

# AMNESTY INTERNATIONAL

## **Suggested recommendations to States under review in the 37th session of the UPR Working Group, 18 - 29 January 2021**

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## Recommendations to the Government of Australia

### Key Amnesty International documents on Australia for reference

[Exposed, silenced, attacked: Failures to protect health and essential workers during the COVID-19 pandemic](#), 13 July 2020, (Index: POL 40/2572/2020)

[Australia: Human Rights in Review – Submission for the 37<sup>th</sup> session of the UPR](#), 5 August 2020, (Index: ASA 12/2838/2020)

[Pacific: Pacific countries must not use COVID-19 to regress on human rights](#), 15 April 2020,

[Human Rights in Asia-Pacific: Review of 2019](#) - Australia, 29 January 2020, (Index: ASA 01/1354/2020)

[COP 25: States poised to set the stage for decades of human rights abuses](#), 12 December 2019, (Index: IOR 40/1574/2019)

[Recommendations to States on Steps to Protect Human Rights at the 25th Conference of the Parties of the United Nations Framework Convention on Climate Change 2-13 December 2019](#), 25 November 2019, (Index: IOR 51/1446/2019)

[Amnesty International: Recommendations ahead of COP24 of the Climate Change Convention](#), 23 November 2018, (Index: IOR 51/9435/2018)

[Papua New Guinea: Until When? The forgotten men on Manus Island](#), 20 November 2018

[Papua New Guinea: Health care cuts: Australia's reduced health care support for refugees and asylum seekers in Papua New Guinea](#), 17 May 2018

[Australia: Scrap proposed laws that would suffocate NGOs and create a climate of secrecy](#), 27 April 2018

[Amnesty International Report 2017/18, Australia](#), 22 February 2018, (Index: POL 10/6700/2018)

[Papua New Guinea: Punishment not protection: Australia's treatment of refugees and asylum seekers in Papua New Guinea](#), 1 February 2018

[Australia: Submission to the UN Committee on the Elimination of Racial Discrimination](#), 21 October 2017

[Australia: Submission to the UN Human Rights Committee](#), 20 September 2017

[Amnesty International Report 2016/17: Australia](#), 22 February 2017, (Index: POL 10/4800/2017)

[Australia: Island of despair: Australia's "processing" of refugees on Nauru](#), 17 October 2016

[Heads Held High: Keeping Queensland kids out of detention, strong in culture and community](#), 31 August 2016

[Australia: Submission to the UN Committee on Economic, Social and Cultural Rights](#), 26 August 2016

#### *Human Rights Act*

- Enact laws, such as a Human Rights Act, to ensure that Australia's international human rights obligations are reflected in domestic legislation. Such laws must, at a minimum, include the right to recognition and equality before the law, freedom from discrimination, right to life, right to freedom of movement, right to privacy and reputation, right to religion and belief, right to peaceful assembly and freedom of association and expression, cultural rights (right to enjoy culture, declare and practise religion and use their language), rights to education and the rights of children in the criminal process, and their access to healthcare.

*Children's Rights*

- Raise the minimum age of criminal responsibility nation-wide to at least 14 years, and to fund and support community-led prevention and diversion programs that keep children and young people out of prison.

*Indigenous Peoples' Rights*

- Develop, in consultation with Aboriginal and Torres Strait Islander Peak organisations, a national action plan to implement the Declaration on the Rights of Indigenous Peoples.
- Table the 2017 report of the Special Rapporteur on the Rights of Indigenous Peoples on the situation of Australia in Federal Parliament; provide an official substantive response to the report of the Special Rapporteur on the Rights of Indigenous Peoples; and refer the report of the Special Rapporteur on the Rights of Indigenous Peoples to the Parliamentary Joint Committee on Human Rights for further investigation.

*Refugees*

- End policies of 'offshore processing' and detention for refugees and people seeking asylum who arrive by boat, end mandatory detention for refugees and asylum seekers in Australia, limit period of detention to minimum required for identity, security and health checks and improve standards of care for all those detained.

*Right to peaceful assembly and freedom of expression*

- Ensure that the right to freedom of peaceful assembly is respected, including through repealing legislation that violates international human rights laws and standards.
- Ensure freedom of expression, press freedom, the rights of whistle-blowers and the right to peaceful assembly are protected under legislation both at national and state government levels.

*Religious Freedom and Discrimination*

- End unlawful discrimination on the grounds of sexual orientation, gender identity and intersex status and amend the Religious Discrimination Bill that would give religious bodies a license to discriminate against LGBTIQ+ individuals.

*Climate Crisis and Human Rights*

- Support the recognition by the UN of the right to a safe, clean, healthy and sustainable environment.

In compliance with its obligations under human rights law to protect human rights from the adverse effects of the climate crisis:

- Adopt ambitious new Nationally Determined Contributions (NDC) and a long-term emission reduction strategy at the earliest, which will align Australia's emissions reduction targets for 2030 and 2050 with the imperative to keep global average temperature increase below 1.5°C above pre-industrial levels. In particular, take the lead in committing to zero carbon emissions by 2030 or as soon as possible after that, given Australia's greater capacity and greater contribution to the climate crisis.
- Immediately end fossil fuel subsidies and fossil fuels use and production by 2030 or as soon as possible after that, ending production and use of most polluting fossil fuels and forms of production, such as coal and fracking as soon as possible and no later than 2030; and immediately developing concrete long-term plans for a just and sustainable transition to human rights-consistent renewable energy.
- Ensure the NDC and climate laws and policies include a commitment to reduce emissions from all sectors, including extra-territorial emissions, and to cease overseas fossil-fuel financing. In international climate negotiations, reject any multilateral mechanisms for carbon trading that do not lead to genuine emission reductions and do not include human rights safeguards.
- Establish regulations and policy measures to ensure that businesses reduce emissions across their operations and value chains as soon as possible and by at least 45% by 2030 compared to 2010 levels and to zero before 2050, in line with the scientific findings of the IPCC.

## Suggested recommendations to States under review in the 37th session of the UPR Working Group, 18-29 January 2021

- Ensure the shift towards a zero-carbon economy and a more resilient society: addresses systemic inequalities, combats discrimination, and promotes gender, class, racial, disability and intergenerational justice; ensures a just transition for workers and communities impacted by the shift from a fossil fuel economy; and respects, protects and fulfils human rights;
- Ensure that any COVID-19 response measures facilitate the transition away from fossil fuels and towards human rights-consistent renewable energy and a zero-carbon economy and also provide for greater social protection and the creation of green and other new jobs that deliver sustainable and decent employment for all workers without discrimination of any kind.
- Adopt and implement human rights-consistent adaptation and disaster risk reduction measures and policies that allow to adequately protect people from the foreseeable and unavoidable impacts of the climate crisis, including by ensuring that people in need of permanent relocation have their rights fully respected, protected and fulfilled throughout the process.
- Ensure access to domestic and international administrative, judicial, legislative or any other appropriate means to adjudicate claims of human rights violations resulting from climate change or climate-related projects and measures, including when conduct within their jurisdiction harms the rights of people outside their borders.
- Respect, protect and fulfil the right to information, participation and to effective remedies, as well as to freedom of expression and assembly, in the design, planning, implementation and monitoring of the NDC and all climate policies and strategies in line with human rights law and Sustainable Development Goal 16 (peace, justice and strong institutions).
- Ensure that gender and racial equality and the rights of Indigenous Peoples and other marginalised groups are part of all climate policies and that people can participate in decisions affecting them.
- Substantially increase its funding and support for developing countries to be able to reduce emissions, protect people facing the impacts of the climate crisis, including through stronger adaptation measures; and support the establishment of adequate mechanisms at international level to mobilize new and additional finances to provide means, support and remedy, including compensation, to people and communities, whose rights have been negatively affected as the result of loss and damage caused by the climate crisis in climate-vulnerable developing countries.

### *COVID-19/pandemic response*

- Ensure that any penalty for breaching lockdown and other coercive enforcement measures conform with the principles of legality, necessity, proportionality and non-discrimination and ensure the powers and responsibilities of law enforcement officials are clearly circumscribed and refrain from bestowing additional powers to enforce lockdown measures.
- Empower and support people to comply with public health regulations, including by ensuring access to public health information and by enabling people who are marginalised to satisfy their essential needs, and ensure that penalties are only imposed after other alternatives have proven, or are clear to be, unsuccessful.
- Explicitly prohibit discrimination, including discriminatory identity checks, in police and antidiscrimination laws and ensure adequate mechanisms to implement the prohibition, including a system of disciplinary measures for law enforcement officials who breach the prohibition of discrimination.
- Ensure all health and essential workers are able to protect themselves during the COVID-19 pandemic, including by increasing domestic production of PPE, promoting international cooperation in its distribution to ensure equipment can get to where it is most needed, and by reviewing domestic trade policies to ensure they do not obstruct the availability, affordability and quality of essential commodities, such as PPE, in any country.

## Suggested recommendations to States under review in the 37th session of the UPR Working Group, 18-29 January 2021

- Ensure that all health and essential workers can exercise their right to freedom of expression without fear of reprisals and ensure that employers put in place systems that allow health and essential workers to report on health and safety risks and require that they are addressed in an appropriate manner.
- Ensure health workers are protected from stigma and abuse in relation to their employment.
- Publicly recognise the role of health and essential workers in defending human rights during the pandemic and provide a safe and enabling environment in which they can exercise their work free from reprisals, intimidation or threats.
- Recognise COVID-19 as an occupational disease, and ensure that health and essential care workers who contract COVID-19 as a result of work-related activities are able to claim cash compensation and medical and other necessary care and provide compensation to the families of any health and essential care workers who die as a result of contracting the illness at work.
- Set up a comprehensive, effective and independent review into Australia's response to the COVID-19 pandemic and provide adequate and accessible remedies for any human rights violations caused by government agencies.
- Ensure that all persons can enjoy the right to health by developing, implementing and regularly reviewing a plan, based on a detailed assessment of financial need and options to finance increased public health spending, to ensure that the public health system is adequately funded and staffed and increase budgetary allocations to the public health sector as necessary.
- Ensure that economic recovery packages protect the right to an adequate standard of living of all persons, including people on lower incomes, those working in the informal sector, and others who may be at risk and most affected by the COVID-19 crisis and set up monitoring and review mechanisms to assess their impact and amend them as necessary.

### *Access to COVID-19 diagnostics, treatment and vaccines*

- Fulfil the obligation to international cooperation not only by joining global mechanisms such as COVAX, but also by other forms of global cooperation to ensure that COVID-19 health products are accessible to the maximum number of people and avoid solely bilateral agreements that would undermine vaccine availability for other states.
- Support C-TAP and promote open and non-exclusive licences for COVID-19 health products that include technology transfer, with full public disclosure of all terms and conditions, to ensure that the product is available, accessible and affordable to the maximum number of people.
- Make transparency and collaboration with C-TAP a condition of any public funding provided for research and development of COVID-19 health products.
- Assess and make any necessary adjustments to intellectual property laws, policies and practices to ensure that these do not form a barrier to COVID-19 health products for all people globally.
- Respect the spirit of the Doha Declaration on the TRIPS Agreement and Public Health (2001) by supporting initiatives that increase access to COVID-19 health products, such as the proposed WTO TRIPS waiver.
- Ensure national and international criteria to guide the allocation of vaccines are consistent with human rights standards, pay attention to the needs of marginalized groups, and reflect the WHO's Equitable Allocation Framework. Civil society should be represented in any national and international decision-making processes.

**Suggested recommendations to States under review in the 37th session of the UPR Working Group, 18-29 January 2021**

- Provide sufficient development assistance, including through support to international mechanisms, to enable lower-income countries to purchase the vaccines they need, and ensure that cost is never a barrier to access.

*Ratification of Treaties*

- Promptly accede to the International Convention for the Protection of All Persons from Enforced Disappearance without making any reservation; 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, and to implement it in national law.
- Accede to the Third Optional Protocol to the Convention on the Rights of the Child, without reservations, at the earliest practicable time.
- Withdraw reservations to Article 37(c) of the Convention on the Rights of the Child, and Article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination.
- Accede to the Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity without making any reservation.
- Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and opt in to the inquiry and inter-state procedures.
- Ratify ILO Convention 149 (Nursing Personnel Convention), and the recently adopted ILO Violence and Harassment Convention of 2019, at the earliest date possible.

## Recommendations to the Government of Austria

### Key Amnesty International documents on Austria for reference

[Austria: Human Rights Challenges Persist – Amnesty International Submission for the UN Universal Periodic Review](#), 7 August 2020, (Index: EUR 13/2855/2020)

[Exposed, silenced, attacked: Failures to protect health and essential workers during the COVID-19 pandemic](#), 13 July 2020, (Index: POL 40/2572/2020)

[Europe: Human rights in Europe - Review of 2019, Austria](#), 16 April 2020,

[COP 25: States poised to set the stage for decades of human rights abuses](#), 12 December 2019, (Index: IOR 40/1574/2019)

[Recommendations to States on Steps to Protect Human Rights at the 25th Conference of the Parties of the United Nations Framework Convention on Climate Change 2-13 December 2019](#), 25 November 2019, (Index: IOR 51/1446/2019)

[Amnesty International: Recommendations ahead of COP24 of the Climate Change Convention](#), 23 November 2018, (Index: IOR 51/9435/2018)

[Amnesty International Report 2017/18, Austria](#), 22 February 2018, (Index: POL 10/6700/2018)

[Amnesty International Report 2016/17: Austria](#), 22 February 2017, (Index: POL 10/4800/2017)

[Europe: Dangerously Disproportionate: The ever-expanding national security state in Europe](#), 17 January 2017, (Index: EUR 01/5342/2017)

#### *Human rights education*

- Make human rights education compulsory in primary and secondary education and provide adequate training courses on human rights education for teachers;
- Raise awareness and support the integration of human rights into key areas of school life as part of a whole-school approach to human rights education.

#### *National human rights framework*

- Develop a national human rights action plan in line with OHCHR guidelines<sup>1</sup> that sets concrete and measurable objectives and ensures meaningful participation of civil society;
- Ensure that the Austrian Ombudsman Board fully complies with the Paris Principles and has sufficient human and financial resources to perform its role independently.

#### *Non-discrimination*

- Ensure equal protection from all forms of discrimination, including by harmonising national legislation and extending its scope to include protected grounds, such as age, religion and belief, sexual orientation, and gender identity, in particular in the context of access to goods and services;
- Ensure that the prosecution and the police have adequate resources, tools and skills to effectively identify and investigate hate crimes and advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence; and are provided with adequate training in this respect;
- Collect disaggregated data on hate crimes at all levels, including reporting, investigation, prosecution and sentencing, while ensuring data protection and regular reviews to assist in the development of policies to combat hate crimes.

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<sup>1</sup> Office of the United Nations High Commissioner for Human Rights, *Handbook on National Human Rights Plans of Action*, 29 August 2002, <https://www.ohchr.org/Documents/Publications/training10en.pdf>

*Rights to privacy and freedom of expression*

- Refrain from enacting any legislation that would allow for backdoor access to encrypted communications;
- Implement adequate legislation in line with international human rights law to address advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence as well as violence and abuse online;
- Strengthen support for those that have experienced violence and abuse, including online, and invest in capacity building and training of law enforcement bodies and respective public awareness raising campaigns.

*Rights of refugees and asylum-seekers*

- Repeal Sections 2(1)2 and 24(1) of the Federal Act on the Establishment of a Federal Agency for the Provision of Care and Support in order to ensure adequate and independent legal assistance;
- Revise Section 35(2) of the Asylum Act in line with international human rights law and grant the right to family reunification without undue restrictions, in particular to unaccompanied minors;
- Refrain from forcibly returning anyone to countries where there is a risk of *non-refoulement* or where they would be at risk of torture or other ill-treatment as defined under international human rights law;
- Reinstate humanitarian admission programmes in cooperation with UNHCR.

*Social security*

- Give full effect to the ICESCR in national legislation;
- Repeal Section 4 and revise Section 5 of the Fundamental Law in light of the principle of progressive realisation and non-discrimination.

*Justice system including detention*

- End prison overcrowding by ensuring prisons are provided with adequate financial resources to fulfil their aim of rehabilitation and social reintegration, and consider alternatives to detention;
- Reform the preventive measures of detention in accordance with international standards and take into account the recommendations made by the working group in 2015 and the draft law on Detention of Mentally Ill Defenders of 2017;
- Improve the quality of psychiatric assessments in the context of preventive measures of detention by developing common criteria and standards for such assessments;
- Refrain from accommodating offenders with mental illness in correctional institutions; specific therapeutic centres meet the psychiatric needs more adequately; and avoid preventive measures of life-long detention;
- Refrain from adopting laws that establish administrative detention for the protection of public security, and ensure that detainees are charged with a recognizable criminal offence and tried in accordance with international standards, or released;
- Ensure that persons under criminal investigation are promptly and effectively informed about procedural safeguards, notably the right to legal assistance.

*Police accountability*

- Establish an independent and effective investigations and complaints mechanism to address allegations of torture and other ill-treatment and other forms of abuse by the police; ensure it has a broad and strong mandate and fully complies with international law and standards and effectively engages with civil society in the process;
- Ensure that all allegations of human rights violations by police officers are effectively investigated and appropriately prosecuted and that victims have full access to remedy and reparation;
- Require all police officers to wear individual identification badges;



## Suggested recommendations to States under review in the 37th session of the UPR Working Group, 18-29 January 2021

- Amend Section 35 (1) subparagraph 2 lit (a) of the Security Policy Act to ensure that police officers do not carry out identity checks in a discriminatory manner and provide adequate training to prevent ethnic profiling.

### *Women's and girls' rights*

- Ensure survivors of sexual and domestic violence have unrestricted access to shelters and provide adequate financial and human resources to survivors' support services, including for effective victim protection.
- Repeal the reporting obligation for medical professionals in the Protection against Violence Act and ensure medical and health professionals are adequately trained to provide necessary support and information about reporting.
- Ensure full and non-discriminatory access to affordable safe abortion services, including post-abortion care, for all persons concerned and remove any remaining barriers in accessing abortion services, including by fully decriminalising abortion.
- Repeal the Federal Law on the Prohibition of Face Covering in Public and consider repealing Section 43a of the School Education Act.

### *Climate Crisis and Human Rights*

- Support the recognition by the UN of the right to a safe, clean, healthy and sustainable environment.

In compliance with its obligations under human rights law to protect human rights from the adverse effects of the climate crisis:

- Support the adoption by the European Union of an ambitious Nationally Determined Contribution (NDC), which will align the EU's emission reduction target for 2030 with the imperative to keep global average temperature increase below 1.5°C above pre-industrial levels and contribute to achieving the target once adopted. In particular, the NDC should commit to achieve zero carbon emissions by 2030 or as soon as possible after that, given EU countries' greater capacity and greater contribution to the climate crisis;
- Immediately end fossil fuel subsidies and phase out use of all fossil fuels use and production by 2030 or as soon as possible after that; and immediately develop concrete long-term plans for a just and sustainable transition to human rights-consistent renewable energy.
- Ensure the NDC and national climate policies include a commitment to reduce emissions from all sectors, including extra-territorial emissions, and to cease overseas fossil-fuel financing;
- Establish regulations and policy measures to ensure that businesses reduce emissions by at least 45% by 2030 compared to 2010 levels and to zero before 2050, in line with the scientific evidence of the IPCC.
- Ensure the shift towards a zero-carbon economy and a more resilient society:
  - addresses systemic inequalities, combats discrimination, and promotes gender, class, racial, disability and intergenerational justice;
  - ensures a just transition for workers and communities impacted by the shift from a fossil fuel economy;
  - respects, protects and fulfils human rights.
- Ensure that any COVID-19 response measure contributes to the shift towards human rights-consistent renewable energy and a more resilient society, providing for greater social protection and the creation of green and other new jobs that deliver sustainable and decent employment for all workers without discrimination of any kind.
- Adopt and implement human rights-consistent adaptation and disaster risk reduction measures that allow to adequately protect people from the foreseeable and unavoidable impacts of the climate crisis.

**Suggested recommendations to States under review in the 37th session of the UPR Working Group, 18-29 January 2021**

- Ensure free, active, meaningful and informed participation in climate decision-making for all, and particularly for children and individuals and groups facing marginalization and discrimination.
- Implement its commitment to significantly increase its contribution to the Green Climate Fund ; and support the establishment of adequate mechanisms at international level to mobilize new and additional finances to provide means, support and remedy, including compensation, to people and communities, whose rights have been negatively affected as the result of loss and damage caused by the climate crisis in climate-vulnerable developing countries.

*COVID-19/pandemic response*

- Ensure all health and essential workers are able to protect themselves during the COVID-19 pandemic, including by increasing domestic production of PPE, promoting international cooperation in its distribution to ensure equipment can get to where it is most needed, and by reviewing domestic trade policies to ensure they do not obstruct the availability, affordability and quality of essential commodities, such as PPE, in any country.
- Set up a comprehensive, effective and independent review into Austria's response to the COVID-19 pandemic and provide adequate and accessible remedies for any human rights violations caused by government agencies.
- Ensure that all persons can enjoy the right to health by developing, implementing and regularly reviewing a plan, based on a detailed assessment of financial need and options to finance increased public health spending, to ensure that the public health system is adequately funded and staffed and increase budgetary allocations to the public health sector as necessary.
- Ensure that economic recovery packages protect the right to an adequate standard of living of all persons, including people on lower incomes, those working in the informal sector, and others who may be at risk and most affected by the COVID-19 crisis and set up monitoring and review mechanisms to assess their impact and amend them as necessary.

*Access to COVID-19 diagnostics, treatment and vaccines*

- Fulfil the obligation to international cooperation not only by joining global mechanisms such as COVAX, but also by other forms of global cooperation to ensure that COVID-19 health products are accessible to the maximum number of people and avoid solely bilateral agreements that would undermine vaccine availability for other states
- Support C-TAP and promote open and non-exclusive licences for COVID-19 health products that include technology transfer, with full public disclosure of all terms and conditions, to ensure that the product is available, accessible and affordable to the maximum number of people.
- Make transparency and collaboration with C-TAP a condition of any public funding provided for research and development of COVID-19 health products.
- Assess and make any necessary adjustments to intellectual property laws, policies and practices to ensure that these do not form a barrier to COVID-19 health products for all people globally.
- Respect the spirit of the Doha Declaration on the TRIPS Agreement and Public Health (2001) by supporting initiatives that increase access to COVID-19 health products, such as the proposed WTO TRIPS waiver.
- Ensure national and international criteria to guide the allocation of vaccines are consistent with human rights standards, pay attention to the needs of marginalized groups, and reflect the WHO's Equitable Allocation Framework. Civil society should be represented in any national and international decision-making processes.

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- Provide sufficient development assistance, both technical and financial, including through support to international mechanisms, to enable lower-income countries to purchase the vaccines they need, and ensure that cost is never a barrier to access.

*International and regional treaties and other instruments*

- Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families; the Optional Protocol to the Convention on the Rights of the Child on a communications procedure; the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and opt-in to the inquiry and inter-state procedures; Protocol No. 12 to the European Convention for the Protection of Human Rights and Fundamental Freedoms and to accept the jurisdiction of the Committee of Social Rights; and the Additional Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems;
- Endorse and implement the United Nations Compact for Safe, Orderly and Regular Migration;
- Promptly accede to the Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity, without making any reservation, and to implement the Treaty into national law.
- Ratify ILO Conventions 155 (Occupational Health and Safety), 149 (Nursing Personnel Convention), and the recently adopted ILO Violence and Harassment Convention of 2019, at the earliest date possible.

## Recommendations to the Government of Georgia

### Key Amnesty International documents on Georgia for reference

[Exposed, silenced, attacked: Failures to protect health and essential workers during the COVID-19 pandemic](#), 13 July 2020, (Index: POL 40/2572/2020)

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#### *Climate Crisis and Human Rights*

- Support the recognition by the UN of the right to a safe, clean, healthy and sustainable environment.

In compliance with its obligations under human rights law to protect human rights from the adverse effects of the climate crisis:

- Adopt ambitious new Nationally Determined Contributions (NDC) and a long-term emission reduction strategy at the earliest, which will align Georgia's emissions reduction targets for 2030 and 2050 with the imperative to keep global average temperature increase below 1.5°C above pre-industrial levels, including clear timelines to end fossil fuel subsidies by 2025 and phase out all fossil fuels as soon as possible and no later than 2050.
- Immediately develop concrete long-term plans for a just and sustainable transition to human rights-consistent renewable energy, ensuring that affordable renewable energy is available to all.
- Establish regulations and policy measures to ensure that businesses reduce emissions across their operations and value chains as soon as possible and by at least 45% by 2030 compared to 2010 levels and to zero before 2050, in line with the IPCC scientific evidence.
- Ensure that any COVID-19 response measures facilitate the transition away from fossil fuels and towards human rights-consistent renewable energy and a zero-carbon economy and also provide for greater social protection and the creation of green and other new jobs that deliver sustainable and decent employment for all workers without discrimination of any kind.
- Ensure the shift towards a zero-carbon economy and a more resilient society:
  - addresses systemic inequalities, combats discrimination, and promotes gender, class, racial, disability and intergenerational justice;
  - ensures a just transition for workers and communities impacted by the shift from a fossil fuel economy;
  - respects, protects and fulfils human rights.
- Adopt and implement human rights-consistent adaptation and disaster risk reduction measures that allow to adequately protect people from the foreseeable and unavoidable impacts of the climate crisis.

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- Respect, protect and fulfil the right to information, participation and to effective remedies, as well as to freedom of expression and assembly in all climate policies and strategies, in line with human rights law and Sustainable Development Goal 16 (peace, justice and strong institutions), paying particular attention to ensure the free, active, meaningful and informed participation of members of marginalised groups.

### *COVID-19/pandemic response*

- Ensure that any penalty for breaching lockdown and other coercive enforcement measures conform with the principles of legality, necessity, proportionality and non-discrimination and ensure the powers and responsibilities of law enforcement officials are clearly circumscribed and refrain from bestowing additional powers to enforce lockdown measures.
- Empower and support people to comply with public health regulations, including by ensuring access to public health information and by enabling people who are marginalised to satisfy their essential needs, and ensure that penalties are only imposed after other alternatives have proven, or are clear to be, unsuccessful.
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- Ensure health workers are protected from stigma and abuse in relation to their employment.
- Recognise COVID-19 as an occupational disease, and ensure that health and essential care workers who contract COVID-19 as a result of work-related activities are able to claim cash compensation and medical and other necessary care and provide compensation to the families of any health and essential care workers who die as a result of contracting the illness at work.
- Provide adequate and accessible remedies for any human rights violations caused by government agencies in their response to the pandemic.
- Ensure that all persons can enjoy the right to health by developing, implementing and regularly reviewing a plan, based on a detailed assessment of financial need and options to finance increased public health spending, to ensure that the public health system is adequately funded and staffed and increase budgetary allocations to the public health sector as necessary.
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- Assess and make any necessary adjustments to intellectual property laws, policies and practices to ensure that these do not form a barrier to COVID-19 health products for all people globally.
- Respect the spirit of the Doha Declaration on the TRIPS Agreement and Public Health (2001) by supporting initiatives that increase access to COVID-19 health products, such as the proposed WTO TRIPS waiver.
- Ensure national and international criteria to guide the allocation of vaccines are consistent with human rights standards, pay attention to the needs of marginalized groups, and reflect the WHO's Equitable Allocation Framework. Civil society should be represented in any national and international decision-making processes.

*Ratification of Treaties*

- Promptly accede to the International Convention for the Protection of All Persons from Enforced Disappearance without making any reservation, 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, and to implement the Convention in national law;
- Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and to opt-in to the inquiry and inter-state procedures.
- Ratify ILO Conventions 155 (Occupational Health and Safety), 149 (Nursing Personnel Convention), and the recently adopted ILO Violence and Harassment Convention of 2019, at the earliest date possible.

## Recommendations to the Government of Lebanon

### Key Amnesty International documents on Lebanon for reference

- [Lebanon: Authorities' failure to implement anti-torture law is a disgrace](#), 25 November 2020
- [Lebanon: Blow to Migrant Domestic Worker Rights. Reinstate Contract; Amend Labor Law](#), 30 October 2020
- [Lebanon: Only an international investigation can ensure Beirut explosion victims' rights to truth, justice and remedy](#), 7 September 2020, (Index: MDE 18/2997/2020)
- [Lebanon: Military and security forces attack unarmed protesters following explosions – new testimony](#), 11 August 2020
- [Exposed, silenced, attacked: Failures to protect health and essential workers during the COVID-19 pandemic](#), 13 July 2020, (Index: POL 40/2572/2020)
- [Lebanon: Punishing the October protest movement](#), 6 July 2020, (Index: MDE 18/2628/2020)
- [Lebanon: Abandoned migrant domestic workers must be protected](#), 3 June 2020
- [Lebanon: Government must urgently release more prisoners to prevent spread of COVID-19](#), 21 April 2020
- [Human Rights in the Middle East and North Africa: Review of 2019](#), 18 February 2020, (Index: MDE 01/1357/2020)
- [COP 25: States poised to set the stage for decades of human rights abuses](#), 12 December 2019, (Index: IOR 40/1574/2019)
- [Recommendations to States on Steps to Protect Human Rights at the 25th Conference of the Parties of the United Nations Framework Convention on Climate Change 2-13 December 2019](#), 25 November 2019, (Index: IOR 51/1446/2019)
- [Lebanon: Authorities must immediately end the use of excessive force against peaceful protesters](#), 19 October 2019
- [Lebanon: Authorities must immediately halt deportation of Syrian refugees](#), Updated: 27 August 2019
- [Lebanon: Why are returns of refugees from Lebanon to Syria premature?](#), 12 June 2019, (Index: MDE 18/0481/2019)
- [Lebanon: 'Their house is my prison': Exploitation of migrant domestic workers in Lebanon](#), 24 April 2019, (Index: MDE 18/0022/2019)
- [Human Rights in Lebanon: Review of 2018](#), 26 February 2019, (Index: MDE 18/9907/2019)
- [Lebanon: Ziad Itani's litmus test in authorities' intent to address torture](#), 13 March 2019
- [Amnesty International: Recommendations ahead of COP24 of the Climate Change Convention](#), 23 November 2018, (Index: IOR 51/9435/2018)
- [Lebanon: Crackdown on Beirut Pride an "outrageous attempt to deny human rights of LGBTI people"](#), 17 May 2018
- [Amnesty International Report 2017/18, Lebanon](#), 22 February 2018, (Index: POL 10/6700/2018)
- [Amnesty International Report 2016/17: Lebanon](#), 22 February 2017, (Index: POL 10/4800/2017)
- [Lebanon: Submission to the UN Committee on Economic, Social and Cultural Rights](#), 22 August 2016, Index number: MDE 18/4435/2016

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

- Stop the use of laws on defamation, insult, libel, slander, blasphemy and incitement to harass activists and journalists.

- Stop subjecting civilians in general, and activists and journalists in particular, to military justice and trials in military courts and end the use of pre-trial detention for defamation charges.
- End the use of illegal pledges to blackmail individuals, including human rights defenders, activists and commentators, into compromising their right to free expression.
- Bring national legislation curtailing the right to freedom of expression fully in line with international standards.
- Honour Lebanon's commitment to respect, protect and fulfil the rights to freedom of expression and assembly.
- End the use of excessive force and the unlawful use of tear gas, rubber bullets and pump action pellets against peaceful protesters.
- Protect all protestors from violent attacks by rival protesters and armed individuals.
- Ensure anyone arrested in connection with protests is informed of the reason for their arrest, is granted an effective opportunity to challenge the legality of their detention before a court that has the power to order their release, is granted access to a lawyer of their choice and to their family and, if charged with a recognizably criminal offence, is tried promptly and fairly in a civilian court in accordance with international fair trial standards.
- Protect all people residing in Lebanon equally from any intimidation, harassment and threats, by thoroughly and effectively investigating the reports of threats and incitement to violence, and to hold accountable those found to be inciting hatred and violence against them.
- Order an independent and impartial investigation into the unlawful and/or excessive use of force by security and military forces, including the killing of Alaa Abu Fakhr in November 2019, and refer any military investigations into human rights violations committed against peaceful protestors to the civilian justice system.

#### *Torture*

- End the practice of torture and ill-treatment by security and military agencies in detention centres and stop referring torture complaints for investigation by the same agencies accused of torture or to the military justice system, and ensure such complaints are heard only by civilian courts.
- End impunity for torture and other-ill treatment by conducting prompt, thorough, independent and transparent investigations into all reports of torture and other ill-treatment, including those filed by actor Ziad Itani and by the father of Hassan al-Dika, who died in custody, and ensure anyone found responsible is brought to justice in fair trials. Ensure that victims and their families have an enforceable right to compensation.
- Implement the Anti-Torture Law and binding international treaties, including by operationalizing the National Preventative Mechanism.

#### *Rights of Refugees and Asylum-Seekers*

- Revoke the May 2019 decision of the Higher Defence Council to deport Syrian refugees and stop the deportations immediately.
- Ensure suitable and dignified living conditions for Syrian refugees in the country as required by international law, with the assistance of, and in cooperation with, the international community.
- Facilitate the access of Syrian refugees to residency cards.



- Ensure that any Syrian refugee facing an order related to their legal status in Lebanon is able to challenge that in a court, as required by international due process standards.

*Migrant domestic workers*

- Urgently amend the Labour Law to extend protections and rights to migrant domestic workers.
- Take urgent steps to dismantle the abusive *kafala* (sponsorship) system, including by ensuring that migrant workers are not dependent on their employers for their legal status in the country and adopting the new standard unified contract that includes protections for migrant domestic workers, such as vital safeguards against forced labour.
- Immediately stop General Security Office (GSO) forces' practice of confiscating the passport of migrant domestic workers upon their arrival in Lebanon.
- Revise relevant policies to allow free-of-charge residency for children of all foreign domestic workers, regardless of their marital or employment status.
- Train Internal Security and GSO forces to identify and assist migrant domestic workers who have been subjected to violence and other abuse and facilitate their access to medical care and the justice system.
- Ensure a safe and confidential environment for women to report physical and sexual abuse to the police irrespective of their nationality or residency status and hold accountable police officers who fail to deal with complaints appropriately.
- Increase awareness among domestic workers and law enforcement authorities about the national anti-trafficking law and ensure its full implementation.

*Rights of LGBTQI individuals*

- Abolish Article 534 of the Lebanese Penal code, which prohibits having sexual relations that "contradict the laws of nature".
- Ensure the protection of LGBTQI individuals and organizations, and safeguard their freedom of expression, association and assembly by allowing events and conferences to proceed as planned.
- Respect the due process of law in interrogating and detaining LGBTQI individuals, including those allegedly suspected of practising sex work.
- Investigate and hold accountable those who incite violence and hatred against LGBTQI individuals and organizations.

*Women's rights*

- Adopt a unified Personal Status Code that would guarantee women's equal treatment and women's rights, especially in matters such as divorce, custody and property rights.
- Amend the Nationality Law to ensure that Lebanese women married to non-Lebanese men can pass on their citizenship to their husbands and children.
- Explicitly criminalize domestic violence, marital rape and sexual harassment and ensure the effective implementation of such legislation in practice.

*Death Penalty*

- Establish an official moratorium on executions with a view to abolishing the death penalty, as called for in seven UN General Assembly resolutions, including most recently resolution 73/175 of 17 December 2018.
- Commute, without delay, all death sentences to terms of imprisonment.

## Suggested recommendations to States under review in the 37th session of the UPR Working Group, 18-29 January 2021

- Ensure full compliance with international standards for fair trial in all death penalty cases.
- Ensure that the death penalty is not under any circumstances imposed in violation of the guarantees provided for in Article 6 of the International Covenant on Civil and Political Rights.

### *Climate Crisis and Human Rights*

- Support the recognition by the UN of the right to a safe, clean, healthy and sustainable environment.

In compliance with its obligations under human rights law to protect human rights from the adverse effects of the climate crisis:

- Adopt ambitious new Nationally Determined Contributions (NDC) and a long-term emission reduction strategy at the earliest, which will align Lebanon's emissions reduction targets for 2030 and 2050 with the imperative to keep global average temperature increase below 1.5°C above pre-industrial levels, including clear timelines to end fossil fuel subsidies by 2025 and phase out all fossil fuels as soon as possible and no later by 2050.
- Immediately develop concrete long-term plans for a just and sustainable transition to human rights-consistent renewable energy, ensuring that affordable renewable energy is available to all;
- Establish regulations and policy measures to ensure that businesses reduce emissions by at least 45% by 2030 compared to 2010 levels and to zero before 2050, in line with the IPCC scientific evidence.
- Ensure the shift towards a zero-carbon economy and a more resilient society:
  - addresses systemic inequalities, combats discrimination, and promotes gender, class, racial, disability and intergenerational justice;
  - ensures a just transition for workers and communities impacted by the shift from a fossil fuel economy;
  - respects, protects and fulfils human rights.
- Adopt and implement human rights-consistent adaptation and disaster risk reduction measures that allow to adequately protect people from the foreseeable and unavoidable impacts of the climate crisis.
- Respect, protect and fulfil the right to information, participation and to effective remedies, as well as to freedom of expression and assembly in all climate policies and strategies in line with human rights law and Sustainable Development Goal 16 (peace, justice and strong institutions), paying particular attention to ensuring the free, active, meaningful and informed participation of members of marginalised groups.
- Ensure that any COVID-19 response measures facilitate the transition away from fossil fuels and towards human rights-consistent renewable energy and a zero-carbon economy and also provide for greater social protection and the creation of green and other new jobs that deliver sustainable and decent employment for all workers without discrimination of any kind.

### *COVID-19/pandemic response*

- Ensure that any penalty for breaching lockdown and other coercive enforcement measures conform with the principles of legality, necessity, proportionality and non-discrimination and ensure the powers and responsibilities of law enforcement officials are clearly circumscribed and refrain from bestowing additional powers to enforce lockdown measures.
- Empower and support people to comply with public health regulations, including by ensuring access to public health information and by enabling people who are marginalised to satisfy their essential needs, and ensure that penalties are only imposed after other alternatives have proven, or are clear to be, unsuccessful.
- Explicitly prohibit discrimination, including discriminatory identity checks, in police and antidiscrimination laws and ensure adequate mechanisms to implement the prohibition,

including a system of disciplinary measures for law enforcement officials who breach the prohibition of discrimination.

- Ensure all health and essential workers are able to protect themselves during the COVID-19 pandemic, including by increasing domestic production of PPE, promoting international cooperation in its distribution to ensure equipment can get to where it is most needed, and by reviewing domestic trade policies to ensure they do not obstruct the availability, affordability and quality of essential commodities, such as PPE, in any country.
- Publicly recognise the role of health and essential workers in defending human rights during the pandemic and provide a safe and enabling environment in which they can exercise their work free from reprisals, intimidation or threats.
- Ensure that all health and essential workers can exercise their right to freedom of expression without fear of reprisals and ensure that employers put in place systems that allow health and essential workers to report on health and safety risks and require that they are addressed in an appropriate manner.
- Ensure health workers are protected from stigma and abuse in relation to their employment.
- Recognise COVID-19 as an occupational disease, and ensure that health and essential care workers who contract COVID-19 as a result of work-related activities are able to claim cash compensation and medical and other necessary care and provide compensation to the families of any health and essential care workers who die as a result of contracting the illness at work.
- Set up a comprehensive, effective and independent review into Lebanon's response to the COVID-19 pandemic and provide adequate and accessible remedies for any human rights violations caused by government agencies.
- Develop a plan to ensure that the public health system is adequately funded and staffed and increase budgetary allocations to the public health sector as necessary. The plan should include a detailed assessment of the amount of public health spending necessary to ensure that all persons can enjoy the right to health, and options to finance increased public health spending.
- Ensure that economic recovery packages protect the right to an adequate standard of living of all persons, including people on lower incomes, those working in the informal sector, and others who may be at risk and most affected by the COVID-19 crisis and set up monitoring and review mechanisms to assess their impact and amend them as necessary.

#### *Access to COVID-19 diagnostics, treatment and vaccines*

- Support C-TAP and promote open and non-exclusive licences for COVID-19 health products that include technology transfer, with full public disclosure of all terms and conditions, to ensure that the product is available, accessible and affordable to the maximum number of people.
- Assess and make any necessary adjustments to intellectual property laws, policies and practices to ensure that these do not form a barrier to COVID-19 health products for all people globally.
- Respect the spirit of the Doha Declaration on the TRIPS Agreement and Public Health (2001) by supporting initiatives that increase access to COVID-19 health products, such as the proposed WTO TRIPS waiver.
- Ensure national and international criteria to guide the allocation of vaccines are consistent with human rights standards, pay attention to the needs of marginalized groups, and reflect the WHO's Equitable Allocation Framework. Civil society should be represented in any national and international decision-making processes.

#### *Ratification of Treaties*

- Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural

**Suggested recommendations to States under review in the 37th session of the UPR Working Group, 18-29 January 2021**

Rights and opt-in to the inquiry and inter-state procedures.

- Accede to the Rome Statute of the International Criminal Court and implement it in national law.
- Adhere to the Agreement on the Privileges and Immunities of the International Criminal Court.
- Lift all reservations to the Convention on the Elimination of All Forms of Discrimination against Women, including Article 9, paragraph 2, regarding nationality.
- Ratify the 1951 Convention relating to the Status of Refugees and its 1967 Protocol.
- Ratify the International Convention for the Protection of All Persons from Enforced Disappearance without making any reservation and 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.
- Accede to the Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity, without making any reservation.
- Ratify ILO Conventions 155 (Occupational Health and Safety), 149 (Nursing Personnel Convention), and the recently adopted ILO Violence and Harassment Convention of 2019, at the earliest date possible.

## Recommendations to the Government of Mauritania

### Key Amnesty International documents on Mauritania for reference

[Exposed, silenced, attacked: Failures to protect health and essential workers during the COVID-19 pandemic](#), 13 July 2020, (Index: POL 40/2572/2020)

[Human Rights in Africa: Review of 2019: Mauritania](#), 8 April 2020, (Index: AFR 01/1352/2020)

[COP 25: States poised to set the stage for decades of human rights abuses](#), 12 December 2019, (Index: IOR 40/1574/2019)

[Recommendations to States on Steps to Protect Human Rights at the 25th Conference of the Parties of the United Nations Framework Convention on Climate Change 2-13 December 2019](#), 25 November 2019, (Index: IOR 51/1446/2019)

[Mauritania: Submission to the United Nations Committee on the Elimination of Racial Discrimination 99th Session, 5 -29 August 2019](#), Follow-Up Procedure, 31 July 2019, (Index: AFR 38/0243/2019)

[Mauritania: Authorities must stop using arbitrary arrests to crackdown on anti-slavery and anti-discrimination activists](#), 12 July 2019, (Index: AFR 38/0694/2019)

[Mauritania: Submission to the United Nations Human Rights Committee 126th Session, 1-26 July 2019, 4 June 2019](#), (Index: AFR 38/0378/2019)

[Mauritania: Human Rights Manifesto for Presidential Election Candidates: 12 Commitments to Promote and Protect Human Rights in Mauritania](#), 3 June 2019, (Index: AFR 38/0468/2019)

[Amnesty International: Recommendations ahead of COP24 of the Climate Change Convention](#), 23 November 2018, (Index: IOR 51/9435/2018)

[Mauritania: Arrests of opposition leader, anti-slavery activist and two journalists point to worrying pre-election crackdown](#), 15 August 2018

[Mauritania: Mandatory death penalty for blasphemy](#), 4 May 2018, (Index: AFR 38/8347/2018)

[Mauritania: Submission to the United Nations Committee on the Elimination of Racial Discrimination, 29 March 2018](#), (Index: AFR 38/8125/2018)

[Amnesty International Report 2017/18, Mauritania](#), 22 February 2018, (Index: POL 10/6700/2018)

[Amnesty International Report 2016/17: Mauritania](#), 22 February 2017, (Index: POL 10/4800/2017)

#### *Freedom of Expression and Assembly:*

- Amend the 1973 law on public assemblies, its decree of implementation and the provisions of the Criminal Code relating to assemblies, and ensure that they meet international and regional human rights standards, including by allowing spontaneous peaceful protests, simplifying the prior notification process, removing prison terms for peaceful protesters and protest organizers and setting in law permissible restrictions to the right to peaceful assembly.

#### *Freedom of Association:*

- Amend the 1964 law on associations and its amendments and ensure they meet international human rights standards, including by removing the mandatory authorization requirement; eliminating grounds used to not authorize or dissolve associations that are excessive, including that they “are contrary to morality” or “exercise an unwelcomed influence on the minds of the people”; removing prison terms for the leaders, members or participants to the association’s activities for lack of registration; and ensuring the decision to dissolve an association is taken by a court of law rather than an administrative authority.
- Refrain from unduly interfering with the activities of associations, including by repealing the circular requiring authorization for meetings in hotels and conference venues.
- Accelerate the legal recognition process of civil society organizations working on human rights issues, especially on women’s rights and abolitionist issues.

*Economic, Social and Cultural Rights:*

- Remove administrative obstacles to civil registration by nationals, especially Afro-Mauritanians by making the process clearer, free of charge and free from discrimination.
- Facilitate the enjoyment of the right to education and to health of nationals deprived of their identity papers, or who have faced discrimination in acceding to papers establishing their citizenship.

*Slavery and discrimination based on work and descent*

- Ensure the effective implementation of its legislation criminalizing slavery through the prosecution of individual cases before the court, and by compensating the victims of slavery
- Ensure that victims of slavery can effectively lodge complaints without being subjected to any form of pressure, that investigations are carried out, prosecutions instituted and that those responsible are sentenced to penalties proportionate to the gravity of the facts.
- Ensure the prosecution of discriminatory practices based on work and descent, and where possible, compensate the victims.

*Freedom of religion and belief*

- Remove the crime of apostasy from national legislation and enable Mauritians to fully enjoy their right to freedom of religion and belief, including the right to change religion.

*Impunity:*

- Repeal Law 93-23 of 14 June 1993, which grants amnesty to alleged perpetrators of abuses, torture, illegal detention, extrajudicial killings and mass expulsions of Afro-Mauritanians between January 1989 and April 1992.
- Establish an independent investigation to bring proceedings against alleged perpetrators and to compensate the victims and their beneficiaries and facilitate the return and integration of Mauritanian refugees in Mali and Senegal.

*Human rights defenders*

- Publicly recognize human rights defenders, including women human rights defenders, and ensure support for them to carry out their work.
- Adopt a law on the recognition and protection of human rights defenders that will facilitate their individual and organization recognition and protect them from undue political and administrative harassment and judicial interference in their activities.

*Climate Crisis and Human Rights*

- Support the recognition by the UN of the right to a safe, clean, healthy and sustainable environment.

In compliance with its obligations under human rights law to protect human rights from the adverse effects of the climate crisis:

- Adopt ambitious new Nationally Determined Contributions (NDC) and a long-term emission reduction strategy at the earliest, which will align Mauritania's emissions reduction targets for 2030 and 2050 with the imperative to keep global average temperature increase below 1.5°C above pre-industrial levels, including clear timelines to end fossil fuel subsidies by 2025 except for any clear cook-stove programmes, and phase out use of all fossil fuels as soon as possible and no later than 2050.
- Immediately develop concrete long-term plans for a just and sustainable transition to human rights-consistent renewable energy, ensuring that affordable renewable energy is available to all;
- Establish regulations and policy measures to ensure that businesses reduce emissions across their operations and value chains as soon as possible and by at least 45% by 2030 compared to 2010 levels and to zero before 2050, in line with the scientific findings of the IPCC.
- Ensure that any COVID-19 response measures facilitate the transition away from fossil fuels and towards human rights-consistent renewable energy and a zero-carbon economy and also provide

for greater social protection and the creation of green and other new jobs that deliver sustainable and decent employment for all workers without discrimination of any kind.

- Ensure the shift towards a zero-carbon economy and a more resilient society:
  - addresses systemic inequalities, combats discrimination, and promotes gender, class, racial, disability and intergenerational justice;
  - ensures a just transition for workers and communities impacted by the shift from a fossil fuel economy;
  - respects, protects and fulfils human rights.
- Adopt and implement human rights-consistent adaptation and disaster risk reduction measures that allow to adequately protect people from the foreseeable and unavoidable impacts of the climate crisis.
- Identify Mauritania's exact needs in terms of technology transfer and financial resources needed from wealthier countries to reduce emissions nationally in a manner compatible to keeping the increase in average global temperature below 1.5°C and to adequately support people in the country to adapt to climate change.
- Respect, protect and fulfil the right to information, participation and to effective remedies, as well as to freedom of expression and assembly in all climate policies and strategies in line with human rights law and Sustainable Development Goal 16 (peace, justice and strong institutions), paying particular attention to ensuring the free, active, meaningful and informed participation of members of marginalised groups.

#### *COVID-19/pandemic response*

- Ensure all health and essential workers are able to protect themselves during the COVID-19 pandemic, including by increasing domestic production of PPE, promoting international cooperation in its distribution to ensure equipment can get to where it is most needed, and by reviewing domestic trade policies to ensure they do not obstruct the availability, affordability and quality of essential commodities, such as PPE, in any country.
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- Ensure health workers are protected from stigma and abuse in relation to their employment.
- Recognise COVID-19 as an occupational disease, and ensure that health and essential care workers who contract COVID-19 as a result of work-related activities are able to claim cash compensation and medical and other necessary care and provide compensation to the families of any health and essential care workers who die as a result of contracting the illness at work.
- Set up a comprehensive, effective and independent review into Mauritania's response to the COVID-19 pandemic and provide adequate and accessible remedies for any human rights violations caused by government agencies.
- Develop a plan to ensure that the public health system is adequately funded and staffed and increase budgetary allocations to the public health sector as necessary. The plan should include a detailed assessment of the amount of public health spending necessary to ensure that all persons can enjoy the right to health, and options to finance increased public health spending.
- Ensure that economic recovery packages protect the right to an adequate standard of living of all persons, including people on lower incomes, those working in the informal sector, and others

who may be at risk and most affected by the COVID-19 crisis and set up monitoring and review mechanisms to assess their impact and amend them as necessary.

*Access to COVID-19 diagnostics, treatment and vaccines*

- Support C-TAP and promote open and non-exclusive licences for COVID-19 health products that include technology transfer, with full public disclosure of all terms and conditions, to ensure that the product is available, accessible and affordable to the maximum number of people.
- Assess and make any necessary adjustments to intellectual property laws, policies and practices to ensure that these do not form a barrier to COVID-19 health products for all people globally.
- Respect the spirit of the Doha Declaration on the TRIPS Agreement and Public Health (2001) by supporting initiatives that increase access to COVID-19 health products, such as the proposed WTO TRIPS waiver.
- Ensure national and international criteria to guide the allocation of vaccines are consistent with human rights standards, pay attention to the needs of marginalized groups, and reflect the WHO's Equitable Allocation Framework. Civil society should be represented in any national and international decision-making processes.

*Death Penalty*

- Abolish the death penalty and, pending abolition, maintain the de facto moratorium on executions.
- Commute without delay all death sentences to terms of imprisonment.
- Ensure that the death penalty is not under any circumstances imposed in violation of the guarantees provided for in Article 6 International Covenant on Civil and Political Rights.
- Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at abolition of the death penalty.

*Ratification of Treaties*

- Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and to opt in to the inquiry and inter-state procedures.
- Accede to the Rome Statute of the International Criminal Court and implement it in national law.
- Adhere to the Agreement on the Privileges and Immunities of the International Criminal Court.
- Accede to the Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity, without making any reservation.
- Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at abolition of the death penalty.
- Ratify ILO Conventions 155 (Occupational Health and Safety), 149 (Nursing Personnel Convention), and the recently adopted ILO Violence and Harassment Convention of 2019, at the earliest date possible.
- Make a declaration under article 34.6 of the Protocol to the African Charter on Human and Peoples' Rights on the establishment of the African Court on Human and Peoples' Rights, allowing individuals and NGOs to directly submit a communication to the Court.



## Recommendations to the Government of Myanmar

### Key Amnesty International documents on Myanmar for reference

[Myanmar: Villages burned, civilians injured and killed as Rakhine State conflict escalates](#), 12 October 2020

[Exposed, silenced, attacked: Failures to protect health and essential workers during the COVID-19 pandemic](#), 13 July 2020, (Index: POL 40/2572/2020)

[Myanmar: In Reverse: Deteriorating human rights situation: Amnesty International's submission for 37th session of the UN Universal Periodic Review](#), 9 July 2020, (Index: ASA 16/2731/2020)

[Myanmar: Censorship Harms Covid-19 Response](#), 27 April 2020, (Index: ASA 16/2184/2020)

[Myanmar: "I Will Not Surrender": The Criminalization of Human Rights Defenders and Activists in Myanmar](#), 13 April 2020, (Index: ASA 16/2041/2020)

[Myanmar: Lift Internet Restrictions in Rakhine and Chin States](#), 13 February 2020, (Index: ASA 16/1805/2020)

[Myanmar: Amnesty International Annual Review 2019](#), 30 January 2020, (Index: ASA 16/1774/2020)

[COP 25: States poised to set the stage for decades of human rights abuses](#), 12 December 2019, (Index: IOR 40/1574/2019)

[Recommendations to States on Steps to Protect Human Rights at the 25th Conference of the Parties of the United Nations Framework Convention on Climate Change 2-13 December 2019](#), 25 November 2019, (Index: IOR 51/1446/2019)

[Myanmar: "Caught in the Middle": Abuses against civilians amid conflict in Myanmar's Northern Shan State](#), 24 October 2019, (Index: ASA 16/1142/2019)

[Myanmar: End Internet Shutdown in Rakhine, Chin States](#), 25 June 2019, (Index: ASA 16/0604/2019)

[Myanmar: "Fleeing My Whole Life": Older people's experience of conflict and displacement in Myanmar](#), 18 June 2019, (Index: ASA 16/0446/2019)

[Myanmar: "No One Can Protect Us": War Crimes and Abuses in Myanmar's Rakhine State](#), 29 May 2019, (Index: ASA 16/0417/2019)

[Amnesty International: Recommendations ahead of COP24 of the Climate Change Convention](#), 23 November 2018, (Index: IOR 51/9435/2018)

[Myanmar: "We Will Destroy Everything": Military responsibility for crimes against humanity in Rakhine State](#), 27 June 2018, (Index: ASA 16/8630/2018)

[Amnesty International Report 2017/18, Myanmar](#), 22 February 2018, (Index: POL 10/6700/2018)

[Myanmar: "Caged Without A Roof": Apartheid in Myanmar's Rakhine State](#), 21 November 2017, Index number: ASA 16/7484/2017

[Amnesty International Report 2016/17: Myanmar](#), 22 February 2017, (Index: POL 10/4800/2017)

[Myanmar: Ministry of Defence's Refusal to relocate military-owned acid factory threatens health of local community](#), 24 August 2017, (Index: ASA 16/6981/2017)

#### *Cooperation with the UN*

- Cooperate fully with UN human rights mechanisms, including by granting access to the UN Special Rapporteur on the situation of human rights in Myanmar and the Independent Investigative Mechanism for Myanmar, ensuring they have full access to all parts of the country,
- Facilitate the establishment of an OHCHR Office at the earliest opportunity, with a full protection and promotion mandate and access throughout the country.

*The national human rights framework*

- Amend the 2008 Constitution to bring it into line with international human rights law and standards, including by bringing the Myanmar military and Myanmar Police Force under the oversight of civilian courts; ensuring it explicitly prohibits torture and other-ill-treatment in all circumstances; and removing all provisions which enable impunity for perpetrators of human rights violations.
- Review and repeal or amend all laws that violate the rights to freedom of expression, association and peaceful assembly – in particular Sections 500, 505 and 295 of the Penal Code, the Peaceful Assembly and Peaceful Procession Law, the Unlawful Associations Act, the Official Secrets Act, the Telecommunications Act, and the Law protecting the Privacy and Security of Citizens – to bring them in line with international human rights law and standards. Pending the amendment of these laws, ensure that no one is arrested, detained, or prosecuted under their provisions.
- Amend the 1982 Citizenship Law to ensure that citizenship is granted free of any discrimination on the bases of race, colour, ethnic origin, sex/gender, language, or religion or other prohibited grounds and ensure that this principle is implemented in practice.
- Ensure broad and transparent consultation with civil society, legal experts, and others when drafting, reviewing, and amending legislation.

*Ratification of Treaties*

- Accede to and effectively implement the International Covenant on Civil and Political Rights and its Optional Protocols; the International Convention on the Elimination of All Forms of Racial Discrimination; the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol; the Convention for the Protection of All Persons from Enforced Disappearance; and the Rome Statute of the International Criminal Court, and implement their provisions in law, policy, and practice.
- Accede to the Optional Protocol to CESCR and opt in to the inquiry and inter-state procedures, to CEDAW, and to the CRPD.
- Adhere to the Agreement on the Privileges and Immunities of the International Criminal Court, and the Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity.
- Ratify and 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.
- Ratify ILO Conventions 155 (Occupational Health and Safety), 149 (Nursing Personnel Convention), and the recently adopted ILO Violence and Harassment Convention of 2019, at the earliest date possible.

*Abuses by the security forces*

- Ensure prompt, independent, impartial, and effective investigations into allegations of human rights violations by members of the security forces; ensure that those suspected of responsibility – including those with command responsibility – are brought to justice in fair trials in an independent, civilian court; and that victims receive reparations.
- Suspend from active duty any military or police personnel suspected of ordering or committing violations of international law pending the completion of investigations.
- Cooperate fully with international efforts to investigate and prosecute individuals suspected of involvement in crimes under international law and other human rights violations, including those with command or other superior responsibility.

*Atrocities against the Rohingya*

- Take immediate steps to restore citizenship rights to holders of formerly valid identity cards, and their children, ensuring they are not required to undergo any further citizenship determination process.
- Revoke all local orders and policies which place arbitrary and discriminatory restrictions on Rohingya, in particular on their freedom of movement, and ensure Rohingya can access healthcare, education, and livelihood opportunities without discrimination.
- Guarantee the safe, voluntary, and dignified return of refugees, displaced individuals, and communities to their prior places of residence or, in exceptional circumstances, to adequate alternative housing elsewhere, while ensuring the full participation of refugees and internally displaced persons, including women, older people, and persons with disabilities, in the planning and management of their return or resettlement and reintegration and overall development of the region, and ensure the right of all refugees and displaced persons not to be subjected to forcible return to or resettlement in any place where their life, safety, liberty, or health would be at risk.
- Remove all indicators of ethnicity and religion from national identification cards and from any supplementary or supporting documentation required to apply for or to renew such cards.
- Publicly and unequivocally condemn any advocacy of national, racial, or religious hatred that constitutes incitement to discrimination, hostility, or violence, take effective action to end its dissemination, and provide protection for those targeted by it, in accordance with international human rights law.

*Humanitarian access and displacement*

- Provide immediate, unfettered, and sustained humanitarian access throughout the country, including in Rakhine, Chin, Kachin, and Shan States, including by allowing UN, international, and national humanitarian organizations to assess and monitor the needs of displaced persons and others in need and to deliver assistance to them.
- Immediately lift internet restrictions in Rakhine and southern Chin States.
- End the use of antipersonnel landmines and IEDs. Support the expansion of mine clearance programmes and, in the meantime, take all necessary measures to warn civilians about areas with landmines or landmine-like devices, including through signs and public announcements in both Burmese and in the language of ethnic minorities in the area.

*The rights to freedom of expression, association, and peaceful assembly*

- Immediately and unconditionally release all those detained solely for the peaceful exercise of their human rights; drop charges pending against those who are facing imprisonment simply for the peaceful exercise of these rights, and expunge the criminal records of all those convicted solely for the peaceful exercise of their rights.
- Ensure that human rights defenders and peaceful activists are free from harassment, discrimination, and the threat of criminalization through the application of repressive laws; and that they are able to conduct their important and legitimate work in a safe environment.

*Death penalty*

- Commute all death sentences to prison terms.
- Abolish the death penalty for all crimes.

*Climate Crisis and Human Rights*

- Support the recognition by the UN of the right to a safe, clean, healthy and sustainable environment.

In compliance with its obligations under human rights law to protect human rights from the adverse effects of the climate crisis:

- Adopt ambitious new Nationally Determined Contributions (NDC) and a long-term emission reduction strategy at the earliest, which will align Myanmar's emissions reduction targets for 2030 and 2050 with the imperative to keep global average temperature increase below 1.5°C above pre-industrial levels, including clear timelines to phase out use of all fossil fuels as soon

as possible and no later than 2050.

- Immediately develop concrete long-term plans for a just and sustainable transition to human rights-consistent renewable energy, ensuring that affordable renewable energy is available to all;
- Establish regulations and policy measures to ensure that businesses reduce emissions across their operations and value chains as soon as possible and by at least 45% by 2030 compared to 2010 levels and to zero before 2050, in line with the scientific findings of the IPCC.
- Ensure that any COVID-19 response measures facilitate the transition away from fossil fuels and towards human rights-consistent renewable energy and a zero-carbon economy and also provide for greater social protection and the creation of green and other new jobs that deliver sustainable and decent employment for all workers without discrimination of any kind.
- Ensure the shift towards a zero-carbon economy and a more resilient society:
  - addresses systemic inequalities, combats discrimination, and promotes gender, class, racial, disability and intergenerational justice;
  - ensures a just transition for workers and communities impacted by the shift from a fossil fuel economy;
  - respects, protects and fulfils human rights.
- Adopt and implement human rights-consistent adaptation and disaster risk reduction measures that allow to adequately protect people from the foreseeable and unavoidable impacts of the climate crisis.
- Identify Myanmar's exact needs in terms of technology transfer and financial resources needed from wealthier countries to reduce emissions nationally in a manner compatible to keeping the increase in average global temperature below 1.5°C and to adequately support people in the country to adapt to climate change.
- Respect, protect and fulfil the right to information, participation and to effective remedies, as well as to freedom of expression and assembly in all climate policies and strategies in line with human rights law and Sustainable Development Goal 16 (peace, justice and strong institutions), paying particular attention to ensuring the free, active, meaningful and informed participation of members of marginalised groups.

*COVID-19/pandemic response*

- Ensure that any penalty for breaching lockdown and other coercive enforcement measures conform with the principles of legality, necessity, proportionality and non-discrimination and ensure the powers and responsibilities of law enforcement officials are clearly circumscribed and refrain from bestowing additional powers to enforce lockdown measures.
- Empower and support people to comply with public health regulations, including by ensuring access to public health information and by enabling people who are marginalised to satisfy their essential needs, and ensure that penalties are only imposed after other alternatives have proven, or are clear to be, unsuccessful.
- Explicitly prohibit discrimination, including discriminatory identity checks, in police and antidiscrimination laws and ensure adequate mechanisms to implement the prohibition, including a system of disciplinary measures for law enforcement officials who breach the prohibition of discrimination.
- Ensure all health and essential workers are able to protect themselves during the COVID-19 pandemic, including by increasing domestic production of PPE, promoting international cooperation in its distribution to ensure equipment can get to where it is most needed, and by reviewing domestic trade policies to ensure they do not obstruct the availability, affordability and quality of essential commodities, such as PPE, in any country.

**Suggested recommendations to States under review in the 37th session of the UPR Working Group, 18-29 January 2021**

- Publicly recognise the role of health and essential workers in defending human rights during the pandemic and provide a safe and enabling environment in which they can exercise their work free from reprisals, intimidation or threats.
- Ensure that all health and essential workers can exercise their right to freedom of expression without fear of reprisals and ensure that employers put in place systems that allow health and essential workers to report on health and safety risks and require that they are addressed in an appropriate manner.
- Ensure health workers are protected from stigma and abuse in relation to their employment.
- Recognise COVID-19 as an occupational disease, and ensure that health and essential care workers who contract COVID-19 as a result of work-related activities are able to claim cash compensation and medical and other necessary care and provide compensation to the families of any health and essential care workers who die as a result of contracting the illness at work.
- Set up a comprehensive, effective and independent review into Myanmar's response to the COVID-19 pandemic and provide adequate and accessible remedies for any human rights violations caused by government agencies.
- Develop a plan to ensure that the public health system is adequately funded and staffed and increase budgetary allocations to the public health sector as necessary. The plan should include a detailed assessment of the amount of public health spending necessary to ensure that all persons can enjoy the right to health, and options to finance increased public health spending.
- Ensure that economic recovery packages protect the right to an adequate standard of living of all persons, including people on lower incomes, those working in the informal sector, and others who may be at risk and most affected by the COVID-19 crisis and set up monitoring and review mechanisms to assess their impact and amend them as necessary.

*Access to COVID-19 diagnostics, treatment and vaccines*

- Support C-TAP and promote open and non-exclusive licences for COVID-19 health products that include technology transfer, with full public disclosure of all terms and conditions, to ensure that the product is available, accessible and affordable to the maximum number of people.
- Assess and make any necessary adjustments to intellectual property laws, policies and practices to ensure that these do not form a barrier to COVID-19 health products for all people globally.
- Respect the spirit of the Doha Declaration on the TRIPS Agreement and Public Health (2001) by supporting initiatives that increase access to COVID-19 health products, such as the proposed WTO TRIPS waiver.
- Ensure national and international criteria to guide the allocation of vaccines are consistent with human rights standards, pay attention to the needs of marginalized groups, and reflect the WHO's Equitable Allocation Framework. Civil society should be represented in any national and international decision-making processes.

## Recommendations to the Government of Nauru

### Key Amnesty International documents on Nauru for reference

[Nauru: Strengthen Human Rights Protections: Amnesty International Submission for the 37<sup>th</sup> session of the UN Universal Periodic Review](#), 31 July 2020, (Index: ASA 42/2837/2020)

[Exposed, silenced, attacked: Failures to protect health and essential workers during the COVID-19 pandemic](#), 13 July 2020, (Index: POL 40/2572/2020)

[COP 25: States poised to set the stage for decades of human rights abuses](#), 12 December 2019, (Index: IOR 40/1574/2019)

[Recommendations to States on Steps to Protect Human Rights at the 25th Conference of the Parties of the United Nations Framework Convention on Climate Change 2-13 December 2019](#), 25 November 2019, (Index: IOR 51/1446/2019)

[Amnesty International: Recommendations ahead of COP24 of the Climate Change Convention](#), 23 November 2018, (Index: IOR 51/9435/2018)

[Amnesty International Report 2017/18, Nauru](#), 22 February 2018, (Index: POL 10/6700/2018)

[Amnesty International Report 2016/17: Nauru](#), 22 February 2017, (Index: POL 10/4800/2017)

#### *The national human rights framework*

- Ratify the International Covenant on Civil and Political Rights and its Optional Protocols, the International Covenant on Economic, Social and Cultural Rights and its Optional Protocol and opt-in to the inquiry and inter-state procedures, and the International Convention on the Elimination of All Forms of Racial Discrimination, and where necessary, seek international cooperation and assistance to incorporate these treaties into domestic law.
- Promptly accede 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;
- Accede to the Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity, without making any reservation;
- Adhere to the Agreement on the Privileges and Immunities of the International Criminal Court.
- Ratify and implement the Arms Trade Treaty without delay, with 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.
- Ratify ILO Conventions 155 (Occupational Health and Safety), 149 (Nursing Personnel Convention), and the recently adopted ILO Violence and Harassment Convention of 2019, at the earliest date possible.
- Establish a national human rights institution in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

#### *Independence of the judiciary, right to a fair trial and access to justice*

- Strengthen the independence of the judiciary and of the governing bodies of the judiciary, including by ensuring that judicial officers cannot be arbitrarily removed from office without due process and are appointed independently in line with international human rights standards, including the UN Basic Principles on the Independence of the Judiciary

## Suggested recommendations to States under review in the 37th session of the UPR Working Group, 18-29 January 2021

### *Freedom of expression and peaceful assembly*

- Protect and uphold the right to free and independent media in Nauru, including by removing prohibitively high foreign journalist visa fees to enable foreign journalists to visit the country.
- Immediately and unconditionally release Members of Parliament and their supporters convicted of non-violent offences related to protests in 2015.

### *Refugees and Asylum seekers*

- Immediately end 'offshore processing' arrangements with the Australian government and ensure that the 211 remaining refugees and asylum seekers who wish to do so are transferred to Australia or settled in a country where they are safe, and their rights are respected and protected.
- Immediately reinstate mental health services provided by MSF and other qualified health providers for locals and refugees and asylum seekers. Noting the travel restrictions as a result of the Covid-19 health pandemic and the need to protect Nauru from exposure to the illness, health services should resume online and by phone until Nauru is capable of implementing human rights-compliant quarantine measures for travellers to and from the country.

Ensure free and full access for independent agencies such as church and community groups, journalists, UN agencies, and non-governmental organisations and permit them to monitor the conditions for the refugees and asylum seekers who choose to remain.

### *Climate Crisis and Human Rights*

- Support the recognition by the UN of the right to a safe, clean, healthy and sustainable environment.

In compliance with its obligations under human rights law to protect human rights from the adverse effects of the climate crisis:

- Adopt ambitious new Nationally Determined Contribution and a mid-century strategy which will align Nauru's emissions reduction targets for 2030 and 2050 with the imperative to keep global average temperature increase below 1.5°C above pre-industrial levels, including clear timelines to phase out use of all fossil fuels as soon as possible and by 2050 at the latest.
- Immediately develop concrete long-term plans for a just and sustainable transition to human rights-consistent renewable energy, ensuring that affordable renewable energy is available to all;
- Establish regulations and policy measures to ensure that businesses reduce emissions across their operations and value chains as soon as possible and by at least 45% by 2030 compared to 2010 levels and to zero before 2050, in line with the scientific findings of the IPCC.
- Ensure that any COVID-19 response measures facilitate the transition away from fossil fuels and towards human rights-consistent renewable energy and a zero-carbon economy and also provide for greater social protection and the creation of green and other new jobs that deliver sustainable and decent employment for all workers without discrimination of any kind.
- Ensure the shift towards a zero-carbon economy and a more resilient society:
  - addresses systemic inequalities, combats discrimination, and promotes gender, class, racial, disability and intergenerational justice;
  - ensures a just transition for workers and communities impacted by the shift from a fossil fuel economy;
  - respects, protects and fulfils human rights.
- Adopt and implement human rights-consistent adaptation and disaster risk reduction measures that allow to adequately protect people from the foreseeable and unavoidable impacts of the climate crisis.
- Identify Nauru's exact needs in terms of technology transfer and financial resources needed from wealthier countries to complement its emissions reduction and adaptation efforts in a manner that fully protects human rights in the face of the climate crisis.
- Identify Nauru's exact needs in terms of technology transfer and financial resources needed from

## Suggested recommendations to States under review in the 37th session of the UPR Working Group, 18-29 January 2021

wealthier countries to complement its emissions reduction and adaptation efforts in a manner that fully protects human rights in the face of the climate crisis.

- Respect, protect and fulfil the right to information, participation and to effective remedies, as well as to freedom of expression and assembly in all climate projects, policies and strategies in line with human rights law and Sustainable Development Goal 16 (peace, justice and strong institutions), paying particular attention to ensuring the free, active, meaningful and informed participation of members of marginalised groups.

### *COVID-19/pandemic response*

In recognition that Nauru is one of a few countries that has not reported confirmed cases of COVID-19 as at November 2020, and that preparation for response to the pandemic remains critical:

- Ensure all health and essential workers are able to protect themselves during the COVID-19 pandemic, promoting international cooperation in its distribution to ensure equipment can get to where it is most needed, and by reviewing domestic trade policies to ensure they do not obstruct the availability, affordability and quality of essential commodities, such as PPE, in any country.
- Publicly recognise the role of health and essential workers in defending human rights during the pandemic and provide a safe and enabling environment in which they can exercise their work free from reprisals, intimidation or threats.
- Ensure that all health and essential workers can exercise their right to freedom of expression without fear of reprisals and ensure that employers put in place systems that allow health and essential workers to report on health and safety risks and require that they are addressed in an appropriate manner.
- Ensure health workers are protected from stigma and abuse in relation to their employment.
- Recognise COVID-19 as an occupational disease, and ensure that health and essential care workers who contract COVID-19 as a result of work-related activities are able to claim cash compensation and medical and other necessary care and provide compensation to the families of any health and essential care workers who die as a result of contracting the illness at work.
- Set up a comprehensive, effective and independent review into Nauru's response to the COVID-19 pandemic and provide adequate and accessible remedies for any human rights violations caused by government agencies.
- Develop a plan to ensure that the public health system is adequately funded and staffed and increase budgetary allocations to the public health sector as necessary. The plan should include a detailed assessment of the amount of public health spending necessary to ensure that all persons can enjoy the right to health, and options to finance increased public health spending. Where necessary, seek international co-operation and assistance to ensure the provision of adequate medical care.
- Ensure that economic recovery packages protect the right to an adequate standard of living of all persons, including people on lower incomes, those working in the informal sector, and others who may be at risk and most affected by the COVID-19 crisis and set up monitoring and review mechanisms to assess their impact and amend them as necessary.

### *Access to COVID-19 diagnostics, treatment and vaccines*

- Support C-TAP and promote open and non-exclusive licences for COVID-19 health products that include technology transfer, with full public disclosure of all terms and conditions, to ensure that the product is available, accessible and affordable to the maximum number of people.
- Assess and make any necessary adjustments to intellectual property laws, policies and practices to ensure that these do not form a barrier to COVID-19 health products for all people globally.



**Suggested recommendations to States under review in the 37th session of the UPR Working Group, 18-29 January 2021**

- Respect the spirit of the Doha Declaration on the TRIPS Agreement and Public Health (2001) by supporting initiatives that increase access to COVID-19 health products, such as the proposed WTO TRIPS waiver.
- Ensure national and international criteria to guide the allocation of vaccines are consistent with human rights standards, pay attention to the needs of marginalized groups, and reflect the WHO's Equitable Allocation Framework. Civil society should be represented in any national and international decision-making processes.

## Recommendations to the Government of Nepal

### Key Amnesty International documents on Nepal for reference

[Nepal: Justice Stalled for Conflict Victims: Amnesty International submission for the 37<sup>th</sup> session of the UN Universal Periodic Review](#), 23 October 2020, (Index: ASA 31/3217/2020)

[Exposed, silenced, attacked: Failures to protect health and essential workers during the COVID-19 pandemic](#), 13 July 2020, (Index: POL 40/2572/2020)

[Human Rights in Asia-Pacific: Review of 2019](#), 29 January 2020, (Index: ASA 01/1354/2020)

[COP 25: States poised to set the stage for decades of human rights abuses](#), 12 December 2019, (Index: IOR 40/1574/2019)

[Nepal: 13 years on. No justice for conflict victims](#), 26 November 2019, (Index: ASA 31/1462/2019)

[Recommendations to States on Steps to Protect Human Rights at the 25th Conference of the Parties of the United Nations Framework Convention on Climate Change 2-13 December 2019](#), 25 November 2019, (Index: IOR 51/1446/2019)

[Nepal: Land for Landless Peasants](#), 15 October 2019, (Index: ASA 31/1221/2019)

[Nepal: Adequate Housing for All: Analysis of the Right to Housing Act 2018](#), 11 June 2019, (Index: ASA 31/0496/2019)

[Nepal: Right to Food in Nepal: Analysis of the Right to Food and Food Sovereignty Act 2018](#), 3 April 2019, (Index: ASA 31/0130/2019)

[Amnesty International: Recommendations ahead of COP24 of the Climate Change Convention](#), 23 November 2018, (Index: IOR 51/9435/2018)

[Amnesty International Report 2017/18, Nepal](#), 22 February 2018, (Index: POL 10/6700/2018)

[Nepal: Government must deliver on promises on migrant worker abuse](#), 8 August 2017, (Index: ASA 31/6902/2017)

[Amnesty International Report 2016/17: Nepal](#), 22 February 2017, (Index: POL 10/4800/2017)

#### *Ratification of Treaties*

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

#### *Role of National statutory bodies in the protection of human rights*

- Repeal any provision in the proposed amendment of the National Human Rights Commission Act 2012, that limit the jurisdiction and financial autonomy of the Commission and guarantee that the appointment process ensures representation of civil society involved in the protection and promotion of human rights.
- Ensure the recommendations from NHRC are promptly and seriously implemented.

#### *Impunity for past human rights violations*

- Investigate all allegations of crimes under international law, both past and present, and where there is sufficient admissible evidence, prosecute those suspected of committing the crimes before competent, independent and impartial civilian courts, in accordance with international standards.
- Ensure the victims can access effective remedies before the courts, including full and effective reparation.
- Bring the commission on Investigation of Disappeared Persons, Truth and Reconciliation Act 2014 in line with international law before the commissioners commence their work, including by removing time limits that could inhibit filing of complaints, ensuring witness protection, and

removing provisions that could lead to amnesties being granted to persons suspected of committing crimes under international law.

- Promptly accede to the Rome Statute of the International Criminal Court and implement it under national law.
- Ratify the International Convention for the Protection of All Persons from Enforced Disappearance.

#### *Extrajudicial executions*

- Accede to the International Convention for the Protection of All Persons from Enforced Disappearance, making the declarations set out in Articles 31 and 32 (recognition of the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of victims and from other states parties), and to implement it in national law;
- Ensure prompt, impartial, independent and effective investigations into all cases of unlawful killings and that all those suspected of being responsible irrespective of rank, are brought to justice in trials before ordinary civilian courts.

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

- Introduce new legislation providing appropriate criminal penalties for acts of torture and other ill treatment in line with international human rights law, including removal of existing statutory limitation on complaint duration; and establish an independent body to investigate all allegations of torture.
- Accede to the Optional Protocol to the Convention against Torture (OPCAT).

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

- In the draft laws such as the IT Bill, Media Council Bill, Nepal Special Services Bill, and Mass Communications Bill, remove all provisions that restrict freedom of expression through any medium, or infringe on right to privacy, and ensure laws are not used to criminalize freedom of expressions. Bring all laws, including the criminal code in line with international human rights standards, including by removing provisions that criminalize libel or defamation.
- Take immediate measures to end the practice of excessive use of force against protestors exercising their rights to freedom of expression, association and peaceful assembly.
- Ensure no person is arrested for peacefully exercising their right to freedom of expression, association or assembly and that all arrests are carried out in accordance with the law and in line with international human rights standards.

#### *Discrimination*

- Investigate timely and effectively caste-based discrimination and violence, and where sufficient admissible evidence exists, prosecute those suspected of such crimes.
- Ensure that police provide a safe and confidential environment for women and girls to report incidents of violence, including sexual violence, and that all such complaints are recorded and promptly, impartially and effectively investigated, and those suspected are brought to justice.
- Bring rape laws in line with international standards and remove the statutory limitation on lodging a complaint of rape with police.
- Formulate appropriate legislation to ensure marriage equality for LGBTI individuals.
- Ensure that the right to land of Indigenous peoples including Tharu is respected.
- Ratify the recently adopted ILO Violence and Harassment Convention of 2019, at the earliest date possible.

#### *Migrant workers' rights*

- Thoroughly investigate all recruitment related abuses and where there is sufficient admissible evidence, prosecute those suspected of the crimes in fair trials.

## Suggested recommendations to States under review in the 37th session of the UPR Working Group, 18-29 January 2021

- Take proactive measures to sign bilateral labour agreements with countries with high number of Nepali migrant workers, to ensure human rights protection to the migrant workers in Nepal and in the countries of destination.
- Ratify the International Convention on the Protection of All Migrant Workers and their Families, 1990, and ensure effective implementation of the Foreign Employment Act 2007.

### *Right to housing*

- Amend the Right to Housing law to address the underlying causes of inadequate housing and homelessness and ensure that its provisions are brought in line with Nepal's international human rights obligations such as ensuring that the law provides protection from forced evictions for all, regardless of their tenure status.
- Amend legislation in line with Nepal's international human rights obligations that clearly puts in place the safeguards against forced evictions, articulates that evictions must be carried out as a last resort and in exceptional circumstances, and guarantees that victims of forced evictions have access to effective remedy including alternative housing and adequate compensation.

### *Right to food*

- Amend Right to Food and Food Sovereignty Act 2018 to ensure that the protection is extended to non-citizens such as refugees and migrants, address the threat of starvation, including by providing immediate food and nutritional support, and include provisions for inquiries into any deaths resulting from starvation.
- Ensure that marginalized communities, such as Dalits, have access to cultivable land without discrimination, in order to ensure their right to food, housing and other rights.

### *Climate Crisis and Human Rights*

- Support the recognition by the UN of the right to a safe, clean, healthy and sustainable environment.

In compliance with its obligations under human rights law to protect human rights from the adverse effects of the climate crisis:

- Adopt ambitious new Nationally Determined Contribution and a mid-century strategy which will align Nepal's emissions reduction targets for 2030 and 2050 with the imperative to keep global average temperature increase below 1.5°C above pre-industrial levels, including clear timelines to phase out use of all fossil fuels as soon as possible and no later than 2050.
- Immediately develop concrete long-term plans for a just and sustainable transition to human rights-consistent renewable energy, ensuring that affordable renewable energy is available to all;
- Establish regulations and policy measures to ensure that businesses reduce emissions across their operations and value chains as soon as possible and by at least 45% by 2030 compared to 2010 levels and to zero before 2050, in line with the scientific findings of the IPCC.
- Ensure that any COVID-19 response measures facilitate the transition away from fossil fuels and towards human rights-consistent renewable energy and a zero-carbon economy and also provide for greater social protection and the creation of green and other new jobs that deliver sustainable and decent employment for all workers without discrimination of any kind.
- Ensure the shift towards a zero-carbon economy and a more resilient society:
  - addresses systemic inequalities, combats discrimination, and promotes gender, class, racial, disability and intergenerational justice;
  - ensures a just transition for workers and communities impacted by the shift from a fossil fuel economy;
  - respects, protects and fulfils human rights.
- Adopt and implement human rights-consistent adaptation and disaster risk reduction measures that allow to adequately protect people from the foreseeable and unavoidable impacts of the

climate crisis.

- Identify Nepal's exact needs in terms of technology transfer and financial resources needed from wealthier countries to reduce emissions nationally in a manner compatible to keeping the increase in average global temperature below 1.5°C and to adequately support people in the country to adapt to climate change.
- Respect, protect and fulfil the right to information, participation and to effective remedies, as well as to freedom of expression and assembly in all climate policies and strategies in line with human rights law and Sustainable Development Goal 16 (peace, justice and strong institutions), paying particular attention to ensuring the free, active, meaningful and informed participation of members of marginalised groups.

#### *COVID-19/pandemic response*

- Ensure all health and essential workers are able to protect themselves during the COVID-19 pandemic, including by increasing domestic production of PPE, promoting international cooperation in its distribution to ensure equipment can get to where it is most needed, and by reviewing domestic trade policies to ensure they do not obstruct the availability, affordability and quality of essential commodities, such as PPE, in any country.
- Publicly recognise the role of health and essential workers in defending human rights during the pandemic and provide a safe and enabling environment in which they can exercise their work free from reprisals, intimidation or threats.
- Ensure that all health and essential workers can exercise their right to freedom of expression without fear of reprisals and ensure that employers put in place systems that allow health and essential workers to report on health and safety risks and require that they are addressed in an appropriate manner.
- Ensure health workers are protected from stigma and abuse in relation to their employment.
- Recognise COVID-19 as an occupational disease, and ensure that health and essential care workers who contract COVID-19 as a result of work-related activities are able to claim cash compensation and medical and other necessary care and provide compensation to the families of any health and essential care workers who die as a result of contracting the illness at work.
- Set up a comprehensive, effective and independent review into Nepal's response to the COVID-19 pandemic and provide adequate and accessible remedies for any human rights violations caused by government agencies.
- Develop a plan to ensure that the public health system is adequately funded and staffed and increase budgetary allocations to the public health sector as necessary. The plan should include a detailed assessment of the amount of public health spending necessary to ensure that all persons can enjoy the right to health, and options to finance increased public health spending.
- Ensure that economic recovery packages protect the right to an adequate standard of living of all persons, including people on lower incomes, those working in the informal sector, and others who may be at risk and most affected by the COVID-19 crisis and set up monitoring and review mechanisms to assess their impact and amend them as necessary.
- Ratify ILO Conventions 155 (Occupational Health and Safety), and 149 (Nursing Personnel Convention) at the earliest date possible.

#### *Access to COVID-19 diagnostics, treatment and vaccines*

- Fulfil the obligation to international cooperation not only by joining global mechanisms such as COVAX, but also by other forms of global cooperation to ensure that COVID-19 health products are accessible to the maximum number of people and avoid solely bilateral agreements that would undermine vaccine availability for other states

**Suggested recommendations to States under review in the 37th session of the UPR Working Group, 18-29 January 2021**

- Support C-TAP and promote open and non-exclusive licences for COVID-19 health products that include technology transfer, with full public disclosure of all terms and conditions, to ensure that the product is available, accessible and affordable to the maximum number of people.
- Make transparency and collaboration with C-TAP a condition of any public funding provided for research and development of COVID-19 health products.
- Assess and make any necessary adjustments to intellectual property laws, policies and practices to ensure that these do not form a barrier to COVID-19 health products for all people globally.
- Respect the spirit of the Doha Declaration on the TRIPS Agreement and Public Health (2001) by supporting initiatives that increase access to COVID-19 health products, such as the proposed WTO TRIPS waiver.
- Ensure national and international criteria to guide the allocation of vaccines are consistent with human rights standards, pay attention to the needs of marginalized groups, and reflect the WHO's Equitable Allocation Framework. Civil society should be represented in any national and international decision-making processes.

## Recommendations to the Government of Oman

### Key Amnesty International documents on Oman for reference

[Oman: Human Rights Violations Persist: Amnesty International's Submission to the 37<sup>th</sup> session of the UN Universal Periodic Review](#), 10 August 2020, (Index: MDE 20/2027/2020)

[Exposed, silenced, attacked: Failures to protect health and essential workers during the COVID-19 pandemic](#), 13 July 2020, (Index: POL 40/2572/2020)

[Human Rights in the Middle East and North Africa: Review of 2019](#), 18 February 2020, (Index: MDE 01/1357/2020)

[COP 25: States poised to set the stage for decades of human rights abuses](#), 12 December 2019, (Index: IOR 40/1574/2019)

[Recommendations to States on Steps to Protect Human Rights at the 25th Conference of the Parties of the United Nations Framework Convention on Climate Change 2-13 December 2019](#), 25 November 2019, (Index: IOR 51/1446/2019)

[Oman: Life Sentence for Prisoner of Conscience](#), 22 May 2019, Index: MDE 20/0282/2019

[Human Rights in Oman: Review of 2018](#), 26 February 2019, Index: MDE 20/9910/2019

[Amnesty International: Recommendations ahead of COP24 of the Climate Change Convention](#), 23 November 2018, (Index: IOR 51/9435/2018)

[Amnesty International Report 2017/18, Oman](#), 22 February 2018, (Index: POL 10/6700/2018)

[Amnesty International Report 2016/17: Oman](#), 22 February 2017, (Index: POL 10/4800/2017)

[Oman: End crackdown on peaceful dissent](#), 18 November 2016, (Index: MDE 20/5175/2016)

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

- Release all prisoners of conscience immediately and unconditionally.
- Remove or revise all legal provisions criminalizing the peaceful exercise of the rights to freedom of expression, association and assembly, particularly Articles 97, 102, 116, 270 and 169 of the new Penal Code, Articles 25-28 of the Press and Publications Law and Articles 16-19 of the Cyber Crime Law to bring them into line with international human rights law and standards.
- Regularly review any COVID-19 enforcement measures and penalties for violating them to ensure they conform to the principles of legality, necessity and proportionality and refrain from imposing prison sentences solely for such breaches.

#### *Women's rights*

- Withdraw all reservations to the Convention on the Elimination of All Forms of Discrimination Against Women and ratify its Optional Protocol.
- Review current legislation and reform as necessary all discriminatory provisions, including regarding rights in marriage, divorce and inheritance, and the right of women to confer nationality onto their children and spouses.
- Ratify the recently adopted ILO Violence and Harassment Convention of 2019 at the earliest date possible.

#### *Migrant workers*

- Fundamentally change the sponsorship (kafala) system to reduce the risk of migrant workers being subject to labour exploitation including forced labour, including by untying their immigration status from their specific employers allowing them to renew their own residence permits;

## Suggested recommendations to States under review in the 37th session of the UPR Working Group, 18-29 January 2021

- Ensure that labour rights of all workers are protected by laws, including domestic migrant workers;
- Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.
- Ratify the remaining International Labour Organisation (ILO) Core Conventions No. 87, 98, and 100, and ILO Convention No. 189 on Domestic Workers.

### *Death penalty:*

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

### *Climate Crisis and Human Rights*

- Support the recognition by the UN of the right to a safe, clean, healthy and sustainable environment.

In compliance with its obligations under human rights law to protect human rights from the adverse effects of the climate crisis:

- Adopt ambitious new Nationally Determined Contributions (NDC) and a long-term emission reduction strategy at the earliest, which will align Oman's emissions reduction targets for 2030 and 2050 with the imperative to keep global average temperature increase below 1.5°C above pre-industrial levels, including clear timelines to end fossil fuel subsidies by 2025 except for any clear cook-stove programmes, and phase out use of all fossil fuels as soon as possible and no later than 2050.
- Immediately develop concrete long-term plans for a just and sustainable transition to human rights-consistent renewable energy, ensuring that affordable renewable energy is available to all;
- Establish regulations and policy measures to ensure that businesses reduce emissions across their operations and value chains as soon as possible and by at least 45% by 2030 compared to 2010 levels and to zero before 2050, in line with the IPCC scientific evidence.
- Ensure that any COVID-19 response measures facilitate the transition away from fossil fuels and towards human rights-consistent renewable energy and a zero-carbon economy and also provide for greater social protection and the creation of green and other new jobs that deliver sustainable and decent employment for all workers without discrimination of any kind.
- Ensure the shift towards a zero-carbon economy and a more resilient society:
  - addresses systemic inequalities, combats discrimination, and promotes gender, class, racial, disability and intergenerational justice;
  - ensures a just transition for workers and communities impacted by the shift from a fossil fuel economy;
  - respects, protects and fulfils human rights.
- Adopt and implement human rights-consistent adaptation and disaster risk reduction measures that allow to adequately protect people from the foreseeable and unavoidable impacts of the climate crisis.
- Respect, protect and fulfil the right to information, participation and to effective remedies, as well as to freedom of expression and assembly in all climate policies and strategies in line with human rights law and Sustainable Development Goal 16 (peace, justice and strong institutions).
- Ensure that gender equality and the rights of members of marginalised groups receive adequate consideration in all climate and just transition policies and that people can participate in decisions affecting them.

### *COVID-19/pandemic response*



- Ensure all health and essential workers are able to protect themselves during the COVID-19 pandemic, including by increasing domestic production of PPE, promoting international cooperation in its distribution to ensure equipment can get to where it is most needed, and by reviewing domestic trade policies to ensure they do not obstruct the availability, affordability and quality of essential commodities, such as PPE, in any country.
- Publicly recognise the role of health and essential workers in defending human rights during the pandemic and provide a safe and enabling environment in which they can exercise their work free from reprisals, intimidation or threats.
- Ensure that all health and essential workers can exercise their right to freedom of expression without fear of reprisals and ensure that employers put in place systems that allow health and essential workers to report on health and safety risks and require that they are addressed in an appropriate manner.
- Ensure health workers are protected from stigma and abuse in relation to their employment.
- Recognise COVID-19 as an occupational disease, and ensure that health and essential care workers who contract COVID-19 as a result of work-related activities are able to claim cash compensation and medical and other necessary care and provide compensation to the families of any health and essential care workers who die as a result of contracting the illness at work.
- Set up a comprehensive, effective and independent review into Oman's response to the COVID-19 pandemic and provide adequate and accessible remedies for any human rights violations caused by government agencies.
- Develop a plan to ensure that the public health system is adequately funded and staffed and increase budgetary allocations to the public health sector as necessary. The plan should include a detailed assessment of the amount of public health spending necessary to ensure that all persons can enjoy the right to health, and options to finance increased public health spending.
- Ensure that economic recovery packages protect the right to an adequate standard of living of all persons, including people on lower incomes, those working in the informal sector, and others who may be at risk and most affected by the COVID-19 crisis and set up monitoring and review mechanisms to assess their impact and amend them as necessary.
- Ratify ILO Conventions 155 (Occupational Health and Safety) and 149 (Nursing Personnel Convention) at the earliest date possible.

*Access to Covid-19 Diagnostics, Treatment and Vaccines*

- Fulfil the obligation to international cooperation not only by joining global mechanisms such as COVAX, but also by other forms of global cooperation to ensure that COVID-19 health products are accessible to the maximum number of people and avoid solely bilateral agreements that would undermine vaccine availability for other states
- Support C-TAP and promote open and non-exclusive licences for COVID-19 health products that include technology transfer, with full public disclosure of all terms and conditions, to ensure that the product is available, accessible and affordable to the maximum number of people.
- Make transparency and collaboration with C-TAP a condition of any public funding provided for research and development of COVID-19 health products.
- Assess and make any necessary adjustments to intellectual property laws, policies and practices to ensure that these do not form a barrier to COVID-19 health products for all people globally.

**Suggested recommendations to States under review in the 37th session of the UPR Working Group, 18-29 January 2021**

- Respect the spirit of the Doha Declaration on the TRIPS Agreement and Public Health (2001) by supporting initiatives that increase access to COVID-19 health products, such as the proposed WTO TRIPS waiver.
- Ensure national and international criteria to guide the allocation of vaccines are consistent with human rights standards, pay attention to the needs of marginalized groups, and reflect the WHO's Equitable Allocation Framework. Civil society should be represented in any national and international decision-making processes.
- Provide sufficient development assistance, including through support to international mechanisms, to enable lower-income countries to purchase the vaccines they need, and ensure that cost is never a barrier to access.

*International law and standards*

- Ratify and implement into domestic law the International Covenant on Civil and Political Rights, the Optional Protocol to the Covenant on Economic, Social, and Cultural Rights and opt in to the inquiry and inter-state procedures, and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
- Withdraw all reservations, understandings and declarations to human rights treaties, in particular those reservations which are considered by treaty bodies to defeat the object and purpose of the respective treaty.
- Review all outstanding recommendations from the UPR process, UN treaty bodies and UN experts, with a view to implementing them before the next review.
- Ratify the Rome Statute of the International Criminal Court, signed on 20 December 2000, and implement it in national law.
- Accede to the Agreement on the Privileges and Immunities of the International Criminal Court.
- Implement into national law 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.
- Accede to the Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity, without making any reservation, and to implement it in national law. Arms Trade Treaty.
- Ratify and implement the Arms Trade Treaty without delay, with 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.

## Recommendations to the Government of Rwanda

### Key Amnesty International documents on Rwanda for reference

[Exposed, silenced, attacked: Failures to protect health and essential workers during the COVID-19 pandemic](#), 13 July 2020, (Index: POL 40/2572/2020)

[Human Rights in Africa: Review of 2019: Rwanda](#), 8 April 2020, (Index: AFR 01/1352/2020)

[Rwanda: Shocking death of gospel singer in custody must be effectively investigated](#), 17 February 2020,

[COP 25: States poised to set the stage for decades of human rights abuses](#), 12 December 2019, (Index: IOR 40/1574/2019)

[Recommendations to States on Steps to Protect Human Rights at the 25th Conference of the Parties of the United Nations Framework Convention on Climate Change 2-13 December 2019](#), 25 November 2019, (Index: IOR 51/1446/2019)

[Rwanda: Ensure justice for opposition politician stabbed to death](#), 24 September 2019,

[Rwanda: Opposition politician found dead](#), 18 March 2019,

[Rwanda: Investigate killings of refugees](#), 22 February 2019,

[Rwanda: Acquittal of Rwigaras should herald new era for freedom of expression](#), 6 December 2018,

[Amnesty International: Recommendations ahead of COP24 of the Climate Change Convention](#), 23 November 2018, (Index: IOR 51/9435/2018)

[Rwanda: Releases must be followed by opening up of political space](#), 19 September 2018,

[Amnesty International Report 2017/18: Rwanda](#), 22 February 2018, (Index: POL 10/6700/2018)

[Rwanda: Submission to the 61st Ordinary Session of the African Commission on Human and Peoples' Rights](#), 8 November 2017,

[Setting the scene for elections: Two decades of silencing dissent in Rwanda](#), 7 July 2017,

[Amnesty International Report 2016/17: Rwanda](#), 22 February 2017, (Index: POL 10/4800/2017)

#### *Freedom of association*

- Review the registration requirements for both national and international NGOs with a view to simplifying the process;
- Undertake thorough, independent and impartial investigations into all reports of harassment and attacks on human rights defenders and opposition politicians and bring to justice all those suspected to be responsible where there is sufficient admissible evidence.

#### *Freedom of peaceful assembly*

- Initiate a revision of the 1991 law on public demonstrations and meetings to promote a presumption in favour of the right to hold peaceful assemblies and demonstrations, including by introducing a notification rather than authorization regime.
- Amend the 2018 Penal Code to remove the penalties for holding unauthorized but peaceful demonstrations.
- Review and expand Rwanda National Police (RNP) guidelines on policing assemblies and on the use of force and firearms in line with internationally accepted standards. Ensure that RNP officers are trained on these guidelines.

#### *Freedom of expression*

- Amend the 2018 Penal Code to repeal the offence of 'spreading false information or harmful propaganda with intent to cause a hostile international opinion against Rwandan Government' and 'insults or defamation against the President'.

## Suggested recommendations to States under review in the 37th session of the UPR Working Group, 18-29 January 2021

### *Enforced disappearances*

- Promptly accede to the International Convention for the Protection of All Persons from Enforced Disappearances, 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.
- Ensure that all cases of enforced disappearance are thoroughly and impartially investigated and that all those suspected of criminal responsibility are brought to justice in fair trials.

### *Deaths in custody*

- Undertake thorough, independent and impartial investigations into all deaths in custody in line with the ICRC Guidelines for Investigating Deaths in Custody.
- Implement adequate safeguards against suicide in detention.

### *Arbitrary arrests and detention*

- Ensure that detainees have access to legal counsel and family members, and that pre-charge and pre-trial detentions do not exceed the limits set out in law.

### *Refugees and asylum-seekers*

- Ensure transparency around all agreements to receive refugees and asylum-seekers transferred from other locations, and that all transfers to and from Rwanda are done with their full and informed consent.

### *National human rights framework*

- Reinstate Rwanda's declaration under Article 34(6) of the Protocol to the African Charter to allow NGOs with observer status with the ACHPR and individuals to access the African Court directly.
- Continue to participate in and engage with cases ongoing at the African Court.
- Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and opt-in to the inquiry and inter-state procedures.
- Ratify and implement the Arms Trade Treaty without delay, with particular attention to 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.
- Respond positively to all pending requests for a country visit by UN Special Procedures.
- Ratify ILO Convention 149 (Nursing Personnel Convention), and the recently adopted ILO Violence and Harassment Convention of 2019, at the earliest date possible.

### *International Justice*

- Promptly accede to the Rome Statute of the International Criminal Court and to implement it in national law.
- Accede to the Agreement on the Privileges and Immunities of the International Criminal Court.

### *Climate Crisis and Human Rights*

- Support the recognition by the UN of the right to a safe, clean, healthy and sustainable environment.

In compliance with its obligations under human rights law to protect human rights from the adverse effects of the climate crisis:

- Building on its ambitious new Nationally Determined Contribution, fully implement the emission reduction measures necessary to achieve the 2030 target ensuring that affordable renewable energy generated in full compliance with human rights standards is available to all, and that the transition to a zero-carbon economy is fair, human rights compliant and reduces inequalities.
- Regularly review relevant legislation, policies and plans to ensure that they provide for human rights-consistent adaptation and disaster risk reduction measures that allow to adequately

protect people from the foreseeable and unavoidable impacts of the climate crisis.

- Establish regulations and policy measures to ensure that businesses reduce emissions across their operations and value chains as soon as possible and by at least 45% by 2030 compared to 2010 levels and to zero before 2050, in line with the scientific findings of the IPCC.
- Respect, protect and fulfil the right to information, participation and to effective remedies, as well as to freedom of expression and assembly in all climate policies and strategies in line with human rights law and Sustainable Development Goal 16 (peace, justice and strong institutions).
- Ensure that gender equality and the rights of marginalised groups are part of all climate policies and that people can participate in decisions affecting them.
- Ensure that any COVID-19 response measures facilitate the transition away from fossil fuels and towards human rights-consistent renewable energy and a zero-carbon economy and also provide for greater social protection and the creation of green and other new jobs that deliver sustainable and decent employment for all workers without discrimination of any kind.

*COVID-19/pandemic response*

- Ensure that any penalty for breaching lockdown and other coercive enforcement measures conform with the principles of legality, necessity, proportionality and non-discrimination and ensure the powers and responsibilities of law enforcement officials are clearly circumscribed and refrain from bestowing additional powers to enforce lockdown measures.
- Empower and support people to comply with public health regulations, including by ensuring access to public health information and by enabling people who are marginalised to satisfy their essential needs, and ensure that penalties are only imposed after other alternatives have proven, or are clear to be, unsuccessful.
- Ensure all health and essential workers are able to protect themselves during the COVID-19 pandemic, including by increasing domestic production of PPE, promoting international cooperation in its distribution to ensure equipment can get to where it is most needed, and by reviewing domestic trade policies to ensure they do not obstruct the availability, affordability and quality of essential commodities, such as PPE, in any country.
- Publicly recognise the role of health and essential workers in defending human rights during the pandemic and provide a safe and enabling environment in which they can exercise their work free from reprisals, intimidation or threats.
- Ensure that all health and essential workers can exercise their right to freedom of expression without fear of reprisals and ensure that employers put in place systems that allow health and essential workers to report on health and safety risks and require that they are addressed in an appropriate manner.
- Ensure health workers are protected from stigma and abuse in relation to their employment.
- Recognise COVID-19 as an occupational disease and ensure that health and essential care workers who contract COVID-19 as a result of work-related activities are able to claim cash compensation and medical and other necessary care and provide compensation to the families of any health and essential care workers who die as a result of contracting the illness at work.
- Set up a comprehensive, effective and independent review into Rwanda's response to the COVID-19 pandemic and provide adequate and accessible remedies for any human rights violations caused by government agencies.
- Develop a plan to ensure that the public health system is adequately funded and staffed and increase budgetary allocations to the public health sector as necessary. The plan should include a detailed assessment of the amount of public health spending necessary to ensure that all persons can enjoy the right to health, and options to finance increased public health spending.

**Suggested recommendations to States under review in the 37th session of the UPR Working Group, 18-29 January 2021**

- Ensure that economic recovery packages protect the right to an adequate standard of living of all persons, including people on lower incomes, those working in the informal sector, and others who may be at risk and most affected by the COVID-19 crisis and set up monitoring and review mechanisms to assess their impact and amend them as necessary.

*Access to COVID-19 diagnostics, treatment and vaccines*

- Support C-TAP and promote open and non-exclusive licences for COVID-19 health products that include technology transfer, with full public disclosure of all terms and conditions, to ensure that the product is available, accessible and affordable to the maximum number of people.
- Assess and make any necessary adjustments to intellectual property laws, policies and practices to ensure that these do not form a barrier to COVID-19 health products for all people globally.
- Respect the spirit of the Doha Declaration on the TRIPS Agreement and Public Health (2001) by supporting initiatives that increase access to COVID-19 health products, such as the proposed WTO TRIPS waiver.
- Ensure national and international criteria to guide the allocation of vaccines are consistent with human rights standards, pay attention to the needs of marginalized groups, and reflect the WHO's Equitable Allocation Framework. Civil society should be represented in any national and international decision-making processes.

## Recommendations to the Government of Saint Kitts and Nevis

### Key Amnesty International documents on Saint Kitts and Nevis for reference

[Exposed, silenced, attacked: Failures to protect health and essential workers during the COVID-19 pandemic](#), 13 July 2020, (Index: POL 40/2572/2020)

[The cost of curing: Health workers' rights in the Americas during COVID-19 and beyond](#), 19 May 2020, (Index: AMR 01/2311/2020)

[COP 25: States poised to set the stage for decades of human rights abuses](#), 12 December 2019, (Index: IOR 40/1574/2019)

[Recommendations to States on Steps to Protect Human Rights at the 25th Conference of the Parties of the United Nations Framework Convention on Climate Change 2-13 December 2019](#), 25 November 2019, (Index: IOR 51/1446/2019)

[Death Sentences and Executions in 2018](#), 11 April 2019, (Index: ACT 50/9870/2019)

[Amnesty International: Recommendations ahead of COP24 of the Climate Change Convention](#), 23 November 2018, (Index: IOR 51/9435/2018)

[Death sentences and executions in 2017](#), 12 April 2018, (Index: ACT 50/7955/2018)

[Death sentences and executions in 2016](#), 11 April 2017, (Index: ACT 50/5740/2017)

#### *International human rights standards*

- Ratify without making any reservation and implement into national law the International Covenant on Civil and Political Rights and its Optional Protocols; the International Covenant on Economic, Social and Cultural Rights and its Optional Protocol and to opt-in to the inquiry and inter-state procedures; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol; the International Convention for the Protection of All Persons from Enforced Disappearance, the Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity; and the Agreement on the Privileges and Immunities of the International Criminal Court.
- Act on commitments made during its 2011 UPR to ratify the Optional Protocols to the Convention on the Rights of the Child, on children in armed conflict and on the sale of children, child prostitution and child pornography, at the earliest possible time.
- Ratify ILO Conventions 155 (Occupational Health and Safety), 149 (Nursing Personnel Convention), and the recently adopted ILO Violence and Harassment Convention of 2019, at the earliest date possible.

#### *The death penalty*

- Repeal all provisions in domestic law allowing for the death penalty and to establish an official moratorium on executions with a view to abolishing the death penalty, as called for in seven UN General Assembly resolutions adopted since 2007, including most recently resolution 73/175 of 17 December 2018.
- Support calls to abolish the death penalty nationally and internationally, including by voting in favour of future UN General Assembly resolutions on a moratorium on the use of the death penalty.

#### *Climate Crisis and Human Rights*

- Support the recognition by the UN of the right to a safe, clean, healthy and sustainable environment.

In compliance with its obligations under human rights law to protect human rights from the adverse effects of the climate crisis:

## Suggested recommendations to States under review in the 37th session of the UPR Working Group, 18-29 January 2021

- Adopt ambitious new Nationally Determined Contribution and a mid-century strategy which will align St Kitts and Nevis' emissions reduction targets for 2030 and 2050 with the imperative to keep global average temperature increase below 1.5°C above pre-industrial levels, including clear timelines to rapidly end any fossil fuel subsidies and phase out use of all fossil fuels as soon as possible and by 2050 at the latest
- Immediately develop concrete long-term plans for a just and sustainable transition to human rights-consistent renewable energy, ensuring that affordable renewable energy is available to all;
- Establish regulations and policy measures to ensure that businesses reduce emissions across their operations and value chains as soon as possible and by at least 45% by 2030 compared to 2010 levels and to zero before 2050, in line with the scientific findings of the IPCC.
- Ensure that any COVID-19 response measures facilitate the transition away from fossil fuels and towards human rights-consistent renewable energy and a zero-carbon economy and also provide for greater social protection and the creation of green and other new jobs that deliver sustainable and decent employment for all workers without discrimination of any kind.
- Ensure the shift towards a zero-carbon economy and a more resilient society:
  - addresses systemic inequalities, combats discrimination, and promotes gender, class, racial, disability and intergenerational justice;
  - ensures a just transition for workers and communities impacted by the shift from a fossil fuel economy;
  - respects, protects and fulfils human rights.
- Establish regulations and policy measures to ensure that businesses reduce emissions by at least 45% by 2030 compared to 2010 levels and to zero before 2050, in line with the scientific findings of the IPCC.
- Regularly review relevant legislation, policies and plans to ensure that they provide for human rights-consistent adaptation and disaster risk reduction measures that allow to adequately protect people from the foreseeable and unavoidable impacts of the climate crisis.
- Identify St Kitts and Nevis' exact needs in terms of technology transfer and financial resources needed from wealthier countries to reduce emissions nationally in a manner compatible to keeping the increase in average global temperature below 1.5°C and to adequately support people in the country to adapt to climate change.
- Respect, protect and fulfil the right to information, participation and to effective remedies, as well as to freedom of expression and assembly in all climate policies and strategies in line with human rights law and Sustainable Development Goal 16 (peace, justice and strong institutions), paying particular attention to ensuring the free, active, meaningful and informed participation of members of marginalised groups.

### *COVID-19/pandemic response*

- Ensure all health and essential workers are able to protect themselves during the COVID-19 pandemic, including by increasing domestic production of PPE, promoting international cooperation in its distribution to ensure equipment can get to where it is most needed, and by reviewing domestic trade policies to ensure they do not obstruct the availability, affordability and quality of essential commodities, such as PPE, in any country.
- Publicly recognise the role of health and essential workers in defending human rights during the pandemic and provide a safe and enabling environment in which they can exercise their work free from reprisals, intimidation or threats.
- Ensure that all health and essential workers can exercise their right to freedom of expression without fear of reprisals and ensure that employers put in place systems that allow health and essential workers to report on health and safety risks and require that they are addressed in an appropriate manner.
- Ensure health workers are protected from stigma and abuse in relation to their employment.



**Suggested recommendations to States under review in the 37th session of the UPR Working Group, 18-29 January 2021**

- Recognise COVID-19 as an occupational disease, and ensure that health and essential care workers who contract COVID-19 as a result of work-related activities are able to claim cash compensation and medical and other necessary care and provide compensation to the families of any health and essential care workers who die as a result of contracting the illness at work.
- Set up a comprehensive, effective and independent review into St Kitts and Nevis' response to the COVID-19 pandemic and provide adequate and accessible remedies for any human rights violations caused by government agencies.
- Develop a plan to ensure that the public health system is adequately funded and staffed and increase budgetary allocations to the public health sector as necessary. The plan should include a detailed assessment of the amount of public health spending necessary to ensure that all persons can enjoy the right to health, and options to finance increased public health spending.
- Ensure that economic recovery packages protect the right to an adequate standard of living of all persons, including people on lower incomes, those working in the informal sector, and others who may be at risk and most affected by the COVID-19 crisis and set up monitoring and review mechanisms to assess their impact and amend them as necessary.

*Access to COVID-19 diagnostics, treatment and vaccines*

- Support C-TAP and promote open and non-exclusive licences for COVID-19 health products that include technology transfer, with full public disclosure of all terms and conditions, to ensure that the product is available, accessible and affordable to the maximum number of people.
- Assess and make any necessary adjustments to intellectual property laws, policies and practices to ensure that these do not form a barrier to COVID-19 health products for all people globally.
- Respect the spirit of the Doha Declaration on the TRIPS Agreement and Public Health (2001) by supporting initiatives that increase access to COVID-19 health products, such as the proposed WTO TRIPS waiver.
- Ensure national and international criteria to guide the allocation of vaccines are consistent with human rights standards, pay attention to the needs of marginalized groups, and reflect the WHO's Equitable Allocation Framework. Civil society should be represented in any national and international decision-making processes.

## Recommendations to the Government of St Lucia

### Key Amnesty International documents on St Lucia for reference

[Exposed, silenced, attacked: Failures to protect health and essential workers during the COVID-19 pandemic](#), 13 July 2020, (Index: POL 40/2572/2020)

[The cost of curing: Health workers' rights in the Americas during COVID-19 and beyond](#), 19 May 2020, (Index: AMR 01/2311/2020)

[Death Sentences and Executions in 2019](#), 21 April 2020, (Index: ACT 50/1847/2020)

[COP 25: States poised to set the stage for decades of human rights abuses](#), 12 December 2019, (Index: IOR 40/1574/2019)

[Recommendations to States on Steps to Protect Human Rights at the 25th Conference of the Parties of the United Nations Framework Convention on Climate Change 2-13 December 2019](#), 25 November 2019, (Index: IOR 51/1446/2019)

[Death Sentences and Executions in 2018](#), 11 April 2019, (Index: ACT 50/9870/2019)

[Amnesty International: Recommendations ahead of COP24 of the Climate Change Convention](#), 23 November 2018, (Index: IOR 51/9435/2018)

[Death sentences and executions in 2017](#), 12 April 2018, (Index: ACT 50/7955/2018)

[Death sentences and executions in 2016](#), 11 April 2017, (Index: ACT 50/5740/2017)

#### *Ratification of regional and international human rights treaties*

- Implement in full the recommendations accepted during its first UPR to ratify the International Covenant on Civil and Political Rights and its Optional Protocols; the International Covenant on Economic, Social and Cultural Rights and its Optional Protocol and opt-in to the inquiry and inter-state procedures; and the Convention on the Rights of Persons with Disabilities.
- Ratify without making any reservation the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol; the International Convention for the Protection of All Persons from Enforced Disappearance (recognizing the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of victims or other states parties); the Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity and the Agreement on the Privileges and Immunities of the International Criminal Court and implement them into national law.
- Seek the assistance of the Office of the High Commissioner for Human Rights in overcoming any obstacles in ratifying international human rights treaties and ensuring full compliance with its international human rights obligations.
- Ratify the Escazú Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean.
- Ratify ILO Conventions 155 (Occupational Health and Safety), 149 (Nursing Personnel Convention), and the recently adopted ILO Violence and Harassment Convention of 2019, at the earliest date possible.

#### *The death penalty*

- Repeal all provisions in domestic law allowing for the death penalty;
- Establish an official moratorium on executions with a view to abolishing the death penalty, as provided by five called for in seven UN General Assembly resolutions adopted since 2007, including most recently UN General Assembly resolution 73/175 of 17 December 2018;

## Suggested recommendations to States under review in the 37th session of the UPR Working Group, 18-29 January 2021

- Support calls to abolish the death penalty nationally and internationally, including by voting in favour of future UN General Assembly resolutions on a moratorium on the use of the death penalty;
- Ratify without making any reservations the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at abolition of the death penalty.

### *Climate Crisis and Human Rights*

- Support the recognition by the UN of the right to a safe, clean, healthy and sustainable environment.

In compliance with its obligations under human rights law to protect human rights from the adverse effects of the climate crisis:

- Adopt ambitious new Nationally Determined Contribution and a mid-century strategy which will align St Lucia's emissions reduction targets for 2030 and 2050 with the imperative to keep global average temperature increase below 1.5°C above pre-industrial levels, including clear timelines to end any fossil fuel subsidies by 2025 except for any clear cook-stove programmes and phase out use of all fossil fuels as soon as possible and no later than 2050.
- Immediately develop concrete long-term plans for a just and sustainable transition to human rights-consistent renewable energy, ensuring that affordable renewable energy is available to all;
- Establish regulations and policy measures to ensure that businesses reduce emissions across their operations and value chains as soon as possible and by at least 45% by 2030 compared to 2010 levels and to zero before 2050, in line with the scientific findings of the IPCC.
- Ensure that any COVID-19 response measures facilitate the transition away from fossil fuels and towards human rights-consistent renewable energy and a zero-carbon economy and also provide for greater social protection and the creation of green and other new jobs that deliver sustainable and decent employment for all workers without discrimination of any kind.
- Ensure the shift towards a zero-carbon economy and a more resilient society:
  - addresses systemic inequalities, combats discrimination, and promotes gender, class, racial, disability and intergenerational justice;
  - ensures a just transition for workers and communities impacted by the shift from a fossil fuel economy;
  - respects, protects and fulfils human rights.
- Regularly review relevant legislation, policies and plans to ensure they provide for human rights-consistent adaptation and disaster risk reduction measures that allow to adequately protect people from the foreseeable and unavoidable impacts of the climate crisis.
- Identify St Lucia's exact needs in terms of technology transfer and financial resources needed from wealthier countries to reduce emissions nationally in a manner compatible to keeping the increase in average global temperature below 1.5°C and to adequately support people in the country to adapt to climate change.
- Respect, protect and fulfil the right to information, participation and to effective remedies, as well as to freedom of expression and assembly in all climate policies and strategies in line with human rights law and Sustainable Development Goal 16 (peace, justice and strong institutions), paying particular attention to ensuring the free, active, meaningful and informed participation of members of marginalised groups.

### *COVID-19/pandemic response*

- Ensure all health and essential workers are able to protect themselves during the COVID-19 pandemic, including by increasing domestic production of PPE, promoting international cooperation in its distribution to ensure equipment can get to where it is most needed, and by reviewing domestic trade policies to ensure they do not obstruct the availability, affordability and quality of essential commodities, such as PPE, in any country.

## Suggested recommendations to States under review in the 37th session of the UPR Working Group, 18-29 January 2021

- Publicly recognise the role of health and essential workers in defending human rights during the pandemic and provide a safe and enabling environment in which they can exercise their work free from reprisals, intimidation or threats.
- Ensure that all health and essential workers can exercise their right to freedom of expression without fear of reprisals and ensure that employers put in place systems that allow health and essential workers to report on health and safety risks and require that they are addressed in an appropriate manner.
- Ensure health workers are protected from stigma and abuse in relation to their employment.
- Recognise COVID-19 as an occupational disease, and ensure that health and essential care workers who contract COVID-19 as a result of work-related activities are able to claim cash compensation and medical and other necessary care and provide compensation to the families of any health and essential care workers who die as a result of contracting the illness at work.
- Set up a comprehensive, effective and independent review into St Lucia's response to the COVID-19 pandemic and provide adequate and accessible remedies for any human rights violations caused by government agencies.
- Develop a plan to ensure that the public health system is adequately funded and staffed and increase budgetary allocations to the public health sector as necessary. The plan should include a detailed assessment of the amount of public health spending necessary to ensure that all persons can enjoy the right to health, and options to finance increased public health spending.
- Ensure that economic recovery packages protect the right to an adequate standard of living of all persons, including people on lower incomes, those working in the informal sector, and others who may be at risk and most affected by the COVID-19 crisis and set up monitoring and review mechanisms to assess their impact and amend them as necessary.

### *Access to COVID-19 diagnostics, treatment and vaccines*

- Support C-TAP and promote open and non-exclusive licences for COVID-19 health products that include technology transfer, with full public disclosure of all terms and conditions, to ensure that the product is available, accessible and affordable to the maximum number of people.
- Assess and make any necessary adjustments to intellectual property laws, policies and practices to ensure that these do not form a barrier to COVID-19 health products for all people globally.
- Respect the spirit of the Doha Declaration on the TRIPS Agreement and Public Health (2001) by supporting initiatives that increase access to COVID-19 health products, such as the proposed WTO TRIPS waiver.
- Ensure national and international criteria to guide the allocation of vaccines are consistent with human rights standards, pay attention to the needs of marginalized groups, and reflect the WHO's Equitable Allocation Framework. Civil society should be represented in any national and international decision-making processes.