



Suggested recommendations to States considered during the 35th session of the Universal Periodic Review, 20-31 January 2020

Contents

Recommendations to the government of Guinea	1
Recommendations to the government of Kuwait.....	4
Recommendations to the government of Kyrgyzstan.....	5
Recommendations to the government of Laos	6
Recommendations to the government of Spain.....	7
Recommendations to the government of Sweden	11
Recommendations to the government of Turkey.....	12

RECOMMENDATIONS TO THE GOVERNMENT OF GUINEA

DEATH PENALTY

- Having already abolished the death penalty for all crimes, commute all death sentences, taking into account the number of years already spent in prison;
- Ratify, without making any reservation, the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

PEACEFUL ASSEMBLY AND USE OF FORCE

- Amend legislation on the use of force and on assemblies, including the Criminal Code, the 2015 Law on Policing Assemblies and the 2019 Law on Use of arms by the Gendarmerie, to bring it in line with the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the African Commission on Human and Peoples' Rights Guidelines for the Policing of Assemblies by Law Enforcement Officials in Africa;
- Remove military armed forces from demonstration sites and immediately publish information on the conditions of their deployment, including legal basis, duration, location, purpose and rules of engagement in case of assemblies;
- Provide the security forces with sufficient resources and adequate equipment to police large-scale demonstrations and counter-demonstrations, and effective training in the appropriate and differentiated use of force and weapons, including anti-riot equipment;
- Ensure all vehicles and anti-riot gear feature clear identifiable information, including number plates, tags and/or names of units, and ensure failure to feature such information leads to disciplinary sanctions;

- Carry out prompt, thorough, independent and impartial investigations into all cases where the security forces have injured or caused death through unnecessary or excessive use of force and impose disciplinary and criminal sanctions, as appropriate, against all those suspected to be responsible, including superior officers;
- Ensure demonstration observers, including journalists and human rights defenders, are protected and not subjected to arbitrary arrest or violence, including by the security forces.

TORTURE AND OTHER ILL-TREATMENT

- Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- Amend the Criminal Code to bring provisions on torture in line with international human rights law and standards, including the definition of torture and other ill-treatment, and ensure torture and other-ill treatment are not subject to statutory limitations;
- Revise the Criminal Procedure Code to bring it in line with international and regional laws and standards, including by clarifying that any statement obtained under torture or other ill-treatment cannot be invoked as evidence except those brought against suspected perpetrators of such abuse;
- Ensure that trials in which it has been established that statements have been extracted under torture or other ill-treatment are reviewed in order that those convicted can be retried in accordance with international standards of fair trial;
- Ensure that people have unfettered access to a lawyer of their choice as soon as they are deprived of their liberty, particularly during police custody;
- Carry out prompt, thorough, independent and impartial investigations into all allegations of torture and other ill-treatment during detention and take immediate legal action, whenever there is sufficient admissible evidence, against all persons suspected of committing torture and other ill-treatment, including superiors.

PRISON CONDITIONS

- Take urgent measures to reduce overcrowding in prisons, including by substituting detention with non-custodial measures and ensuring that persons do not remain in pre-trial detention beyond the prescribed time limits;
- Ensure that all persons deprived of liberty are held in humane conditions, in line with the UN Basic Principles for the Treatment of Prisoners, the Standard Minimum Rules for the Treatment of Prisoners, and the Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders, and in particular ensure that all detainees have access to sufficient food and drinkable water, adequate sanitary facilities and medical treatment;
- Promptly, thoroughly, independently and impartially investigate all deaths in custody, in line with the Minnesota Protocol on the Investigation of Potentially Unlawful Death, and bring those suspected of responsibility for the deaths, including by negligence, to justice in a fair trial.

FREEDOM OF EXPRESSION AND HUMAN RIGHTS DEFENDERS

- Amend legislation which unduly restrict the right to freedom of expression, including the Criminal Code, the 2016 Law on Cyber-Security and the 2019 Law on the Prevention and Repression of Terrorism, in line with international and regional human rights law and standards;
- Amend the bill to protect human rights defenders to reflect best practice and international standards, including by removing arbitrary obligations placed on human rights defenders and adding provisions to create an independent and well-resourced protection mechanism, in concertation with human rights defenders, and expedite its adoption;
- Ensure that journalists, opposition leaders, government critics and human rights defenders are able to freely exercise their rights to freedom of expression, association and peaceful assembly without fear of reprisals, arrest, detention, prosecution, intimidation or harassment;

- Carry out thorough, independent and impartial investigations into all cases of arbitrary arrest, torture and other-ill treatment, and harassment of journalists, opposition leaders, government critics and human rights defenders, and impose disciplinary and criminal sanctions, as appropriate, against all those suspected to be responsible, including superior officers.

FREEDOM OF ASSOCIATION

- Amend the 2005 association law, in consultation with civil society groups, to ensure it complies with international law and standards, including by removing the mandatory authorization requirement for “foreign NGOs”, eliminating undue grounds to not authorize or dissolve associations, including that they “are contrary to morality” or “undermining national territorial integrity and national security”; and ensuring the decision to dissolve an association is taken by a court of law rather than an administrative authority;
- Refrain from adopting the 2019 Bill on Associations unless it is substantially amended to meet international standards;
- Ensure associations who meet the requirements of notification are granted definitive certificates of registration expeditiously in line with the 2005 Law on Associations.

WOMEN'S RIGHTS

- Ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women;
- Amend legislation to criminalize marital rape and remove provisions which discriminate against women, including provisions of the Civil Code authorizing polygamy, and exceptions to the prohibition of early and enforced marriage in the Criminal Code;
- Undertake information and education campaigns, in consultation with women rights defenders and gender-based violence survivors, aimed at both women and men to address the cultural and social acceptance of discriminatory practices, including early and enforced marriage and female genital mutilation, including by raising awareness of its harm to the victims and the cost to society;
- Ensure the perpetrators of gender-based violence, including female genital mutilation, early and enforced marriage and rape, are brought to justice in fair trials.

RIGHTS OF LESBIAN, GAY, BISEXUAL, TRANSGENDER OR INTERSEX (LGBTI) PEOPLE

- Publicly reiterate Guinea’s commitment to respect, protect and fulfil the human rights of all people without discrimination, including on the basis of sexual orientation or gender identity;
- Instruct the police to put an end to arbitrary arrests, detention, harassment and intimidation of people on the basis of their real or perceived sexual orientation or gender identity;
- Repeal the provisions of the Criminal Code which criminalize consensual same-sex sexual conduct;
- Promptly, thoroughly, independently and impartially investigate all allegations of attacks, arbitrary arrest and detention of persons on the basis of their real or perceived sexual orientation or gender identity and expression and bring anyone suspected to be responsible to justice in fair trials.

IMPUNITY

- Publicly proclaim support for the immediate commencement of the trial to ensure accountability for the violations committed on 28 September 2009 at the Stadium of Conakry and provide all political, technical, and financial support needed for a credible and fair trial of all those suspected of criminal responsibility, in partnership with international donors;
- Carry out prompt, thorough, independent and impartial investigations into all cases of human rights violations and abuses, including in the context of the 28 September 2009, the demonstrations in Conakry between 2011 and 2019 and in Zogota in 2012 as well as during

the occupation by the security forces of the village of Womey in 2014, and bring those suspected of being responsible to justice in fair trials;

- Ensure that all persons arrested in the case of the 28 September 2009 receive a fair trial in which their right to defence is fully respected and can benefit from conditional release pending trial;
- Repeal legislative provisions which may be used to allow suspected perpetrators to evade justice for human rights violations and abuses, including in the Criminal Code, the Military Code of Justice and the Law on the Use of Arms by the Gendarmerie;
- Issue clear public instructions to all security forces to comply with national law and international human rights law and make clear that anyone suspected to be responsible for ordering, carrying out or failing to prevent human rights violations and abuses, especially extrajudicial execution, unlawful killings, enforced disappearances, torture or sexual violence, will be held accountable for their actions;
- Exercise strict chain-of-command control over the armed forces and hold to account any member of the armed forces for any actions which may constitute violations of human rights or international humanitarian law, or for allowing others to commit such violations;
- Immediately suspend, pending trial, any person in a position of authority who is suspected of having committed violations of international humanitarian and human rights law, including in relations to the killings and rape that occurred on 28 September 2009;
- Ensure complaints filed by victims and their relatives are followed-up on and promptly responded to;
- Establish an independent and adequately resourced law enforcement oversight mechanism to review regulations and practices within law enforcement agencies with the powers to conduct investigations and to issue recommendations for prosecutions, disciplinary sanctions and reparations;
- Promptly accede to the International Convention for the Protection of all Persons from Enforced Disappearance, without making any reservation, and implement it fully 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;
- Promptly ratify the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights and, pursuant to Article 34(6) of the Protocol, make a declaration allowing direct access for individuals and NGOs to the Court.

RECOMMENDATIONS TO THE GOVERNMENT OF KUWAIT

REMEDY FOR UNFAIR TRIALS

- Drop the charges and overturn the convictions of those arrested for demonstrating for the rights of Kuwait's stateless population, the Bidun, in July 2019, and allow the protesters to exercise their rights to freedom of expression, assembly and association;
- Overturn the convictions issued in the mass trial of protesters who occupied the Kuwaiti Parliament in 2011, release those imprisoned as a result of the trial, and expunge the charges from the defendants' records;
- End the practice of mass trials and minimize the number of defendants charged in a single case, in order to preserve the principle of individual criminal liability;
- Overturn the convictions of all individuals sentenced for quoting from or reproducing the speech given by former MP Musallam al-Barrak on 15 October 2012, release those imprisoned in this connection, and expunge the charges from the defendants' records.

LEGISLATION RESTRICTING THE RIGHTS TO FREEDOM OF ASSEMBLY & EXPRESSION

- Repeal all legislation requiring prior permission from the authorities to assemble in public protest and criminalizing unauthorized demonstrations;
- Repeal all legislation criminalizing verbal acts considered “insulting” to the Emir, to public authorities, or to other countries.

STATELESSNESS

- In consultation with national and international civil society, determine and publish clear, objectively verifiable assessment criteria for naturalization;
- Begin a fair, transparent and swift adjudication of all pending applications for nationality;
- Provide by law for Biduns’ access to the Kuwaiti judiciary so that they can challenge decisions made by executive and administrative authorities affecting their legal status or livelihood, including decisions on their claims to Kuwaiti nationality;
- Pending the final, fair, and comprehensive resolution of the Biduns’ claim to Kuwaiti nationality, repeal or rescind all laws and regulations that treat them as “illegal residents” or discriminate against them by restricting their access to employment, health care, and education on equal terms with recognized Kuwaiti nationals;
- Accede to the 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness;
- Cease imposing denaturalization (stripping of nationality) as a criminal punishment when this will result in statelessness and enshrine protection against loss of nationality resulting in statelessness in national law.

WOMEN'S EQUALITY

- Retract the declarations entered against Article 2, paragraph 1, and Article 3 of the International Covenant on Civil and Political Rights and against Article 2, paragraph 2 of the International Covenant on Economic, Social and Cultural Rights, both of which limit the application of the Covenants in the sphere of gender equality.

RECOMMENDATIONS TO THE GOVERNMENT OF KYRGYZSTAN

RATIFICATION OF HUMAN RIGHTS STANDARDS AND COOPERATION WITH THE UN

- Ratify the Rome Statute of the International Criminal Court and enact implementing legislation.

PRISONER OF CONSCIENCE

- Release Azimjan Askarov immediately and unconditionally in accordance with the decision of the UN Human Rights Committee.

TORTURE AND OTHER ILL-TREATMENT

- Ensure that investigations into allegations of torture and other ill-treatment are carried out by an independent body and that preliminary investigations into such complaints are carried out and completed without delay upon receipt of a complaint;
- Ensure that all officials allegedly responsible for torture are suspended from official duties;
- Ensure that the new provisions of the Criminal Code and the Criminal Procedural Code outlawing torture and other ill-treatment, clarifying when detention starts and ensuring that detainees have the right to a lawyer from the moment of arrest, are fully observed and any evidence obtained through torture excluded.

IMPUNITY FOR PAST HUMAN RIGHTS ABUSES

- Set up an independent, impartial and representative mechanism to investigate and review all cases and allegations of torture and other ill-treatment in relation to the June 2010 violence;

- Proceed with the implementation of effective training programmes on racial discrimination for all law enforcement officials.

RIGHTS OF PEOPLE WITH DISABILITIES

- Amend Articles 64 and 67 of the Civil Code and consider alternative methods of support for people with mental disabilities in line with the CRPD;
- Remove barriers to inclusion in public life for people with physical disabilities, including by ensuring that all public buildings, such as schools, hospitals and government institutions, are fully accessible.

VIOLENCE AGAINST WOMEN

- Send a clear message that “bride kidnapping” will not be tolerated and ensure that all cases are prosecuted.

RIGHTS OF LGBTI PEOPLE

- Ensure that the draft law on anti-discrimination is amended to include sexual orientation and gender identity as criteria, in line with international human rights standards, and passed by parliament to enter into force without delay;
- Investigate in a timely and effective manner all allegations of hate crimes against LGBTI people and hold those found responsible to account.

RECOMMENDATIONS TO THE GOVERNMENT OF LAOS

THE CONSTITUTION

- Amend the 2016 Constitution to ensure that it is fully consistent with Laos’ international human rights obligations and, in particular, to ensure that the human rights of both citizens and non-citizens are protected without discrimination, and to provide specifically for fair trials and freedom from torture, arbitrary detention, and slavery.

LEGISLATION ON PRIVACY, FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY

- Immediately order all public officials to refrain from initiating criminal proceedings against individuals for the peaceful exercise of their human rights, including the rights to privacy, freedom of expression, association, and assembly;
- Review relevant criminal cases that are awaiting prosecution, are still being prosecuted or have already been concluded, drop charges and expunge convictions, and ensure the immediate and unconditional release of individuals who have been deprived of liberty solely for the peaceful exercise of their human rights;
- Repeal laws and orders that restrict or criminalise the peaceful exercise of human rights or allow for arbitrary detention, including Articles 65 and 66 of the Criminal Code, Decree 237 on Internet Information Management, and the Decree on Associations, or else amend them to ensure full compliance with international human rights law.

ENFORCED DISAPPEARANCE, TORTURE AND OTHER ILL-TREATMENT

- Initiate full, impartial, independent and efficient investigations into all allegations of enforced disappearance, torture and other ill-treatment;
- Where sufficient admissible evidence exists, prosecute those responsible for grave human rights violations in fair trials without recourse to the death penalty;
- Improve investigations into cases of enforced disappearances, including by seeking expert technical assistance, where relevant, to examine evidence, and immediately provide any information gained from these investigations to victims’ families;
- Provide full reparations to survivors and families of persons subjected to enforced

disappearance, torture and other ill-treatment;

- Ratify the International Convention for the Protection of All Persons from Enforced Disappearance without reservations, accept the competence of the UN Committee on Enforced Disappearances to receive individual and inter-state complaints, and implement the Convention in law, policy, and practice;
- Enshrine in law and ensure in practice that individuals are only detained in official places of detention, and are granted prompt access to lawyers, family members, and independent courts, and ensure that all questioning is recorded and takes place in the presence of an independent lawyer;
- Repeal legislation allowing for detention without charge or trial;
- Ratify and implement the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and establish an independent, efficient and well-resourced National Preventive Mechanism with powers to conduct unimpeded and unannounced visits to all places of detention and access all persons deprived of their liberty;
- Grant national and international human rights groups access to all places of detention;
- Ensure prompt, thorough, and independent investigations into the disappearance, abduction and killing of asylum-seekers, and ensure that refugees and asylum-seekers are protected, and any attacks on them are subject to prompt, thorough and independent investigation and that the perpetrators are brought to justice in civilian courts.

THE DEATH PENALTY

- Enact legislation abolishing the death penalty for all crimes and in all circumstances;
- Pending the abolition of the death penalty, commute all death sentences, immediately establish an official moratorium on executions and refrain from imposing the death penalty in any new cases;
- Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

LAND ACQUISITION, AND BUSINESS AND HUMAN RIGHTS

- Ensure that communities whose land has been taken are provided with timely, accessible and full information on resettlement and compensation plans, avenues for their participation in planning and implementation, as well as policies and complaints mechanisms;
- Ensure that any resettlement plans entail genuine consultation with affected communities and seek their meaningful participation in formulating specific resettlement measures;
- Ensure that land acquisition, resettlement and compensation measures comply with international human rights obligations, particularly with respect to the right to adequate housing, prohibition of forced evictions, and the right to an adequate standard of living;
- Legally require companies to conduct human rights due diligence to identify, prevent, mitigate and account for their impacts on human rights, and to report publicly on their due diligence policies and practices in accordance with international standards.

RECOMMENDATIONS TO THE GOVERNMENT OF SPAIN

CRIMES UNDER INTERNATIONAL LAW IN SPANISH LAW

- Review the definition of torture and enforced disappearance in the Criminal Code, to bring it fully in line with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention on the Protection of All Persons from Enforced Disappearance; and include both within the category of crimes under international law;

- Provide sanctions for such crimes in accordance with their seriousness, including by dismissing due obedience and fulfilment of duty arguments, and by introducing the criminal liability of superiors for such crimes in the Criminal Code;
- Review the definition of crimes against humanity in the Criminal Code, to bring it into full accordance with the Rome Statute of the International Criminal Court.

IMPUNITY FOR PAST HUMAN RIGHTS VIOLATIONS

- Guarantee the rights to truth, justice and reparation to all victims of the Civil War (1936-1939) and Francoism (1939-1975), including by investigating any crimes committed under international law, ensuring the non-applicability of any statutory limitations and guaranteeing that the 1977 Amnesty Law is not an obstacle to obtaining justice;
- Cooperate fully and in good faith with the Argentinean and Mexican judiciaries in the ongoing investigation of crimes under international law committed during the Civil War and Francoism.
- Contextualize and re-designate the *Valle de los Caídos* memorial so that it can be used to promote truth and dignify the memory of the victims, with an educational and preventive function.

THE PRINCIPLE OF UNIVERSAL JURISDICTION

- Repeal the amendment to Article 23.4 of Organic Law 1/2014, which seriously undermines the obligation to extradite or prosecute (*aut dedere aut judicare*), to enable the authorities to investigate and prosecute persons suspected of a crime under international law on the basis of the principle of universal jurisdiction.

EXCESSIVE USE OF FORCE AND ILL-TREATMENT BY THE SECURITY FORCES

- Ensure that all allegations of torture or other ill-treatment are subject to a prompt, thorough, impartial and independent investigation, that those suspected of involvement are prosecuted before ordinary civilian courts, and that victims receive adequate reparation;
- Ensure that cases of excessive use of force are effectively investigated, that those suspected of involvement are prosecuted and that victims of human rights violations committed by security forces receive immediate and adequate reparation;
- Ensure that all law enforcement is conducted in strict accordance with the UN Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;
- Proceed with the withdrawal and suspension of the use of rubber bullets currently in use in Spain, since they are highly imprecise and carry a high risk of hitting vulnerable parts of the body, particularly the eyes, or other people who are not the target.

NATIONAL SECURITY AND ANTI-TERRORIST MEASURES

- End the use of incommunicado detention by repealing Articles 509, 520bis and 527 of the Criminal Procedure Act, which authorise and govern the use of incommunicado detention;
- Amend the Criminal Code to ensure that it does not contain overly broad or vague terrorism related offences and does not go beyond the definition of terrorist acts provided by the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism.

PRE-TRIAL DETENTION

- Ensure that pre-trial detention is imposed only as an exceptional measure, subject to judicial control, and only in cases where it is strictly necessary and proportionate to prevent the risk of the accused evading justice or endangering others or interfering with evidence or the investigation.

FREEDOM OF EXPRESSION AND PEACEFUL ASSEMBLY

- Review legal provisions limiting the rights to freedom of expression, information and peaceful assembly, including Organic Law 9/1983, of 15 July, regulating the right of assembly, and the Organic Law on Citizen Security, in particular the provisions preventing spontaneous gatherings; as well as the provisions of the Organic Law on Citizen Security relating to resistance and disobedience to authority, unauthorized use of images of security forces and disrespect for the security forces;
- Promote the adoption by the security forces of clear protocols and best practice, based on international law and standards, to guide the management of public order during demonstrations;
- Repeal Article 578 of the Criminal Code (glorification of terrorism) and ensure that it only criminalizes expressions that intend to incite others to commit a recognizable crime and with a reasonable probability of doing so;
- Repeal the offence of insulting the crown, in line with case law of the European Court of Human Rights, which provides that greater protection from insult for heads of state is contrary to the spirit of the European Convention;
- Repeal the offence of offending religious feelings since prohibitions of displays of lack of respect for a religion are contrary to freedom of expression.
- Ensure that Jordi Sànchez and Jordi Cuixart are immediately released and ensure a process that allows the conviction for sedition against them to be overturned as it entails an excessive and disproportionate sanction of their rights to freedom of expression and peaceful assembly.
- Substantially amend the definition of the criminal offence of sedition to ensure that it does not unduly criminalize acts of peaceful civil disobedience or impose disproportionate penalties for actions related to the exercise of the rights to freedoms of expression and peaceful assembly.

VIOLENCE AGAINST WOMEN

- Provide effective training to the judicial bodies in charge of investigating cases of gender-based violence, in line with the Basic Law on Comprehensive Protection Measures against Gender-Based Violence, and evaluate their operation to identify and encourage best practice and ensure accountability in cases of lack of due diligence;
- Establish specialized centres and crisis centres so that all survivors of sexual violence, as well as their families, can be comprehensively assisted by a specialized team, in accordance with the human rights standards for specialized assistance;
- Review and reformulate the criminal offences "against sexual freedom and indemnity" to ensure that the fundamental purpose of the Criminal Code is the protection of sexual autonomy and a woman's consent, in accordance with the Istanbul Convention and other international human rights standards.

SEXUAL AND REPRODUCTIVE RIGHTS

- Eliminate the requirement of express consent by legal representatives for the voluntary termination of pregnancy of girls between the ages of 16 and 18 and women with limited legal capacity;
- Take steps to ensure the accessibility and availability of sexual and reproductive health services for all women and girls and establish an appropriate mechanism to ensure that women's access to sexual and reproductive health services, in particular voluntary termination of pregnancy, is not, in practice, impeded by refusals to provide abortion services on the grounds of conscience.

BULLYING IN SCHOOLS

- Explore alternative means of reporting bullying to the relevant authorities, besides the existing telephone hotline, such as social networks, that guarantee anonymity and are easier for children to use;

- Implement means of supporting victims of bullying such as collaborative programmes between different agencies, in-house support teams, mediation, mentoring, guidance and peer support, ensuring that they are progressively made available in all schools.

THE RIGHTS OF MIGRANTS AND REFUGEES, INCLUDING TO NON-DISCRIMINATION

- Ensure the full and effective implementation of asylum legislation, including access to effective asylum procedures in line with international law, and ensure that migration policies fully respect the principle of *non-refoulement*;
- Suspend all cooperation with Morocco on migration control, including the agreement on the re-admission of third-country nationals, and stop returning third-country nationals to Morocco until that country commits to fully respecting the human rights of migrants, refugees and asylum-seekers.

TRAFFICKING

- Adopt a comprehensive anti-trafficking law that guarantees assistance and protection services to all potential victims of any type of trafficking;
- Ensure adequate identification of actual and potential trafficking victims, from a gender and human rights perspective, especially migrant women in an irregular situation, in a way that guarantees protection regardless of whether the victim reports to or collaborates with the authorities.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

- Take steps to ensure that the Constitution recognizes and affirms the principle of indivisibility and interdependence of all human rights by giving equal status to all rights and ensure that all economic, social and cultural rights set out in other parts of the Constitution enjoy the same level of protection as the “fundamental rights” in Chapter II of the Constitution, mainly civil and political rights, in particular regarding access to judicial protection;
- Recognize the competence of the Committee on Economic, Social and Cultural Rights to investigate, receive and consider communications in which a State party alleges that another State party is not fulfilling its obligations under the Covenant, as set out in the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights which Spain ratified in 2010.

HOUSING

- Commit to the effective realization of the right to adequate housing, especially for persons belonging to vulnerable groups, and adopt measures to increase the supply of social rental housing to increase access to housing for all persons;
- Regulate the private housing market to facilitate the accessibility, availability and affordability of adequate housing for low-income people, including by implementing the provisions of Royal Decree Law 7/2019 on urgent measures in the field of housing and rent;
- Amend the Civil Procedure Law to require judges to assess on a case-by-case basis the proportionality and reasonableness of evictions from rented housing, taking into account the particular circumstances of each case.

HEALTH

- Adopt a new and comprehensive legal framework to guarantee equal access to health care for all people living in Spain, without discrimination;
- Revise the new structure for co-payments to ensure, as a minimum, that the co-payment structure guarantees affordable health care for all and does not result in an undue financial burden on people with low incomes.

RECOMMENDATIONS TO THE GOVERNMENT OF SWEDEN

RAPE AND SEXUAL VIOLENCE AGAINST WOMEN AND GIRLS

- Prioritize combatting widespread sexual violence and provide adequate and sustainable resources to ensure that the police and the Prosecution Authority have the capacity to conduct thorough, effective and timely investigations into all cases of rape;
- Intensify efforts to analyze and address the causes of under-reporting of rape, as outlined in the National Strategy to Prevent and Combat Men's Violence Against Women;
- Ensure access to comprehensive, affordable and accessible support for all survivors of sexual violence, including to those who do not report the crime to the police, including mid- and long-term psychological counselling, psychosocial support and trauma care to all rape survivors, regardless of age, gender, sexual orientation, ethnicity or social background, and regardless of where they live.

RIGHTS OF "VULNERABLE EU CITIZENS"

- Adopt a national homelessness policy to ensure that shelter is available and accessible to all, across the country, without discrimination, including for people categorized as "vulnerable EU citizens";
- Ensure that shelters are available throughout the year and for a period of time that allows people to organize their lives and seek work, or plan an organized return to their home country;
- Introduce legislation that clarifies that all EU citizens in Sweden, both during their first three months in the country and thereafter, and whether they have a European Health Insurance Card or not, have a right to subsidized health care and medical services at least on the same terms as undocumented migrants;
- Instruct the National Police Commissioner to issue national guidelines to clarify that begging is legal and not subject to licensing, and that removal of persons begging can only ever be justified if the individuals in question constitute a concrete and real danger to public order and only if all less intrusive measures have proven ineffective.

TORTURE AND OTHER ILL-TREATMENT

- Incorporate into domestic law the crime of torture and adopt a definition of torture that covers all the elements contained in Article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- Ensure that statutes of limitations are not applicable to acts of torture, attempts to commit torture, and acts by any person which constitute complicity or participation in torture.

NATIONAL HUMAN RIGHTS INSTITUTION

- Establish, without delay, an independent national human rights institution with a broad human rights mandate and provide it with adequate financial and human resources, in accordance with the Paris Principles.

INTERNATIONAL HUMAN RIGHTS TREATIES

- Ratify ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries;
- Ratify, without reservations, the International Convention for the Protection of All Persons from Enforced Disappearance, signed on 6 February 2007, to implement it into 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;
- 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 the International Convention on the Protection of the Rights of All Migrant Workers and

Members of Their Families.

RECOMMENDATIONS TO THE GOVERNMENT OF TURKEY

INDEPENDENCE OF JUDICIARY, ARBITRARY DETENTIONS AND ABUSIVE PROSECUTIONS

- Guarantee the independence and impartiality of the judiciary in law and in practice;
- Repeal all emergency measures and other legal provisions which arbitrarily restrict human rights, including Articles 1, 8 and 9 of Law 7145 which restrict the rights to freedom of movement and peaceful assembly, Article 13 which extends police custody for suspects of “terrorism” related crimes, and Article 26 which allows for arbitrary dismissal from the public sector, including the judiciary, for another three years;
- Amend the definition of “terrorism” in Article 1 and “terrorist” offender in Article 2 of the Anti-Terrorism Law in line with international human rights law and standards;
- End the routine use of lengthy pre-trial detention without any credible evidence of criminal conduct and ensure that all detentions are regularly reviewed by a civilian, independent and impartial court and that detainees have access to a lawyer and to adequate information to be able to effectively challenge their detention;
- End arbitrary prosecution on trumped up charges of human rights defenders and peaceful activists, including civil society leader Osman Kavala and others in the so-called “Gezi Park trial”, as well as Taner Kılıç and the other human rights defenders on trial with him.

SUMMARY DISMISSALS FROM PUBLIC SERVICE AND LACK OF AN EFFECTIVE REMEDY

- Reinstate public sector workers arbitrarily dismissed by emergency decrees;
- In all cases where individuals are reasonably suspected of wrongdoing or misconduct during their employment, or of a criminal offence, ensure that decisions on their dismissal are made only in a regular disciplinary process with full procedural safeguards;
- In any disciplinary proceedings resulting in suspension or dismissal, ensure the protection of human rights, including to work, freedom of movement, health, housing and adequate standard of living.

FREEDOM OF EXPRESSION, ASSOCIATION AND RIGHT TO PEACEFUL ASSEMBLY

- Allow civil society organizations and media outlets that have been arbitrarily closed to reopen and restore their confiscated property.
- Ensure that any closures or other restrictions on media outlets comply with Turkey’s obligations to respect the right to freedom of expression and be open to appeal before an independent and impartial court.
- Ensure that people can gather and protest peacefully, including by lifting the repeated bans imposed on LGBTI events, the “Saturday Mothers” and other peaceful demonstrations across the country;
- End prosecution of individuals or groups for exercising their right to peaceful assembly, including the workers from Istanbul’s new airport currently on trial.
- Repeal Articles 301 (Denigrating the Turkish Nation), 318 (Alienating the public from military service), 215 (Praising a crime or a criminal), and 125 (Criminal defamation) of the Penal Code;
- Repeal or amend paragraphs 6 and 7 of Article 220 (Committing a crime in the name of an organization) of the Penal Code, by setting out clear criteria for when assisting an armed group can be criminalized, including requiring that such assistance must itself be an internationally recognizable offence, including when it directly involves the planning or commission of such a crime;
- Amend Article 26 of the Constitution to ensure that the permissible grounds for restricting the

right to freedom of expression are consistent with international human rights law and standards;

- Drop all charges and release journalists and media workers who have been detained solely for peacefully carrying out their media work and cease detaining and prosecuting journalists and media workers and others for peacefully expressing their views;
- Repeal or amend Article 6/2 (Printing or publishing declarations/statements of a terrorist organization) and Article 7/2 (Making propaganda for a terrorist organization) of the Anti-Terrorism Law to ensure they are precisely and clearly formulated and can no longer be used to prosecute people merely for the peaceful expression of their views;
- Repeal paragraphs 2 and 3 of Article 216 of the Penal Code (Incitement to hatred or hostility) to ensure that they can no longer be used to prosecute people merely for the peaceful expression of their views.

TORTURE AND OTHER ILL-TREATMENT

- Ensure that anyone who complains of torture or other ill-treatment is offered medical or other support, is safe from threats and harassment, and if vindicated provided with reparations in accordance with international standards;
- Develop an effective independent complaints mechanism to carry out prompt, independent, impartial and thorough investigations into all complaints and reports of torture, other ill-treatment and other human rights violations committed by law enforcement officials.
- Where there is sufficient, admissible evidence, prosecute those suspected of human rights violations, including those with command responsibility, in fair trials.