring to justice those suspected of criminal responsibility, and implement the precautionary measures requested by the Inter-American Commission on Human Rights in November 2016 to protect the members of the environmental advocacy group “Save the Bays” from imminent risk, in line with Goal 16, Target 16.10 and Indicator 16.10.1²

THE DEATH PENALTY

- Abolish the death penalty for all crimes;
- Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty;

¹ **Goal 16, Target 16.10:** Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements.

² **Goal 16, Target 16.10:** Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements, and **Indicator 16.10.1:** Number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention and torture of journalists, associated media personnel, trade unionists and human rights advocates in the previous 12 months.

- Pending full abolition of the death penalty, establish an official moratorium on executions;
- Support international initiatives for the abolition of the death penalty, including resolutions on a moratorium on the use of the death penalty considered at the UN General Assembly.

RATIFICATION OF INTERNATIONAL HUMAN RIGHTS TREATIES

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

Recommendations to the government of Barbados

HUMAN RIGHTS DEFENDERS

- Publicly recognize human rights defenders, including women human rights defenders and human rights defenders who face particular risks and threats, and ensure support for them to carry out their human rights work;
- Refrain from using language that stigmatizes, abuses or discriminates against human rights defenders.

THE DEATH PENALTY

- Abolish the death penalty for all crimes;
- Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty;
- Pending full abolition of the death penalty, remove provisions in national law that provide for the mandatory imposition of the death penalty;
- Establish an official moratorium on executions and commute all death sentences;
- Support international initiatives for the abolition of the death penalty, including resolutions on a moratorium on the use of the death penalty considered at the UN General Assembly.

RATIFICATION OF INTERNATIONAL HUMAN RIGHTS TREATIES

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

Recommendations to the government of Botswana

HUMAN RIGHTS DEFENDERS

- Publicly recognize human rights defenders, including women human rights defenders, LGBTI defenders, and human rights defenders who face particular risks and threats, and ensure support for them to carry out their human rights work;
- Refrain from using language that stigmatizes, abuses or discriminates against human rights defenders for example by characterizing them as “criminals”, “threats to national security”, or “morally corrupt”;
- Adopt and implement legislation to recognize and effectively protect all human rights defenders, in line with Goal 16, Target 16.10;³
- Repeal or amend legislation that may place obstacles in the way of legitimate activities to promote

³ **Goal 16, Target 16.10:** Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements.

and defend human rights, including the rights to freedom of expression, association and peaceful assembly, in line with Goal 16, Target 16.10;⁴

- Refrain from using criminal charges to obstruct freedom of information and expression, including for journalists who receive information from whistle-blowers, in line with Goal 16, Target 16.10;⁵
- Ensure thorough, prompt and independent investigation into all reports of threats and human rights violations against human rights defenders and bring to justice those suspected of criminal responsibility in fair trials, in line with Goal 16, Target 16.10 and Indicator 16.10.1;⁶
- Recognize the important work of women human rights defenders and LGBTI defenders, and ensure they are allowed to conduct their work without hindrance and receive effective protection against any gender-specific threats and violence they may face because of their work or their real or perceived gender identity;
- Fully co-operate with the UN human rights mechanisms, and in particular extend an invitation to the Special Rapporteur on the situation of human rights defenders to conduct visits without restriction on duration and scope, and ensure they are able to meet with human rights defenders without hindrance.

THE DEATH PENALTY

- Commute all death sentences with a view to abolishing the death penalty for all crimes;
- Establish an official moratorium on executions;
- Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

RATIFICATION OF INTERNATIONAL HUMAN RIGHTS TREATIES

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

Recommendations to the government of Burundi

HUMAN RIGHTS FRAMEWORK

- Ensure that planned amendments to the Penal Code and Criminal Procedure Code do not remove protections, such as warrant requirements for searches;
- Allow the National Independent Human Rights Commission to operate free from any political influence, in line with Goal 16, Target 16.6;⁷
- Establish a judicial mechanism to follow the work of the Truth and Reconciliation Commission, in line with Goal 16, Target 16.3.⁸

⁴ **Goal 16, Target 16.10:** Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements.

⁵ See footnote 4.

⁶ **Goal 16, Target 16.10:** Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements, and **Indicator 16.10.1:** Number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention and torture of journalists, associated media personnel, trade unionists and human rights advocates in the previous 12 months.

⁷ **Goal 16, Target 16.6:** Develop effective, accountable and transparent institutions at all levels.

⁸ **Goal 16, Target 16.3:** Promote the rule of law at the national and international levels and ensure equal access to justice for all.

EXTRAJUDICIAL EXECUTIONS

- Allow independent international and regional human rights investigators full and free access to investigate allegations of extrajudicial executions and mass grave sites, in line with Goal 16, Target 16.1 and Indicator 16.1.3;⁹
- Immediately undertake independent, effective and impartial investigations into allegations of extrajudicial executions and unlawful and excessive use of force by security forces, and where there is sufficient admissible evidence, prosecute those suspected of responsibility;
- Ensure that all suspected mass grave sites are protected and subject to independent forensic investigations;
- Ensure that bodies identified are returned to the victims' families for a proper burial.

ENFORCED DISAPPEARANCES

- Ensure prompt, independent and effective investigations by civilian authorities of all allegations of enforced disappearances and share all relevant findings with the families, in line with Goal 16, Target 16.10 and Indicator 16.10.1;¹⁰
- Ratify, without reservations, the International Convention for the Protection of All Persons from Enforced Disappearance, signed on 6 February 2007, and recognize the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of victims or other states parties, and promptly implement the Convention into national law.

TORTURE AND OTHER ILL-TREATMENT

- Allow OHCHR, African Union and other independent monitors full, unimpeded and unannounced access to all places of detention;
- Suspend from duty members of security forces suspected of torture or other ill-treatment, and any officials who ordered or condoned such crimes, pending prompt, impartial and independent investigations, and where there is sufficient admissible evidence prosecute those suspected of criminal responsibility in fair trials before ordinary civilian courts, in line with Goal 16, Target 16.1 and Indicator 16.1.3.¹¹

ARBITRARY ARRESTS

- Stop arbitrary arrests and ensure that all detainees have access to lawyers and family.

HUMAN RIGHTS DEFENDERS

- Lift the legal and financial measures targeting human rights defenders and journalists, and prevent acts of harassment and violence against them, in line with Goal 16, Target 16.10;¹²
- Ensure thorough, prompt and independent investigation into all reports of human rights violations against human rights defenders and bring to justice those suspected of criminal responsibility for such crimes, including threats, arbitrary arrests, torture or other ill-treatment, physical attacks, killings and enforced disappearances, in line with Goal 16, Target 16.10 and

⁹ **Goal 16, Target 16.1:** Significantly reduce all forms of violence and related death rates everywhere, and **Indicator 16.1.3:** Proportion of population subjected to physical, psychological or sexual violence in the previous 12 months.

¹⁰ **Goal 16, Target 16.10:** Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements, and **Indicator 16.10.1:** Number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention and torture of journalists, associated media personnel, trade unionists and human rights advocates in the previous 12 months.

¹¹ **Goal 16, Target 16.1:** Significantly reduce all forms of violence and related death rates everywhere, and **Indicator 16.1.3:** Proportion of population subjected to physical, psychological or sexual violence in the previous 12 months.

¹² **Goal 16, Target 16.10:** Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements.

Indicator 16.10.1;¹³

- Ensure prompt, independent and effective investigations of all allegations of enforced disappearances and share all relevant findings with the families, including the cases of journalist Jean Bigirimana and human rights defender Marie-Claudette Kwizera, in line with Goal 16, Target 16.10 and Indicator 16.10.1;¹⁴
- Ensure that human rights defenders do not face criminal charges for their human rights activities, in particular by releasing human rights defenders Nestor Nibitanga and Germain Rukuki unless they are charged with a recognizable criminal offence in accordance with international law and standards, in line with Goal 16, Target 16.10 and Indicator 16.10.1;¹⁵
- Refrain from using language that stigmatizes, abuses or discriminates against human rights defenders, for example by characterizing them as “criminals”, “rebels”, “inciting insurrection”, or “threats to national security”;
- Publicly recognize human rights defenders, including women human rights defenders and human rights defenders who face particular risks and threat, and ensure support for them to carry out their human rights work;
- Repeal or amend legislation that may place obstacles in the way of legitimate activities to promote and defend human rights, including the rights to freedom of expression, association and peaceful assembly, in line with Goal 16, Target 16.10;¹⁶
- Adopt and implement legislation to recognize and effectively protect all human rights defenders, in line with Goal 16, Target 16.10;¹⁷
- Recognise the important work of women human rights defenders and LGBTI defenders, and ensure their effective protection against gender-specific threats or violence they face because of their work or their real or perceived gender identity;
- Fully co-operate with the UN human rights mechanisms, including the UN Commission of Inquiry on Burundi, and in particular refrain from any acts of reprisals or intimidations against those who cooperate with the UN human rights mechanisms or against members of those mechanisms.

FREEDOM OF ASSOCIATION AND PEACEFUL ASSEMBLY

- Amend the Law on Public Gatherings to remove impermissible restrictions on assemblies;
- Allow political parties and civil society to organise meetings without unnecessary interference.

INTERNATIONAL JUSTICE

- Promptly adhere again to the Rome Statute of the International Criminal Court, and implement it into national law;
- Accede to the Agreement on the Privileges and Immunities of the International Criminal Court, without making reservations;
- Adhere to the Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity without making reservations and implement it fully into national law.

¹³ **Goal 16, Target 16.10:** Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements, and **Indicator 16.10.1:** Number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention and torture of journalists, associated media personnel, trade unionists and human rights advocates in the previous 12 months.

¹⁴ See footnote 13.

¹⁵ See footnote 13.

¹⁶ **Goal 16, Target 16.10:** Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements.

¹⁷ See footnote 16.

RATIFICATION OF INTERNATIONAL HUMAN RIGHTS TREATIES

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

Recommendations to the government of France

RIGHT TO PRIVACY AND MASS SURVEILLANCE

- Amend laws 2015-912 and 2015-1556 to ban mass surveillance.

UNIVERSAL JURISDICTION

- Amend Law No 2010-930 to lift the four requirements that prevent universal jurisdiction from being used in France and ensure access to justice for victims,¹⁸ in line with Goal 16, Target 16.3;¹⁹

ARMS TRANSFERS

- Meet its obligations under the Arms Trade Treaty and not authorize the transfer of conventional arms where it has knowledge, at the time of authorization, that the arms or items would be used in the commission of genocide, crimes against humanity, or war crimes, or if there is an overriding risk that an arms export could facilitate serious violations of international human rights law or international humanitarian law, in line with Goal 16, Target 16.4;²⁰
- Close any legal loopholes in domestic legislation that could lead to unlawful arms transfers, diversion or illicit arms trafficking, in line with Goal 16, Target 16.4.²¹

USE AND TRANSFER OF ARMED DRONES

- Publicly disclose the government's position on the practice of targeted killings related to the use of armed drones in armed conflict and outside armed conflict;
- In advance of the production, acquisition and deployment of armed drones, develop and disclose legal standards and policies to ensure full transparency, oversight and accountability of their deployment; use and transfer in strict compliance with international human rights and humanitarian law and related standards.

HUMAN RIGHTS AND COUNTER-TERRORISM

- Restore prior control by the judicial judge for any measure restricting rights and freedoms, in line with Goal 16, Target 16.a;²²
- Initiate a thorough, independent and transparent evaluation of counter-terrorism policies and their impact on fundamental rights which should include the conclusions and recommendations of the

¹⁸ The four requirements are: habitual residence in France, double criminality, subsidiarity, and civil party procedure. http://www.lexpress.fr/actualite/societe/justice/la-france-ne-jugera-pas-les-criminels-contre-l-humanite_894715.html

¹⁹ **Goal 16, Target 16.3:** Promote the rule of law at the national and international levels and ensure equal access to justice for all.

²⁰ **Goal 16, Target 16.4:** By 2030, significantly reduce illicit financial and arms flows, strengthen the recovery and return of stolen assets and combat all forms of organized crime.

²¹ See footnote 20

²² **Goal 16, Target 16.a** Strengthen relevant national institutions, including through international cooperation, for building capacity at all levels, in particular in developing countries, to prevent violence and combat terrorism and crime.

national and international independent control mechanisms, including the UN Special Rapporteurs, in line with Goal 16, Target 16.a,²³

- Reinforce the parliamentary control mechanisms for measures restricting rights and freedoms in order to assess their necessity and proportionality, in line with the international human rights standards, in line with Goal 16, Target 16.a;²⁴
- Ensure that all provisions adopted within the so-called “counter-terrorism framework” are worded in a precise terms, including clarifying terms such as “conduct posing a risk to public order”;
- Ensure access to effective remedy and reparations for individuals who allege being targeted by arbitrary, discriminatory or disproportionate measures.

FREEDOM OF EXPRESSION

- Repeal Ministry of Interior Circular CRIM-APN 09-900-44 which exposes peaceful protestors to criminal charges for calling for or participating in boycott of Israeli products and products from Israeli settlements in Palestine.

ASYLUM-SEEKERS, REFUGEES AND MIGRANTS

- Ensure all asylum-seekers have access in a timely manner to a fair and efficient asylum procedure by respecting the three-day registration period for asylum applications, in line with Goal 10, Target 10.7 and Indicator 10.7.2;²⁵
- Honour the 2015 pledge to the Council of the European Union to accept 24,000 refugees in France;
- Refrain from returning asylum-seekers to Hungary in light of deficiencies in its reception centres and asylum procedures, including the list of so-called “safe third countries” which risks violating the principle of *non-refoulement*, in line with Goal 10, Target 10.7;²⁶
- Ensure individuals are not returned to countries where they would be at risk of human rights violations, including by conducting a thorough individual assessment ahead of any deportation decision to examine the risks such individuals could face if sent back to their countries of origin, in line with Goal 10, Target 10.7;²⁷
- Ensure that the forthcoming reform of the asylum law will not limit, in law or in practice, the right to seek asylum and to enjoy protection as a refugee, including by refraining from introducing the concept of “safe third countries” in the law and maintaining the time limit for appeal before the National Court of Asylum (*Cour Nationale du Droit d'Asile*);
- Ensure that NGOs and defenders advocating for migrants’ rights enjoy effective protection in their work, in law and in practice.

DISCRIMINATION AGAINST ROMA PEOPLE

- Strengthen the 26 August 2012 Circular to ensure no one is rendered homeless after an

²³ **Goal 16, Target 16.a:** Strengthen relevant national institutions, including through international cooperation, for building capacity at all levels, in particular in developing countries, to prevent violence and combat terrorism and crime.

²⁴ See footnote 23.

²⁵ **Goal 10, Target 10.7:** Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies, and **Indicator 10.7.2:** Number of countries that have implemented well-managed migration policies.

²⁶ **Goal 10, Target 10.7:** Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies.

²⁷ See footnote 26.

eviction, in line with Goal 11, Target 11.1 and Indicator 11.1.1;²⁸

- Propose appropriate rehousing options to people prior to the eviction, in line with Goal 11, Target 11.1 and Indicator 11.1.1;²⁹
- Hold genuine consultations with Roma people to find long-term housing solutions, in line with Goal 11, Target 11.1 and Indicator 11.1.1.³⁰

DISCRIMINATION AGAINST TRANSGENDER PEOPLE

- Ensure that transgender people can obtain legal recognition of their gender through a quick, accessible and transparent procedure in accordance with an individual's own sense of their gender identity, while preserving their right to privacy, in line with Goal 5, Target 5.1, Indicator 5.1.1.³¹

CORPORATE SOCIAL RESPONSIBILITY

- Amend the Due Diligence Law 2017-399 to reverse the burden of proof from the victims of corporate human rights violations to the company and ensure corporate accountability, in line with Goal 12, Target 12.6 and Indicator 12.6.1;³²
- Extend the application of the Due Diligence Law 2017-399 beyond the large multinationals that are currently targeted.

TARGETED ASSASSINATIONS

- Refrain from the unlawful use of lethal force, including against individuals suspected of terrorism.

EXCESSIVE USE OF FORCE BY THE POLICE

- Conduct a thorough and impartial investigation into all cases of unnecessary or excessive use of force by law enforcement officials against protesters and in the context of administrative searches conducted under emergency powers to ensure accountability, in line with Goal 16, Target 16.1;³³
- Ensure judicial authorities collect and publish data regarding investigations, prosecutions and convictions of criminal offences perpetrated by law enforcement officials, in line with Goal 16, Target 16.a;³⁴
- Amend the Law on National Security (Article 435-1) to comply with international law and standards on law enforcement to stipulate that law enforcement officials may use force only when strictly necessary to carry out a legitimate law enforcement objective and only to an extent that is proportionate to that objective, and only to protect against a threat of death or serious

²⁸ **Goal 11, Target 11.1:** By 2030, ensure access for all to adequate, safe and affordable housing and basic services and upgrade slums and **Indicator 11.1.1:** Proportion of urban population living in slums, informal settlements or inadequate housing.

²⁹ See footnote 28.

³⁰ See footnote 28.

³¹ **Goal 5, Target 5.1:** End all forms of discrimination against all women and girls everywhere, and **Indicator 5.1.1:** Whether or not legal frameworks are in place to promote, enforce and monitor equality and non-discrimination on the basis of sex.

³² **Goal 12, Target 12.6:** Encourage companies, especially large and transnational companies, to adopt sustainable practices and to integrate sustainability information into their reporting cycle and **Indicator 12.6.1:** Number of companies publishing sustainability reports.

³³ **Goal 16, Target 16.1:** Significantly reduce all forms of violence and related death rates everywhere.

³⁴ **Goal 16, Target 16.a:** Strengthen relevant national institutions, including through international cooperation, for building capacity at all levels, in particular in developing countries, to prevent violence and combat terrorism and crime.

injury.

Recommendations to the government of Israel

IMPUNITY FOR HUMAN RIGHTS VIOLATIONS

- Reform the system of domestic investigation into allegations of international law violations to ensure it is independent, effective, prompt and transparent, including by implementing the recommendations of the Turkel Commission concerning investigations conducted by the Israeli army, in line with Goal 16, Targets 16.3 and 16.6;³⁵
- Ensure that Israeli forces protect Palestinian civilians and property against violence by Israeli settlers, including by bringing those suspected of criminal responsibility of such attacks to justice in proceedings before ordinary civilian courts and in full conformity with international fair trial standards, in line with Goal 16, Targets 16.3 and 16.6;³⁶
- Co-operate with the preliminary examination by Prosecutor of the International Criminal Court and other international mechanisms for accountability, including by giving access to UN Special Procedures, in line with Goal 16, Target 16.6.³⁷

ADMINISTRATIVE DETENTION

- Release all administrative detainees unless they are promptly charged with recognizable criminal offences and tried in accordance with international fair trial standards;
- End the practice of administrative detention by rescinding paragraphs 284 to 294 of Military Order 1651 and repealing the Internment of Unlawful Combatants Law;
- Ensure that all Palestinians from the OPT in Israeli custody are held in prisons and detention centres inside the OPT, in conditions that fully meet international standards, including in relation to access to families, lawyers and independent doctors;
- Promptly take all measures necessary to ensure that detention of children is used only as a measure of last resort and implemented for the shortest appropriate period and that appropriate alternatives to detention are always available;
- Ensure that no detainee or prisoner is punished for being on hunger strike.

TORTURE AND OTHER ILL-TREATMENT

- Expedite the incorporation of the crime of torture into Israeli law and ensure its definition is in line with Article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- Ensure all allegations of torture and other ill-treatment are investigated promptly, thoroughly and impartially by an independent civilian body, bring to justice anyone suspected of criminal responsibility for such crime, and ensure full reparation to victims, in line with Goal 16, Target 16.1 and Indicator 16.1.3;³⁸
- Ensure that statements coerced through the use of torture and other ill-treatment are excluded from all proceedings.

³⁵ **Goal 16, Target 16.3:** Promote the rule of law at the national and international levels and ensure equal access to justice for all **and Target 16.6:** Develop effective, accountable and transparent institutions at all levels.

³⁶ See footnote 35.

³⁷ **Goal 16, Target 16.6:** Develop effective, accountable and transparent institutions at all levels.

³⁸ **Goal 16, Target 16.1:** Significantly reduce all forms of violence and related death rates everywhere and **Indicator 16.1.3:** Proportion of population subjected to physical, psychological or sexual violence in the previous 12 months

INTERNATIONAL JUSTICE

- Promptly ratify the Rome Statute of the International Criminal Court, signed on 31 December 2000, and implement it into national law;
- Accede to the Agreement on the Privileges and Immunities of the International Criminal Court, without making reservations;
- Adhere to the Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity without making any reservation and implement it fully into national law;
- Accede to the International Convention for the Protection of All Persons from Enforced Disappearance, without making reservations, and implement it into national law; and recognize the competence of the Committee on Enforced Disappearance to receive and consider communications from or on behalf of victims or other states parties.

RATIFICATION OF INTERNATIONAL HUMAN RIGHTS TREATIES

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

HUMAN RIGHTS DEFENDERS AND FREEDOM OF EXPRESSION

- Protect the rights to freedom of expression, association and assembly in the OPT and Israel by rescinding Military Order 101, the relevant articles in Military Order 1651, and other Military Orders that restrict the exercise of these rights, in line with Goal 16, Target 16.10;³⁹
- Protect the rights to freedom of expression, association and assembly in Israel by repealing or amending all legislation that place obstacles in the way of legitimate activities to promote and defend human rights, in particular the “NGO Transparency Law”, the “Anti-Boycott Law” and the proposed amendment to the law currently in committee, as well as the March 2017 amendment to the Entry to Israel Law, and all other similar legislative proposals designed to stifle the exercise of these rights, in line with Goal 16, Target 16.10;⁴⁰
- Immediately and unconditionally release all Israeli and Palestinian prisoners of conscience, including conscientious objectors, imprisoned solely for exercising their rights to freedom of expression, association or peaceful assembly;
- Cease the practice of arrests, administrative detention and prosecution of Palestinian human rights defenders aimed at suppressing their rights to freedom of expression and association and their ability to carry out their work;
- Put an end to government-led smear and intimidation campaigns seeking to undermine the work and credibility of Israeli and Palestinian human rights defenders critical of the Israeli government;
- Take immediate steps to publicly recognise the important work of human rights defenders, including women and organizations who face particular risks and threats, and provide effective legislation and action to enable human rights defenders in Israel and the OPT to carry out their work freely and without fear of attacks;
- Ensure thorough, prompt and independent investigations into all reports of human rights violations against human rights defenders and bring to justice those suspected of criminal responsibility for such crimes, in line with Goal 16, Target 16.10 and Indicator 16.10.1;⁴¹

³⁹ **Goal 16, Target 16.10:** Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements.

⁴⁰ See footnote 39.

⁴¹ **Goal 16, Target 16.10:** Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements, and **Indicator 16.10.1:** Number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention and torture of journalists, associated media personnel, trade unionists and human rights advocates in the previous 12 months.

- Fully co-operate with the UN human rights mechanisms, and in particular allow the Special Rapporteur on the situation of human rights defenders to conduct visits without restriction on duration and scope, and ensure they are allowed to meet with HRDs without hindrance.

FREEDOM OF MOVEMENT

- Lift all arbitrary and discriminatory restrictions on freedom of movement, which are impeding the enjoyment of the rights to health, education and an adequate standard of living;
- Dismantle the fence/wall and related infrastructure located inside the OPT and compensate Palestinians for any losses due to the construction of the fence/wall;
- Completely and permanently lift the blockade on the Gaza Strip; in the meantime, lift restrictions on the movement of people in and out of Gaza and import and export of fuel, food, building materials and other essential goods in and out of Gaza.

INTERNATIONAL HUMAN RIGHTS AND HUMANITARIAN LAW

- Accept the applicability and ensure the effective application of human rights treaties and international humanitarian law in the OPT;
- Immediately stop the construction or expansion of Israeli settlements and their related infrastructure in the OPT as a first step towards dismantling such settlements and removing Israeli civilians from the OPT;
- Annul the Regulation of Settlement in Judea and Samaria Law, which legalizes land-grabs of Palestinian land in violation of international law;
- Reverse the unlawful annexation of East Jerusalem.

CITIZENSHIP AND ENTRY INTO ISRAEL LAW

- Annul the Citizenship and Entry into Israel Law (Temporary Provision), 5763-2003, which prevents the family unification of Israeli citizens with spouses from the OPT or so-called “enemy” states.

INVESTIGATIONS OF ALLEGED WAR CRIMES AND CRIMES AGAINST HUMANITY

- Thoroughly and impartially investigate by civilian authorities all allegations of war crimes and crimes against humanity committed during *Operations Cast Lead, Pillar of Defense* and *Protective Edge* and provide full reparation to the victims and their families, and ensure that, where there is sufficient admissible evidence, individuals suspected of responsibility are prosecuted in fair trials before ordinary civilian courts, in line with Goal 16, Target 16.3.⁴²

GAZA BLOCKADE

- Completely and permanently lift the blockade on the Gaza Strip, which amounts to collective punishment, and in the meantime lift restrictions on the import and export of fuel, food, building materials and other essential goods into Gaza.

EXCESSIVE USE OF FORCE AND UNLAWFUL KILLINGS

- Ensure that the Israeli army, police, border police and other forces policing demonstrations or performing other law enforcement duties at all times comply fully with the UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, in line with Goal 16, Target 16.1;⁴³

⁴² **Goal 16, Target 16.3:** Promote the rule of law at the national and international levels and ensure equal access to justice for all.

⁴³ **Goal 16, Target 16.1:** Significantly reduce all forms of violence and related death rates everywhere.

- Ensure independent, impartial and effective investigations into all deaths and serious injuries caused by the security forces and prosecute anyone reasonably suspected of arbitrary or abusive use of force, in line with Goal 16, Target 16.1.⁴⁴

DISCRIMINATORY DEMOLITIONS OF PALESTINIAN PROPERTY

- End all forced evictions and the demolition of Palestinian homes and structures in the West Bank, including East Jerusalem;
- Ensure victims of forced evictions, demolitions and forcible transfers have access to effective remedies and full reparation;
- Transfer the responsibility for planning and building oversight in the OPT to local Palestinian communities in the OPT;
- Legally recognize Bedouin villages in the Negev/Naqab and in Area C of the OPT and halt demolitions and forced evictions in these villages until laws and policies comply with international standards, including the prohibition of discrimination.

CONSCIENTIOUS OBJECTORS

- Immediately and unconditionally release anyone deprived of their liberty due to their conscientious objection to military service;
- Introduce an alternative, non-punitive, wholly civilian service, if conscientious objectors are not entirely exempted from military service.

REFUGEES AND ASYLUM-SEEKERS

- Ensure that national asylum procedures are in line with the 1951 Convention relating to the Status of Refugees and its 1967 Optional Protocol, as well as other international law and standards relating to persons in need of international protection, in line with Goal 10, Target 10.7 and Indicator 10.7.2;⁴⁵
- Immediately release all those held under the Prevention of Infiltration Law and amend the law to ensure that any restriction on the right to liberty of refugees, asylum-seekers and migrants are exceptional measures, prescribed by law, necessary in the specific circumstances of the individual concerned, and proportionate to the legitimate aim pursued, in line with Goal 10, Target 10.7 and Indicator 10.7.2;⁴⁶
- Desist from pressuring asylum-seekers to “voluntarily” return to their country of origin where they may be at risk of imprisonment or torture and other ill-treatment, in violation of the principle of *non-refoulement*, in line with Goal 10, Target 10.7 and Indicator 10.7.2.⁴⁷

THE DEATH PENALTY

- Abolish the death penalty for all crimes.

Recommendations to the government of Luxembourg

ARMS TRADE

- Strictly prohibit financial activities related to illegal arms and arms destined to illegal use, including financing or providing services to persons carrying out activities related to illegal arms or arms

⁴⁴ **Goal 16, Target 16.1** Significantly reduce all forms of violence and related death rates everywhere.

⁴⁵ **Goal 10, Target 10.7:** Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies, and **Indicator 10.7.2:** Number of countries that have implemented well-managed migration policies.

⁴⁶ See footnote 45.

⁴⁷ See footnote 45.

destined for illegal use, in line with Goal 16.4;⁴⁸

- Take all appropriate measures to ensure the effective implementation and enforcement of such prohibition, in line with Goal 16.4.⁴⁹

PROTECTION OF REFUGEES AND ASYLUM-SEEKERS

- Put in place mechanisms to detect and protect vulnerable people seeking international protection in Luxembourg, in conformity with the Law of 18 December 2015, in line with Goal 10.7 and Indicator 10.7.2;⁵⁰
- Refrain from referring to the concept of “safe countries” in protection decisions, in line with Goal 10.7 and Indicator 10.7.2;⁵¹
- Refrain from limiting the family reunification procedure to three months, in line with Goal 10.7 and Indicator 10.7.2;⁵²
- Foster family reunification by using a broader definition of “family” that goes beyond that used in Dublin Regulation III, in line with Goal 10.7 and Indicator 10.7.2.⁵³

HUMAN RIGHTS DEFENDERS

- Publicly recognize human rights defenders, including women human rights defenders and human rights defenders who face particular risks and threats, and ensure support for them to carry out their human rights work;
- Adopt and implement legislation to recognize and effectively protect all human rights defenders, including whistle-blowers and journalists reporting on corruption, in line with Goal 16, Target 16.10;⁵⁴
- Fully co-operate with the UN human rights mechanisms, in particular by extending an invitation to the Special Rapporteur on the situation of human rights defenders to conduct visits without restriction on duration and scope, and ensuring they are allowed to meet with human rights defenders without hindrance.

Recommendations to the government of Mali

EXCESSIVE USE OF FORCE, ENFORCED DISAPPEARANCES AND EXTRAJUDICIAL EXECUTIONS

- Carry out prompt, thorough, independent and impartial investigations into all allegations of extrajudicial executions, enforced disappearance or any other crime under international law, in line with Goal 16, Target 16.1 and Indicator 16.1.3;⁵⁵
- Exercise strict command control over the armed forces and hold any military or civilian superior

⁴⁸ **Goal 16, Target 16.4:** By 2030, significantly reduce illicit financial and arms flows, strengthen the recovery and return of stolen assets and combat all forms of organized crime.

⁴⁹ See footnote 48.

⁵⁰ **Goal 10, Target 10.7:** Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies, and **Indicator 10.7.2:** Number of countries that have implemented well-managed migration policies.

⁵¹ See footnote 50.

⁵² See footnote 50.

⁵³ See footnote 50.

⁵⁴ **Goal 16, Target 16.10:** Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements.

⁵⁵ **Goal 16, Target 16.1:** Significantly reduce all forms of violence and related death rates everywhere, and **Indicator 16.1.3:** Proportion of population subjected to physical, psychological or sexual violence in the previous 12 months.

accountable for allowing others to commit acts constituting extrajudicial executions, enforced disappearance or any other crime under international law, in line with Goal 16, Target 16.10 and Indicator 16.10.1.⁵⁶

IMPUNITY AND ACCOUNTABILITY

- Open prompt, thorough, impartial and effective investigations by civilian authorities into all allegations of crimes under international law and human rights violations, in order to identify those suspected of criminal responsibility and ensure prosecution in fair trials without recourse to death penalty;
- Ensure that the Bamako courts are competent to receive and investigate all cases of serious crimes under international law committed in the north of Mali in 2012 and 2013;
- Set up the international commission of inquiry as provided in the Algiers Peace Agreement.

PRISON CONDITIONS, SECURITY AND DETENTION IN NON-OFFICIAL PLACES

- Put an immediate end to arbitrary arrests and illegal detention in non-official places of detention, in line with Goal 16, Target 16.3;⁵⁷
- Allow the National Commission of Human Rights (CNDH) to visit all places of detention as specified in its mandate, in line with Goal 16, Target 16.6;⁵⁸
- Ensure that all detainees have the right to legal counsel and to challenge the lawfulness of their detention, in accordance with international law and standards, in line with Goal 16, Target 16.3.⁵⁹

THE DEATH PENALTY

- Abolish the death penalty for all crimes, and ensure that all those arrested or detained on suspicion of 'terrorist acts' have immediate and unrestricted access to legal counsel;
- Review and adopt the draft law abolishing the death penalty, which was submitted to the National Assembly in 2007;
- Pending the total abolition of the death penalty, commute all death sentences;
- Ratify, without making reservations, the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

RIGHT TO EDUCATION

- Endorse the Safe School Declaration and commit to implement the Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict,⁶⁰ in line with Goal 4, Targets 4.1 and 4.5;⁶¹

⁵⁶ **Goal 16, Target 16.10:** Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements, and **Indicator 16.10.1:** Number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention and torture of journalists, associated media personnel, trade unionists and human rights advocates in the previous 12 months.

⁵⁷ **Goal 16, Target 16.3:** Promote the rule of law at the national and international levels and ensure equal access to justice for all.

⁵⁸ **Goal 16, Target 16.6:** Develop effective, accountable and transparent institutions at all levels.

⁵⁹ **Goal 16, Target 16.3:** Promote the rule of law at the national and international levels and ensure equal access to justice for all.

⁶⁰ Safe Schools Declaration and Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict: <http://www.protectingeducation.org/draft-lucens-guidelines-protecting-schools-and-universities-military-use-during-armed-conflict>

⁶¹ **Goal 4, Target 4.1:** By 2030, ensure that all girls and boys complete free, equitable and quality primary and secondary education leading to relevant and effective learning outcomes and **Target 4.5:** By 2030, eliminate gender

- Take all necessary measures, including in collaboration with MINUSMA, to prevent the occupation of schools by armed groups in line with Goal 4, Targets 4.1 and 4.5.⁶²

WOMEN'S AND CHILDREN'S RIGHTS

- Undertake, without delay, the reform necessary to eliminate all discriminatory provisions and practices against women and girls contained in the Persons and Family Code, in line with Goal 5, Target 5.1;⁶³
- Adopt legislation to prohibit all forms of female genital mutilation and cutting, in line with Goal 5, Target 5.3 and Indicator 5.3.2;⁶⁴
- Raise the minimum age of marriage for girls to 18 years of age, without exception, in line with the Maputo Protocol, in line with Goal 5, Target 5.3 and Indicator 5.3.1.⁶⁵

DRAFT LAW ON HUMAN RIGHTS DEFENDERS

- Ensure that the draft law on human rights defenders is adopted in line with the Model Law for the Recognition and Protection of Human Rights Defenders, including providing a protection mechanism for human rights defenders and clearly defining their rights and responsibilities, in line with Goal 16, Target 16.10.⁶⁶

ARMED CONFLICT AND CRIMES UNDER INTERNATIONAL LAW BY ARMED GROUPS

- Take measures to bring an end to abduction, hostage-taking and unlawful killings of civilians by armed opposition groups, in line with Goal 16, Target 16.10 and Indicator 16.10.1;⁶⁷
- Take all necessary measures to prevent the recruitment and use of child soldiers, in line with Goal 8, Target 8.7;⁶⁸
- Ensure that all children arrested on suspicion of association with armed groups receive special attention and set up a programme to facilitate their rehabilitation into society, in line with Goal 8, Target 8.7.⁶⁹

disparities in education and ensure equal access to all levels of education and vocational training for the vulnerable, including persons with disabilities, indigenous peoples and children in vulnerable situations.

⁶² **Goal 4, Target 4.1:** By 2030, ensure that all girls and boys complete free, equitable and quality primary and secondary education leading to relevant and effective learning outcomes and **Target 4.5:** By 2030, eliminate gender disparities in education and ensure equal access to all levels of education and vocational training for the vulnerable, including persons with disabilities, indigenous peoples and children in vulnerable situations.

⁶³ **Goal 5, Target 5.1:** End all forms of discrimination against all women and girls everywhere.

⁶⁴ **Goal 5, Target 5.3:** Eliminate all harmful practices, such as child, early and forced marriage and female genital mutilation and **Indicator 5.3.2:** Proportion of girls and women aged 15-49 years who have undergone female genital mutilation/cutting, by age.

⁶⁵ **Goal 5, Target 5.3:** Eliminate all harmful practices, such as child, early and forced marriage and female genital mutilation and **Indicator 5.3.1:** Proportion of women aged 20-24 years who were married or in a union before age 15 and before age 18.

⁶⁶ **Goal 16, Target 16.10:** Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements.

⁶⁷ **Goal 16, Target 16.10:** Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements, and **Indicator 16.10.1:** Number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention and torture of journalists, associated media personnel, trade unionists and human rights advocates in the previous 12 months.

⁶⁸ **Goal 8, Target 8.7:** Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms.

⁶⁹ See footnote 68.

RATIFICATION OF INTERNATIONAL HUMAN RIGHTS TREATIES

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

Recommendations to the government of Montenegro

ROMA AND EGYPTIAN REFUGEES

- Take prompt measures to introduce into law a robust process to determine statelessness in order to ensure that all Kosovo Roma and Egyptians are entitled to full enjoyment of their rights in Montenegro, in line Goal 16, Target 16.9.⁷⁰

TORTURE AND OTHER ILL-TREATMENT

- Amend the Criminal Code to define torture in compliance with the Convention against Torture, ensure that penalties for torture are commensurate with the gravity of the crime, and remove the statute of limitations on torture and other crimes under international law in line with Goal 16, Target 16.1;⁷¹
- Respect the independence of the National Preventive Mechanism and implement its recommendations, in line with Goal 16, Target 16.6.⁷²

IMPUNITY FOR CRIMES UNDER INTERNATIONAL LAW

- Ensure that the State Prosecutor's reviews of completed war crimes proceedings are reviewed with regard to the legality of judicial decisions under domestic law, international humanitarian law and the jurisprudence of the International Criminal Tribunal for the former Yugoslavia, in line with Goal 16, Target 16.3;⁷³
- If proven that any proceedings were for the purpose of shielding the person concerned from criminal responsibility for crimes under international law, ensure that a new investigation or trial take place before a new prosecutor or court, in line with Goal 16, Target 16.3;⁷⁴
- Ensure that all prosecutions of crimes under international law are conducted promptly and impartially and in accordance with international fair trial standards, as also recommended to Montenegro in its previous review,⁷⁵ in line with Goal 16, Target 16.6;⁷⁶
- Fully implement the recommendations of the Committee on Enforced Disappearances, including to amend the Criminal Code to separately define enforced disappearance in the Criminal Code and recognize it as a continuing offence, in line with Goal 16, Target 16.3;⁷⁷
- Introduce legislation to provide an effective administrative framework for reparations for civilian victims of war, including the relatives of the missing, as recommended in the previous review,⁷⁸

⁷⁰ **Goal 16, Target 16.9:** By 2030, provide legal identity for all, including birth registration.

⁷¹ **Goal 16, Target 16.1:** Significantly reduce all forms of violence and related death rates everywhere.

⁷² **Goal 16, Target 16.6:** Develop effective, accountable and transparent institutions at all levels.

⁷³ **Goal 16, Target 16.3:** Promote the rule of law at the national and international levels and ensure equal access to justice for all.

⁷⁴ See footnote 73.

⁷⁵ A/HRC/23/12, recommendations by 118.11 (Spain), 119.13 (Switzerland).

⁷⁶ **Goal 16, Target 16.6:** Develop effective, accountable and transparent institutions at all levels.

⁷⁷ **Goal 16, Target 16.3:** Promote the rule of law at the national and international levels and ensure equal access to justice for all

⁷⁸ A/HRC/23/12, recommendation 117.62 (France).

in line with Goal 16, Target 16.3.⁷⁹

FREEDOM OF THE MEDIA / HUMAN RIGHTS DEFENDERS

- Take effective action to end impunity for past attacks on independent media and journalists, including by providing members of the Commission for Monitoring Actions of Competent Authorities in the Investigation of Cases of Threats and Violence against Journalists, Assassinations of Journalists and Attacks on Media Property with the necessary resources and security clearance, to rigorously monitor progress by the investigative authorities, in line with Goal 16, Target 16.10 and Indicator 16.10.1;⁸⁰
- Ensure that all reported threats and attacks against journalists and media workers, as well as NGOs and human rights defenders, are investigated promptly, thoroughly, impartially and independently, to avoid future impunity, in line with Goal 16, Target 16.10 and Indicator 16.10.1;⁸¹
- Publicly recognize human rights defenders, including women human rights defenders and human rights defenders who face particular risks and threats, and ensure support for them to carry out their human rights work;
- Refrain from using language that stigmatizes, abuses or discriminates against human rights defenders, including journalists;
- Adopt and implement legislation to recognize and effectively protect all human rights defenders
- Repeal or amend legislation that may place obstacles in the way of legitimate activities to promote and defend human rights, including the rights to freedom of expression, association and peaceful assembly, in line with Goal 16, Target 16.10;⁸²
- Fully co-operate with the UN human rights mechanisms, in particular by extend an invitation to the Special Rapporteur on the situation of human rights defenders to conduct visits without restriction on duration and scope, and ensuring they are allowed to meet with human rights defenders without hindrance.

EXCESSIVE USE OF FORCE AND FIREARMS

- Renew efforts to identify all police officers suspected of using excessive force during the October 2015 protests and hold them to account, in line with Goal 16, Target 16.1;⁸³
- Ensure that the Ministry of Interior reviews the operational procedures and practices of the Special Anti-Terrorist Unit in line with the UN Basic Principles for the Use of Force and Firearms, in line with Goal 16, Target 16.a.⁸⁴

⁷⁹ **Goal 16, Target 16.3:** Promote the rule of law at the national and international levels and ensure equal access to justice for all.

⁸⁰ **Goal 16, Target 16.10:** Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements, and **Indicator 16.10.1:** Number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention and torture of journalists, associated media personnel, trade unionists and human rights advocates in the previous 12 months.

⁸¹ See footnote 80.

⁸² **Goal 16, Target 16.10:** Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements.

⁸³ **Goal 16, Target 16.1:** Significantly reduce all forms of violence and related death rates everywhere.

⁸⁴ **Goal 16, Target 16.a:** Strengthen relevant national institutions, including through international cooperation, for building capacity at all levels, in particular in developing countries, to prevent violence and combat terrorism and crime.

Recommendations to the government of Romania

CIVIL SOCIETY AND HUMAN RIGHTS DEFENDERS

- Refrain from adopting and implementing legislation that places obstacles and undue bureaucratic burdens on NGOs, including those working to promote and defend human rights,⁸⁵ in line with Goal 16, Target 16.10;⁸⁶
- Refrain from adopting and implementing the draft amendment to the Police Act that introduces a crime of "using words, expressions, offensive or obscene gestures" towards law enforcement officers, punishable by a prison sentence up to one year, which could constitute a disproportionate interference with the right to freedom of expression and peaceful assembly, in line with Goal 16, Target 16.10;⁸⁷
- Recognize the important work of women human rights defenders and LGBTI defenders, and ensure their effective protection against gender-specific threats and violence which they may face because of their work or their real or perceived gender identity;
- Fully co-operate with the UN human rights mechanisms, and in particular extend an invitation to the Special Rapporteur on the situation of human rights defenders to conduct visits without restriction on duration and scope, and ensure they are allowed to meet with human rights defenders without hindrance.

RATIFICATION OF INTERNATIONAL HUMAN RIGHTS TREATIES

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

Recommendations to the government of Serbia

FREEDOM OF EXPRESSION / HUMAN RIGHTS DEFENDERS

- Ensure that state officials refrain from personal attacks on journalists and human rights defenders, including through media close to or controlled by the government or the ruling party;
- Support editorial independence and pluralism in the media, including through greater transparency on advertising and other revenues;
- Publicly recognize human rights defenders, including women human rights defenders and human rights defenders who face particular risks and threats, and ensure support for them to carry out their human rights work;
- Refrain from using language that stigmatizes, abuses or discriminates against human rights defenders, for example by characterizing them as "criminals", "foreign agents", "terrorists", "threats to national security", or "morally corrupt";
- Adopt and implement legislation to recognize and effectively protect all human rights defenders, in line with Goal 16, Target 16.10;⁸⁸
- Repeal or amend legislation that may place obstacles in the way of legitimate activities to promote and defend human rights, including the rights to freedom of expression, association and

⁸⁵ The threat that NGOs may be closed down within 30 days if they fail to comply with an obligation to report and publish all sources of income and expenses twice a year is a disproportionate interference with the right to freedom of association. Imposing such obligation specifically on NGOs and no other private entities appears discriminatory.

⁸⁶ **Goal 16, Target 16.10:** Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements.

⁸⁷ See footnote 86.

⁸⁸ See footnote 86.

peaceful assembly, in line with Goal 16, Target 16.10;⁸⁹

- Ensure thorough, prompt and independent investigation into all reports of human rights violations against human rights defenders and journalists and bring to justice those suspected of criminal responsibility for such crimes, in line with Goal 16, Target 16.10 and Indicator 16.10.1;⁹⁰
- Fully co-operate with the UN human rights mechanisms, in particular by extending an invitation to the Special Rapporteur on the situation of human rights defenders to conduct visits without restriction on duration and scope, and ensuring they are allowed to meet with human rights defenders without hindrance.

LGBTI RIGHTS

- Ensure that the Anti-Discrimination Law and the Commissioner for Discrimination provide effective protection from discrimination against LGBTI individuals and organizations, including hate crimes, and access to effective remedies, in line with Goal 16, Target 16.6.⁹¹

HUMAN RIGHTS FRAMEWORK

- Ensure that police, prosecutors and judiciary are fully aware of their responsibilities with regard to the identification, prosecution and adjudication of hate crimes, and of the law allowing for higher sentencing, in line with Goal 16, Target 16.6.⁹²

IMPUNITY FOR CRIMES UNDER INTERNATIONAL LAW

- Implement the War Crimes Prosecution Strategy, prioritizing the investigation and prosecution, in fair trials, of complex cases where commanders or other superiors are suspected of criminal responsibility for crimes under international law, including war crimes and enforced disappearances, in line with Goal 16, Target 16.3;⁹³
- Apply legislative provisions on the responsibilities of commanders and other superiors for crimes under international law, in line with Goal 16, Target 16.3;⁹⁴
- Implement measures to enhance the protection and support of witnesses in war crimes trials;
- Search for and locate the mortal remains of those subject to enforced disappearance, exhume and identify them, and return their bodies to their families for burial;
- Amend the law on the rights of victims of war to provide full reparation to any individual who has suffered harm as the direct result of a crime under international law, including the relatives of victims of enforced disappearances committed during the armed conflict in the 1990s.

FORCED EVICTIONS AND RIGHT TO ADEQUATE HOUSING

- Amend the Law on Housing and Building Maintenance to explicitly prohibit forced evictions and guarantee the right to security of tenure;
- Ensure that the accompanying guidelines, administrative directions, plans and procedures

⁸⁹ **Goal 16, Target 16.10:** Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements.

⁹⁰ **Goal 16, Target 16.10:** Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements, and **Indicator 16.10.1:** Number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention and torture of journalists, associated media personnel, trade unionists and human rights advocates in the previous 12 months.

⁹¹ **Goal 16, Target 16.6:** Develop effective, accountable and transparent institutions at all levels.

⁹² See footnote 91.

⁹³ **Goal 16, Target 16.3:** Promote the rule of law at the national and international levels and ensure equal access to justice for all.

⁹⁴ See footnote 93.

ensure key protections and safeguards⁹⁵ to prevent forced eviction and protect the rights of those at risk of eviction, including to meaningful and adequate consultation;

- Refrain from using metal containers as temporary accommodation for evicted persons and instead delay further evictions until adequate alternative accommodation is available, in line with Goal 11, Target 11.1.⁹⁶

REFUGEES AND MIGRANTS

- Ensure that the proposed Law on Asylum includes binding timescales for procedures, including registration, issuance of identity cards, applications and interviews for individual determination procedures, and appeals, and that the law is implemented with adequate resources and professional personnel, in line with Goal 10, Target 10.7;⁹⁷
- Ensure that refugees and migrants are not subject to inhuman and degrading accommodation conditions, and refrain from unlawful push-backs and the use of excessive force.

RATIFICATION OF INTERNATIONAL HUMAN RIGHTS TREATIES

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

Recommendations to the government of Tonga

VIOLATION AGAINST WOMEN

- Adopt a comprehensive law on violence against women and girls that includes the provision of protection orders and appropriate penalties, and guarantees access to justice and redress, including compensation and other reparation, for the victims of such violence, in line with Goal 5, Target 5.2;⁹⁸
- Adopt and effectively implement comprehensive legislation on violence against women, including a definition of rape consistent with international standards, and criminalizing rape within marriage, in line with Goal 5, Target 5.2;⁹⁹
- Ensure that all reports of gender-based violence, including sexual violence by the police, are fully and promptly investigated, that the perpetrators are brought to justice in fair trials, and that the victims receive reparation;
- Put in place national-level and provincial-level plans to prevent violence against women and girls, based on a common framework to ensure coherence across provinces and compliance with Tonga's due diligence obligations, in line with Goal 5, Target 5.2;¹⁰⁰
- Adopt clear referral protocols which link up police, healthcare and welfare services, such as counselling, emergency accommodation and legal advice, to ensure that all relevant staff are familiar with these protocols and follow them systematically;
- Ensure that women and girls who have been subject to gender-based violence have access to

⁹⁵ As set out in, Basic Principles on Development Based Evictions and Resettlement; CESCR, General Comment 7: The right to adequate housing (art. 11.1 of the Covenant): forced evictions.

⁹⁶ **Goal 11, Target 11.1:** By 2030, ensure access for all to adequate, safe and affordable housing and basic services and upgrade slums.

⁹⁷ **Goal 10, Target 10.7:** Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies

⁹⁸ **Goal 5, Target 5.2:** Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation.

⁹⁹ See footnote 98.

¹⁰⁰ See footnote 98.

healthcare services, counselling, emergency accommodation, and long-term and sustainable housing and livelihood solutions;

- Ensure that healthcare professionals, welfare officers, counsellors, legal advisors and security forces are trained in how to respond to female survivors of gender-based violence in a manner that respects women's human rights and prioritizes their safety and welfare;

DISCRIMINATION AGAINST LGBTI PERSONS

- Repeal all provisions in national law that criminalize consensual same-sex relations, in line with Goal 16, Goal 16.b;¹⁰¹
- Introduce comprehensive anti-discrimination legislation to provide equal protection against discrimination for all persons and on all grounds, including sexual orientation or gender identity, in line with Goal 16, Goal 16.b;¹⁰²
- Recognize marriages between couples of the same sex, on the same basis and conferring all the same rights, as marriages between different-sex couples, in line with Goal 16, Goal 16.b.¹⁰³

RATIFICATION OF INTERNATIONAL HUMAN RIGHTS TREATIES

- Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and opt-in to the inquiry and inter-state procedures;
- Ratify the Convention on the Elimination of All Discrimination against Women, as accepted in the previous review, and implement it in national law.

Recommendations to the government of United Arab Emirates

HUMAN RIGHTS DEFENDERS

- Release immediately and unconditionally human rights defenders Ahmed Mansoor and Dr Mohamed al-Roken, who are held solely for peacefully exercising their right to freedom of expression; pending release, ensure that they are protected from torture and other ill-treatment, and that Ahmed Mansoor is granted immediate and regular access to a lawyer of his choosing, his family, and to any medical treatment he may require;
- Publicly recognize human rights defenders, including women human rights defenders and human rights defenders who face particular risks and threats, and ensure support for them to carry out their human rights work;
- Refrain from using language that stigmatizes, abuses or discriminates against human rights defenders, for example by characterizing them as “criminals”, “terrorists”, “threats to national security”, or “aiming to destabilize the county”;
- Adopt and implement legislation to recognize and effectively protect all human rights defenders, in line with Goal 16, Target 16.10;¹⁰⁴
- Repeal or amend legislation that may place obstacles in the way of legitimate activities to promote and defend human rights, including the rights to freedom of expression, association and peaceful assembly, in line with Goal 16, Target 16.10;¹⁰⁵
- Ensure thorough, prompt, impartial, independent and effective investigation into all reports of

¹⁰¹ **Goal 16, Target 16.b:** Promote and enforce non-discriminatory laws and policies for sustainable development.

¹⁰² See footnote 101.

¹⁰³ See footnote 101.

¹⁰⁴ **Goal 16, Target 16.10:** Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements.

¹⁰⁵ See footnote 104.

torture and ill-treatment of human rights defenders and bring to justice anyone suspected of criminal responsibility for these crimes in fair trial, in line with Goal 16, Target 16.10 and Indicator 16.10.1;¹⁰⁶

- Fully co-operate with the UN human rights mechanisms, in particular by extending an invitation to the Special Rapporteur on the situation of human rights defenders to conduct visits without restriction on duration and scope, and ensuring they are allowed to meet with human rights defenders without hindrance.

THE DEATH PENALTY

- Commute all death sentences with a view to abolishing the death penalty for all crimes;
- Establish an official moratorium on executions;
- Ensure that the death penalty is not under any circumstances imposed in violation of the guarantees provided for in Article 6 International Covenant on Civil and Political Rights;
- Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

ENFORCED DISAPPEARANCES, INCOMMUNICADO DETENTION, TORTURE AND OTHER ILL-TREATMENT

- Take effective measures to prohibit and prevent all forms of torture and other ill-treatment, including ensuring that all complaints or allegations of torture or other ill-treatment promptly and thoroughly investigated, and where sufficient admissible evidence is found, bring to justice those suspected of criminal responsibility in fair trials, in line with Goal 16, Target 16.1;¹⁰⁷
- Prohibit the practice of secret detention and institute safeguards against torture and other ill-treatment, ending the isolation in which these abuses occur and establishing institutional responsibility for the welfare of prisoners, in line with Goal 16, Target 16.1;¹⁰⁸
- 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 and cooperate fully with the UN Working Group on Arbitrary Detention;
- Ensure that detainees who lodge complaints about torture or other ill-treatment can do so without fear of reprisals or prosecution, in line with Goal 16, Target 16.3;¹⁰⁹
- Ratify the International Convention for the Protection of All Persons from Enforced Disappearance, and ensure that enforced disappearances constitute a criminal offence in national law, in line with Goal 16, Target 16.10 and Indicator 16.10.1.¹¹⁰

STATELESSNESS AND TRAVEL BANS

- Lift all travel bans imposed arbitrarily on political or human rights activists, the relatives of prisoners or on other individuals exercising their rights to freedom of expression and association,

¹⁰⁶ **Goal 16, Target 16.10:** Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements, and **Indicator 16.10.1:** Number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention and torture of journalists, associated media personnel, trade unionists and human rights advocates in the previous 12 months.

¹⁰⁷ **Goal 16, Target 16.1:** Significantly reduce all forms of violence and related death rates everywhere, and **Indicator 16.1.3:** Proportion of population subjected to physical, psychological or sexual violence in the previous 12 months.

¹⁰⁸ See footnote 107.

¹⁰⁹ **Goal 16, Target 16.3:** Promote the rule of law at the national and international levels and ensure equal access to justice for all

¹¹⁰ **Goal 16, Target 16.10:** Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements, and **Indicator 16.10.1:** Number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention and torture of journalists, associated media personnel, trade unionists and human rights advocates in the previous 12 months.

and enable them to exercise their right to freedom of movement and to travel freely outside the UAE;

- Cease arbitrary revocation of citizenship and reinstate the nationality of those whose citizenship was previously revoked, in line with Goal 16, Target 16.9.¹¹¹

UNFAIR TRIALS

- Ensure that no one is arbitrarily arrested or detained, including by ensuring that individuals detained are held on the basis of clearly defined, internationally recognizable offences in laws that are consistent with international human rights law and standards; are promptly brought before a regular independent court; and have the right to challenge the lawfulness of their detention before a regular independent court authorized to order their release if the detention is found to be unlawful, in line with Goal 16, Target 16.3;¹¹²
- Ensure that detainees have immediate access – by law and in practice – to the outside world, including their lawyer and family, as well as to adequate medical care when required, in line with Goal 16, Target 16.3;¹¹³
- Establish and maintain a central register of all detainees to ensure that they can be promptly traced by their families, and bring appropriate sanctions against officers responsible for the unlawful detention of detainees, including failure to keep proper records of detainees;
- Ensure that those arrested are promptly notified of the charges against them and have access to a lawyer of their choice immediately following their arrest, in line with Goal 16, Target 16.3;¹¹⁴
- Ensure that all persons deprived of their liberty, including on grounds of suspected involvement in acts of violence, receive a prompt and fair public hearing by a regular and independent court in accordance with international human rights standards and without recourse to the death penalty, and with an effective opportunity to exercise their rights of defence and appeal, in line with Goal 16, Target 16.3.¹¹⁵
- Ensure in law and practice that no one is coerced into testifying against themselves or others or to confess guilt and that no such “confessions” are accepted as evidence in court, except against a person accused of torture or other ill-treatment, in line with Goal 16, Target 16.3;¹¹⁶
- Guarantee the independence of the judiciary and ensure that effective safeguards are in place to prevent interference by security forces or agencies in all cases, in line with Goal 16, Target 16.6.¹¹⁷

RATIFICATION OF INTERNATIONAL HUMAN RIGHTS TREATIES

- Ratify and implement in national law the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights;
- Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and opt-in to the inquiry and inter-state procedures.

¹¹¹ **Goal 16, Target 16.9:** By 2030, provide legal identity for all, including birth registration.

¹¹² **Goal 16, Target 16.3:** Promote the rule of law at the national and international levels and ensure equal access to justice for all.

¹¹³ See footnote 112.

¹¹⁴ See footnote 112.

¹¹⁵ See footnote 112.

¹¹⁶ See footnote 112.

¹¹⁷ **Goal 16, Target 16.6:** Develop effective, accountable and transparent institutions at all levels.