



Suggested recommendations to States considered in the 13th round of the Universal Periodic Review, 21 May – 4 June 2012

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Recommendations to the government of Bahrain

Normative and institutional framework of the State:

- Implement through national law its obligations under the International Covenant on Civil and Political Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of the Child;
- Explicitly prohibit torture and other ill-treatment by the police and other security forces in national legislation and in practice; to incorporate a clear and comprehensive definition of torture in national legislation in line with its obligations under Articles 1 and 4 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and to ensure that all allegations of torture or other ill-treatment are independently, promptly and thoroughly investigated, and that those responsible for such abuses are brought to justice;
- Ensure that all allegations of torture or other ill-treatment are independently, promptly and thoroughly investigated, and that those responsible for such abuses are brought to justice;
- Become party to the International Convention for the Protection of All Persons from Enforced Disappearance, the First Optional Protocol to the International Covenant on Civil and Political Rights and to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, opting-in to its inquiry and inter-state procedures as well as the Rome Statute of the International Criminal Court.

Protection and promotion of human rights in national legislation:

- Repeal Article 6 of the law on “Protecting Society from Terrorist Acts”;
- Remove restrictions on freedom of expression contained in law 32 of 2006, in line with Bahrain’s obligations under Article 19 of the International Covenant on Civil and Political Rights;
- Ensure that meetings held in private and involving a small number of people are not subject to obtaining prior official notification;
- Amend or repeal Article 10(a) of law 32 of 2006 in order to allow political rallies and meetings for non-citizens;
- Amend or repeal Article 10(b) of law 32 of 2006 in order to allow demonstrations for election purposes;
- Strengthen the National Human Rights Institution to ensure that it functions effectively, and in full compliance with the Paris Principles;
- Implement the recommendations made by the Bahrain Independent Commission of Inquiry, set up to investigate alleged human rights abuses during recent protests, with a view to ensuring full accountability, justice and reparation for the victims of such abuses.

Excessive use of force in response to anti-government protests/torture and ill-treatment of detainees:

- Instruct the police and security forces of their responsibility to respect human rights at all times; ensure that all allegations of unlawful killings and excessive force against protesters by the security forces are independently, promptly and thoroughly investigated; and bring those responsible to justice and provide appropriate reparation to victims of human rights violations and their families;
- Promptly agree new dates for the visit by the Special Rapporteur on torture.

Arbitrary arrest and detention of suspected protesters:

- Release all detainees held solely for participating in peaceful anti-government protests and who did not advocate violence.

Unfair trials:

- Ensure that all detainees are charged with a recognizable criminal offence and receive a fair trial before normal criminal courts in accordance with international standards and without recourse to the death penalty;
- Commute all death sentences without delay and to establish an official moratorium on executions, with a view to abolishing the death penalty as provided by UN General Assembly resolutions 62/149, 63/168 and 65/206.

Harassment of human rights activists and journalists:

- Cease all intimidation of human rights defenders and respect and protect the right of human rights defenders to conduct their work

without hindrance, intimidation or harassment, in line with the UN Declaration on Human Rights Defenders;

- Urge the Bahrain authorities to lift all travel restrictions on foreign journalists and international human rights organizations;
- Allow immediate, unfettered and sustained access for international human rights monitors and humanitarian agencies and workers, including by removing visa restrictions and sponsor requirements that prevent such access.

Dismissal of workers and students:

- Reinstate all workers and students who have been dismissed or suspended solely for exercising their right to freedom of expression and assembly.

Recommendations to the government of Ecuador

Legal and institutional shortcomings affecting Indigenous Peoples:

- Establish mechanisms and procedures, in consultation with Indigenous Peoples and in line with international human rights standards, to guarantee the rights of Indigenous Peoples to consultation with the objective of achieving free, prior and informed consent before projects are initiated that may affect their rights, as well as before new legislation is passed;
- Implement all the recommendations made by the Special Rapporteur on the situation of human rights and fundamental freedoms of Indigenous Peoples.

Regulations affecting the work of human rights defenders:

- Ensure that the regulations for Presidential Decree No. 982 contain safeguards to ensure that it is not applied as a way to impede the legitimate work of human rights defenders.

Mass demonstrations:

- Promote, protect and respect the right to freedom of expression, assembly and association as recognized in international and regional instruments, including in situations where protesters are demonstrating against government policies, laws or actions.

Harassment of protesters:

- Stop using the judicial system to curb the ability of Indigenous, *campesino* and other community leaders to exercise their right to freedom of assembly and association, including with respect to expressing disapproval for and protesting against laws and policies proposed by the state authorities.

Human rights treaties:

- Promptly accede to the Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity, without making prohibited reservations and to implement it into national law;
- Opt-in to the inquiry and inter-state procedures established under the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

International Criminal Court:

- Implement through national law its obligations under the Rome Statute of the International Criminal Court to co-operate promptly and fully with the International Criminal Court and to investigate and prosecute genocide, crimes against humanity and war crimes effectively before its national courts.

Recommendations to the government of Tunisia

Normative and institutional framework of the State:

- Become party to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, including opting-in to its inquiry and inter-state procedures, and the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty;
- Ensure that all international human rights treaties to which Tunisia is a party are enforceable in domestic law by clearly stipulating the superiority of international law over domestic law in the new constitution, and by amending national legislation as necessary;
- Ensure the new constitution incorporates human rights guarantees and upholds Tunisia's international obligations, including the principle of non-discrimination, freedom of expression, association and assembly, the independence of the judiciary, protection from torture and other forms of ill-treatment, the right to life, and the protection of economic, social and cultural rights;
- Amend or abolish all laws that discriminate on the basis of race, colour, religion, ethnicity, birth, sex, sexual orientation, gender identity, political or other opinion, national or social origin, or other status;
- Amend the Law on the Organization of the Judiciary to ensure the independence of the judiciary from the executive;
- Amend the counter-terrorism law to bring it into full compliance with relevant international human rights law and standards, as well as the recommendations of UN human rights bodies;
- Amend provisions that discriminate against women in the Personal Status Code;
- Immediately lift the state of emergency;
- Commute all death sentences without delay;
- Abolish the death penalty in law.

Torture and other ill-treatment:

- Make clear to all security officers involved in arrest, detention and interrogation that torture and other ill-treatment are not acceptable under any circumstances;
- Amend the law on torture to bring it in line with international human rights law, including by repealing the statute of limitations;
- Ensure effective, independent and impartial investigations of all complaints of torture or other ill-treatment and that perpetrators are brought to justice and victims receive appropriate reparation.

Freedom of assembly:

- Inform the police and security officers of their duty to respect human rights at all times, including the right to freedom of expression, and to ensure all allegations of excessive use of force against peaceful protesters are investigated in a prompt, effective, and independent manner;
- Issue clear instructions on the use of force and firearms in policing, in line with international standards;
- Release immediately and unconditionally all detainees held solely for the peaceful exercise of their right to assembly;
- Ensure that any limitations to the rights to freedom of expression, assembly and association are strictly in line with international standards.

Impunity and continuing lack of independence of the judiciary:

- Ensure that those identified as responsible for human rights violations are brought to justice in fair trials, without recourse to the death penalty;
- Establish a thorough, impartial and independent investigation into the human rights violations and abuses committed under the rule of former President Ben Ali, while ensuring full reparations for the victims and protection of all who provide information to the investigation;
- Undertake a fundamental overhaul of the security apparatus and make public a clear structure of the security branches including chain of command;
- Establish an oversight body to hold security forces to account for any abuses;
- Ensure the judiciary is fully independent from the executive branch of government;
- Ensure that all detainees are either charged with recognizable criminal offences and tried in accordance with international standards for fair trial, or immediately released.

Recommendations to the government of Indonesia

Normative and institutional framework of the State:

- Revise and enact at the earliest opportunity a new Criminal Code and a new Criminal Procedure Code that comply with international human

rights law and standards, and that include provisions explicitly prohibiting acts of torture. The definition of torture in the revised Criminal Code should be consistent with Article 1.1 of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

- Ensure that the new Criminal Code and Criminal Procedure Code exclude provisions that discriminate against women or religious minorities, or criminalize peaceful dissent;
- Undertake a review of all local legislation and regulations that have been put in place in the last decade to ensure their full conformity with international human rights law and standards;
- Ratify the Convention for the Protection of All Persons from Enforced Disappearance, and the Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity, and incorporate their provisions into domestic law and implement them in policy and practice;
- Debate, enact and implement, at the earliest opportunity, a new law on truth commissions in line with international law and standards;
- Become party to the First Optional Protocol to the International Covenant on Civil and Political Rights and to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, opting-in to its inquiry and inter-state procedures.

Impunity:

- Positively respond to a request to visit Indonesia by the UN Working Group on Enforced or Involuntary Disappearances (WGEID). Ensure that the visit is conducted at the earliest opportunity and that the WGEID enjoys the full co-operation of and access to relevant authorities;
- Provide full and effective reparations to victims of human rights violations committed in Timor-Leste between 1975 and 1999 for which it bears responsibility.

Human rights violations by the security forces:

- Ensure prompt, thorough and impartial investigations into allegations of human rights violations by members of the Indonesian security forces, and ensure that those suspected of criminal responsibility are brought to justice in fair trials in an independent, civilian court, and that victims receive reparations;
- Review the current accountability system to deal with suspected human rights violations by police officials and set up an independent police complaints mechanism that can receive and deal with complaints from the public. This mechanism should have the power to submit its findings to the Public Prosecutor.

Maternal health and sexual and reproductive rights:

- Repeal all laws and regulations, at both the central and local levels, that violate sexual and reproductive rights, and ensure women and girls can

realize their sexual and reproductive rights free from coercion, discrimination and the threat of criminalization;

- Remove legal and policy provisions on matters related to sexual and reproductive health that discriminate on the grounds of marital status;
- Repeal legal provisions criminalizing abortion in both the Criminal Code and the Health Law;
- In cases of unwanted pregnancy as a result of rape or where the pregnancy poses a threat to their life or health, ensure that women and girls have access to safe abortion services as currently provided in law;
- Seek technical assistance and expertise from relevant UN Special Procedures in implementing its treaty and other international legal obligations pertaining to the rights to maternal, sexual and reproductive health by inviting the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health to visit Indonesia.

Domestic workers:

- Enact specific legislation regulating the labour rights of domestic workers which recognizes their status as workers and guarantees their rights in accordance with international law and standards. In particular there should be reasonable limitation on working hours; guarantees of remuneration for an adequate standard of living; clearly defined weekly rest and leave periods (annual leave, public holidays, sick leave and maternity leave); standards on termination of employment; and access to dispute resolution mechanisms, including courts. The law should also explicitly include legal provisions pertaining to the specific needs of women, in particular during and after pregnancy.

Freedom of expression and human rights defenders:

- Immediately and unconditionally release all prisoners detained or imprisoned solely for the peaceful exercise of their human rights, and in particular freedom of expression and freedom of religion or belief;
- Revoke or amend all laws that criminalize, or are used to criminalize, freedom of expression, in particular Articles 106 and 110 of the Criminal Code and Article 6 of Government Regulation No. 77/2007 which prohibits the display of regional logos or flags which are also used by separatist organizations;
- Take effective steps to ensure that human rights violations committed against human rights defenders are promptly, effectively and impartially investigated and that those responsible are brought to justice in fair trials;
- Seek technical assistance and expertise from relevant UN Special Procedures in implementing its treaty and other international legal obligations pertaining to freedom of opinion and expression by inviting to visit Indonesia the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression;
- Ensure international observers, non-governmental organizations and

journalists are provided free and unimpeded access to the provinces of Papua and West Papua.

Discrimination and freedom of religion:

- Revoke the 2008 Joint Ministerial Decree and all other regulations that restrict the activities of the Ahmadiyya community in Indonesia or otherwise violate their right to freedom of thought, conscience and religion;
- Take effective steps to protect religious minorities, including the Ahmadiyya and Christians, from attacks and harassment.

The death penalty:

- Immediately establish an official moratorium on executions with a view to abolishing the death penalty as provided by UN General Assembly resolutions 62/149 of 18 December 2007, 63/168 of 18 December 2008 and 65/206 of 21 December 2010;
- Commute without delay all death sentences and ensure rigorous compliance in all death penalty cases with international standards for fair trials.

International Criminal Court:

- Promptly accede to the Rome Statute of the International Criminal Court, in accordance with the commitments in the national Human Rights Action Plan, without making declarations which may amount to disguised reservations - and to implement it into national law;
- Accede to the Agreement on the Privileges and Immunities of the International Criminal Court and to implement it into national law.

Recommendations to the government of Finland

Follow up to the previous review:

- Allocate sufficient funds to ensure the effective implementation of the National Action Plan to prevent violence against women;
- Establish a high-level and well resourced unit to co-ordinate measures to prevent violence against women;
- Ensure that domestic legislation effectively protects against discrimination in all forms, including by expediting the passage of appropriate human rights compliant legislative proposals;
- Reform asylum-determination procedures to ensure that no asylum-seeker can be expelled from the country until a final determination is made of their application for asylum, including of any appeals against initial refusals.

Normative and institutional framework of the State:

- Remove statutes of limitations for the crime of torture and war crimes as well as any other legislative obstacles to effectively investigate, arrest and prosecute crimes under international law;
- Complete the process of establishing a National Human Rights Institution (the Ihmisoikeuskeskus) and ensure that it is adequately funded, independent and fully compliant with the Paris Principles;
- Promptly ratify the International Convention for the Protection of All Persons from Enforced Disappearance, making upon ratification the declarations set out in Articles 31 and 32 (recognition of the competence of the Enforced Disappearances Committee to receive communications from victims, their relatives or other states) and to implement it into national law;
- Promptly accede to the Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity, without making prohibited reservations and to implement it into national law;
- Become party to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, and opt-in to its inquiry and inter-state procedures.

Immigration detention:

- Take concrete measures to reduce the resort to detention of asylum-seekers and migrants solely for immigration purposes, in line with relevant international refugee and human rights law and standards;
- End the detention of all children solely for immigration purposes;
- End the use of police facilities for immigration detention purposes;
- Ensure that those detained for immigration purposes are treated humanely and in line with the strictest international human rights standards.

Violence against women:

- Ensure that women who are victims of trafficking are recognized as such and provided with protection and assistance;
- Ensure that rape is categorized as a sexual violation rather than according to the degree of violence used or threatened by the perpetrator; and facilitate access to justice for victims of rape to ensure that cases of rape are reported and prosecuted in court;
- Ensure that mediation is not used in cases of violence in intimate partnership or domestic violence. Mediation should not replace or otherwise affect the criminal proceeding, prosecution nor the determination of the penalty;
- Establish an independent monitoring mechanism to systematically analyze all rape investigations that are closed before coming to trial, and to report on the reasons for this.

Discrimination against transgender and intersex people:

- Ensure transgender and intersex people are effectively protected from discrimination, both in law and practice;

- Amend legislation to remove the sterility requirement.

Rendition and secret detention:

- Conduct an independent, impartial, thorough, and effective investigation into Finland's alleged complicity in the US-led rendition and secret detention programmes;
- Ensure that the government of Finland is held accountable for any human rights violations that may have occurred in the course of its co-operation with the US government's rendition and secret detention programmes;
- Prosecute in fair trials any state actor alleged to have been complicit in violations of international criminal law in the context of Finland's co-operation with the US government's rendition and secret detention programmes;
- Provide effective redress for any victims who may have suffered human rights violations as a result of Finland's involvement in the US-led rendition and secret detention programmes;
- Fully co-operate with UN Special Procedures mandate holders on the issue of secret detention in the context of counter-terrorism operations, including by providing them with relevant information on the subject.

Civilian alternatives to military service:

- Immediately and unconditionally release all prisoners of conscience;
- Reduce the length of alternative civilian service, in line with internationally recognized standards and recommendations.

Recommendations to the government of the United Kingdom

Follow up to the previous review:

- Ensure the full and effective implementation of the *Action Plan: Call to End Violence Against Women and Girls*, including by guaranteeing appropriate resources and funding for its effective implementation;
- Establish an independent observatory or strategic oversight body, including relevant experts, to ensure more effective protection against violence for women and girls;
- Ensure that all women and girls who experience violence have access to specialized community support.

National human rights protection mechanisms:

- Reaffirm its commitment to the protection of all human rights in the UK and ensure that standards for their protection and means of enforcement under national law are the subject of progressive development, not regression;
- Ensure the legal protection of all economic, social and cultural rights, including access to remedies for the violation of these rights;

- Establish a specific Bill of Rights or other human rights legislation for Northern Ireland which builds upon the rights enshrined in the Human Rights Act and takes into account the particular circumstances of Northern Ireland;
- Refrain from publically undermining human rights and the courts which enforce them, including the European Court of Human Rights;
- Ensure that the UK's National Human Rights Institutions are sufficiently funded, empowered and independent of government;
- Ensure that human rights education remains a statutory requirement as part of the core curriculum for schools.

Extraterritorial application of human rights treaties:

- Fully recognize the extraterritorial application of human rights obligations under international and regional law and standards;
- Fully respect the implications of the decision of the Grand Chamber of the European Court of Human Rights in *Al-Skeini* on the interpretation of the term "jurisdiction" in Article 1 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, both in relation to the specific issues addressed in that judgment and with respect to the broader applicability of the Convention to the actions of its armed forces and other state agents outside the UK's ordinary territory;
- Recognize the extraterritorial application of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in line with the jurisprudence of the UN Committee Against Torture;
- Take appropriate legislative and administrative measures to ensure that transnational corporations registered in the UK are required to exercise due diligence to avoid causing or contributing to human rights abuses in other countries, including as recommended by the Committee on the Elimination of Racial Discrimination, and to hold them accountable if they are found to have committed or contributed to human rights abuses in other countries, and to ensure access to remedy for the victims.

Human rights protection and counter-terrorism measures:

- Ensure that counter-terrorism legislation and policy fully comply with international human rights law and standards and undergo adequate and timely public consultation;
- Commit to investigate individuals suspected of involvement in terrorism-related activities and, where sufficient evidence exists, to prosecute them in the ordinary criminal courts, in conformity with international fair trial standards, rather than establish and use procedures such as control orders and Terrorism Prevention and Investigation Measures that circumvent and undermine the ordinary criminal justice process;
- Further reduce the length of time that people suspected of terrorism-related activity can be detained prior to charge;

- Abandon the policy of relying on diplomatic assurances against torture and other ill-treatment as a means of circumventing the prohibition on exposing individuals to the risk of such human rights violations through any form of involuntary transfer to the territory or custody of another state.

Failures of accountability:

- Ensure that allegations of UK involvement in human rights violations are investigated in a manner that is effective, impartial, independent and thorough, in line with international human rights standards;
- Ensure that the report produced by the Detainee Inquiry of its work to date is made public and redacted only insofar as is strictly necessary, subject to independent review of any claims that such redactions are necessary and proportionate;
- Commit to ensuring that the promised future inquiry into allegations of UK involvement in serious human rights violations of detainees held overseas in the context of counter-terrorism operations is fully compliant with international human rights standards;
- Fully co-operate with UN Special Procedures mandate holders on the issue of secret detention in the context of counter-terrorism operations, including by providing them with relevant information on the subject;
- Ensure individuals who claim to have been subjected to human rights violations can seek access to an effective remedy and reparation, and to reject those proposals in the Justice and Security Green Paper that would restrict disclosure of material pertaining to human rights violations.

Protection of migrants and asylum-seekers:

- Ensure all allegations of harm on removal from the UK are subject to effective investigation by an impartial and independent body;
- Ensure all removals from the UK are independently monitored by a competent independent body who should accompany, monitor and report on all stages of the removal process;
- Take concrete measures to reduce the resort to detention of individuals solely for immigration purposes, in line with relevant international refugee and human rights law and standards;
- Ensure that foreign workers are not trapped in exploitative and abusive working relationships in the UK.

Human rights treaties:

- Promptly accede to the International Convention for the Protection of All Persons from Enforced Disappearance, making upon accession the declarations set out in Articles 31 and 32 (recognition of the competence of the Enforced Disappearances Committee to receive communications from victims, their relatives or other states) and to implement it into national law;

- Accede to the Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity, without making prohibited reservations and to implement it into national law;
- Ratify the Optional Protocol to the International Covenant on Civil and Political Rights;
- Ratify the Optional Protocol to the International Convention on Economic, Social and Cultural Rights.

Recommendations to the government of India

Follow up to the previous review:

- Expedite the passing of domestic legislation to give full effect to obligations arising under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- Grant sanctions needed to prosecute police or security personnel accused of enforced disappearance; to repeal the Armed Forces (Special Powers) Act, 1958 and to enact legislation to criminalize enforced disappearance in national law, in line with its obligations under the International Convention for the Protection of All Persons from Enforced Disappearance;
- Sign and ratify ILO Conventions 138 and 182 and to withdraw its reservation to Article 32 of the Convention on the Rights of the Child, in line with its commitment to protect children from exploitation;
- Effectively implement existing legislation on child labour, including addressing conflicting domestic legislation, and strengthen the judicial powers of the National Commission for Protection of Child Rights;
- Produce an action plan for human rights, in line with the recommendation supported during the previous UPR;
- Ensure the availability of disaggregated data on the systemic discrimination against *Dalits* and *Adivasis* and to effectively record and analyze abuses and violations suffered by them, ensuring that such abuses and violations are specifically defined as criminal offences in law;
- Sign and ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women;
- Continue co-operation with the UN Special Procedures, and accept without delay outstanding mission requests from the Special Procedures, in particular the Special Rapporteur on torture, the Special Rapporteur on extra-judicial, arbitrary or summary executions and the Working Group on arbitrary detention.

International human rights standards and domestic legislation:

- Become party to the Optional Protocol to the International Covenant on Civil and Political Rights, and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, including opting in to its inquiry and inter-state procedures;

- Sign and ratify the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
- Withdraw the reservation to Article 5(a) of the Convention on the Elimination of All Forms of Discrimination against Women, and amend the Special Marriage Act in line with Article 16 of the Convention to give equal rights to property accumulated during marriage, as recommended by the Committee on the Elimination of Discrimination against Women,¹ and as recommended to India during its previous UPR;
- Sign and ratify ILO Convention 169 on Indigenous and Tribal Peoples in Independent Countries 1989;
- Amend existing domestic legislation to guarantee the right to free, prior and informed consent for *Adivasis* in line with the UN Declaration on the Rights of Indigenous Peoples before proceeding with corporate-led projects which threaten their human rights, and ensure that proposals in the Land Acquisition, Rehabilitation and Resettlement Bill 2011 explicitly prohibit forced evictions;
- Promptly ratify the International Convention for the Protection of All Persons from Enforced Disappearance, signed on 6 February 2007, making upon ratification the declarations set out in Articles 31 and 32 (recognition of the competence of the Enforced Disappearances Committee to receive communications from victims, their relatives or other states) and to implement it into national law;
- Promptly accede to the Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity, without making prohibited reservations and to implement it into national law.

International Criminal Court:

- Promptly accede to the Rome Statute of the International Criminal Court – without making declarations which may amount to disguised reservations - and to implement it into national law;
- Accede to the Agreement on the Privileges and Immunities of the International Criminal Court and to implement it in national law.

Implementation of legislation to protect marginalized communities:

- Ensure that federal legislation to protect marginalized communities, such as the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, is effectively implemented at state level.

Obstacles in access to justice:

- Prosecute those responsible for human rights violations and abuses against religious minorities in Gujarat and violations and abuses against *Adivasis* in Chhattisgarh, and to provide victims with access to justice and full reparations;
- Address concerns over the political independence of mechanisms for the investigation of human rights violations, and ensure such mechanisms are politically independent;

- Ensure the prompt, independent and impartial investigation of past and current allegations of human rights abuses and violations and to prosecute those suspected of responsibility in proceedings which meet international fair trial standards.

Statutory bodies for human rights protection:

- Amend existing legislation to provide national and state-level human rights commissions with full independence, broader mandates, stronger authority and adequate resources to effectively protect human rights, in line with the Paris Principles.

Corporate accountability:

- Investigate ongoing abuses suffered by local communities due to corporate-led projects and to take concrete measures to prevent such abuses;
- Ensure that ongoing and proposed corporate-led projects do not undermine the human rights of marginalized communities to health, water and a healthy environment;
- Respect the right of *Adivasi* communities affected by corporate-led development projects to free, prior and informed consent.

Jammu and Kashmir:

- Ensure that the Jammu and Kashmir authorities repeal the Public Safety Act, 1978, to end the practice of administrative detention and to free all detainees unless they are charged with a recognizable offence under the state's ordinary criminal law;
- Ensure that the Jammu and Kashmir authorities raise the age limit of detainees under the Public Safety Act to 18, in line with national and international law, and to reduce the maximum detention period permitted under the Act;
- Ensure that the Jammu and Kashmir authorities act on the recommendation of the state human rights commission to identify bodies discovered in unmarked graves in north Kashmir.

Human rights defenders:

- Ensure that human rights defenders are able to carry out their legitimate and peaceful activities without fear of harassment and intimidation.

The death penalty:

- Immediately establish a moratorium on executions with a view to abolishing the death penalty as provided by UN General Assembly resolutions 62/149 of 18 December 2007, 63/168 of 18 December 2008 and 65/206 of 21 December 2010;
- Commute without delay all death sentences and ensure rigorous compliance in all death penalty cases with international standards for fair trials;

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

Recommendations to the government of Brazil

Follow up to the previous review:

- Ensure that the federal and state authorities work more effectively in producing data, statistics and regular human rights reports, to allow for the better creation and evaluation of policy and legislation;
- Pass legislation to confirm the official status of the National Program for the Protection of Human Rights Defenders;
- Take action to improve prison conditions, in line with the commitment it made during its previous review.

Crimes of the past:

- Ensure that the Truth Commission is properly mandated, independent and resourced to guarantee that the victims of violations perpetrated by the 1964-1985 military regime have full access to justice as well as truth and reparations;
- Fully implement the ruling of the Inter-American Court of Human Rights in the *Julia Gomes Lund and Others* case, especially in relation to law 6,883/79 (the Amnesty Law) to enable the prosecution of acts of torture and extra-judicial executions, and ensure that victims of human rights violations and crimes under international law and their families have full access to justice;
- Promptly accede to the Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity, without making prohibited reservations and to implement it into national law.

The Convention against Torture and Other Cruel, Inhuman and Degrading Treatment and its Optional Protocol:

- Complete efforts to create national and state preventative mechanisms, with all states creating and implementing the necessary legislation for this process, and ensuring that all such mechanisms operate in accordance with the Paris Principles and are fully and independently funded so as to be effective;
- Submit its second periodic report to the Committee against Torture, mindful that the initial report was submitted 11 years ago;
- Agree to the publication of the report of the Subcommittee on the Prevention on Torture, following its visit to Brazil in September 2011.

Public security:

- Pass legislation to bring the registration and investigation of all killings by the police in line with international human rights law and standards; to end the description of police killings as “acts of resistance” in national law; to ensure that all crime scenes are properly secured and

- that forensic teams are independent of the police; and to create a national register to ensure effective national oversight;
- Investigate and prosecute criminality in the police service, and to pass pending legislation to allow for the federalization of investigations into the activities of *milícias* and death squads, and the classification of such groups as criminal;
 - Ensure the protection of those involved in denouncing, investigating and prosecuting police criminality, and to conduct thorough investigations into the killing and threats against those conducting such investigations.

Indigenous Peoples:

- Ensure that Indigenous Peoples are able to defend their constitutional right to ancestral lands without suffering discrimination, deprivation, threats, attacks or killings;
- Fully implement the requirements, set out in the 1988 Constitution, to demarcate and ratify Indigenous lands;
- Establish mechanisms and procedures, in consultation with Indigenous Peoples and in line with international human rights standards, to guarantee their right to free, prior and informed consent before projects that may affect Indigenous rights are initiated;
- Abide by promises made by Brazil on election to the UN Human Rights Council to comply with and strengthen the Inter-American Human Rights system.

Access to land and housing:

- Protect the rights of individuals and communities fighting for access to land and security of tenure in rural areas, ensure all persons have a minimum degree of security of tenure and protect them from forced evictions, intimidation, threats and killings;
- Comply with obligations under the International Covenant on Economic, Social and Cultural Rights, the Brazilian Constitution and national law, including by giving residents full and timely information about government proposals affecting them; engaging in a genuine negotiation with the affected community to explore all alternatives to eviction; and providing all affected people with compensation for losses and alternative, adequate housing which complies with international standards for all persons unable to provide for themselves.

Maternal health:

- Fully implement the decision of the Committee on the Elimination of All Forms of Discrimination Against Women in the *Alyne Da Silva Pimentel* case (Communication No. 17/2008) to ensure women's right to safe motherhood and affordable access to emergency obstetric care.

Human rights treaties:

- Become party to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, opting-in to its inquiry and inter-state procedures.

International Criminal Court:

- Implement through national law its obligations under the Rome Statute of the International Criminal Court to co-operate promptly and fully with the International Criminal Court and to investigate and prosecute genocide, crimes against humanity and war crimes effectively before its national courts.

Recommendations to the government of the Philippines

Normative and institutional framework of the State:

- Revoke Executive Order No. 546 on police support for the military in counter-insurgency operations;
- Ensure that the Enforced or Involuntary Disappearance Act (Senate Bill 2817) and the Reproductive Health Bill (Senate Bill 286) are enacted and implemented without delay;
- Develop and implement a National Human Rights Action Plan immediately;
- Become party to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, opting-in to its inquiry and inter-state procedures.

Unlawful killings and enforced disappearances:

- Provide sufficient resources to bodies, particularly the Philippine National Police and the National Bureau of Investigation, to ensure that allegations of politically-motivated unlawful killings and enforced disappearances are investigated promptly, independently, impartially and effectively. Cases of human rights violations should be brought before civilian courts in proceedings which meet international standards of fairness;
- Provide sufficient resources to the Department of Justice, particularly to government prosecutors, to ensure that cases involving human rights violations are vigorously prosecuted;
- Accede to the International Convention on the Protection of All Persons from Enforced Disappearance, making upon accession the declarations set out in Articles 31 and 32 (recognition of the competence of the Enforced Disappearances Committee to receive communications from victims, their relatives or other states), and enact domestic legislation to penalize enforced disappearance as defined in that Convention.

Torture and other ill-treatment:

- Implement recommendations by the Committee Against Torture in 2009, including taking immediate steps to prevent acts of torture and ill-

treatment; announcing a policy of total elimination of torture and ill-treatment by State officials; and ensuring that all allegations of torture and ill-treatment are investigated promptly, effectively and impartially, and the perpetrators brought to justice;

- Ratify the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and to establish an independent, professional and well-resourced National Preventive Mechanism.

Militias and private armed groups:

- Ensure that the military exercises full control over all state-sponsored militias and that the Department of National Defense defines their purpose, chain of command and accountability mechanisms; or disarm and disband them;
- Disarm and disband private armies;
- Make public the findings of the Independent Commission against Private Armies and take decisive action to penalize state officials that continue to use private armies.

Witness protection:

- Establish and provide resources, under the Commission on Human Rights, for a specialized program for witness and victim protection, including for families of victims, in cases involving serious human rights violations, particularly when the alleged perpetrators are soldiers, police or state officials.

Maternal health and sexual and reproductive rights:

- Ensure that a comprehensive reproductive health education program is included in the national school curriculum. Age-appropriate materials should be developed so that adolescents, regardless of their level of education or marital status, can fully access information on sexual and reproductive health issues, including prevention of unwanted pregnancies and sexually transmitted diseases;
- Remove barriers in access to health care services and guarantee equitable distribution of health facilities, services and resources, including safe contraception and other reproductive health services and information.

International Criminal Court:

- Accede to the Agreement on the Privileges and Immunities of the International Criminal Court and to implement it in national law;
- Implement through national law its obligations under the Rome Statute of the International Criminal Court to co-operate promptly and fully with the International Criminal Court and to investigate and prosecute genocide, crimes against humanity and war crimes effectively before its national courts.

Recommendations to the government of Poland

Follow up to the previous review:

- Ensure that the Ombudsperson's office is adequately financed to fulfil its role, including as regards assisting victims of discrimination in pursuing their complaints, and conducting independent research and issuing recommendations on the subject of equal treatment;
- Ratify and implement Protocol No. 12 to the European Convention on Human Rights;
- Implement the recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment regarding prison conditions, in particular the provision to ensure at least 4m² per inmate in multi-occupancy cells.

Poland's role in the US-led rendition and secret detention programmes:

- Ensure that the investigation into allegations of Polish complicity in renditions and secret detention continues with as much transparency as possible and in conformity with Poland's international legal obligations. Anyone found responsible for crimes under international law should be brought to justice in fair proceedings;
- Fully co-operate with the UN Special Procedures on the issue of secret detention in the context of counter-terrorism operations, including by providing them with relevant information on the subject.

Excessive use of force by law enforcement officials:

- Ensure that the draft law on coercive measures meets the requirements in the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, in particular, the obligation to issue a warning to precede the use of firearms.

Racism:

- Take measures to prevent racist incidents and hate crimes, and to ensure collection of data on these crimes;
- Ensure that racially-motivated crimes and other hate crimes are subjected to prompt, independent, impartial and adequate investigation; that those responsible for such crimes are brought to justice in fair proceedings; and that the victims are provided with an effective remedy, including reparation;
- Ensure that all police officers and prosecutors receive in-service training on the nature of hate crimes and the role of the police in combating them.

Reproductive rights and access to abortion:

- Ensure women can access lawful abortion by creating clear, legally binding regulations for the implementation of the 1993 Family Planning Act;

- Repeal the Criminal Code provisions related to doctors, in particular Article 152, paragraphs 1 and 2, that criminalize performing or assisting in the performance of an abortion that does not meet the conditions set out in the 1993 Family Planning Act;
- Ensure access to remedy and timely review of appeals against a refusal of a therapeutic abortion where provided for in law.

Human rights treaties:

- Promptly accede to the International Convention for the Protection of All Persons from Enforced Disappearance, making upon accession the declarations set out in Articles 31 and 32 (recognition of the competence of the Enforced Disappearances Committee to receive communications from victims, their relatives or other states) and to implement it into national law;
- Become party to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, opting-in to its inquiry and inter-state procedures.

Recommendations to the government of the Netherlands

International and regional human rights standards:

- Establish a national preventative mechanism in accordance with the obligations under the Optional Protocol to the Convention against Torture, with sufficient resources and mandate in line with the Optional Protocol;
- Ratify the Optional Protocol to the Covenant on Economic, Social and Cultural Rights, opting-in to its inquiry and inter-state procedures, the Convention on the Rights of Persons with Disabilities and the Optional Protocol to the Convention on the Rights of Persons with Disabilities;
- Provide single consolidated reports regarding all parts of the Kingdom of the Netherlands when reporting to UN human rights treaty bodies;
- Promptly accede to the Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity, without making prohibited reservations and to implement it into national law.

National human rights framework:

- Establish a national action plan for human rights;
- Ensure the effective and regular consultation between civil society and the government on current and structural human rights concerns in the Netherlands;
- Ensure the implementation of recommendations of all UN human rights bodies, including the treaty monitoring bodies.

Human rights education:

- Fulfil the state's obligation to provide human rights education to all school pupils.

National Human Rights Institution:

- Ensure that the National Human Rights Institution is accessible to all individuals in the Kingdom of the Netherlands, including all parts of the overseas territories.

Protection of migrants and asylum-seekers:

- Ensure that all allegations of ill-treatment and excessive use of force are independently, effectively and thoroughly investigated in line with international human rights law and that the outcome of the investigation is made public;
- Review its asylum legislation and procedures to ensure that all asylum-seekers, including those whose claims are being assessed under the accelerated procedure, receive a full and fair individualized determination of their claim;
- Take concrete measures to reduce the resort to detention of individuals solely for immigration purposes, in line with international refugee and human rights law and standards;
- Assess individually alternatives to detention and apply these whenever possible;
- Introduce statutory provisions in law, policy and practice to prevent the detention of persons belonging to vulnerable groups;
- Treat those detained for immigration purposes humanely and in line with the strictest international human rights standards.

Non-Discrimination:

- Develop a national action plan to combat discrimination;
- Address concerns of discrimination by the government such as ethnic profiling, in order to uphold the principle of non-discrimination;
- Withdraw draft legislation to introduce a complete ban of full-face veils in public;
- Amend the Dutch General Equal Treatment Act to ensure it is fully in compliance with regional and international standards of non-discrimination.

Criminalization of irregular entry and stay:

- Refrain from criminalization of irregular entry or stay which may leave irregular migrants more vulnerable to human rights abuses.

Recommendations to the government of South Africa

HIV/AIDS, poverty, women's rights and the right to health:

- Remove discriminatory barriers to access to prevention, treatment and care for HIV;
- Ensure that all government departments, including the Department of Transport, are involved in developing and implementing plans aimed at

reducing physical and cost barriers to access to HIV-related health services in rural areas;

- Facilitate the collection of data, disaggregated on the basis of gender and other groups identified as facing discrimination, to assist identification of discriminatory factors affecting a person's ability to access and remain on treatment;
- Ensure that the work of community-level home-based carers, who assist the most marginalized individuals in rural areas, is recognized and strengthened through training, capacity-building, risk management and linking them to the formal health system;
- Ratify the International Covenant on Economic, Social and Cultural Rights and its Optional Protocol allowing the right of individual petition, and opting into the inquiry and inter-State mechanisms under that Protocol.

Discrimination on the grounds of sexual orientation and gender identity:

- Unambiguously denounce crimes of violence targeting members of the LGBT community as a violation of their right to equality and other rights;
- Ensure sufficient resources to conduct comprehensive public awareness campaigns on homophobia, and on the rights of lesbian, gay, bisexual and transgender individuals to equality, non-discrimination and the right to be free from torture and inhumane or degrading treatment;
- Rapidly develop monitoring capacity and legislation to enhance the prevention, investigation and prosecution of crimes of violence against individuals on the grounds of their sexual orientation or gender identity;
- Ensure that the police and the prosecution service are adequately trained to investigate and prosecute hate crimes on the basis of sexual orientation and gender identity.

Refugee and migrants' rights and xenophobia:

- Fulfil its international, regional and domestic legal obligations to protect the rights of refugees, asylum-seekers and migrants, including the right without distinction as to national origin to security of the person and to protection by the state against violence or bodily harm from either public or private sources;
- Ensure, in collaboration with civil society, implementation of legislation, plans and directives which increase the prevention, investigation and prosecution of property destruction and crimes of violence against refugees, asylum-seekers and migrants;
- Urgently reconsider the plans to close the majority of refugee reception offices which will substantially reduce access to asylum determination procedures in South Africa;
- Ensure that no actions, direct or indirect, lead to a violation of the principle of *non-refoulement*, including with respect to Zimbabweans.

Torture and extra-judicial executions:

- Make rapid progress towards bringing a comprehensive ‘criminalization of torture’ bill before Parliament by 2012 and to ensure its implementation once signed into law;
- Take all necessary steps towards ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment by 2012;
- Ensure that investigators involved in investigating alleged incidents of torture, extra-judicial executions and related abuses are able to conduct their work without intimidation and receive full co-operation from law enforcement officials;
- Publicly and unambiguously denounce acts of torture and extra-judicial executions as human rights violations unjustified under any circumstances.

Threats and harassment of human rights defenders and infringements of freedom of expression:

- Ensure that human rights defenders are allowed the space to undertake their non-violent advocacy, campaigning, reporting and investigative work without fear of harassment, threats, raids, arbitrary arrest or criminalization of their activities;
- Urgently reconsider the Protection of State Information Bill and to take into account the results of wider public consultation on its purpose and content.

Human rights treaties:

- Promptly accede to the International Convention for the Protection of All Persons from Enforced Disappearance, making upon accession the declarations set out in Articles 31 and 32 (recognition of the competence of the Enforced Disappearances Committee to receive communications from victims, their relatives or other states) and to implement it into national law;
- Promptly accede to the Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity, without making prohibited reservations and to implement it into national law.

International Criminal Court

- Accede to the Agreement on the Privileges and Immunities of the International Criminal Court and to implement it into national law.

¹ Committee on the Elimination of Discrimination Against Women, General Recommendation No. 21 (13th session, 1994) available at: <http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm#recom21> (accessed 25 November 2011).