



## Suggested recommendations to States considered in the 22<sup>nd</sup> round of the Universal Periodic Review, 4-15 May 2015

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### **Recommendations to the government of Andorra**

#### *International human rights standards*

- Ratify the International Covenant on Economic, Social and Cultural Rights and its Optional Protocol and to opt-in to the inquiry and inter-state mechanisms;
- Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- Adhere to the International Convention for the Protection of All Persons from Enforced Disappearance, without making any reservation, to implement it in national law, and to recognize the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of victims or other states parties;
- Adhere to the Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity, without making any reservation and implement the treaty in national law.

#### *Arms Trade Treaty*

- Ratify and strictly implement the Arms Trade Treaty without delay, giving particular attention to implementing Article 6 on Prohibitions and Article 7 on Export and Export Assessment, prohibiting the transfer of arms that could be used to commit or facilitate serious violations of international human rights Law and International Humanitarian Law.

### **Recommendations to the government of Belarus**

#### *International human rights standards*

- Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and opt-in to the inquiry and inter-state mechanisms;
- Accede 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 any reservation and implement it into national law;
- Adhere to the International Convention for the Protection of All Persons from Enforced Disappearance, without making any reservation, to implement it into national law 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.

*Arms Trade Treaty*

- Accede to and strictly implement the Arms Trade Treaty without delay, giving particular attention to implementing Article 6 on Prohibitions and Article 7 on Export and Export Assessment, prohibiting the transfer of arms that could be used to commit or facilitate serious violations of International Human Rights Law and International Humanitarian Law.

*The death penalty*

- Promptly establish an official moratorium on all executions with a view to abolishing the death penalty;
- Commute without delay the death sentences of all prisoners currently on death row to terms of imprisonment;
- Ensure that relatives of prisoners under sentence of death are kept fully informed of the prisoner's place of detention and, in advance, of any transfer; allowed regular and private meetings with the prisoner; informed well in advance of the execution date to be able to say goodbye; and permitted to have the prisoner's body for burial and their personal effects;
- Ensure that all information on the use of the death penalty is publicly available, including all directives, legislation and annual statistics, and that the family and lawyers of those on death row have full access to information about their case;
- Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty;
- Comply with the UN Human Rights Committee's 2014 ruling on the case of *Vasily Yuzepchuk v. Belarus*, 2013 ruling on the case *Svetlana Zhuk v. Belarus* and 2012 ruling on the case of *Lyubov Kovaleva and Tatyana Kozyar v. Belarus*.

*Torture or other ill-treatment*

- Condemn the use of torture and other ill-treatment and to ensure prompt, impartial and comprehensive investigations of all complaints of torture or other ill-treatment of persons subjected to any form of arrest, detention or imprisonment, as well as when there are reasonable grounds to believe that torture or other ill-treatment has occurred even if no complaint was made;
- Ensure that no statements obtained as a result of torture or other ill-treatment are used as evidence in trial proceedings, except as evidence against a person accused of torture or other ill-treatment;
- Sign, ratify and implement the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

*Freedom of assembly, association and assembly*

- Ensure that everyone can exercise their right to freedom of expression and association in conformity with Belarus' obligations under the International Covenant on Civil and Political Rights;
- Comply with all UN Human Rights Committee decisions where it has found violations of freedom of association, expression and assembly and to ensure redress and reparation, including the return of confiscated property and compensation as appropriate;
- Stop the use of criminal law to stifle criticism of state authorities or to intimidate those who voice their peaceful dissent;

- Ensure that peaceful demonstrators are not imprisoned, harassed or ill-treated by police for exercising their rights to freedom of expression and peaceful assembly;
- Release immediately and unconditionally all those who have been detained solely for the peaceful exercise of their rights to freedom of expression and peaceful assembly;
- Review the Law on Public Events and bring it into line with Belarus's obligations under the International Covenant on Civil and Political Rights;
- End the pattern of obstruction, harassment and intimidation of civil society organizations directly and indirectly engaged in the promotion and defence of human rights, including trade unions, environmental groups, LGBTI groups, and human rights groups;
- Immediately abolish Article 193-1 of the Criminal Code which criminalizes activities by non-registered organizations.

*Human rights defenders*

- End harassment and persecution of human rights defenders and ensure that those who engage in human rights work are able to exercise their rights to freedom of expression, association and movement, including for the purpose of seeking, holding, freely publishing and disseminating information about human rights violations in Belarus.

## **Recommendations to the government of Bulgaria**

*International human rights standards*

- Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and opt-in to the inquiry and inter-state mechanisms;
- Ratify - without making any reservation - the International Convention for the Protection of All Persons from Enforced Disappearance (signed on 24 September 2008), implement it into national law, 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.

*Arms Trade Treaty*

- Accede to and strictly implement the Arms Trade Treaty without delay, giving particular attention to implementing Article 6 on Prohibitions and Article 7 on Export and Export Assessment, prohibiting the transfer of arms that could be used to commit or facilitate serious violations of international human rights law and international humanitarian law.

*National human rights framework*

- Ensure that the Criminal Code prohibits all crimes perpetrated against individuals or their property due to their real or perceived association with a group defined by a protected characteristic, and that real or perceived sexual orientation, gender identity and disability are included in the list of protected characteristics of hate crimes.

*Hate crimes*

- Ensure that the Criminal Code is revised to include all protected characteristics on the basis of which hate crimes may be committed – including disability, sexual orientation and gender identity – and that any discriminatory motives behind any type of crime are recognized;
- Ensure that the authorities use all their powers to reveal any alleged hate motive associated with a crime when there is reason to believe that such a motive may have played a part, even if the victim has not made an allegation of that nature;
- Define “discriminatory incident” for the purposes of police reports and statistical records as “any incident which is perceived to be discriminatory by the victim or any other person”;
- Develop and implement guidelines for police officers on investigating crimes of murder and inflicting physical injuries with a racist or xenophobic motive (Article 116.1.11 and 131.1.12 of the Criminal Code) and of crimes against the equality of citizens and religious denominations

(Articles 162-165 of the Criminal Code);

- Ensure that Prosecutors instruct investigators to unearth and fully investigate any discriminatory motive when this is alleged by the victim or on their own initiative when there is reason to believe discrimination may have played a role, including by implementing the Methodical Guidelines concerning the investigation of discriminatory crimes adopted in December 2013 by the Prosecution Office;
- Ensure that victims of hate crimes receive prompt and thorough information about developments in their cases, that they are able to be heard in the legal proceedings and that they are provided with legal and psychological support as appropriate;
- Ensure that comprehensive data on hate crimes are collected at all levels, including reporting, investigation, prosecution and sentencing. Such data should be disaggregated by protected ground and proactively made publicly accessible while taking into account privacy considerations.

#### *Refugees and migrants*

- Halt the unlawful push-back of migrants and refugees across the border with Turkey and conduct prompt, effective, independent and impartial investigations into all allegations of such push-backs;
- Ensure the release of persons who make an application for international protection, including those detained on the grounds of irregular entry or failure to produce identity documents in accordance with Bulgarian law;
- Take measures to ensure that reception centres for refugees and migrants provide the necessary resources and services to ensure they can enjoy their rights to an adequate standard of living and to physical and mental health;
- Ensure prompt access to education for all asylum-seeker and refugee children;
- Adopt the implementation plan for the National Strategy for the integration of refugees and migrants and ensure that they have access to education, housing, healthcare and the means to enjoy an adequate standard of living.

### **Recommendations to the government of Croatia**

#### *International and regional human rights standards*

- Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and opt-in to the inquiry and inter-state mechanisms;
- Ratify - without making any reservation - the International Convention for the Protection of All Persons from Enforced Disappearance (signed on 6 Feb. 2007), implement it into national law 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;
- Ratify the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence.

#### *National human rights framework*

- Align the procedures of the National Bureau for Detained and Missing Persons with the standards of the International Commission for Missing Persons;
- Adopt a comprehensive legislative framework to regulate the status of all civilian victims of war and their access to reparation, in particular victims of war crimes of sexual violence who are still waiting for access to psychosocial and medical support and monetary compensation.

#### *Administration of justice and impunity*

- Increase the number of exhaustive investigations into war crimes and other human rights violations committed by the armed forces, including the Croatian army;

- Accelerate the exhumation of all known mass graves and identify all the exhumed remains according to the standards of the International Commission for Missing Persons, including the ethnic origin of the victims.

*National minorities*

- Fully implement the Constitutional Act on the Rights of National Minorities and the Action Plan for the Admission of the Members of National Minorities in the Civil Service to tackle the widespread unemployment of national minorities, in particular Roma and Croatian Serbs, and their underrepresentation in the public administration;
- Provide effective access to health, education, employment, housing and other basic services to members of the Roma minority;
- Restore tenancy rights to social housing for Croatian Serbs for property vacated during the 1991-1995 war.

**Recommendations to the government of Honduras**

*International human rights standards*

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

*Arms Trade Treaty*

- Ratify and strictly implement the Arms Trade Treaty without delay, giving particular attention to implementing measures to prevent the diversion and illicit trafficking of all types of conventional arms and effectively implementing Article 6 on Prohibitions and Article 7 on Export and Export Assessment, prohibiting the transfer of arms that could be used to commit or facilitate serious violations of international human rights law and international humanitarian law.

*National human rights framework*

- Take concrete actions to implement the Public Policy and National Plan of Action on Human Rights.

*Administration of justice and impunity*

- Strengthen and guarantee the autonomy, independence and impartiality of the judiciary, including by adopting safeguards to prevent irregular appointments and dismissals;
- Adopt all necessary measures to guarantee effective and fair access to the justice system for all, without discrimination, including protocols to enable equal access to people in situations of vulnerability;
- Guarantee that all complaints of human rights violations or abuses committed by the police, armed forces, members of private security companies or other actors, are promptly, independently and exhaustively investigated and sanctioned, and that the victims have access to effective remedy and reparation.

*Human rights defenders*

- Approve and implement the “Law to Protect Journalists, Human Rights Defenders and Justice System Workers” and provide adequate financial and human resources to establish an effective state mechanism to protect those at risk, which incorporates a gender and differentiated approach to the protection of those at risk;
- Adopt procedural safeguards within the criminal justice system to prevent its misuse against human rights defenders, in line with the 2013 Human Rights Council Resolution on Protecting Human Rights Defenders;
- Ensure that investigations into attacks and threats against human rights defenders result in the punishment of the perpetrators and reparation for the victims;

- Comply with the recommendations of the UN Special Rapporteur on human rights defenders following her visit to Honduras in 2012, and with the recommendations of the Inter-American Commission on Human Rights on this matter;
- Ensure that human rights defenders can freely carry out their activities without restrictions or fear of reprisals, and make the authorities at all levels fully aware of the international standards that protect them, including the UN Declaration on Human Rights Defenders.

*Indigenous Peoples and Afro-descendent communities*

- Protect the human rights, both individual and collective, of Indigenous Peoples and Garífuna communities, including by ensuring their effective access to health, education, housing and other essential services, and the participation of their members, particularly women, in the formulation of policies and practices;
- Take measures to prevent human rights violations and abuses against Indigenous and Garífuna communities and their leaders and ensure that such violations and abuses are investigated and punished, and reparation provided to the victims;
- Guarantee the right to free, prior and informed consultation and consent for Indigenous Peoples and Garífuna communities when development projects affect their ancestral lands or territories, as established in international human rights law.

*Peasant communities*

- Take measures to ensure that that people in disadvantaged situations, such as rural women, are able to participate under equal conditions and benefit equally from any redistribution of lands;
- Take measures to prevent human rights violations and abuses committed in the context of land redistribution and ensure that any such violations or abuses, whether committed by state or non-state actors, are investigated and punished and reparations provided;
- Comply with the precautionary measures ordered by the Inter-American Commission on Human Rights in relation to the peasant communities and their leaders.

*Rights of women and girls*

- Guarantee the protection of women from violence and ensure their effective access to justice, including by providing sufficient resources and gender-sensitive training to law enforcement personnel, the judiciary and health-service, and by undertaking effective and gender-sensitive investigations and prosecuting those responsible;
- Take all necessary measures to ensure the effective implementation of Article 321 of the Criminal Code, which sanctions the crime of femicide;
- Guarantee safe access to appropriate sexual and reproductive health services, including emergency contraception;
- repeal laws criminalizing abortion and ensure access to safe abortion both in law and in practice, at a minimum in cases where the pregnancy poses a risk to the life or the physical or mental health of the woman or girl, where the foetus will be unable to survive outside the womb, and where the pregnancy is the result of rape or incest;
- Ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

*Lesbian, gay, bisexual, transgender and inter-sex persons*

- Take all necessary measures to ensure the effective implementation of Article 321 of the Criminal Code, which sanctions hate crimes;
- Implement differentiated protocols to enable fair and impartial access to the justice system, both at the investigative stage and during prosecution and punishment of hate crimes;
- Adopt and implement policies and programmes to promote tolerance of sexual diversity and respect for the human rights of LGBTI persons.

*Irregular Honduran migrants*

- Adopt policies, programmes and measures to address the main factors that cause Hondurans to migrate, including inequality, poverty and violence;
- Provide consular assistance to Honduran migrants who have suffered human rights abuses abroad;
- Disseminate widely, in co-ordination with civil society, accessible information among communities likely to undertake irregular migration, particularly children, explaining migrants' rights, outlining patterns of abuse experienced by migrants, and detailing how to file complaints and secure consular assistance;
- Strengthen bilateral and regional co-operation to improve the protection of the rights of irregular migrants, including their right to justice and the protection of children.

*Public security*

- Take steps to ensure that policing by the army is only a temporary measure and that such functions are strictly regulated and carried out with respect for human rights and the rule of law;
- Incorporate a human rights approach in measures intended to fight impunity and insecurity, including by providing rigorous human rights training to those in charge of security and policing functions;
- Take effective measures to reduce and control the proliferation of firearms in Honduras, and to regulate and control private security companies.

*International justice*

- Adhere to the International Convention for the Protection of All Persons from Enforced Disappearance, without making any reservation, implement it into national law 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;
- Implement fully the Rome Statute of the International Criminal Court into national law.

**Recommendations to the government of Jamaica**

*Violence against women and girls*

- Amend the Sexual Offences Act to criminalize marital rape in all circumstances;
- Ensure comprehensive data collection on all forms of violence against women and girls in order to support the effective implementation of laws, policies and programmes aimed at eliminating violence against women and girls;
- Finalize and implement the National Strategic Action Plan to Eliminate Gender-Based Violence;
- Effectively investigate and prosecute all cases of gender-based violence;
- Allocate additional resources to the Bureau of Women's Affairs to carry out awareness raising, education and prevention programmes;
- Ensure the immediate establishment of more shelters for women victims of physical and sexual violence;
- Ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

*Reproductive rights*

- Ensure that safe and legal abortion services are available as an option for women and girls who are pregnant as a result of rape or incest, or whose lives or health are put at risk should they continue with the pregnancy;
- Decriminalise abortion in all circumstances.

*Discrimination against lesbian, gay, bisexual, transgender and inter-sex persons*

- Repeal all provisions that discriminate against persons on grounds of their sexual orientation or gender identity, including Sections 76-82 of the Offences against the Person Act;
- Amend the Charter of Fundamental Rights and Freedoms to prohibit discrimination on the basis of sexual orientation or gender identity;
- Fully and thoroughly investigate all incidents and acts of violence suspected of being motivated by homophobia or transphobia, and bring to justice those responsible;
- Take effective measures to reduce the climate of homophobia in Jamaica and put an end to mob violence against lesbian, gay, bisexual, transgender and inter-sex persons.

*Excessive use of force by the security forces*

- Ensure that the Independent Commission of Investigation (INDECOM) has the necessary resources to effectively carry out its mandate, including resources for timely ballistics and forensic testing;
- Maintain INDECOM's powers to arrest, charge and prosecute, as established in the 2010 INDECOM Act;
- Allocate the necessary resources to the office of the Special Coroner in charge of dealing with cases of fatal police shootings to enable it to carry out its functions;
- Ensure that members of the Jamaica Constabulary Force and other members of the security forces are trained in and follow at all times the provisions of 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.

*Public security*

- Take effective measures to reduce and control the proliferation of firearms in Jamaica.

*The death penalty*

Pending the full abolition of the death penalty:

- Establish an official moratorium on executions with a view to abolishing the death penalty, as provided by UN General Assembly resolutions, including most recently resolution 69/186 of 18 December 2014;
- Commute immediately all death sentences to terms of imprisonment;
- Ensure rigorous compliance in all death penalty cases with international standards for fair trial;
- Ratify without reservations the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at abolition of the death penalty.

*Children's rights*

- Ensure that children are not held in police lock-ups alongside adults or in adult correctional facilities and that detention of children is used only as a measure of last resort and for the shortest period of time, as established in the Convention on the Rights of the Child.

*International human rights standards*

- Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol without reservations and with the necessary declarations to recognize the competence of the Committee against Torture;
- Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and opt-in to the inquiry and inter-state mechanisms;
- Accede to the Optional Protocol to the International Covenant on Civil and Political Rights; ratify the Convention on the Rights of Persons with Disabilities and its the Optional Protocol;
- Accede to the International Convention for the Protection of All Persons from Enforced



Disappearance 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.

*International justice*

- Ratify the Rome Statute of the International Criminal Court, signed on 8 Sept. 2000, and implement it into national law;
- Ratify without making any reservation the Agreement on the Privileges and Immunities of the International Criminal Court, signed on 30 June 2004;
- Adhere to the Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity, without making any reservation and implement the Treaty into national law.

**Recommendations to the government of Liberia**

*International human rights standards*

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

*Arms Trade Treaty*

- Ratify and implement the Arms Trade Treaty without delay, giving particular attention to Article 6 on Prohibitions and Article 7 on Export and Export Assessment, prohibiting the transfer of arms that could be used to commit or facilitate serious violations of international human rights law and international humanitarian law.

*The death penalty*

- Commute all death sentences, without delay, to terms of imprisonment;
- Immediately take all necessary measures to abolish the death penalty in fulfilment of its obligations under the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at abolition of the death penalty.

*International justice*

- Adhere to the International Convention for the Protection of All Persons from Enforced Disappearance without making a reservation, implement it into national law 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.

*Lesbian, gay, bisexual, transgender and inter-sex persons*

- Repeal all laws criminalising consensual sex between adults of the same sex;
- Take all necessary legislative, administrative and other measures to prohibit and eliminate discriminatory treatment on the basis of sexual orientation or gender identity;
- Ensure that all allegations and reports of human rights violations based on sexual orientation or gender identity are promptly and impartially investigated, and the suspected perpetrators brought to justice.

*Criminal justice*

- Take all necessary steps to prevent arbitrary detention and ensure that arrests are carried out only after having gathered sufficient evidence that the person may have committed a crime;
- Ensure that pre-trial detention is used only as a measure of last resort and expand the availability of mediation and other options to reduce pre-trial detention for minor offences;
- Encourage alternatives to detention for pre-trial detainees, including bail and conditional release;

- Continue efforts to reduce pre-trial detention by establishing a focal point for pre-trial detention within the Ministry of Justice to coordinate efforts;
- Establish fair, clear and transparent rules for bail in order to minimize corruption in the judicial system.

*Judicial system*

- Take all necessary measures to improve court procedures and case management practices to guarantee the right of detainees to be tried within a reasonable time;
- Provide adequate training for judges, including in human rights, to strengthen fair trial guarantees during all judicial proceedings;
- Guarantee the right of anyone arrested or detained, whether or not on a criminal charge, to the assistance of a legal counsel;
- Enact legislation that establishes a sustainable, affordable, credible and accessible national legal aid scheme for people who cannot afford to pay for the services of a lawyer; in particular, provide free legal representation to children.

*Juvenile justice*

- Implement alternatives to detention for children accused of infringing the law and ensure that deprivation of liberty is used only as a measure of last resort and for the shortest appropriate period of time;
- Guarantee that children facing criminal proceedings are brought to trial as speedily as possible, and that decisions in juvenile proceedings are taken without delay;
- Ensure that all children deprived of their liberty are held separately from adults, either in separate facilities or separate sections of facilities, whether in police cells and prisons.

*Human rights defenders*

- Ensure that human rights defenders and civil society groups can freely undertake their activities without fear of reprisals or intimidation;
- Ensure investigations into attacks and threats against human rights defenders, punish the perpetrators and provide reparation for the victims.

*Detention facilities*

- Improve the conditions for detainees in all places of detention and ensure access to gender-specific medical care, adequate food, hygiene and exercise;
- Establish an effective national preventive mechanisms that complies with the criteria in the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- Publish the report of the 2010 visit by the UN sub-committee on prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

*Gender-based violence*

- Intensify efforts to ensure gender equality and eliminate gender-based violence, including sexual violence;
- Increase resources, coordination and cooperation in the justice system on cases of gender-based violence, including by creating a tracking system to monitor case progression.

## **Recommendations to the government of Libya**

*International human rights standards*

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

*Arms Trade Treaty*

- Ratify and strictly implement the Arms Trade Treaty without delay, giving particular attention to implementing measures to prevent the diversion and illicit trafficking of all types of conventional arms and effectively implementing Article 6 on Prohibitions and Article 7 on Export and Export Assessment, prohibiting the transfer of arms that could be used to commit or facilitate serious violations of international human rights law and international humanitarian law.

*Constitution*

- Include the full range of civil, cultural, economic, political and social rights guarantees in the new Constitution.

*Torture and other ill-treatment*

- Protect those in detention from torture and other ill-treatment, and ensure that all allegations of torture and other ill-treatment are investigated and the perpetrators held accountable, and that detention conditions meet international standards;
- Bring the crime of torture in national law into conformity with the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- Repeal legislation which allows for the application of corporal punishment, such as flogging and amputation, including Law No. 70 of 1973, Law No. 52 of 1974 and Law No. 13 of 1425;
- Accede to the International Convention for the Protection of All Persons from Enforced Disappearance without making a reservation, implement it into national law 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.

*Due process and unfair trials*

- Release detainees held without charge, or charge them with a recognizably criminal offence and bring them to trial promptly in proceedings that meet international fair trial standards and without recourse to the death penalty;
- Ensure that all detainees are granted unimpeded access to their lawyers and sufficient time to prepare an effective defence.

*Violations of international humanitarian law*

- Condemn publicly, and take action to stop, all human rights abuses and violations of international humanitarian law, including abductions, torture and other ill-treatment, looting and destruction of civilian property, and make clear to military commanders that such acts will not be tolerated under any circumstances;
- Ensure accountability for human rights abuses and violations of international human rights and humanitarian law is at the heart of any political settlement;
- Inform families of the fate of abducted and detained relatives, as well as those who have died, disclosing the circumstances of their deaths and the location of their burial;
- Immediately release any person held solely on account of their opinion, political affiliation, or place of origin;
- Treat all detainees humanely, including captured fighters, protect them from torture and other ill-treatment, allow them to communicate with their families, and hold all detainees in premises away from areas of fighting;
- Remove from the ranks of its forces any member suspected of involvement in torture or other human rights violations;
- Immediately end direct attacks on civilians and on civilian objects, such as medical facilities, and indiscriminate attacks;

- Co-operate fully with investigations into human rights abuses and violations of international human rights and humanitarian law.

*Public security*

- Take effective measures to reduce and control the proliferation of firearms in Libya.

*Internally displaced persons*

- Protect internally displaced communities, in particular the Tawargha, from attacks by militias;
- End the forcible displacement of all communities as soon as the reasons for their displacement cease to exist, and ensure that they are able to return to their homes or given the necessary information and resources to enable them to make an informed and voluntary choice concerning local integration, a return to their place of origin or resettlement elsewhere in Libya;
- Provide full and effective reparations for violations and abuses suffered by internally displaced persons.

*Impunity for human rights violations and abuses*

- Amend Law No. 38 of 2012 to lift the blanket immunity granted to members of militias responsible for human rights abuses and other crimes under international law in the name of the “17 February Revolution”.

*Freedom of expression, association and assembly*

- Repeal Articles 178, 195, 206 and 207 of the Penal Code which criminalize activities which amount merely to the peaceful exercise of the rights to freedom of expression and association;
- Repeal Law No. 5 of 2014 which outlaws all criticism of the “17 February Revolution” and insults to public officials, Articles 439 and 245 of the Penal Code which criminalize defamation, and Article 291 which criminalizes insult to religion;
- Release all individuals held solely for the peaceful exercise of their right to freedom of expression, assembly and association;
- Review and amend Law No. 65 of 2012 to ensure that it is consistent with international standards, in particular the provisions related to prior government approval of demonstrations.

*Refugees, asylum-seekers and migrants*

- Ratify the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, adopt asylum legislation in line with international law and standards, and immediately sign a memorandum of understanding with UNHCR;
- Protect suspected irregular migrants from violence, exploitation, abductions and abuse by smugglers and traffickers, and bring those responsible for such abuses to justice.

*Women’s rights and gender-based discrimination*

- Review all laws and practices that discriminate on the basis of gender and bring them in line with international law and standards;
- Repeal all discriminatory legislation with regard to marriage, divorce, and inheritance;
- Decriminalize sexual relations between consenting adults, including between same-sex partners, including by amending Articles 407 and 408 of the Penal Code and repealing Law No. 70 of 1973.

*The death penalty*

*Pending full abolition*

- Immediately establish a moratorium on executions with a view to abolishing the death penalty, as provided by UN General Assembly resolutions, including most recently resolution 69/186 of 18 December 2014;
- Immediately commute all death sentences to terms of imprisonment;

- Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at abolition of the death penalty.

*International Criminal Court*

- Accede to the Rome Statute of the International Criminal Court and implement it into national law;
- Fully cooperate with the International Criminal Court, including by surrendering Saif al-Islam al-Gaddafi to face prosecution on charges of crimes against humanity in accordance with the Court's Appeals Chamber decision of May 2014;
- Accede, without making a reservation, to the Agreement on the Privileges and Immunities of the International Criminal Court.

**Recommendations to the government of Malawi**

*International human rights standards*

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

*Arms Trade Treaty*

- Ratify and promptly implement the Arms Trade Treaty, with particular attention to implementing Article 6 on Prohibitions and Article 7 on Export and Export Assessment, prohibiting the transfer of arms that could be used to commit or facilitate serious violations of international human rights law and international humanitarian law.

*International justice*

- Accede to the International Convention for the Protection of All Persons from Enforced Disappearance without making a reservation, implement it into national law 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;
- Adhere to the Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity, without making a reservation and implement the Convention into national law.

*The death penalty*

Pending full abolition,

- Establish a moratorium on executions as provided by UN General Assembly resolutions, including most recently resolution 69/186 of 18 December 2014;
- Immediately commute all death sentences to terms of imprisonment;
- Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at abolition of the death penalty;
- Ensure rigorous compliance in all death penalty cases with international standards for fair trial and remove from national legislations provisions that allow for the mandatory imposition of the death penalty;
- Ensure all death row prisoners have the right to seek pardon or commutation of their death sentences.

*Rights of lesbian, gay, bisexual, transgender and inter-sex persons*

- Reform the Penal Code and repeal provisions criminalising consensual same-sex sexual conduct, and end discrimination based on sexual orientation or gender identity, including Sections 137A, 153 and 156 of the Penal Code.

*Freedom of expression, association and assembly*

- Bring to justice members of the Malawi Police Service responsible for killing at least 20 unarmed protesters in July 2011 when police used lethal force to break up protests against attacks on human rights defenders, fuel shortage and high living costs.

*Torture and other ill-treatment*

- Take immediate measures to criminalize torture, in line with the definition in the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and to ratify its Optional Protocol;
- Operationalize without further delay the independent Police Complaints Commission established in 2010 under Section 128 of the Police Act.

*Prison conditions*

- Intensify measures to decongest prisons, reduce pre-trial detention, improve sanitation and access to health in detention facilities, and ensure protection of the human rights of all people in detention.

*Impunity*

- Bring to justice police officers and state security agents implicated in the death of Robert Chasowa, a student activist found dead under mysterious circumstances in September 2011;
- Bring to justices the three police officers facing charges of manslaughter following the death in custody in suspicious circumstances of Edson Msiska, in Muzuzu on 29 January 2012, four days after he was arrested.

## **Recommendations to the government of Maldives**

*International human rights standards*

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

*Arms Trade Treaty*

- Accede to and promptly implement the Arms Trade Treaty, with particular attention to implementing Article 6 on Prohibitions and Article 7 on Export and Export Assessment, prohibiting the transfer of arms that could be used to commit or facilitate serious violations of international human rights law and international humanitarian law.

*National human rights framework*

- Ensure all relevant stakeholders can participate freely in the UPR process, including the follow up and implementation of recommendations to strengthen the protection of human rights at the national level.

*The judicial system*

- Provide adequate training for judges, including human rights training, to strengthen fairness in judicial proceedings;
- Strengthen the impartiality and independence of the Judicial Services Commission;
- Guarantee the independence of the Human Rights Commission of Maldives and enable it to carry out its work free from political interference or intimidation by the authorities;
- Ensure the due process of law and that any judicial processes against former President Mohamed Nasheed conform to international fair trial standards.

*Cruel, inhuman or degrading punishment*

- Impose an immediate moratorium on flogging, with a view of abolishing it in law;
- Commute all sentences of flogging.

*The death penalty*

Pending full abolition,

- Halt all preparations to carry out executions and immediately establish a moratorium on executions with a view to abolishing the death penalty, as provided by General Assembly resolutions, including most recently resolution 69/186 of 18 December 2014;
- Commute all current death sentences to prison terms;
- Immediately remove all provisions in national law that allow for the death penalty for persons who were under the age of 18 at the time of their alleged crime;
- Ensure rigorous compliance in all death penalty cases with international standards for fair trial;
- Ratify without reservations the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at abolition of the death penalty.

*Freedom of thought, conscience and religion and freedom of expression*

- Withdraw the reservation to Article 18 of the International Covenant on Civil and Political Rights;
- Remove provisions in national law that restrict freedom of thought, conscience and religion, including Article 9.d of the Constitution, which bar non-Muslims from becoming Maldivian citizens;
- Carry out prompt, impartial and thorough investigations into the attacks on human rights defender Islamil Hilath Rasheed by groups opposed to his moderate religious views, and on journalist Ibrahim Waheed (Asward), after he published information critical of the authorities, and bring the perpetrators to justice in fair trials;
- Investigate thoroughly the possible abduction or enforced disappearance of Ahmed Rilwan Abdulla in 2014, and bring to justice those responsible in a fair trial.

*Torture and other ill-treatment, excessive use of force and impunity*

- Carry out prompt, impartial, and efficient investigations into all complaints and reports of unnecessary or excessive use of force by police against demonstrators and bring those responsible to justice, including those with command responsibility, in fair trials without recourse to the death penalty, and to provide reparations to the victims;
- Ensure that members of the police are trained to respect human rights and on the appropriate use of force and firearms in accordance with international standards, including the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

*International justice*

- Ratify - without making a reservation - the International Convention for the Protection of All Persons from Enforced Disappearance (signed on 6 Feb. 2007), implement it into national law 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;
- Adhere to the Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity, without making a reservation, and implement the Convention into national law;
- Accede to the Agreement on the Privileges and Immunities of the International Criminal Court, without making a reservation and implement it into national law.

**Recommendations to the government of Marshall Islands**

*International human rights standards:*

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

- Ratify the International Covenant on Civil and Political Rights and its Optional Protocols;
- Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol.
- Accede to the International Convention for the Protection of All Persons from Enforced Disappearance without making a reservation, implement it into national law 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;
- Adhere to the Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity, without making a reservation and implement the Convention into national law;
- Accede to the Agreement on the Privileges and Immunities of the International Criminal Court, without making any reservation and implement it into national law.

*Arms Trade Treaty*

- Accede to and strictly implement the Arms Trade Treaty without delay, with particular attention to implementing Article 6 on Prohibitions and Article 7 on Export and Export Assessment, prohibiting the transfer of arms that could be used to commit or facilitate serious violations of international human rights law and international humanitarian law.

**Recommendations to the government of Mongolia**

*International human rights standards*

- Ratify the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
- Opt-in to the inquiry and inter-state mechanisms of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

*Arms Trade Treaty*

- Ratify and promptly implement the Arms Trade Treaty, with particular attention to implementing Article 6 on Prohibitions and Article 7 on Export and Export Assessment, prohibiting the transfer of arms that could be used to commit or facilitate serious violations of international human rights law and international humanitarian law.

*International justice*

- Implement the Rome Statute of the International Criminal Court into national law;
- Ratify the Agreement on the Privileges and Immunities of the International Criminal Court (signed on 4 Feb. 2003), without making a reservation, and implement it into national law;
- Promptly recognize the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of victims or other states parties to the International Convention for the Protection of All Persons from Enforced Disappearance.

*The death penalty*

- Adopt legislation in line with international human rights law and standards and with the aim of abolishing the death penalty in law;
- Amend the Law on State Secrets and the Law on the List of State Secrets to end the secrecy surrounding the death penalty and make all information on the death penalty publicly available.

*Torture and other ill-treatment*

- Amend the Criminal Code to include a definition of torture as a crime in accordance with the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;



- Establish, before March 2016, an effective national preventive mechanism that complies with the criteria set up by the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- Ensure that all complaints and reports of torture and other ill-treatment are investigated thoroughly by an independent agency, and that those suspected of being responsible are held to account. Such investigations should be conducted by personnel who are competent, impartial and independent of the alleged perpetrators and the agency they serve;
- Strengthen measures to prevent torture and other ill-treatment of detainees and prisoners at each stage from arrest and detention to custody, during trial and criminal detention, and in all places of detention. Include coherent and comprehensive human rights training programmes for security forces, police officials, immigration officials, prison staff and relevant military personnel.

*Right to housing*

- Take effective measures to combat direct and indirect discrimination of people living in the *ger* district of Ulan Bator, and to protect their right to adequate housing;
- Prohibit forced eviction and set out safeguards in legislation, including the new urban development law, based on the UN Basic Principles and Guidelines on Development-based Evictions and Displacement and other with international human rights standards.

*Discrimination*

- Introduce new legislation to combat discrimination, including to prohibit any advocacy of hatred that constitutes incitement to discrimination, hostility or violence;
- Promptly and effectively investigate reports of violence against individuals because of their real or perceived sexual orientation or gender identity and bring to justice the perpetrators;
- Promote equality and non-discrimination in the enjoyment of all human rights by LGBTI persons, including by introducing new national legislation and through the implementation of effective human rights education with a view to tackling discriminatory and prejudicial attitudes;
- Ensure that the perpetrators of rape face penalties based on their act regardless of the gender of the victim.

*Refugees and asylum-seekers*

- Revise the Law on Legal Status of Foreign Citizens to prohibit the return of persons, including asylum-seekers, to countries where they would be at risk of persecution or other serious human rights violations;
- Ensure that all individuals seeking asylum in Mongolia have access to the Office of the United Nations High Commissioner for Refugees (UNHCR) and allow UNHCR to undertake the refugee determination process without interference.

*Human rights education*

- Ensure the early adoption of a National Human Rights Education Plan in accordance with the UN Declaration on Human Rights Education and Training and the World Programme for Human Rights Education, and allocate sufficient resources within the national budget to support the effective implementation of the plan;
- Ensure that the National Human Rights Education Plan contains guidelines for integrating human rights education into the formal education system (including preschool, primary, secondary and higher education) and for the provision of human rights training programmes for teachers and educators, civil servants, health workers, social workers, law enforcement officials and military personnel, media professionals and journalists;
- Ensure all legislation and guidelines related to education and training, whether in non-formal or formal settings and at all levels, integrate a human rights perspective and that such legislation and guidelines, as well as resources and other documents related to human rights education and training are public, easily accessible and freely available;

- Ensure human rights education is promoted among policy makers in the Ministry of Education, the Ministry of Justice and other relevant government departments and agencies;
- Ensure that all legislative amendments related to formal education aim to support schools to promote a culture of human rights in all aspects of school life. This includes ensuring integration of the human rights principles of equality, respect, non-discrimination and inclusion, accountability, participation and empowerment, into curriculum and extra-curricular domain, school governance, and relationships in the school community and environment;
- Strengthen and support partnerships with civil society organizations to carry out human rights education and training in formal and non-formal settings, including by allocating resources from the national budget for this purpose.

## **Recommendations to the government of Panama**

### *International human rights standards*

- Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and opt-in to the inquiry and inter-state mechanisms;
- Establish an effective national preventive mechanism that complies with the criteria in the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

### *International justice*

- Amend the definition of crimes against humanity contained in Article 432 of the Penal Code, so as to be in line with the provisions of the Rome Statute;
- Promptly recognize the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of victims or other states parties to the International Convention for the Protection of All Persons from Enforced Disappearance;
- Implement the Rome Statute of the International Criminal Court into national law.

## **Recommendations to the government of United States of America**

### *International law and standards*

- Ratify and implement into domestic law the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the International Covenant on Economic, Social and Cultural Rights and its Optional Protocol opting into the inquiry and inter-state mechanisms, the Optional Protocols to International Covenant on Civil and Political Rights, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention for the Protection of All Persons from Enforced Disappearance, the Rome Statute of the International Criminal Court, the American Convention on Human Rights, and the Vienna Convention on the Law of Treaties;
- Review current ratifications with a view to withdrawing all reservations, understandings and declarations, in particular those which are considered by the treaty bodies to defeat the object and purpose of the treaty;
- Review all outstanding recommendations from UN treaty bodies and experts with a view to implementing them.

### *Arms Trade Treaty*

- Ratify and promptly implement the Arms Trade Treaty, with particular attention to implementing Article 6 on Prohibitions and Article 7 on Export and Export Assessment, prohibiting the transfer of arms that could be used to commit or facilitate serious violations of international human rights law and international humanitarian law.

*Counter-terrorism*

- Release all detainees still held at Guantánamo, unless they are to be charged and tried without further delay in ordinary federal civilian courts, applying fair trial standards fully consistent with international law. If repatriation is not possible then release into the USA or a safe alternative, without placing conditions on the transfers of detainees that would violate international human rights law and standards;
- Initiate effective independent criminal investigations, including into crimes under international law such as torture and enforced disappearance committed by individuals acting for or on behalf of the USA, including in the programmes of rendition, interrogation and detention operated by the CIA between 2001 and 2009;
- Ensure that all victims of human rights violations have full access to effective remedy and reparations;
- Declassify, with redactions only where strictly necessary, the full report of the Senate Select Committee on Intelligence on the CIA detention and interrogation program, as well as other relevant information relating to the CIA programmes of rendition, detention and interrogation between 2001 and 2009.

*Criminal justice*

- Suspend the use of Tasers and similar devices in law enforcement unless strictly regulated and limited to situations where they are necessary to protect life and avoid resort to firearms;
- Review conditions in federal supermax prisons and develop national standards to ensure humane conditions in all such units, with adequate review and monitoring procedures;
- Increase investigations by the Civil Rights Division of the Justice Department of ill-treatment in prisons, and of police departments accused of a “pattern or practice” of abuses, and collect data nationally on the use of force by police departments;
- Ensure that state and federal authorities impose a moratorium on executions with a view to abolishing the death penalty nationwide, and that prosecutors in all jurisdictions cease pursuing death sentences;
- End the use of life imprisonment without parole for offenders under the age of 18 at the time of the crime, regardless of the nature of that crime, and review all existing sentences in order to ensure that any such convicted offender has the possibility of parole.

*Detention of migrants*

- Limit all custodial or non-custodial measures restricting the right to liberty of migrants, including detention, to exceptional circumstances, based on a case-by-case assessment of the personal situation of the individual concerned and subject to judicial review. In cases where detention is allowed by law, necessary and proportionate to the legitimate aim pursued, ensure humane detention conditions.

*Gun violence*

- Ensure the development and implementation of a national program of action to prevent gun violence.

*Sexual violence against Indigenous women*

- Ensure that all reports of rape and sexual violence against Indigenous women are promptly and thoroughly investigated, and that perpetrators are prosecuted and appropriately punished.

*Maternal health*

- Ensure that all women have equal access to timely and quality maternal healthcare services.

*Human rights education*

- Develop and implement a National Plan of Action for human rights education, as called for in the UN World Programme for Human Rights Education and in line with the UN Declaration on Human Rights Education and Training;
- Encourage and support, technically and financially, state and local efforts to incorporate human rights education in legislation and policies affecting school curriculum and school environment, as well as efforts of civil society organizations to carry out human rights education;
- Ensure the integration of human rights education within the schooling sector, comprising curriculum standards and the preparation of teachers, school staff and educational administrators, policy makers, and other personnel working with youth in schools;
- Encourage all states to adopt strong anti-bullying legislation;
- Work with legislatures and credentialing and accreditation entities to ensure inclusion of human rights education within training programs for social workers, para-professionals, special education staff, court officials, juvenile justice personnel, and other training providers that receive federal funding, in consultation with existing human rights education providers.