



## Suggested recommendations to States considered during the 31<sup>st</sup> session of the Universal Periodic Review, 5-16 November 2018

### Linking the UPR and the SDG processes

States have noted the potential mutual benefits of creating stronger links between human rights mechanisms, particularly the UPR, and the SDG process, with a view to achieving both greater and more effective implementation of human rights obligations and commitments on the ground and increased accountability for delivering the Post-2015 Development Agenda. In so doing States have acknowledged that many SDG Targets and Indicators have a strong alignment with and foundation in their pre-existing human rights obligations.

In support of this, Amnesty International has identified below relevant links between the recommendations we suggest be made to States undergoing their UPR during the 31<sup>st</sup> session of the UPR Working Group in November 2018y and respective Sustainable Development Goals and related Targets and Indicators.

In identifying these links we have referred to Annex IV to the *Report of the Inter-Agency and Expert Group on Sustainable Development Goal Indicators*, E/CN.3/2016/2/Rev.1.

### Recommendations to States coming up for review

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## **Recommendations to the government of Belize**

### **HUMAN RIGHTS DEFENDERS**

**CREATING SYNERGIES BETWEEN THE UPR AND THE SDGS: The commitments listed under Goal 16 are relevant to the recommendations listed below, in particular Target 16.10.<sup>1</sup>**

- Publicly recognize human rights defenders, particularly those who face threats and attacks, and ensure support for them to carry out their human rights work;
- Recognise the important work of women human rights defenders, LGBTI defenders, Indigenous defenders and any other defenders facing discrimination or marginalization, and ensure their effective protection against gender-specific or other threats and violence they face because of their work or who they are;
- Adopt and implement legislation to recognize and effectively protect all human rights defenders;
- Ensure young human rights defenders and youth-led organisations engaged in the defence and promotion of human rights are recognized and protected, including by removing age-based discriminatory practices which restrict participation of young people in public decision-making, as well as by providing resources for their work;
- Fully co-operate with UN human rights mechanisms, in particular extend an invitation to the Special Rapporteur on the situation of human rights defenders to conduct visits without restriction on duration and scope, and ensure they are allowed to meet with human rights defenders without hindrance.

### **THE DEATH PENALTY**

- Abolish the death penalty for all crimes in domestic law;
- Support regional and international initiatives aimed at advancing abolition of the death penalty, including by voting in favour of the 2018 UN General Assembly resolution on a moratorium on the use of the death penalty;
- Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty

### **INTERNATIONAL JUSTICE**

- Promptly accede to 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 without making any reservation, and implement them fully into national law;
- Promptly recognize the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of victims or other states parties to the International Convention for the Protection of All Persons from Enforced Disappearance.

### **INTERNATIONAL HUMAN RIGHTS INSTRUMENTS AND MECHANISMS**

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

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

## **Recommendations to the government of the Central African Republic**

### **INTERNATIONAL HUMAN RIGHTS INSTRUMENTS AND MECHANISMS**

- Promptly ratify or accede, without making any reservation, to fundamental international and regional human rights treaties, and implement them fully into national law, including the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity; and the Organization of African Unity Convention for the Elimination of Mercenaries in Africa;
- Promptly recognize the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of victims or other states parties to the International Convention for the Protection of All Persons from Enforced Disappearance.

### **THE DEATH PENALTY**

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

### **HUMAN RIGHTS DEFENDERS**

**CREATING SYNERGIES BETWEEN THE UPR AND THE SDGS: The commitments listed under Goal 16 are relevant to the recommendations listed below, in particular Target 16.10.<sup>2</sup>**

- Publicly recognize human rights defenders, particularly those who face threats and attacks, and ensure support for them to carry out their human rights work;
- Recognise the important work of women human rights defenders, LGBTI defenders, Indigenous defenders and any other defenders facing discrimination or marginalization, and ensure their effective protection against gender-specific or other threats and violence they face because of their work or who they are;
- Adopt and implement legislation to recognize and effectively protect all human rights defenders;
- Ensure thorough, prompt and independent investigation into all reports of human rights violations against human rights defenders and bring to justice those suspected of being responsible for such crimes;
- Ensure young human rights defenders and youth-led organisations engaged in the defence and promotion of human rights are recognized and protected, including by removing age-based discriminatory practices which restrict participation of young people in public decision-making, as well as by providing resources for their work;
- Fully co-operate with UN human rights mechanisms, in particular extend an invitation to the Special Rapporteur on the situation of human rights defenders to conduct visits without restriction on duration and scope, and ensure they are allowed to meet with human rights defenders without hindrance.

### **NATIONAL JUSTICE SYSTEM**

**CREATING SYNERGIES BETWEEN THE UPR AND THE SDGS: The commitments listed under Goal 16 are relevant to the recommendations listed below, in particular Targets 16.3.<sup>3</sup>**

- Safely re-deploy judicial personnel across the country and re-open courts with the necessary means to function;

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<sup>2</sup> **Goal 16, Target 16.10:** Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements.

<sup>3</sup> **Goal 16, Target 16.3:** Promote the rule of law at the national and international levels and ensure equal access to justice for all.

- Give higher priority to the justice sector in the allocation of state resources, including by providing financial support to re-build and refurbish courts across the country and ensuring their effective functioning;
- Organize mobile court hearings, particularly in remote areas or areas where court buildings have been destroyed;
- Ensure regular and continuing training in fair trial standards and international criminal law for legal professionals, including magistrates, judges, clerks, lawyers, notaries, and bailiffs, through centralized training facilities;
- Develop and adopt national legislation to enshrine the obligation of national courts to ensure the safety, physical and psychological well-being, and privacy of victims and witnesses, without discrimination;
- Establish an independent victim and witness protection unit and ensure that training on the treatment and protection of victims and witnesses is mandatory for all magistrates and court staff.

## INTERNATIONAL AND HYBRID JUSTICE MECHANISMS

**CREATING SYNERGIES BETWEEN THE UPR AND THE SDGS: The commitments listed under Goal 16 are relevant to the recommendations listed below, in particular Targets 16.3.<sup>4</sup>**

- Put in place adequate disciplinary measures for misconduct by judges and other staff;
- Provide appropriate training for national and international judges in international criminal law and practice, international humanitarian law and international human rights law, with specific emphasis on gender-based violence, violence against children, and victims' rights;
- Establish and sustainably fund an outreach unit to develop and conduct a comprehensive program to inform the population about the activities of the Special Criminal Court and developments in investigations and cases throughout the process;
- Guarantee fair trial rights in accordance with international standards for all those accused of crimes before the Special Criminal Court, establish a legal aid programme, and consider establishing a defence office within the Registry Clerk's office;
- Ensure that transitional justice mechanisms, including a possible truth and reconciliation commission, coordinate with and complement the Special Criminal Court;
- Exclude amnesties and pardons for all those suspected of criminal responsibility or for those found guilty of crimes under international law or human rights violations, respectively, before a possible truth and reconciliation commission;
- Provide, at the outset, a long-term, stable and secure method of funding for the operation of the Special Criminal Court.

## IMPUNITY FOR HUMAN RIGHTS VIOLATIONS

**CREATING SYNERGIES BETWEEN THE UPR AND THE SDGS: The commitments listed under Goal 16 are relevant to the recommendations listed below, in particular Target 16.3.<sup>5</sup>**

- Refrain from appointing individuals suspected of human rights abuses and crimes under international law to positions where they may use their position to commit further abuses or crimes, or prevent investigation of themselves or their allies;
- Suspend, pending investigation, all individuals reasonably suspected of crimes under international law or human rights violations from positions within the government that would

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<sup>4</sup> **Goal 16, Target 16.3:** Promote the rule of law at the national and international levels and ensure equal access to justice for all.

<sup>5</sup> **Goal 16, Target 16.3:** Promote the rule of law at the national and international levels and ensure equal access to justice for all.

allow them to commit further abuses or crimes, or prevent any investigation of themselves or their allies.

## **PRISON CONDITIONS**

- Ensure that conditions in detention facilities are humane and preserve prisoners' physical and psychological integrity, including by providing them with professional medical care, adequate food and water, lighting, cooling, and ventilation, in accordance with the UN Standard Minimum Rules for the Treatment of Prisoners;
- Ensure detainees are not held beyond the legal pre-trial detention term, including by holding regular criminal trial sessions, providing access to courts and adequate resources to process cases, and ensuring access to lawyers and families;
- Implement current legislation providing for civilian management of prisons and deploy civilian staff to prisons;
- Upgrade detention facilities to prevent escapes, including by boosting security and providing regularly and sufficiently paid and trained security personnel;
- Establish and maintain a centralized and public register of all detainees, detailing the date of arrest and detention, transfer, release and revocation;
- Establish an independent national preventive mechanism for the prevention of torture and other ill-treatment in all places of detention, in accordance with the obligations under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

## **Recommendations to the government of Chad**

### **INTERNATIONAL HUMAN RIGHTS INSTRUMENTS AND MECHANISMS**

- Promptly ratify or accede, without making any reservation, to fundamental international and regional human rights treaties, and implement them fully into national law, including the International Convention for the Protection of All Persons from Enforced Disappearance, Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Protection on the Rights of All Migrants Workers and Members of Their Families, the Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity, and the Convention on the Rights of Persons with Disabilities;
- Accept requests for visits by the Special Rapporteur on torture, the Special Rapporteur on violence against women, the Working Group on mercenaries, the Special Rapporteur on rights to water and sanitation, the Special Rapporteur on human rights defenders, and the Special Rapporteur on extrajudicial, summary or arbitrary executions.

### **FREEDOM OF EXPRESSION, ASSOCIATION AND PEACEFUL ASSEMBLY**

**CREATING SYNERGIES BETWEEN THE UPR AND THE SDGS: The commitments listed under Goal 16 are relevant to the recommendations listed below, in particular Target 16.10 and Indicator 16.10.1.<sup>6</sup>**

- Amend Ordinance No. 45/62 on public meetings, Decree No. 193/62 regulating protests on public places and Ordinance No. 23/PR/2018 on associations (which replaced the Ordinance No. 27/62) to ensure they meet international and regional human rights law and standards on the rights to freedom of expression, association and peaceful assembly;
- Ensure that defamation is not treated as a criminal matter in accordance with the Law No. 10-017 2010-08-31 PR on the press, and that charges of contempt of court and defamation are

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

not used to restrict the legitimate exercise of the right to freedom of expression;

- Amend Ordinance No. 27/62 to ensure that it does not consider unregistered associations as illegal, that associations are able to carry out their activities and that their members are not subjected to criminal sanctions due to lack of registration;
- Amend the Law No. 032/PR/2016 regulating the right to strike, in line with relevant ILO Conventions,<sup>7</sup> and ensure that it is discussed in an inclusive manner with unions before being adopted and promulgated;
- Immediately unblock access to all websites which are currently blocked because there is critical content to the authorities, and refrain from restricting access to the internet and messaging applications such as Facebook and WhatsApp;
- Allow civil society platforms, including the National Movement of Citizen Awakening (*Mouvement d'Éveil Citoyen*, MECI) and IYINA, to carry out their activities without fear of prosecution or reprisals;
- Refrain from misusing the criminal justice system to target or harass people for exercising their rights to freedom of expression, peaceful assembly and association, including human rights defenders and journalists.

## PROTECTION OF HUMAN RIGHTS DEFENDERS AND JOURNALISTS

**CREATING SYNERGIES BETWEEN THE UPR AND THE SDGS: The commitments listed under Goal 16 are relevant to the recommendations listed below, in particular Target 16.10.<sup>8</sup>**

- Publicly recognize human rights defenders and journalists, particularly those who face threats and attacks, and ensure support for them to carry out their human rights work;
- Recognise the important work of women human rights defenders, LGBTI defenders, Indigenous defenders, and other defenders facing discrimination and marginalization, and ensure their effective protection against gender-specific or other threats and violence they face because of their work or who they are;
- Refrain from using language that stigmatizes, abuses, disparages or discriminates against human rights defenders and journalists, including characterizing them as “rebels”, “enemies” or “opponents”;
- Effectively address threats, attacks, harassment and intimidation against human rights defenders and journalists, including by thoroughly, promptly and independently investigating human rights violations and abuses against them and bringing all those suspected of criminal responsibility to justice, in fair trials before ordinary civilian courts without recourse to the death penalty, and providing full reparation to victims and their families;
- Ensure there is a clear chain of accountability within the ANS and that the use of the power of arrest is subject to judicial oversight;
- Ensure that persons who allege being victims of abuse of ANS powers have effective recourse to remedies and access to full reparation;
- Develop, promulgate and implement a law to recognize human rights defenders, protect them from reprisals and attacks, and support their work in accordance with the UN Declaration on Human Rights Defenders;
- Fully co-operate with UN human rights mechanisms, in particular extend an invitation to the Special Rapporteur on the situation of human rights defenders to conduct visits without

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<sup>7</sup> Namely the Freedom of Association and Protection of the Right to Organise Convention (1948), the Right to Organise and Collective Bargaining Convention (1949) and the Workers' Representatives Convention (1971), all ratified by Chad.

<sup>8</sup> **Goal 16, Target 16.10:** Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements.

restriction on duration and scope, and ensure they are allowed to meet with human rights defenders without hindrance.

## **TORTURE AND OTHER ILL-TREATMENT, AND DETENTION FACILITIES**

**CREATING SYNERGIES BETWEEN THE UPR AND THE SDGS: The commitments listed under Goal 16 are relevant to the recommendations listed below, in particular Targets 16.1 and 16.10, and Indicator 16.10.1.<sup>9</sup>**

- Immediately and publicly instruct the police, the army, the National Security Agency (Agence Nationale de Sécurité, ANS) and the gendarmerie, to end unlawful arrests and detention, incommunicado detention and refrain from detaining people without charge beyond the 48-hour period stipulated in the Criminal Code;
- Permit all detainees, after their arrest and regularly during their detention, to see their families, independent medical practitioners and lawyers of their choice;
- Allow independent national and international human rights monitors access to all detention centres, including ANS facilities;
- Amend the laws founding and regulating the ANS and ensure that they comply with “UN good practices on legal and institutional frameworks for intelligence services and their oversight”;<sup>10</sup>
- Ensure that all persons arrested by the ANS are promptly brought before a judge;
- Ensure that the Public Prosecutor is informed whenever a suspect is arrested by the ANS, as well as the reasons for the arrest, and that the Public Prosecutor is allowed to visit detainees;
- Ensure that the ANS does not detain individuals in unregistered or unlawful facilities and that all detainees have prompt access to their families and a lawyer of their choosing from the moment of arrest and throughout the proceedings.

## **THE DEATH PENALTY**

- Abolish the death penalty for all crimes;
- Pending full abolition of the death penalty, immediately establish an official moratorium on executions;
- Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

## **IMPACT OF AUSTERITY MEASURES ON HUMAN RIGHTS**

- Ensure that the austerity measures do not result in discrimination of any kind, prioritize the most marginalized groups when allocating resources, and adopt all necessary measures to address any disproportionate and compounded effects of such measures on them;
- Ensure that austerity measures allow the maintenance of a minimum core content of economic, social and cultural rights for all people, including health care, education and adequate standard of living, with a view to progressively realising these rights;
- Where the government of Chad cannot meet its obligation to ensure at least minimum essential levels of economic, social and cultural rights for the population, it should seek international cooperation and assistance to do so.

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<sup>9</sup> **Goal 16, Target 16.1:** Significantly reduce all forms of violence and related death rates everywhere, **Target 16.10:** Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements, and **Indicator 16.10.1:** Number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention and torture of journalists, associated media personnel, trade unionists and human rights advocates in the previous 12 months.

<sup>10</sup> UNGA, Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Martin Scheinin, Good practices on legal and institutional frameworks and measures that ensure respect for human rights by intelligence agencies while countering terrorism, including on their oversight, A/HRC/14/46, 2010.

## **Recommendations to the government of China**

### **“NATIONAL SECURITY” LEGAL INFRASTRUCTURE**

- Repeal or amend provisions in the Anti-Espionage Law, the National Security Law, the Anti-terrorism Law, the foreign NGO management law, the Cyber Security Law, the National Intelligence Law and the Regulations on Religious Affairs, to ensure that any legal provisions to protect national security are clearly and strictly defined and conform to international human rights law and standards;
- Stop criminal prosecution and persecution of individuals and groups for the peaceful exercise of their rights to freedom of expression, association, religion or belief, and cultural life.

### **HUMAN RIGHTS DEFENDERS**

**CREATING SYNERGIES BETWEEN THE UPR AND THE SDGS: The commitments listed under Goal 16 are relevant to the recommendations listed below, in particular Target 16.10.<sup>11</sup>**

- Immediately stop the harassment, arbitrary detention, torture and other ill-treatment, criminal prosecution, imprisonment and enforced disappearance of those who act to defend and promote human rights;
- Publicly recognize human rights defenders, particularly those who face threats and attacks, and ensure support for them to carry out their human rights work;
- Refrain from using language that stigmatizes, abuses or discriminates against human rights defenders, for example by characterizing them as “criminals, foreign agents, terrorists or threats to national security”;
- Recognize the important work of women human rights defenders, LGBTI defenders, Indigenous defenders and any other defenders facing discrimination or marginalization, and ensure their effective protection against gender-specific or other threats and violence they face because of their work or who they are;
- Adopt and implement legislation to recognize and effectively protect all human rights defenders;
- Ensure thorough, prompt and independent investigation into all reports of human rights violations against human rights defenders and bring to justice those suspected of being responsible for such crimes
- Ensure young human rights defenders and youth-led organisations engaged in the defence and promotion of human rights are recognized and protected, including by removing age-based discriminatory practices which restrict participation of young people in public decision-making, as well as by providing resources for their work;
- Fully co-operate with UN human rights mechanisms, in particular by extending an invitation to the Special Rapporteur on the situation of human rights defenders to conduct visits without restriction on duration and scope, and ensure they are allowed to meet with human rights defenders without hindrance.

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<sup>11</sup> **Goal 16, Target 16.10:** Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements.



## ARBITRARY DETENTION, TORTURE AND OTHER ILL-TREATMENT AND UNFAIR TRIAL

**CREATING SYNERGIES BETWEEN THE UPR AND THE SDGS:** The commitments listed under Goal 16 are relevant to the recommendations listed below, in particular Targets 16.3 and 16.10 and Indicator 16.10.1<sup>12</sup>

- Amend Criminal Procedure Law Articles 33, 34, 37, 73, 83, 91 and 117 to guarantee the rights of detainees to fair trial, including the right to be held in a recognized place of detention, prompt notification of family following arrest, and timely access to legal counsel, in line with international law and standards;
- Bring Chinese law into line with the absolute prohibition against torture and other ill-treatment under international law.

## NON-REFOULEMENT

**CREATING SYNERGIES BETWEEN THE UPR AND THE SDGS:** The commitments listed under Goal 10 are relevant to the recommendations listed below, in particular Target 10.7 and Indicator 10.7.2.<sup>13</sup>

- Uphold the principle of *non-refoulement* and stop forcibly transferring, either directly or indirectly, any individuals to a country where they are at risk of persecution, torture or other ill-treatment, death or other serious human rights abuses;
- Stop requesting other countries to return individuals to China in violation of the *non-refoulement* principle.

## ETHNIC MINORITIES

**CREATING SYNERGIES BETWEEN THE UPR AND THE SDGS:** The commitments listed under Goal 10 are relevant to the recommendations listed below, in particular Target 10.3 and Indicator 10.3.1.<sup>14</sup>

- Respect and ensure the rights of ethnic minorities to freedom of religion and belief, opinion and expression, peaceful assembly, association, movement, and cultural life, and stop the persecution and prosecution of Tibetans, Uighurs and other ethnic minorities for solely peacefully exercising their human rights.

## THE DEATH PENALTY

- Immediately establish a moratorium on executions and commute all existing death sentences with a view to the full abolition of the death penalty in national legislation;
- Publish full national statistics on death sentences and executions, fully disaggregated by crime, region, and characteristics of the prisoners, including gender, ethnic group, and income.

## BUSINESS AND HUMAN RIGHTS

- **CREATING SYNERGIES BETWEEN THE UPR AND THE SDGS:** The commitments listed under Goals 6 and 12 are relevant to the recommendations listed below, in particular Targets 6.3, 12.4 and 12.6, and Indicators 6.3.1, 6.3.2, 12.4.1, and 12.6.1.<sup>15</sup>

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<sup>12</sup> **Goal 16, Target 16.3:** Promote the rule of law at the national and international levels and ensure equal access to justice for all, and **Target 16.10:** Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements, and **Indicator 16.10.1:** Number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention and torture of journalists, associated media personnel, trade unionists and human rights advocates in the previous 12 months.

<sup>13</sup> **Goal 10, Target 10.7:** Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies, and **Indicator 10.7.2:** Number of countries that have implemented well-managed migration policies.

<sup>14</sup> **Goal 10, Target 10.3:** Ensure equal opportunity and reduce inequalities of outcome, including by eliminating discriminatory laws, policies and practices and promoting appropriate legislation, policies and action in this regard, **Indicator 10.3.1:** Proportion of the population reporting having personally felt discriminated against or harassed within the previous 12 months on the basis of a ground of discrimination prohibited under international human rights law.

<sup>15</sup> **Goal 6, Target 6.3:** By 2030, improve water quality by reducing pollution, eliminating dumping and minimizing release of hazardous chemicals and materials, halving the proportion of untreated wastewater and substantially

- Immediately develop, enact and implement a dedicated national action plan on business and human rights in line with international obligations;
- Amend relevant laws and regulations to require all Chinese companies to respect human rights throughout all business operations, regardless of where they operate, and require those operating in high-risk or conflict-affected areas to conduct robust and transparent human rights due diligence in line with the UN Guiding Principles on Business and Human Rights.
- Ensure that strong human rights safeguards are integrated into the policies and management of all foreign development assistance projects, including those funded through international financial institutions.

#### INTERNATIONAL HUMAN RIGHTS INSTRUMENTS AND MECHANISMS

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

#### INTERNATIONAL JUSTICE

- Promptly adhere to the Rome Statute of the International Criminal Court and the Agreement on the Privileges and Immunities of the International Criminal Court, and implement them fully into national law;
- Promptly accede, without making any reservation, to the Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity and 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).

### **Recommendations to the government of Congo**

#### THE DEATH PENALTY

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

#### RIGHTS TO FREEDOM OF EXPRESSION AND PEACEFUL ASSEMBLY

**CREATING SYNERGIES BETWEEN THE UPR AND THE SDGS: The commitments listed under Goal 16 are relevant to the recommendations listed below, in particular Target 16.10 and Indicator 16.10.1.<sup>16</sup>**

- Immediately and unconditionally release all prisoners arrested solely for peacefully exercising their rights to freedom of expression and assembly;

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increasing recycling and safe reuse globally; **Target 12.4:** By 2020, achieve the environmentally sound management of chemicals and all wastes throughout their life cycle, in accordance with agreed international frameworks, and significantly reduce their release to air, water and soil in order to minimize their adverse impacts on human health and the environment; and **Target 12.6:** Encourage companies, especially large and transnational companies, to adopt sustainable practices and to integrate sustainability information into their reporting cycle; and **Indicators 6.3.1:** Proportion of wastewater safely treated and **6.3.2:** Proportion of bodies of water with good ambient water quality; and **Indicators 12.4.1:** Number of parties to international multilateral environmental agreements on hazardous waste, and other chemicals that meet their commitments and obligations in transmitting information as required by each relevant agreement, and **12.6.1:** Number of companies publishing sustainability reports.

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

- Refrain from restricting telecommunication networks and access to the internet, including social media and messaging sites;
- Refrain from misusing the criminal justice system to target and harass people simply for exercising their rights to freedom of expression, association and peaceful assembly, including political opposition members, journalists and human rights defenders.

## RIGHT TO PEACEFUL ASSEMBLY

**CREATING SYNERGIES BETWEEN THE UPR AND THE SDGS: The commitments listed under Goal 16 are relevant to the recommendations listed below, in particular Target 16.10 and Indicator 16.10.1.<sup>17</sup>**

- Amend Article 5 of Law No. 023/60 on public meetings to ensure it provides further information on the grounds under which the right to peaceful assembly may be subjected to restrictions;
- Amend Articles 3-6 of Ordinance No. 62-28 related to demonstrations on public venues to ensure the right to peaceful assembly is not subject to prior authorization but at most a prior notification and only for large peaceful assemblies or for assemblies where a certain degree of disruption is anticipated;
- Amend Law No. 21-2016 on political parties to ensure its conformity with international human rights standards on the right to freedom of expression;
- Refrain from using Article 6 of Law No. 023/60 on public meetings and Article 7 of Ordinance No. 62-28 related to demonstrations on public venues to arrest and sentence to prison individuals who organize or attend banned peaceful public meetings and demonstrations.

## HUMAN RIGHTS DEFENDERS

**CREATING SYNERGIES BETWEEN THE UPR AND THE SDGS: The commitments listed under Goal 16 are relevant to the recommendations listed below, in particular Target 16.10.<sup>18</sup>**

- Publicly recognize human rights defenders, particularly those who face threats and attacks, and ensure support for them to carry out their human rights work;
- Recognise the important work of women human rights defenders, LGBTI defenders, Indigenous defenders and any other defenders facing discrimination or marginalization, and ensure their effective protection against gender-specific or other threats and violence they face because of their work or who they are;
- Adopt and implement legislation to recognize and effectively protect all human rights defenders;
- Ensure thorough, prompt and independent investigation into all reports of human rights violations against human rights defenders and bring to justice those suspected of being responsible for such crimes;
- Ensure young human rights defenders and youth-led organisations engaged in the defence and promotion of human rights are recognized and protected, including by removing age-based discriminatory practices which restrict participation of young people in public decision-making, as well as by providing resources for their work;
- Fully co-operate with UN human rights mechanisms, in particular extend an invitation to the Special Rapporteur on the situation of human rights defenders to conduct visits without restriction on duration and scope, and ensure they are allowed to meet with human rights defenders without hindrance.

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<sup>17</sup> **Goal 16, Target 16.10:** Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements, and **Indicator 16.10.1:** Number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention and torture of journalists, associated media personnel, trade unionists and human rights advocates in the previous 12 months.

<sup>18</sup> **Goal 16, Target 16.10:** Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements.

## ARBITRARY ARRESTS AND DETENTION OF POLITICAL OPPOSITION MEMBERS AND JOURNALISTS

CREATING SYNERGIES BETWEEN THE UPR AND THE SDGS: The commitments listed under Goal 16 are relevant to the recommendations listed below, in particular Target 16.10, and Indicator 16.10.1.<sup>19</sup>

- Instruct the police, the army, the General Direction of Territory Surveillance (*Direction General de surveillance du territoire*, DGST) and the gendarmerie, to refrain from detaining people without charge beyond the 72-hour period stipulated in Article 48 of the Criminal Code of Procedure;
- Ensure that the Public Prosecutor is informed whenever a suspect is arrested by the General Direction of Territory Surveillance (*Direction General de surveillance du territoire*, DGST), including the reasons for the arrest and allow the Public Prosecutor to visit detainees, including those detained at the DGST facilities;
- Allow independent national and international human rights monitors access to all detention centres, including the General Direction of Territory Surveillance (*Direction General de surveillance du territoire*, DGST) facilities.

## TORTURE AND OTHER ILL-TREATMENT

CREATING SYNERGIES BETWEEN THE UPR AND THE SDGS: The commitments listed under Goal 16 are relevant to the recommendations listed below, in particular Targets 16.1 and 16.10, and Indicator 16.10.1.<sup>20</sup>

- Ensure that a definition of torture, in line with the Convention against Torture, is included in the Criminal Code and that torture and other ill-treatment are prohibited in all their forms;
- Allow all detainees, after their arrest and regularly during their detention, access to their families and lawyers of their choosing, from the moment of arrest and throughout all judicial proceedings;
- Ensure that all detainees are examined by an independent doctor of their choosing whenever needed;
- Effectively investigate all allegations of torture and other ill-treatment and bring suspected perpetrators to justice in fair trials and provide effective remedies and adequate reparations.

## REFUGEES AND MIGRANTS' RIGHTS

CREATING SYNERGIES BETWEEN THE UPR AND THE SDGS: The commitments listed under Goal 10 are relevant to the recommendations listed below, in particular Target 10.7 and Indicator 10.7.2.<sup>21</sup>

- Promptly adopt comprehensive asylum legislation, recognising in particular the right not to be subjected to *refoulement*, in line with international law;
- Ensure that a definition of discrimination, in line with international law, is included in the Criminal Code and that discrimination is prohibited in all its forms;
- Publicly announce on the radio and television and other media that discrimination against foreign nationals, including from the DRC, will not be tolerated;
- Recognize the right to health and education of refugees and migrants;

<sup>19</sup> **Goal 16, Target 16.10:** Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements, and **Indicator 16.10.1:** Number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention and torture of journalists, associated media personnel, trade unionists and human rights advocates in the previous 12 months.

<sup>20</sup> **Goal 16, Target 16.1:** Significantly reduce all forms of violence and related death rates everywhere, **Target 16.10:** Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements, and **Indicator 16.10.1:** Number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention and torture of journalists, associated media personnel, trade unionists and human rights advocates in the previous 12 months.

<sup>21</sup> **Goal 10, Target 10.7:** Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies, and **Indicator 10.7.2:** Number of countries that have implemented well-managed migration policies.

- Ensure those suspected of crimes under international law and human rights violations during the operation “Mbata ya Mokolo” are prosecuted in proceedings before ordinary civilian courts which comply with international fair trial standards;
- Provide all victims of crimes under international law and human rights violations committed during the operation “Mbata ya Mokolo” with full reparation, including restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition.

#### **INTERNATIONAL HUMAN RIGHTS INSTRUMENTS AND MECHANISMS**

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

#### **INTERNATIONAL JUSTICE**

- Promptly ratify or accede, without making any reservation, to fundamental human rights treaties or related to, and implement them fully into national law, including the Agreement on the Privileges and Immunities of the International Criminal Court, the Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity and 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).

### **Recommendations to the government of Jordan**

#### **ADMINISTRATIVE DETENTION, INCLUDING OF WOMEN**

**CREATING SYNERGIES BETWEEN THE UPR AND THE SDGS: The commitments listed under Goal 5 are relevant to the recommendations listed below, in particular Target 5.2 and Indicators 5.2.1 and 5.2.2.<sup>22</sup>**

- Repeal the Crime Prevention Law (Law No. 7 of 1954);
- Pending repeal of the Crime Prevention Law, immediately end the use of administrative detention and ensure that those administratively detained under the Law are released unless charged with a legitimate criminal offence and brought to justice in a timely manner in line with international fair trial standards;
- Ensure that women and girls are able to exercise their sexual and reproductive rights, without discrimination, and their autonomy to choose their sexual partners, who to marry and where to live;
- Ensure that non-Jordanian nationals detained solely for violating residency requirements are not subjected to prolonged administrative custody without the possibility of administrative or judicial review or remedy;
- Protect all women and girls against gender-based violence, including by providing access to quality, safe shelters for women at risk in a manner that respects their rights, including to freedom of movement, the highest attainable standard of physical and mental health, and family life;
- Ensure proper and effective investigation of all cases of gender-based violence, including adequate and fair sentences for crimes committed in the name of so-called “honour”;

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<sup>22</sup> **Goal 5, Target 5.2:** Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation, **Indicator 5.2.1:** Proportion of ever-partnered women and girls aged 15 years and older subjected to physical, sexual or psychological violence by a current or former intimate partner in the previous 12 months, by form of violence and by age, and **Indicator 5.2.2:** Proportion of women and girls aged 15 years and older subjected to sexual violence by persons other than an intimate partner in the previous 12 months, by age and place of occurrence.

- Ensure access to funding from international sources for NGOs, including those who work with women who have been in administrative detention or prison, in conflict with the law, or who are at risk of gender-based violence;
- Lift any unnecessary or disproportionate restrictions to funding to ensure women's rights NGOs are able to roll-out their programs.

## HUMAN RIGHTS DEFENDERS

**CREATING SYNERGIES BETWEEN THE UPR AND THE SDGS: The commitments listed under Goal 16 are relevant to the recommendations listed below, in particular Target 16.10.<sup>23</sup>**

- Publicly recognize human rights defenders, particularly those who face threats and attacks, and ensure support for them to carry out their human rights work;
- Recognise the important work of women human rights defenders, LGBTI defenders, Indigenous defenders and any other defenders facing discrimination or marginalization, and ensure their effective protection against gender-specific or other threats and violence they face because of their work or who they are;
- Adopt and implement legislation to recognize and effectively protect all human rights defenders;
- Ensure thorough, prompt and independent investigation into all reports of human rights violations against human rights defenders and bring to justice those suspected of being responsible for such crimes;
- Ensure young human rights defenders and youth-led organisations engaged in the defence and promotion of human rights are recognized and protected, including by removing age-based discriminatory practices which restrict participation of young people in public decision-making, as well as by providing resources for their work;
- Fully co-operate with UN human rights mechanisms, in particular extend an invitation to the Special Rapporteur on the situation of human rights defenders to conduct visits without restriction on duration and scope, and ensure they are allowed to meet with human rights defenders without hindrance.

## MIGRANT DOMESTIC WORKERS' LABOUR RIGHTS

**CREATING SYNERGIES BETWEEN THE UPR AND THE SDGS: The commitments listed under Goal 8 are relevant to the recommendations listed below, in particular Target 8.5.<sup>24</sup>**

- Amend Labour Regulation No.90/2009 in line with international labour standards;
- Ratify ILO Convention 189 concerning decent work for domestic workers and ILO Convention 87 concerning Freedom of Association and Protection of the Right to Organise;
- Amend Section 108 of Chapter 11 of the Labour Code to allow foreigners the right to form unions;
- Improve the capacity of labour inspectors to better monitor employers and recruitment agencies and properly investigate labour violations, such as excessive working hours, restrictions on mobility, lack of a day off, denial of proper health care, or inadequate accommodation.

## REFUGEES AND ASYLUM-SEEKERS' RIGHTS

- Ensure access to minimum essential levels of health care, including essential primary health care, to all persons irrespective of their migration or other status;

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<sup>23</sup> **Goal 16, Target 16.10:** Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements.

<sup>24</sup> **Goal 8, Target 8.5:** By 2030, achieve full and productive employment and decent work for all women and men, including for young people and persons with disabilities, and equal pay for work of equal value.

- Remove additional user fees charged to Syrian refugees, reverse the significant 1 March 2018 price rises, and ensure health care is affordable for all;
- Seek technical co-operation from other governments and international organizations to provide specialist medical care, including rehabilitation and aftercare, to the war-wounded, and make public services more accessible for refugees with disabilities;
- Ensure access to appropriate and timely information to Syrian refugees on the range of health care services available to them, costs related to health care services, eligibility requirements, and how to access these services;
- Ratify the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol;
- Respect the principle of *non-refoulement*, including by opening the borders to people fleeing conflict and persecution in Syria.

## THE DEATH PENALTY

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

## INTERNATIONAL HUMAN RIGHTS INSTRUMENTS AND MECHANISMS

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

## INTERNATIONAL JUSTICE

- Promptly ratify or accede, without making any reservation, to fundamental human rights treaties or related to, and implement them fully into national law, including the Agreement on the Privileges and Immunities of the International Criminal Court (signed on 28 June 2004), the Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity, and 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).

## **Recommendations to the government of Malaysia**

### INTERNATIONAL TREATIES

- Promptly ratify or accede, without making any reservation, to international human rights treaties, and implement them fully into national law, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity, and 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 Rome Statute of the International Criminal Court and the Agreement on the Privileges and Immunities of the International Criminal Court, and implement them into national law.

## THE DEATH PENALTY

- Establish an official moratorium on executions with a view to abolishing the death penalty;
- Ensure rigorous compliance in all death penalty cases with international fair trial standards;
- Disclose detailed data on the use of the death penalty to the public on an annual basis.

## FREEDOM OF EXPRESSION

**CREATING SYNERGIES BETWEEN THE UPR AND THE SDGS: The commitments listed under Goal 16 are relevant to the recommendations listed below, in particular Target 16.10 and Indicator 16.10.1.<sup>25</sup>**

- Amend or repeal the Sedition Act, the Communications Multimedia Act, the Printing Press and Publications Act and amend all other legislation that unduly restricts the right to freedom of expression to ensure that they comply with international human rights standards;
- Drop all charges under the above laws and refrain from misusing the criminal justice system to target or harass people for exercising their rights to freedom of expression.

## HUMAN RIGHTS DEFENDERS

**CREATING SYNERGIES BETWEEN THE UPR AND THE SDGS: The commitments listed under Goal 16 are relevant to the recommendations listed below, in particular Target 16.10.<sup>26</sup>**

- Publicly recognize human rights defenders, particularly those who face threats and attacks, and ensure support for them to carry out their human rights work;
- Recognise the important work of women human rights defenders, LGBTI defenders, Indigenous defenders and any other defenders facing discrimination or marginalization, and ensure their effective protection against gender-specific or other threats and violence they face because of their work or who they are;
- Adopt and implement legislation to recognize and effectively protect all human rights defenders;
- Ensure thorough, prompt and independent investigation into all reports of human rights violations against human rights defenders and bring to justice those suspected of being responsible for such crimes;
- Ensure young human rights defenders and youth-led organisations engaged in the defence and promotion of human rights are recognized and protected, including by removing age-based discriminatory practices which restrict participation of young people in public decision-making, as well as by providing resources for their work;
- Fully co-operate with UN human rights mechanisms, in particular extend an invitation to the Special Rapporteur on the situation of human rights defenders to conduct visits without restriction on duration and scope, and ensure they are allowed to meet with human rights defenders without hindrance.

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<sup>25</sup> **Goal 16, Target 16.10:** Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements, and **Indicator 16.10.1:** Number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention and torture of journalists, associated media personnel, trade unionists and human rights advocates in the previous 12 months.

<sup>26</sup> **Goal 16, Target 16.10:** Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements.



## FREEDOM OF ASSOCIATION AND PEACEFUL ASSEMBLY

**CREATING SYNERGIES BETWEEN THE UPR AND THE SDGS:** The commitments listed under Goal 16 are relevant to the recommendations listed below, in particular Target 16.10.<sup>27</sup>

- Revise or repeal the Peaceful Assembly Act and relevant sections of the Penal Code to allow peaceful street protests without unnecessary restrictions, and accord the right to peaceful assembly to all people in Malaysia, without discrimination.

## FREEDOM OF MOVEMENT

**CREATING SYNERGIES BETWEEN THE UPR AND THE SDGS:** The commitments listed under Goal 16 are relevant to the recommendations listed below, in particular Target 16.10.<sup>28</sup>

- End harassment and intimidation of human rights defenders and government critics, including by abolishing arbitrary travel bans.

## ARBITRARY ARRESTS AND DETENTION

- Repeal or radically amend the Security Offences (Special Measures) Act (SOSMA), the Prevention of Crime Act (POCA), the Prevention of Terrorism Act (POTA), and the National Security Act, to ensure they fully comply with international human rights law and standards.

## DEATHS IN CUSTODY, TORTURE AND OTHER ILL-TREATMENT BY STATE SECURITY FORCES

**CREATING SYNERGIES BETWEEN THE UPR AND THE SDGS:** The commitments listed under Goal 16 are relevant to the recommendations listed below, in particular Targets 16.1 and 16.10, and Indicator 16.10.1.<sup>29</sup>

- Ensure that all reports and complaints of criminal offences involving human rights violations by state security forces, including unlawful killings, deaths in custody and torture, are promptly investigated through the criminal justice system and all those suspected of criminal responsibility are brought to justice in fair trials before ordinary civilian courts and without recourse to death penalty;
- Establish an independent police complaint and misconduct commission, independent of the Royal Malaysia Police, and ensure there is a clear, independent and impartial system for hearing complaints of suspected human rights violations by the police and the security forces.

## REFUGEES AND ASYLUM-SEEKERS

**CREATING SYNERGIES BETWEEN THE UPR AND THE SDGS:** The commitments listed under Goal 10 are relevant to the recommendations listed below, in particular Target 10.7 and Indicator 10.7.2.<sup>30</sup>

- End the systematic detention and discrimination of undocumented migrants, trafficked persons, asylum-seekers and refugees and recognize their right to work in domestic legislation and policies;
- Ratify the UN Convention Related to the Status of Refugees and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

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<sup>27</sup> **Goal 16, Target 16.10:** Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements.

<sup>28</sup> **Goal 16, Target 16.10:** Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements.

<sup>29</sup> **Goal 16, Target 16.1:** Significantly reduce all forms of violence and related death rates everywhere, **Target 16.10:** Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements, and **Indicator 16.10.1:** Number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention and torture of journalists, associated media personnel, trade unionists and human rights advocates in the previous 12 months.

<sup>30</sup> **Goal 10, Target 10.7:** Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies, and **Indicator 10.7.2:** Number of countries that have implemented well-managed migration policies.

## INDIGENOUS PEOPLES' RIGHTS

**CREATING SYNERGIES BETWEEN THE UPR AND THE SDGS:** The commitments listed under Goal 1 are relevant to the recommendations listed below, in particular Target 1.4 and Indicator 1.4.2;<sup>31</sup>

- Protect the economic, social and cultural rights of Indigenous Peoples, including the right to their lands, and to free, prior and informed consent where a proposed measure or project may have an impact on them.

## RIGHTS OF LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX PEOPLE

**CREATING SYNERGIES BETWEEN THE UPR AND THE SDGS:** The commitments listed under Goals 5 and 10 are relevant to the recommendations listed below, in particular Targets 5.1 and 10.3 and Indicators 5.1.1 and 10.3.1.<sup>32</sup>

- Repeal all legislation that criminalizes consensual same-sex relations or discriminates on the basis of sexual orientation or gender identity, including sections 377A, 377B and 377D of the Penal Code and all state regulations that have been put in place under Sharia'h law;
- Take immediate measures to end discrimination with regard to work, health, educational, housing and other policy, on all grounds including real or perceived sexual orientation or gender identity;
- Ensure that actual or imputed sexual orientation, consensual sexual relations or gender identity are under no circumstances the basis for arrest or detention;
- Release all individuals held in detention because of their real or perceived sexual orientation or gender identity.

## Recommendations to the government of Malta

### SEARCH AND RESCUE AT SEA OF REFUGEES AND MIGRANTS

**CREATING SYNERGIES BETWEEN THE UPR AND THE SDGS:** The commitments listed under Goal 10 are relevant to the recommendations listed below, in particular Target 10.7 and Indicator 10.7.2.<sup>33</sup>

- Immediately employ a broad definition of distress at sea aimed at maximizing the protection of life, including by applying to all search-and-rescue operations coordinated by the Malta Rescue Coordination Centre the provisions under Article 3 of Regulation (EU) 656/2014<sup>34</sup> regarding the information and observations to be considered when determining a situation of distress;

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<sup>31</sup> **Goal 1, Target 1.4:** By 2030, ensure that all men and women, in particular the poor and the vulnerable, have equal rights to economic resources, as well as access to basic services, ownership and control over land and other forms of property, inheritance, natural resources, appropriate new technology and financial services, including microfinance, and **Indicator 1.4.2:** Proportion of total adult population with secure tenure rights to land, with legally recognized documentation and who perceive their rights to land as secure, by sex and by type of tenure.

<sup>32</sup> **Goal 5, Target 5.1:** End all forms of discrimination against all women and girls everywhere, **Indicator 5.1.1:** Whether or not legal frameworks are in place to promote, enforce and monitor equality and non-discrimination on the basis of sex; **Goal 10, Target 10.3:** Ensure equal opportunity and reduce inequalities of outcome, including by eliminating discriminatory laws, policies and practices and promoting appropriate legislation, policies and action in this regard, **Indicator 10.3.1:** Proportion of the population reporting having personally felt discriminated against or harassed within the previous 12 months on the basis of a ground of discrimination prohibited under international human rights law.

<sup>33</sup> **Goal 10, Target 10.7:** Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies, and **Indicator 10.7.2:** Number of countries that have implemented well-managed migration policies.

<sup>34</sup> REGULATION (EU) No 656/2014 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 15 May 2014 establishing rules for the surveillance of the external sea borders in the context of operational cooperation coordinated by the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union

- Ratify and implement the 2004 Amendments to the International Convention for the Safety of Life at Sea and to the International Convention on Maritime Search and Rescue;<sup>35</sup>
- Seek an agreement with other EU states on regional disembarkation arrangements to render disembarkation predictable and consistent with international law and standards;
- Ensure that people rescued at sea are promptly disembarked in an appropriate place of safety, where their human rights are adequately protected, where they are free from arbitrary detention and where they have a genuine opportunity to seek asylum;
- Ensure that NGOs can contribute to saving the lives of refugees and migrants in the Mediterranean sea, in compliance with international law and standards, and the Declaration on Human Rights Defenders;
- Refrain from misusing the criminal law against rescue NGOs to unduly hamper their life-saving activities;
- Ensure that refugees and migrants rescued at sea are not disembarked in Libya, where they are at risk of torture and ill-treatment, including by refraining from transferring to **Libyan authorities** the coordination of search-and-rescue operations in the central Mediterranean until the Libyan authorities demonstrate sufficient capacity and provide the necessary safeguards against the risk of human rights violations;
- Refrain from directing vessels carrying out rescues to seek instructions from the Libyan Coast Guard to avoid the risk of delays in rescue operations and that refugees and migrants are disembarked in Libya where they are at risk of human rights violations.

#### INVESTIGATION INTO THE KILLING OF JOURNALIST DAPHNE CARUANA GALIZIA

**CREATING SYNERGIES BETWEEN THE UPR AND THE SDGS: The commitments listed under Goal 16 are relevant to the recommendations listed below, in particular Target 16.10 and Indicator 16.10.1.<sup>36</sup>**

- Establish without delay an independent and effective **public inquiry** into the killing of journalist Daphne Caruana Galizia to probe whether her death could have been prevented and to learn lessons for the future. The public inquiry should have comprehensive and transparent terms of reference; ensure meaningful involvement of the deceased's family; ensure the protection of sources; and include public hearings.

#### HUMAN RIGHTS DEFENDERS

**CREATING SYNERGIES BETWEEN THE UPR AND THE SDGS: The commitments listed under Goal 16 are relevant to the recommendations listed below, in particular Target 16.10.<sup>37</sup>**

- Publicly recognize human rights defenders, particularly those who face threats and attacks, and ensure support for them to carry out their human rights work;
- Recognise the important work of women human rights defenders, LGBTI defenders, Indigenous defenders and any other defenders facing discrimination or marginalization, and ensure their effective protection against gender-specific or other threats and violence they face because of their work or who they are;

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<sup>35</sup> International Maritime Organization's Maritime Safety Committee (MSC) res., 153 (78) (2004), Adoption of amendments to the International Convention for the Safety of Life at Sea, 1974, as amended, available at [http://www.imo.org/blast/blastDataHelper.asp?data\\_id=15526&filename=153\(78\).pdf](http://www.imo.org/blast/blastDataHelper.asp?data_id=15526&filename=153(78).pdf); and Adoption of Amendments to the International Convention on Maritime Search and Rescue, 1979, as amended, Annex 5, Resolution MSC.155(78), MSC 78/26/Add.1, <http://www.imo.org/OurWork/Facilitation/IllegalMigrants/Documents/Resolution%20MSC.155-%2078.pdf>

<sup>36</sup> **Goal 16, Target 16.10:** Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements, and **Indicator 16.10.1:** Number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention and torture of journalists, associated media personnel, trade unionists and human rights advocates in the previous 12 months.

<sup>37</sup> **Goal 16, Target 16.10:** Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements.

- Adopt and implement legislation to recognize and effectively protect all human rights defenders;
- Ensure thorough, prompt and independent investigation into all reports of human rights violations against human rights defenders and bring to justice those suspected of being responsible for such crimes;
- Ensure young human rights defenders and youth-led organisations engaged in the defence and promotion of human rights are recognized and protected, including by removing age-based discriminatory practices which restrict participation of young people in public decision-making, as well as by providing resources for their work;
- Fully co-operate with UN human rights mechanisms, in particular extend an invitation to the Special Rapporteur on the situation of human rights defenders to conduct visits without restriction on duration and scope, and ensure they are allowed to meet with human rights defenders without hindrance.

#### **INTERNATIONAL HUMAN RIGHTS INSTRUMENTS AND MECHANISMS**

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

#### **INTERNATIONAL TREATIES**

- Promptly accede to, without making any reservation, the Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity, and implement it into national law;
- Promptly recognize the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of victims or other states parties to the Convention for the Protection of All Persons from Enforced Disappearance.

### **Recommendations to the government of Mexico**

#### **TREATY LAW**

- Promptly withdraw the reservation made upon ratification of the Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity, related to the temporal scope of the Treaty, in accordance with Article 29 of the Vienna Convention on the Law of Treaties.

#### **INTERNATIONAL HUMAN RIGHTS INSTRUMENTS AND MECHANISMS**

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

#### **PUBLIC SECURITY STRATEGY**

##### *In relation to the policy on the control of illegal drugs:*

- Put an end to the militarization of operations to combat drug trafficking and develop and implement a new policy on drug control that prioritizes the protection of public health and human rights, including decriminalization and regulation of drugs.

##### *In relation to the armed forces:*

- End the role of the armed forces in public security, including in relation to detention, investigation and interrogation, for which they are not trained nor accountable;
- Repeal the Law on Interior Security and ensure that public security laws, practices and regulations comply with international human rights law and standards;
- Amend the Code of Military Justice to ensure that all allegations of crimes under international law and human rights violations committed by members of the armed forces, irrespective of the

civilian or military character of the victim, are properly investigated, prosecuted and tried exclusively by civilian judicial authorities.

*In relation to the police:*

- Establish clear regulations for all police forces on the use of force and firearms and ensure that they receive adequate and ongoing training on their use;
- Establish clear regulations on arrest and detention proceedings and ensure that all police forces comply with them;
- Establish a unified, nationwide and consistent register of arrests, in line with international human rights law, aimed at decreasing arbitrary arrest and detention;

## TORTURE AND OTHER ILL-TREATMENT

**CREATING SYNERGIES BETWEEN THE UPR AND THE SDGS: The commitments listed under Goal 16 are relevant to the recommendations listed below, in particular Targets 16.1 and 16.10, and Indicator 16.10.1.<sup>38</sup>**

- Ensure adequate implementation of the new general law on torture and related legislation, including the exclusion in court of all evidence obtained, directly or indirectly, through torture or other ill-treatment;
- Immediately launch prompt, thorough, independent and impartial investigations into allegations of torture and other ill-treatment, and bring all those suspected of criminal responsibility to justice in fair trials before ordinary civilian courts;
- Suspend all agents, regardless of rank, suspected of being involved in acts of torture or other ill-treatment, pending the results of the investigation;
- Ensure the immediate performance of forensic medical examinations in accordance with the *Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (the “Istanbul Protocol”) in all cases of alleged torture and other ill-treatment, adopting an appropriate gender perspective.

## ENFORCED DISAPPEARANCE

**CREATING SYNERGIES BETWEEN THE UPR AND THE SDGS: The commitments listed under Goal 16 are relevant to the recommendations listed below, in particular Target 16.10, and Indicator 16.10.1.<sup>39</sup>**

- Recognize the competence of the UN Committee on Enforced Disappearances to hear enforced disappearance cases pursuant to Articles 31 and 32 of the International Convention for the Protection of All Persons from Enforced Disappearance and invite the Committee to carry out a visit to Mexico;
- Conduct prompt, thorough, independent and impartial investigations into all cases of enforced disappearance and disappearance committed by non-state actors and, where there is sufficient admissible evidence, bring all those suspected of criminal responsibility to justice in trials that meet international fair trial standards, regardless of who the alleged perpetrator might be;
- Acknowledge and allow the participation of relatives of disappeared persons in the investigations, providing them with up-to-date and accurate information on progress, and ensure that they are allowed to provide information, suggest lines of inquiry and ask for evidence;

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<sup>38</sup> **Goal 16, Target 16.1:** Significantly reduce all forms of violence and related death rates everywhere, **Target 16.10:** Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements, and **Indicator 16.10.1:** Number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention and torture of journalists, associated media personnel, trade unionists and human rights advocates in the previous 12 months.

<sup>39</sup> **Goal 16, Target 16.1:** Significantly reduce all forms of violence and related death rates everywhere, **Target 16.10:** Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements, and **Indicator 16.10.1:** Number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention and torture of journalists, associated media personnel, trade unionists and human rights advocates in the previous 12 months.

- Adequately implement the recommendations of the Interdisciplinary Group of Independent Experts of the Inter-American Commission on Human Rights;
- Promptly recognize the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of victims or other states parties to the Convention for the Protection of All Persons from Enforced Disappearance.

## THE JUSTICE SYSTEM

**CREATING SYNERGIES BETWEEN THE UPR AND THE SDGS:** The commitments listed under Goal 16 are relevant to the recommendations listed below, in particular Targets 16.3.<sup>40</sup>

*In relation to the strengthening of institutions:*

- Create an international mechanism against impunity to independently investigate crimes under international law and human rights violations committed in Mexico;
- Guarantee, in law and in practice, the independence and impartiality of the judiciary, ensuring that judges are free from any interference, pressure or undue influence in the exercise of their functions.

*In relation to arbitrary detentions:*

- Repeal provisions in the Constitution and in the law on unofficial pre-trial detention (*prisión preventiva oficiosa*), which allow the police to detain people after a crime was committed based only on witness testimony, but without a warrant being issued (*flagrancia por señalamiento*) or orders that prohibit leaving the jurisdiction of the Court (*arraigo*);

## GENDER-BASED VIOLENCE AGAINST WOMEN AND CHILDREN

**CREATING SYNERGIES BETWEEN THE UPR AND THE SDGS:** The commitments listed under Goal 5 are relevant to the recommendations listed below, in particular Target 5.2 and Indicators 5.2.1 and 5.2.2.<sup>41</sup>

- Increase efforts to develop a standardized and regular system for reporting statistical data on violence against women, including killings of women for gender-based motives, broken down by type of violence and the circumstances in which it was committed, and including information on the perpetrators and victims and the relationship between them;
- Conduct exhaustive, independent and impartial investigations of gender-motivated killings of women (“femicide”), ensuring that the perpetrators are brought to justice and guaranteeing full reparation for the victims and their families for the harm suffered;
- Adopt guidelines at state level for investigating the crime of femicide from a gender perspective and ensure their effective implementation by law enforcement and justice administration staff;
- Review and modify, in broad consultation with civil society, the procedure for triggering the Gender Violence Alert mechanism established to implement the General Law on Women's Access to a Life Free of Violence;
- Design and implement an evaluation of the effect and impact of the Gender Violence Alert mechanism based on quantitative and qualitative indicators to enable objective and independent monitoring of its implementation.

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<sup>40</sup> **Goal 16, Target 16.3:** Promote the rule of law at the national and international levels and ensure equal access to justice for all.

<sup>41</sup> **Goal 5, Target 5.2:** Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation, **Indicator 5.2.1:** Proportion of ever-partnered women and girls aged 15 years and older subjected to physical, sexual or psychological violence by a current or former intimate partner in the previous 12 months, by form of violence and by age, and **Indicator 5.2.2:** Proportion of women and girls aged 15 years and older subjected to sexual violence by persons other than an intimate partner in the previous 12 months, by age and place of occurrence.

## REFUGEES AND ASYLUM SEEKERS

**CREATING SYNERGIES BETWEEN THE UPR AND THE SDGS:** The commitments listed under Goal 10 are relevant to the recommendations listed below, in particular Target 10.7 and Indicator 10.7.2.<sup>42</sup>

- Ensure that all individuals who enter the country irregularly, including those who are apprehended and detained, are informed of their right to seek asylum in Mexico and allowed to present an asylum claim if they wish to do so;
- Investigate all reports of practices that violate the rights of migrants and refugees, including *refoulement*, and, when confirmed, ensure they are met with administrative sanction;
- Ensure that the implementation of the migration policy is not the responsibility of police forces, but of officials trained to identify the needs of each migrant and to guarantee their access to asylum proceedings when there is a need for international protection.

## HUMAN RIGHTS DEFENDERS AND JOURNALISTS

**CREATING SYNERGIES BETWEEN THE UPR AND THE SDGS:** The commitments listed under Goal 16 are relevant to the recommendations listed below, in particular Target 16.10.<sup>43</sup>

- Adhere to the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement);
- Implement, in consultation with human rights defenders, a comprehensive public policy for the protection of rights defenders, to address the structural causes that increase the risks to and attacks against them, such as impunity, stigmatization and discrimination;
- Adopt measures at the highest levels to ensure public recognition of human rights defenders, and take urgent steps to end impunity for attacks and threats against them, including by conducting prompt, independent and impartial investigations to bring the perpetrators to justice;
- Recognise the important work of women human rights defenders, LGBTI defenders, Indigenous defenders and any other defenders facing discrimination or marginalization, and ensure their effective protection against gender-specific or other threats and violence they face because of their work or who they are;
- Ensure young human rights defenders and youth-led organisations engaged in the defence and promotion of human rights are recognized and protected, including by removing age-based discriminatory practices which restrict participation of young people in public decision-making, as well as by providing resources for their work;
- Fully co-operate with UN human rights mechanisms, in particular extend an invitation to the Special Rapporteur on the situation of human rights defenders to conduct visits without restriction on duration and scope, and ensure they are allowed to meet with human rights defenders without hindrance.

## Recommendations to the government of Nigeria

### THE NATIONAL HUMAN RIGHTS FRAMEWORK

- Amend the Constitution to guarantee economic, social and cultural rights as human rights and to make them enforceable in court;
- Bring the Terrorism Prevention Act into line with international law, including by repealing the death penalty and providing that an individual may only be arrested on reasonable suspicion of having committed a criminal offence;

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<sup>42</sup> **Goal 10, Target 10.7:** Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies, and **Indicator 10.7.2:** Number of countries that have implemented well-managed migration policies.

<sup>43</sup> **Goal 16, Target 16.10:** Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements.

- Amend Section 33(2) of the Constitution and the Police Force Order 237 to ensure that these only allow the use of lethal force to protect life as permitted by international human rights law.

## INTERNATIONAL HUMAN RIGHTS INSTRUMENTS AND MECHANISMS

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

## VIOLENCE AGAINST WOMEN

**CREATING SYNERGIES BETWEEN THE UPR AND THE SDGS:** The commitments listed under Goal 5 are relevant to the recommendations listed below, in particular Target 5.2 and Indicators 5.2.1 and 5.2.2.<sup>44</sup>

- Ensure that the Violence Against Persons Prohibition Bill, passed by the National Assembly in 2015, is applicable in all 36 states;
- Ensure that the Gender and Equal Opportunities Bill is passed into law.

## FORCED EVICTIONS

**CREATING SYNERGIES BETWEEN THE UPR AND THE SDGS:** The commitments listed under Goal 11 are relevant to the recommendations listed below, in particular Target 11.1.<sup>45</sup>

- Establish a moratorium on mass evictions until adequate legal and procedural safeguards are in place to ensure that all evictions comply with international human rights standards, including through the adoption of legislation to explicitly prohibit forced evictions and guidelines to ensure that evictions are carried out in compliance with the UN Basic Principles and Guidelines on Development-Based Evictions and Displacement;
- Provide effective remedies, including adequate alternative housing and compensation for any loss or damage to property and possessions for persons who have been victims of forced eviction.

## OIL POLLUTION

**CREATING SYNERGIES BETWEEN THE UPR AND THE SDGS:** The commitments listed under Goals 6 and 12 are relevant to the recommendations listed below, in particular Targets 6.3, 12.4 and 12.6 and Indicators 6.3.1 and 12.4.1<sup>46</sup>

- Investigate and, if there is sufficient admissible evidence, prosecute Shell's personnel for human rights violations committed by the Nigerian security forces in Ogoniland in the 1990s;
- Ensure that the National Oil Spill Detection and Response Agency is provided with the resources necessary to investigate oil spills independently of the oil companies.

## FREEDOM OF EXPRESSION AND ASSEMBLY

**CREATING SYNERGIES BETWEEN THE UPR AND THE SDGS:** The commitments listed under Goal 16 are relevant to the recommendations listed below, in particular Target 16.10 and Indicator 16.10.1.<sup>47</sup>

<sup>44</sup> **Goal 5, Target 5.2:** Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation, **Indicator 5.2.1:** Proportion of ever-partnered women and girls aged 15 years and older subjected to physical, sexual or psychological violence by a current or former intimate partner in the previous 12 months, by form of violence and by age, and **Indicator 5.2.2:** Proportion of women and girls aged 15 years and older subjected to sexual violence by persons other than an intimate partner in the previous 12 months, by age and place of occurrence.

<sup>45</sup> **Goal 11, Target 11.1:** By 2030, ensure access for all to adequate, safe and affordable housing and basic services and upgrade slums.

<sup>46</sup> **Goal 6, Target 6.3:** By 2030, improve water quality by reducing pollution, eliminating dumping and minimizing release of hazardous chemicals and materials, halving the proportion of untreated wastewater and substantially increasing recycling and safe reuse globally and **Indicator 6.3.1:** Proportion of wastewater safely treated, and

**Goal 12, Target 12.4:** By 2020, achieve the environmentally sound management of chemicals and all wastes throughout their life cycle, in accordance with agreed international frameworks, and significantly reduce their release to air, water and soil in order to minimize their adverse impacts on human health and the environment, and **Target 12.6:** Encourage companies, especially large and transnational companies, to adopt sustainable practices and to integrate sustainability information into their reporting cycle and **Indicator 12.6.1:** Number of companies publishing sustainability reports.



- Refrain from signing into law the Non-Governmental Organisations Regulatory Commission of Nigeria (Establishment) Bill (the NGO bill).

## HUMAN RIGHTS DEFENDERS

**CREATING SYNERGIES BETWEEN THE UPR AND THE SDGS: The commitments listed under Goal 16 are relevant to the recommendations listed below, in particular Target 16.10.<sup>48</sup>**

- Publicly recognize human rights defenders, particularly those who face threats and attacks, and ensure support for them to carry out their human rights work;
- Recognise the important work of women human rights defenders, LGBTI defenders, Indigenous defenders and any other defenders facing discrimination or marginalization, and ensure their effective protection against gender-specific or other threats and violence they face because of their work or who they are;
- Adopt and implement legislation to recognize and effectively protect all human rights defenders;
- Ensure thorough, prompt and independent investigation into all reports of human rights violations against human rights defenders and bring to justice those suspected of being responsible for such crimes;
- Ensure young human rights defenders and youth-led organisations engaged in the defence and promotion of human rights are recognized and protected, including by removing age-based discriminatory practices which restrict participation of young people in public decision-making, as well as by providing resources for their work;
- Fully co-operate with UN human rights mechanisms, in particular extend an invitation to the Special Rapporteur on the situation of human rights defenders to conduct visits without restriction on duration and scope, and ensure they are allowed to meet with human rights defenders without hindrance.

## COMMUNAL VIOLENCE

- Protect ordinary people against attacks by rival communities, including by taking all necessary legal measures to guarantee their safety and security and protect their life and property;
- Initiate an independent, impartial, and effective investigation into the conflict between farmers and herders with the aim of bringing suspects to justice in fair trials and providing a remedy to the victims.

## ENFORCED DISAPPEARANCE, EXTRAJUDICIAL EXECUTIONS AND UNLAWFUL DETENTION

**CREATING SYNERGIES BETWEEN THE UPR AND THE SDGS: The commitments listed under Goal 16 are relevant to the recommendations listed below, in particular Target 16.10, and Indicator 16.10.1.<sup>49</sup>**

- Allow independent international and regional human rights investigators full and free access to investigate allegations of extrajudicial executions and mass grave sites;
- Ensure that enforced disappearance constitutes a criminal offence in line with Nigeria's obligations under the Convention for the Protection of All Persons from Enforced Disappearance (Articles 2 and 3);

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<sup>47</sup> **Goal 16, Target 16.10:** Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements, and **Indicator 16.10.1:** Number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention and torture of journalists, associated media personnel, trade unionists and human rights advocates in the previous 12 months.

<sup>48</sup> **Goal 16, Target 16.10:** Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements.

<sup>49</sup> **Goal 16, Target 16.1:** Significantly reduce all forms of violence and related death rates everywhere, **Target 16.10:** Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements, and **Indicator 16.10.1:** Number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention and torture of journalists, associated media personnel, trade unionists and human rights advocates in the previous 12 months.

- Protect the rights of all detainees to communicate with and receive visits from lawyers, family members, and others in accordance with international human rights standards;
- Ensure that all detainees suspected of a crime are brought before a court of law within 24 or 48 hours where so required by Article 35 of the Nigerian Constitution, and in all cases within no more than a few days as required under Article 9(3) of the International Covenant on Civil and Political Rights, as interpreted by the Human Rights Committee;
- Promptly recognize the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of victims or other states parties to the International Convention for the Protection of All Persons from Enforced Disappearance, to which Nigeria is already a party.

## ARMED CONFLICT

- Implement safeguards against human rights violations by the security forces, including arbitrary arrest, incommunicado and arbitrary detentions, rape and other forms of torture and other ill-treatment, enforced disappearance, and extrajudicial executions and other unlawful killings;
- Initiate independent, impartial, and effective investigations into all allegations of war crimes and possible crimes against humanity committed by the Nigerian military, members of the Civilian Joint Task Force and Boko Haram and bring all those suspected of criminal responsibility to justice in fair trials before ordinary civilian courts and without recourse to death penalty;
- Close the detention centre at Giwa barracks and ensure that all detainees are held in legal, sanitary and humane conditions, in line with The Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment;
- Release all children, except for very young children if it is in their best interests that they be kept with their parents and steps are taken to ensure that their conditions of detention reach minimum standards.

## RIGHTS OF LGBTI PEOPLE

**CREATING SYNERGIES BETWEEN THE UPR AND THE SDGS: The commitments listed under Goals 5 and 10 are relevant to the recommendations listed below, in particular Targets 5.1 and 10.3 and Indicators 5.1.1 and 10.3.1.**<sup>50</sup>

- Repeal all legislation that discriminates on the basis of sexual orientation or gender identity, specifically sections 214, 215, 217 of the Criminal Code Act 1990 which categorise male homosexual conduct as “offences against morality”;
- Repeal the Same-Sex Marriage (Prohibition) Act 2013;
- Ensure that actual or imputed sexual orientation, consensual sexual relations or gender identity are under no circumstances the basis for arrest or detention;
- Release all individuals held in detention because of their real or perceived sexual orientation or gender identity.

## THE DEATH PENALTY

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

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<sup>50</sup> **Goal 5, Target 5.1:** End all forms of discrimination against all women and girls everywhere, **Indicator 5.1.1:** Whether or not legal frameworks are in place to promote, enforce and monitor equality and non-discrimination on the basis of sex; **Goal 10, Target 10.3:** Ensure equal opportunity and reduce inequalities of outcome, including by eliminating discriminatory laws, policies and practices and promoting appropriate legislation, policies and action in this regard, **Indicator 10.3.1:** Proportion of the population reporting having personally felt discriminated against or harassed within the previous 12 months on the basis of a ground of discrimination prohibited under international human rights law.

## **Recommendations to the government of Saudi Arabia**

### **INTERNATIONAL HUMAN RIGHTS OBLIGATIONS**

- Ratify without reservations, and implement them fully into national law, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and their respective Optional Protocols; the Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity, and the International Convention for the Protection of All Persons from Enforced Disappearance;
- Promptly accede to the Rome Statute of the International Criminal Court, and implement it into national law;
- Promptly recognize the jurisdiction of the Committee against Torture and the Committee on Enforced Disappearances to receive and consider communications;
- Review all reservations and declarations that limit the enjoyment of rights enshrined in the Convention of the Rights of the Child, the International Convention on the Elimination of All Forms of Racial Discrimination, and the Convention on the Elimination of All Forms of Discrimination against Women, with a view to lifting the reservations, especially those that are contrary to the object and purpose of the treaties.

### **HUMAN RIGHTS FRAMEWORK**

- Implement without delay all accepted recommendations from the previous UPR concerning reform of the judicial system to ensure its independence and impartiality and ensuring that all its practices are in line with international standards of fair trial;
- Repeal the counter-terror law and related legislation or substantially amend it to bring it into full conformity with international law and standards, including by adopting a definition of terrorism that is not vague and does not infringe on the peaceful exercise of human rights.

### **CRACKDOWN ON FREEDOM OF EXPRESSION**

**CREATING SYNERGIES BETWEEN THE UPR AND THE SDGS: The commitments listed under Goal 16 are relevant to the recommendations listed below, in particular Target 16.10 and Indicator 16.10.1.<sup>51</sup>**

- Immediately and unconditionally release all those imprisoned solely for peacefully exercising their rights to freedom of expression;
- Amend laws, including the Anti-Cyber Crime Law, to ensure that criticism of government policy and practice, and of officials, as well as other forms of protected speech, are not criminalised.

### **CRACKDOWN ON HUMAN RIGHTS DEFENDERS, FREEDOM OF ASSEMBLY AND FREEDOM OF ASSOCIATION**

**CREATING SYNERGIES BETWEEN THE UPR AND THE SDGS: The commitments listed under Goal 16 are relevant to the recommendations listed below, in particular Target 16.10 and Indicator 16.10.1.<sup>52</sup>**

- Repeal the Law on Associations and related legislation or substantially amend it to bring it into full conformity with international law and standards, and allow the formation of independent human rights organizations;
- End the ban and criminalization of protests and immediately and unconditionally release anyone

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<sup>51</sup> **Goal 16, Target 16.10:** Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements, and **Indicator 16.10.1:** Number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention and torture of journalists, associated media personnel, trade unionists and human rights advocates in the previous 12 months.

<sup>52</sup> **Goal 16, Target 16.10:** Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements, and **Indicator 16.10.1:** Number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention and torture of journalists, associated media personnel, trade unionists and human rights advocates in the previous 12 months.

imprisoned solely for exercising their rights to freedom of association and peaceful assembly, including human rights defenders;

- Ensure that every person arrested is promptly charged with a recognizable criminal offence and brought to trial before an ordinary civilian court in accordance with international fair trial standards, or released;
- Publicly recognize human rights defenders, particularly those who face threats and attacks, and ensure support for them to carry out their human rights work;
- Fully co-operate with UN human rights mechanisms, in particular extend an invitation to the Special Rapporteur on the situation of human rights defenders to conduct visits without restriction on duration and scope, and ensure they are allowed to meet with human rights defenders without hindrance.

## THE DEATH PENALTY

- Establish an official moratorium on all executions with view to abolishing the death penalty;
- Review the cases of all prisoners currently under a death sentence with the aim of commuting their sentences or offering them a new and fair trial without recourse to the death penalty;
- Bring the law and judicial practices in line with fair trial guarantees;
- Stop using the death penalty against anyone under the age of 18 at the time of the crime, in accordance with Saudi Arabia's obligations under the Convention on the Rights of the Child;
- Quash all death sentences imposed for crimes committed as minors, provide alternative and fair sentences for those found to have committed internationally recognized crimes, or else release them.

## TORTURE AND OTHER ILL-TREATMENT

**CREATING SYNERGIES BETWEEN THE UPR AND THE SDGS: The commitments listed under Goal 16 are relevant to the recommendations listed below, in particular Targets 16.1 and 16.10, and Indicator 16.10.1.<sup>53</sup>**

- Put an end to the practice of incommunicado detention and ensure that every detainee has access to their family and a lawyer of their choice;
- End the practice of corporal punishment;
- Ensure that all allegations of torture and other ill-treatment are thoroughly, independently and impartially investigated and those suspected of criminal responsibility are brought to justice;
- Ensure that evidence obtained through torture or other ill-treatment is excluded from court proceedings.

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<sup>53</sup> **Goal 16, Target 16.1:** Significantly reduce all forms of violence and related death rates everywhere, **Target 16.10:** Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements, and **Indicator 16.10.1:** Number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention and torture of journalists, associated media personnel, trade unionists and human rights advocates in the previous 12 months.

## DISCRIMINATION AGAINST WOMEN

**CREATING SYNERGIES BETWEEN THE UPR AND THE SDGS:** The commitments listed under Goals 5 and 10 are relevant to the recommendations listed below, in particular Targets 5.1 and 10.3 and Indicators 5.1.1 and 10.3.1.<sup>54</sup>

- Immediately abolish the male guardianship system and repeal other laws that discriminate against women and girls;
- Immediately and unconditionally release women human rights defenders Loujain al-Hathloul, Iman al-Nafjan, Aziza al-Yousef, and others.
- Enact and implement existing laws protecting women from violence, including in the home and family;
- Provide equal citizenship rights for women and men;
- Ensure women's equality with men before the law in the enjoyment of all human rights, including the rights to freedom of movement, education, employment, marriage, and redress for violations.

## DISCRIMINATION AGAINST MIGRANT WORKERS

**CREATING SYNERGIES BETWEEN THE UPR AND THE SDGS:** The commitments listed under Goals 8 and 10 are relevant to the recommendations listed below, in particular Target 8.8 and 10.3, and Indicators 8.8.2 and 10.3.1.<sup>55</sup>

- Reform national labour laws to ensure that migrant workers have adequate protection against abuses by private employers and the state.

## DISCRIMINATION AGAINST MINORITIES

**CREATING SYNERGIES BETWEEN THE UPR AND THE SDGS:** The commitments listed under Goal 10 are relevant to the recommendations listed below, in particular Target 10.3, and Indicators 10.3.1.<sup>56</sup>

- Put an end to all forms of discrimination, intimidation, harassment and detention without charge or trial of members of the Shi'a community and uphold their right to peaceful assembly.

## ARMED CONFLICT IN YEMEN

- Fully comply with international humanitarian law in the planning and execution of any airstrikes, including to ensure civilians and civilian objects are not targeted and to end indiscriminate and disproportionate attacks;
- Take all feasible measures to minimize harm to civilians, including giving advance effective warnings of impending attacks to civilian populations in affected areas;

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<sup>54</sup> **Goal 5, Target 5.1:** End all forms of discrimination against all women and girls everywhere, Indicator 5.1.1: 5.1.1 Whether or not legal frameworks are in place to promote, enforce and monitor equality and non-discrimination on the basis of sex, and **Goal 10, Target 10.3:** Ensure equal opportunity and reduce inequalities of outcome, including by eliminating discriminatory laws, policies and practices and promoting appropriate legislation, policies and action in this regard, **Indicator 10.3.1:** Proportion of the population reporting having personally felt discriminated against or harassed within the previous 12 months on the basis of a ground of discrimination prohibited under international human rights law.

<sup>55</sup> **Goal 8, Target 8.8:** Protect labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment, **Indicator 8.8.2:** Level of national compliance of labour rights (freedom of association and collective bargaining) based on International Labour Organization (ILO) textual sources and national legislation, by sex and migrant status, **Goal 10, Target 10.3:** Ensure equal opportunity and reduce inequalities of outcome, including by eliminating discriminatory laws, policies and practices and promoting appropriate legislation, policies and action in this regard, **Indicator 10.3.1:** Proportion of the population reporting having personally felt discriminated against or harassed within the previous 12 months on the basis of a ground of discrimination prohibited under international human rights law.

<sup>56</sup> **Goal 10, Target 10.3:** Ensure equal opportunity and reduce inequalities of outcome, including by eliminating discriminatory laws, policies and practices and promoting appropriate legislation, policies and action in this regard, **Indicator 10.3.1:** Proportion of the population reporting having personally felt discriminated against or harassed within the previous 12 months on the basis of a ground of discrimination prohibited under international human rights law.

- Immediately cease the use of cluster munitions, which are inherently indiscriminate and internationally banned;
- End the use of explosive weapons with wide area effects in the vicinity of densely populated civilian areas, consistent with the prohibition on indiscriminate attacks;
- Independently and impartially investigate cases where there is credible information that violations of international humanitarian law have taken place, make public the findings of the investigations, and prosecute those suspected of criminal responsibility in fair trials before ordinary civilian courts and without recourse to death penalty;
- Provide full reparation to victims of unlawful attacks and their families, including compensation, restitution, rehabilitation, satisfaction and guarantees of non-repetition;
- Ensure all humanitarian workers are granted freedom of movement and ensure the rapid and unimpeded delivery of impartial humanitarian relief for civilians in need, and lift arbitrary restrictions on commercial imports of essential goods.

## **Recommendations to the government of Senegal**

### **STRENGTHENING OF NATIONAL HUMAN RIGHTS INSTITUTIONS**

**CREATING SYNERGIES BETWEEN THE UPR AND THE SDGS: The commitments listed under Goal 16 are relevant to the recommendation listed below, in particular Target 16.a, and Indicators 16.a.1.<sup>57</sup>**

- Adopt measures to guarantee appropriate financial resources and full independence of the Senegalese Human Rights Committee and the National Observatory of Places of Deprivation of Liberty, as Senegal committed to do during its 2013 UPR,<sup>58</sup> including by amending the laws to ensure that the nomination process for their members is transparent and subject to independent oversight.

### **THE DEATH PENALTY**

- Strengthen its commitment in favor of the abolition of the death penalty by ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights.

### **FREEDOM OF EXPRESSION**

**CREATING SYNERGIES BETWEEN THE UPR AND THE SDGS: The commitments listed under Goal 16 are relevant to the recommendations listed below, in particular Target 16.10 and Indicator 16.10.1.<sup>59</sup>**

- Amend legislation unduly restricting freedom of expression in line with international and regional human rights law, as Senegal had accepted to do during the 2013 UPR,<sup>60</sup> including in the Criminal Code, the Criminal Procedure Code, the Press Code and the Law on Cyber-criminality;
- Adopt a law on the protection of human rights defenders and establish a national protection mechanism in consultation with civil society and provide it with adequate resources;

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<sup>57</sup> **Goal 16, Target 16.a:** Strengthen relevant national institutions, including through international cooperation, for building capacity at all levels, in particular in developing countries, to prevent violence and combat terrorism and crime, and **Indicator 16.a.1:** Existence of independent national human rights institutions in compliance with the Paris Principles.

<sup>58</sup> A/HRC/25/4, Recommendations 123.8 – 123.22 (Pakistan, Azerbaijan, Niger, South Africa, Austria, New Zealand, Tunisia, Australia, Sierra Leone, Benin, Burkina Faso, Congo, Costa Rica, France and Gabon).

<sup>59</sup> **Goal 16, Target 16.10:** Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements, and **Indicator 16.10.1:** Number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention and torture of journalists, associated media personnel, trade unionists and human rights advocates in the previous 12 months.

<sup>60</sup> A/HRC/25/4, Recommendations 124.83 – 124.84 (Slovenia, Spain) and 125.16 – 125.18 (Democratic Republic of Congo, France and Greece).

- Ensure that journalists, opposition leaders, government critics and human rights defenders are able to freely exercise their rights to freedom of expression, association and peaceful assembly without fear of reprisals, arrest, detention, intimidation or harassment.

## FREEDOM OF PEACEFUL ASSEMBLY AND EXCESSIVE USE OF FORCE

**CREATING SYNERGIES BETWEEN THE UPR AND THE SDGS: The commitments listed under Goal 16 are relevant to the recommendations listed below, in particular Targets 16.1 and 16.10, and Indicator 16.10.1.<sup>61</sup>**

- Repeal legal instruments providing for blanket bans on peaceful demonstrations, including the 2011 Decree banning all demonstrations in parts of the city center of Dakar;
- Amend the legal framework on the use of force and legislation on assemblies, including the Criminal Code and the 1978 Law on assemblies, to bring them in line with the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the ACHPR Guidelines for the Policing of Assemblies by Law Enforcement Officials in Africa;
- Provide the security forces with sufficient resources and adequate equipment to police large-scale demonstrations and counter-demonstrations, and effective training in the appropriate and differentiated use of force and weapons, including anti-riot equipment;
- Carry out independent and impartial investigations into all cases where the security forces have injured or caused death by the use of force and impose disciplinary and criminal sanctions, as appropriate, against all those responsible, including superior officers.

## HUMAN RIGHTS DEFENDERS

**CREATING SYNERGIES BETWEEN THE UPR AND THE SDGS: The commitments listed under Goal 16 are relevant to the recommendations listed below, in particular Target 16.10.<sup>62</sup>**

- Publicly recognize human rights defenders, particularly those who face threats and attacks, and ensure support for them to carry out their human rights work;
- Recognise the important work of women human rights defenders, LGBTI defenders, Indigenous defenders and any other defenders facing discrimination or marginalization, and ensure their effective protection against gender-specific or other threats and violence they face because of their work or who they are;
- Adopt and implement legislation to recognize and effectively protect all human rights defenders;
- Ensure thorough, prompt and independent investigation into all reports of human rights violations against human rights defenders and bring to justice those suspected of being responsible for such crimes;
- Ensure young human rights defenders and youth-led organisations engaged in the defence and promotion of human rights are recognized and protected, including by removing age-based discriminatory practices which restrict participation of young people in public decision-making, as well as by providing resources for their work;
- Fully co-operate with UN human rights mechanisms, in particular extend an invitation to the Special Rapporteur on the situation of human rights defenders to conduct visits without restriction on duration and scope, and ensure they are allowed to meet with human rights defenders without hindrance.

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<sup>61</sup> **Goal 16, Targets 16.1:** Significantly reduce all forms of violence and related death rates everywhere, and **16.10:** Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements, and **Indicator 16.10.1:** Number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention and torture of journalists, associated media personnel, trade unionists and human rights advocates in the previous 12 months.

<sup>62</sup> **Goal 16, Target 16.10:** Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements.

## TORTURE AND OTHER ILL-TREATMENT

**CREATING SYNERGIES BETWEEN THE UPR AND THE SDGS: The commitments listed under Goal 16 are relevant to the recommendations listed below, in particular Targets 16.1 and 16.10, and Indicator 16.10.1.<sup>63</sup>**

- Revise the Criminal Code, in particular Article 295-1 on the definition of torture, as Senegal had accepted to do in the 2013 UPR,<sup>64</sup> to bring it fully into line with Article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- Revise the Criminal Procedure Code to bring it in line with international and regional law and standards, including by clarifying that any statement established to be obtained under torture or other ill-treatment cannot be invoked as evidence, as Senegal committed to do in 2013 UPR;<sup>65</sup>
- Ensure that trials in which it has been established that statements have been extracted under torture or other ill-treatment are reviewed in order that those convicted can be retried in accordance with international standards of fair trial;
- Carry out prompt, thorough, independent and impartial investigations into allegations of torture and other ill-treatment during detention and take immediate legal action, whenever there is sufficient admissible evidence, against all persons suspected of committing torture and other ill-treatment, as Senegal committed to do in the 2013 UPR.<sup>66</sup>

## CHILDREN'S RIGHTS

- Enforce domestic laws criminalizing forced begging, trafficking of children and child abuse, including by systematically investigating cases of children being exploited into forced begging and bringing the suspected perpetrators to justice in accordance with fair trial standards, as Senegal had accepted to do in the 2013 UPR.<sup>67</sup>

## WOMEN'S AND GIRLS' RIGHTS

**CREATING SYNERGIES BETWEEN THE UPR AND THE SDGS: The commitments listed under Goal 5 are relevant to the recommendations listed below, in particular Target 5.1 and Indicator 5.1.1.<sup>68</sup>**

- Revise the Family Code to eliminate provisions which discriminate against women, including Article 152 which assigns marital authority to the husband, and Article 277 which assigns paternal authority to the father;
- Revise the Criminal Code to bring it in line with regional and international law and standards, particularly the Convention on the Elimination of All Forms of Discrimination against Women and the Maputo Protocol on the Rights of Women in Africa, including by criminalising marital rape, prohibiting early and forced marriage and decriminalising abortion;
- Ensure that the perpetrators of gender-based violence are brought to justice in fair trials, including those responsible for female genital mutilation, and that victims have access to effective remedy and reparation.

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<sup>63</sup> **Goal 16, Target 16.1:** Significantly reduce all forms of violence and related death rates everywhere, **Target 16.10:** Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements, and **Indicator 16.10.1:** Number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention and torture of journalists, associated media personnel, trade unionists and human rights advocates in the previous 12 months.

<sup>64</sup> A/HRC/25/4, Recommendation 124.33 (Maldives).

<sup>65</sup> A/HRC/25/4, Recommendations 124.28 – 124.33 (Spain, Uruguay, Azerbaijan, Ireland, Maldives).

<sup>66</sup> A/HRC/25/4, Recommendations 124.28, 124.30 (Spain, Uruguay).

<sup>67</sup> A/HRC/25/4, Recommendations 124.16, 124.54 – 124.63, 124.67, 124.69, 124.70, 124.104 (Turkey, United Kingdom, United States, Algeria, France, Germany, India, Singapore, South Sudan, State of Palestine, Sudan, Luxembourg, Paraguay, State of Palestine, Austria).

<sup>68</sup> **Goal 5, Target 5.1:** End all forms of discrimination against all women and girls everywhere, **Indicator 5.1.1:** Whether or not legal frameworks are in place to promote, enforce and monitor equality and non-discrimination on the basis of sex.



## RIGHTS OF LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX PEOPLE

**CREATING SYNERGIES BETWEEN THE UPR AND THE SDGS:** The commitments listed under Goals 5 and 10 are relevant to the recommendations listed below, in particular Targets 5.1 and 10.3 and Indicators 5.1.1 and 10.3.1.<sup>69</sup>

- Publically reiterate Senegal's commitment to respect, protect and fulfil the human rights of all people without discrimination, including on the basis of sexual orientation or gender identity;
- Instruct the police to put an end to arbitrary arrest and detention of people on the basis of their real or perceived sexual orientation or gender identity;
- Repeal Articles 319(3), 320, 321 of the Penal Code of 1965 that criminalizes consensual same-sex sexual conduct and incitement to consensual same-sex sexual conduct;
- Promptly, thoroughly, independently and impartially investigate all allegations of attacks, arbitrary arrest and detention of persons on the basis of their real or perceived sexual orientation or gender identity and expression and bring anyone suspected to be responsible to justice in fair trials.

## PRISON CONDITIONS AND DEATHS IN CUSTODY

**CREATING SYNERGIES BETWEEN THE UPR AND THE SDGS:** The commitments listed under Goal 16 are relevant to the recommendations listed below, in particular Target 16.1.<sup>70</sup>

- Develop and implement a strategy to reduce prison overcrowding, as Senegal had accepted to do in the 2013 UPR,<sup>71</sup> including by substituting detention with non-custodial measures;
- Ensure that all persons deprived of liberty are held in humane conditions, including in line with the UN Basic Principles for the Treatment of Prisoners, the Standard Minimum Rules for the Treatment of Prisoners, and the Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders, as Senegal had accepted to do in the 2013 UPR,<sup>72</sup> and in particular ensure that all detainees have access to sufficient food and drinkable water, adequate sanitary facilities and medical treatment;
- Promptly, thoroughly, independently and impartially investigate all deaths in custody and bring those suspected to be responsible for the deaths, including by negligence, to justice in a fair trial.

## UNFAIR TRIALS

**CREATING SYNERGIES BETWEEN THE UPR AND THE SDGS:** The commitments listed under Goal 16 are relevant to the recommendations listed below, in particular Targets 16.3.<sup>73</sup>

- Take measures to guarantee the independence of the judiciary and ensure that judicial officials are able to carry out their functions independently and without interference, including by revising laws relating to the Supreme Judicial Council and the statute of magistrates in order to remove the President of the Republic and Minister of Justice from the Council;
- Amend Law 81-54 of 10 July 1981 creating the Court for the Repression Illicit Acquisition of

<sup>69</sup> **Goal 5, Target 5.1:** End all forms of discrimination against all women and girls everywhere, **Indicator 5.1.1:** Whether or not legal frameworks are in place to promote, enforce and monitor equality and non-discrimination on the basis of sex; **Goal 10, Target 10.3:** Ensure equal opportunity and reduce inequalities of outcome, including by eliminating discriminatory laws, policies and practices and promoting appropriate legislation, policies and action in this regard, **Indicator 10.3.1:** Proportion of the population reporting having personally felt discriminated against or harassed within the previous 12 months on the basis of a ground of discrimination prohibited under international human rights law.

<sup>70</sup> **Goal 16, Target 16.1:** Significantly reduce all forms of violence and related death rates everywhere.

<sup>71</sup> A/HRC/25/4, Recommendation 124.34 (Austria).

<sup>72</sup> A/HRC/25/4, Recommendations 124.35 (France).

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

Wealth to bring it in line with international and regional fair trial standards, including by ensuring the Court allow for appeal after the verdict;

- Revise the Criminal Procedure Code to bring it in line with international and regional law and standards, including by removing any restrictions to detainees accessing a lawyer of their choice as soon as they are deprived of liberty.

## IMPUNITY FOR HUMAN RIGHTS VIOLATIONS

**CREATING SYNERGIES BETWEEN THE UPR AND THE SDGS: The commitments listed under Goal 16 are relevant to the recommendations listed below, in particular Target 16.3.<sup>74</sup>**

- Make enforced disappearance a crime under national law and ensure that the definition of enforced disappearance is in line with Articles 2 and 3 of the International Convention for the Protection of All Persons from Enforced Disappearance;
- Ensure that amnesties, pardons and other measures of impunity do not bar the investigation and prosecution of crimes under international law and take steps to ensure that victims have access to truth, justice and adequate reparation. In particular, amend the 2004 amnesty law to that effect;
- Carry out prompt, thorough independent and impartial investigations into all cases of human rights violations, including in the context of the Casamance conflict, and bring all those suspected of criminal responsibility to justice in fair trials before ordinary civilian courts.

## INTERNATIONAL HUMAN RIGHTS INSTRUMENTS AND MECHANISMS

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

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<sup>74</sup> **Goal 16, Target 16.3:** Promote the rule of law at the national and international levels and ensure equal access to justice for all.