



## Suggested recommendations to States considered in the 14th round of the Universal Periodic Review, 22 October – 5 November, 2012

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### Recommendations to the government of Argentina

#### *Follow up to the previous review:*

- To improve conditions in all prisons and detention facilities to ensure compliance with international standards, including the UN Standard Minimum Rules for the Treatment of Prisoners;
- To ensure that all allegations of torture and other ill-treatment are thoroughly and impartially investigated, and that alleged perpetrators are brought to justice
- To ensure that the draft law that establishes the National Preventive Mechanism, as required under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, is approved by the Senate without further delays by the end of 2012 at the latest.

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

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

#### *Violence against women:*

- To ensure that legislation to prevent and punish violence against women is effectively implemented, and to collect and disaggregate data on violence against women to allow better evaluation of the implementation of the legislation.

#### *Collection of data:*

- To ensure that reliable data is widely collected to allow monitoring of the state's compliance with its human rights obligations and that both the methodology used by the National Institute for Statistics and Censuses and the data it collects are available and accessible to the public.

#### *Indigenous rights:*

- To ensure that Emergency Act No 26.160 is fully implemented and respected in order to prevent the eviction or removal of Indigenous Peoples from their traditional lands;
- To conduct the nationwide land survey to review and register land ownership with the full participation of affected Indigenous communities, and to ensure legal protection for the rights of indigenous peoples to their lands;

- To respect the right of Indigenous Peoples to consultation and free, prior and informed consent before proceeding with legal and administrative measures that may affect their rights;
- To carry out prompt, independent and impartial investigations into threats against and killings of Indigenous leaders, and to ensure that those responsible are brought to justice.

*Sexual and reproductive rights:*

- To ensure that women and girls are not subject to criminal sanctions for seeking or obtaining an abortion under any circumstances;
- To adopt the necessary measures and protocols, including the allocation of resources, to ensure access to safe abortion services to the full extent of law and post-abortion care uniformly throughout the country;
- To ensure that health authorities have in place an effective and accessible referral system in cases in which health professionals, due to their beliefs, wish to avoid providing abortion services for rape survivors and women and girls whose pregnancies put their lives or health at risk.

*Prison conditions and torture or ill-treatment in detention:*

- To ensure that all allegations of torture or other ill-treatment are effectively and promptly investigated by an independent and impartial body, and that those responsible for torture or other ill-treatment are brought to justice in fair trials;
- To ensure that confessions extracted under torture are not used as evidence in courts;
- To ensure reparation, including fair and adequate compensation, for victims of torture and other ill-treatment inflicted by state agents;
- To improve conditions in all prisons and detention facilities in compliance with international standards, including the UN Standard Minimum Rules for the Treatment of Prisoners;
- To ensure that sufficient and adequate resources are allocated to prisons and detention facilities and to promptly and effectively address the issue of prison overcrowding;
- To take measures to reduce the length of pre-trial detention by ensuring that detainees are brought to justice without undue delay, in line with the International Covenant of Civil and Political Rights.

*Impunity for crimes of the past:*

- To continue efforts to investigate in accordance with international standards human rights violations committed during the military rule and, where there is sufficient admissible evidence, to prosecute without delay any suspects in fair trials;
- To protect the safety and security of witnesses and defendants in such trials by ensuring that effective protection policies are fully implemented by the authorities.

## **Recommendations to the government of Benin**

*The death penalty:*

- To follow up its ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty including by removing all provisions in national legislation that still retain the death penalty;
- To immediately commute all death sentences to terms of imprisonment;
- To ensure that inmates whose death sentence has been commuted, is removed from special prison facilities, especially death row, and transferred to regular institutions of detention appropriate for the age of the offender and the offence committed.

*Prison conditions:*

- To ensure that prison conditions meet international standards, in particular the minimum standards for humane conditions of detention as set out in the UN Standard Minimum Rules for the Treatment of Prisoners and the UN Rules for the Treatment of Women Prisoners (the Bangkok Rules).

## **Recommendations to the government of the Czech Republic**

### *Ratification of international human rights treaties:*

- To become party to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and to opt-in to the inquiry and inter-state mechanisms;
- To ratify or accede promptly to the International Convention for the Protection of All Persons from Enforced Disappearance and to make the declarations set out in Articles 31 and 32 (recognition of the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of victims and from other states parties), and to implement it into national law.

### *National human rights framework:*

- To strengthen the enforcement of anti-discrimination legislation in securing access to justice for victims by allowing NGOs and other actors to bring cases of discrimination to courts through public interest litigation (*actio popularis*).

### *Discrimination of Romani children in access to education:*

- To adopt a moratorium on placements of children, including Romani children, in schools and classes for pupils with “mild mental disabilities” and undertake a comprehensive review of the system to ensure compliance with international and regional standards on education and non-discrimination and at all times, ensuring the best interests of the child;
- To provide all the necessary resources to ensure that additional support is made immediately available for children who need it in order to effectively participate in and develop to their fullest potential within the mainstream elementary school system;
- To take concrete and targeted steps to implement the National Action Plan for Inclusive Education and the Strategy for Combating Social Exclusion 2010-2015 (Strategy);
- To make available, via the Ministry of Education and other relevant government agencies, the necessary human and other resources, including training of staff, for the effective implementation of the Strategy as well as monitoring of implementation;
- To start implementing the measures for progressive transformation of the system of schools established for “pupils with mild mental disabilities” including the phasing out of practical schools within a realistic time period and their replacement with inclusive education within the mainstream system in line with the Strategy;
- To develop a timeline for the transfer of all Romani children erroneously placed in practical schools to mainstream schools containing a mix of Roma and non-Roma pupils;
- To immediately end racial segregation of Romani children within the mainstream education system and take concrete measures to address the discrimination experienced by these children;
- To systematically gather data, disaggregated on the basis of gender, ethnicity and disability status, in relation to education, with due regard to European standards concerning the protection of personal data and the right to self-identification, in order to monitor and ensure that there is no segregation in education;
- To ensure that the Office of Public Defender of Rights is adequately resourced to monitor the desegregation of schools and the integration of children from practical elementary schools into mainstream elementary schools.

### *International Criminal Court:*

- To implement through national law its obligations under the Rome Statute of the International Criminal Court to cooperate promptly and fully with the International Criminal Court.

## **Recommendations to the government of Ghana**

### *Follow up to the previous review:*

- To ensure that the Domestic Violence and Support Unit is adequately resourced and able to provide protection and services to victims of violence;
- To fully implement national legislation to eradicate domestic violence, including the 2007 Domestic Violence Act;
- To ensure that victims of violence are not obliged to pay the costs of their medical examinations;
- To harmonize norms of citizenship for foreign spouses in line with the Convention on the Elimination of All Forms of Discrimination against Women;
- To protect the human rights of lesbian, gay, bisexual and transgender people and to amend the Criminal Code to repeal the provision that criminalizes sexual activity between consenting adults;
- To ensure that prompt, thorough, independent, impartial and effective investigations are carried out into all allegations of domestic violence and female genital mutilation and, where there is sufficient admissible evidence, to prosecute suspects in fair trials without recourse to the death penalty.

*Ratification of international human rights treaties and protection of human rights in the Constitution and national legislation:*

- To ratify the International Convention for the Protection of All Persons from Enforced Disappearances (signed on 6 February 2007), to make the declarations set out in Articles 31 and 32 (recognition of the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of victims and from other states parties) and to implement it into national law;
- To ratify the Convention on the Rights of Persons with Disabilities and its Optional Protocol;
- To ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and to opt-in to the inquiry and inter-state mechanisms.
- To ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and permit international inspection of all places of detention in Ghana;
- To amend Article 13 of the Constitution to ensure that the grounds permitting the use of lethal force are in line with international standards, including the requirement of the existence of an imminent or grave threat of death or serious injury;
- To pass the Freedom of Information Bill;
- To incorporate all of the substantive rights of the International Covenant on Economic, Social and Cultural Rights into national law and ensure that these are recognised as legally enforceable rights;
- To expunge corporal punishment from the Prisons Service Decree.

*International Criminal Court:*

- To ratify the Agreement on the Privileges and Immunities of the International Criminal Court (signed on 12 September 2003) and to implement it in national law;
- To implement through national law its obligations under the Rome Statute of the International Criminal Court to cooperate 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;
- To define as crimes in national law war crimes defined in under customary international law, not just in Protocol II to the Geneva Conventions applicable during non-international armed conflict; crimes against humanity; acts of genocide (such as conspiracy, direct and public incitement, attempt and complicity); extrajudicial execution; enforced disappearance; aggression, and all other and all other crimes under international law outlined in the Rome Statute not already defined as crimes under Ghanaian law;
- To empower the national courts to exercise universal jurisdiction over crimes against humanity, torture, extrajudicial executions, and enforced disappearances.

*The death penalty:*

- To abolish the death penalty as recommended by the Constitution Review Commission;
- Pending abolition of the death penalty, to take the following steps as a matter of urgency:
  - To establish an official moratorium on the use of the death penalty, with a view to abolition;
  - To commute without delay all death sentences to terms of imprisonment;
  - To ensure that any person previously sentenced to death, subsequent to commutation, is removed from special prison facilities, especially from death row, and transferred to regular institutions of detention appropriate for the age of the offender and the offence committed;
  - To ensure that the most rigorous internationally recognized and constitutional standards for fair trial are respected in capital cases;
- To ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at abolishing the death penalty.

*Access to justice and prisons:*

- To extend invitations to the UN Special Rapporteur on torture and the African Commission Special Rapporteur on Prisons and Conditions of Detention to visit Ghana in the near future;
- To immediately commit to rectify over-crowding in prisons and ensure that prison conditions meet international standards, including the UN Standard Minimum Rules for the Treatment of Prisoners and the UN Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (Bangkok Rules);
- To ensure all detainees have access to a lawyer of their choice, including through the implementation of an enhanced legal aid system that reaches all regions of Ghana;
- To review cases to assess how long remand prisoners have been in pre-trial detention, with a view to ending the imprisonment of those who have been held for a time commensurate with normal sentences for their crime.

*Human rights of lesbian, gay, bisexual and transgender people:*

- To ensure thorough and impartial investigation into all allegations of attacks and threats against individuals targeted because of their sexual orientation or gender identity and bring to justice those responsible in accordance with international standards of fair trial;
- To take effective measures to end the climate of homophobia.

*Human rights violations by the police and security forces:*

- To instruct the security forces to always act in compliance with international human rights law and to respect the right to life and the prohibition of torture and other cruel, inhuman and degrading treatment;
- To end impunity for human rights violations by the police by ensuring that all reports of human rights violations by members of the security forces are fully and impartially investigated, and that those suspected of involvement in human rights violations are suspended from active duty and brought to justice.

## **Recommendations to the government of Guatemala**

*Ratification of international human rights treaties:*

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

*Impunity for crimes of the past:*

- To ensure complete and unrestricted access of victims and their families to all military archives and information that could help bring perpetrators of human rights violations to justice or locate victims of enforced disappearance;

- To approve the establishment of the National Commission to Search for Victims of Enforced and Other Forms of Disappearance, and ensure it has adequate resources to carry out its work effectively;
- To ensure that prompt, impartial and effective investigations are carried out in accordance with international standards into all allegations of extrajudicial executions, war crimes, enforced disappearances, torture and ill-treatment, sexual violence and other human rights violations committed during the internal armed conflict, and, where there is sufficient admissible evidence, to prosecute those suspected of these crimes;
- To establish a co-ordinated state policy to ensure the commitment of all branches of government to investigate and prosecute extrajudicial executions, war crimes, enforced disappearances, torture and ill-treatment, sexual violence, and other human rights violations committed during the internal armed conflict, and to guarantee remedy and reparation for the victims and their relatives;
- To 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 and consider communications from or on behalf of victims or from other states parties) and to implement it into national law;
- To accede promptly 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:*

- To accede to the Agreement on the Privileges and Immunities of the International Criminal Court and to implement it in national law;
- To implement through national law its obligations under the Rome Statute of the International Criminal Court to cooperate 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.

*Indigenous Peoples:*

- To immediately cease all forced evictions and to implement law and policy reforms to ensure due process for rural communities under threat of eviction;
- To ensure that free and informed consent is obtained, in accordance with international standards, prior to the commencement of extractive industry activities or large infrastructure projects which are likely to have an impact on Indigenous communities.

*Violence against women:*

- To ensure that efforts to improve the investigation, prosecution and prevention of violence against women are adequately resourced;
- To improve the co-ordination between state bodies tasked with collecting information on and co-ordinating policies relevant to violence against women;
- To provide sufficient resources and gender-sensitive training to the law enforcement personnel, the judiciary and health-service providers to improve the treatment of victims of violence against women and their relatives;
- To ensure effective mechanisms of accountability for law enforcement officials from all branches of government in cases of violence against women.

*Human rights defenders:*

- To ensure that human rights defenders are able to carry out their activities without unfair restrictions or fear of reprisals, as guaranteed in the UN Declaration on Human Rights Defenders;
- To improve the quality of investigations and prosecutions of cases involving threat and harassment of human rights defenders, in particular in areas such as evidence collection and when threats occur outside the capital and in rural areas;
- To ensure that the Programme of Measures for Prevention and Protection of Human Rights

Defenders and Other Vulnerable Groups is approved after prior consultation with civil society groups.

*Public security:*

- To ensure that prompt, impartial and effective investigations are carried out into all allegations of past and present extrajudicial executions and killings in which the acquiescence or involvement of members of the security forces may be suspected, in line with the UN Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions;
- To ensure that members of the security forces respect human rights and the rule of law.

*The death penalty:*

- To establish an official moratorium on executions, commute all death sentences to terms of imprisonment, and abolish the death penalty for all crimes;
- To ratify the second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty.

## **Recommendations to the government of Japan**

*Ratification of international human rights treaties:*

- To become party to the Optional Protocols to the International Covenant on Civil and Political Rights
- To become party to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and opt-in to the inquiry and inter-state mechanisms;
- To recognize promptly the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of victims (Article 31 of the International Convention for the Protection of All Persons from Enforced Disappearance) and to implement the Convention into national law;
- To accede promptly 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.

*Establishment of a national human rights institution:*

- To ensure that any bill submitted to the Japanese Diet (parliament) for the creation of a national human rights institution fully reflects the Paris Principles and allows for the creation of an independent, impartial and credible institution to effectively uphold human rights of all individuals in Japan.

*Abolition of the death penalty:*

- To introduce an official moratorium on executions with a view to abolishing the death penalty, to commute all death sentences to terms of imprisonment, and to ratify the second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty.

*The Daijo Kangoku system (substitute prison):*

- To reform the *daijo kangoku* system of detention to bring it into line with international standards, including by implementing safeguards such as electronic recordings of the entire interrogation process, and ensuring that detainees are not questioned without the presence of a lawyer and that detainees have prompt and unhindered access to legal counsel.

*Justice for the survivors of Japan's military sexual slavery system:*

- To accept full responsibility and to apologize unequivocally for the military sexual slavery system in a manner that is acceptable to the majority of the survivors and that publicly acknowledges the harm suffered by these women and seeks to restore their dignity, including by providing full reparation, including restitution, rehabilitation, compensation, satisfaction and guarantees of non-repetition.

*Refugees and asylum seekers:*

- To ensure that the refugee status determination process is conducted in a fair, effective and transparent manner in line with international law and standards, including the International Convention

on the Status of Refugees;

- To end indefinite detention of migrants and asylum seekers;
- To ensure that detention of migrants and asylum-seekers is only used as a last resort and only when the authorities can demonstrate that it is necessary, proportionate and grounded in law, that alternatives will not be effective, and that there is an objective risk of the person absconding.

*Discrimination and racism:*

To define discrimination in national legislation in line with the International Convention on the Elimination of All Forms of Racial Discrimination, and to prohibit all forms of direct and indirect discrimination including on the basis of age, gender, religion, sexual orientation, ethnicity or nationality.

*International Criminal Court:*

- To accede promptly to the Agreement on the Privileges and Immunities of the International Criminal Court and to implement it in national law;
- To implement through national law its obligations under the Rome Statute of the International Criminal Court to cooperate 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 Pakistan**

*Ratification and implementation of international human rights treaties:*

- To withdraw the remaining reservations to the International Covenant on Civil and Political Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and to take immediate steps to incorporate both treaties into domestic legislation, to remove or amend laws that do not accord with them, and ensure that both treaties are implemented in practice.

*Discrimination and attacks on religious minorities:*

- To amend or abolish the blasphemy laws, particularly section 295C of the Pakistan Penal Code which carries the death penalty, for anyone found guilty of blasphemy;
- To ensure the enforcement of reforms introduced under the Criminal Law Amendment Act 2004, which made it mandatory that investigations of blasphemy cases under 295-C of Pakistan's Penal Code be carried out by an officer not below the rank of superintendent of police (SP);
- To investigate threats and attacks on individuals and groups on the basis of their religious beliefs and to bring suspects to justice in trials meeting international standards of due process and without recourse to the death penalty.

*Violence against women:*

- To immediately establish benchmarks for assessing the implementation of the Protection Against Harassment of Women at the Workplace Act 2010, the Domestic Violence (Prevention and Protection) Act 2009, the Acid Control and Acid Crime Prevention Act 2010 and the Prevention of Anti-Women Practices (Criminal Law Amendment) Act 2008 aimed at promoting women's rights;
- To create mechanisms to improve assistance to survivors of gender-based violence, including by providing sufficient resources and gender-sensitive training for law enforcement personnel, the judiciary and health-service providers;
- To address the low conviction rate of perpetrators, including by ensuring that prompt, impartial and effective investigations are carried out into all allegations of gender-based violence, and that alleged perpetrators are brought to justice.

*Freedom of expression and attacks on journalists:*

- To bring to justice perpetrators of attacks on journalists by thoroughly investigating all individuals and organisations accused of such abuses regardless of their links to powerful state or non-state actors. The authorities should also urgently address attempts to intimidate law enforcement officials investigating abuses against journalists;



- To support an independent body working in coordination with the journalist community to document and investigate threats to journalists across the country. The body should be readily accessible to working journalists such as through a confidential telephone hotline, website and walk-in offices.
- To ensure that laws regulating the media industry are not used to intimidate and censor journalists and media considered critical of the government.

*Enforced disappearances:*

- To immediately release anyone who has been subject to enforced disappearance or otherwise held in secret detention, or, provided sufficient admissible evidence exists, charge any affected individual with a lawful offence consistent with international standards and following proceedings which comply with international standards;
- To ensure, if charged, that the deprivation of liberty of the individual is only resorted to in exceptional circumstances and after careful consideration has been effectively given to all possible alternatives to detention;
- To ensure, if charged, that all proceedings comply with international fair trial standards, without recourse to the death penalty;
- To ensure that thorough and adequately resourced investigations are carried out into all cases of enforced disappearance, and to bring to justice, in fair trials and without recourse to the death penalty, the individuals and groups responsible, including state security forces and intelligence agencies;
- To provide redress to the victims and survivors of enforced disappearance, including family members, and protect relatives and witnesses against the threat or other risk of reprisals or intimidation;
- To accede to the International Convention for the Protection of All Persons from Enforced Disappearance, make the Declarations under Articles 31 and 32 of the Convention concerning the competence of the Committee on Enforced Disappearances to consider individual and inter-state complaints, and to fully implement all provisions of the Convention in law, policy and practice;
- To extend the fundamental rights protections of the Pakistan Constitution, interpreted in a way that is consistent with the International Covenant on Civil and Political Rights (ICCPR), including safeguards as to arrest and detention under Article 10 and fair trial under 10A, to Federally Administered Tribal Areas (FATA) and enforce those protections and those of the ICCPR across the entire country.

*Human rights violations in Balochistan:*

- To take effective measures to bring to justice all perpetrators of human rights violations and abuses in Balochistan in trials meeting international standards of due process and without recourse to the death penalty;
- To ensure any military operations comply with International Humanitarian Law applicable to non-international armed conflict.

*Conflict-related abuses in Tribal Areas:*

- To ensure that government forces, including the military, the Frontier Corps, the Frontier Constabulary, and state-supported tribal *lashkars* (local militias), are adequately trained, equipped, and disciplined in compliance with obligations under international human rights law and international humanitarian law. Security personnel suspected of involvement in human rights violations should be suspended from active duty and brought to justice;
- To repeal or reform the Frontier Crimes Regulations, the Actions (In Aid of Civil Power) Regulations in line with international human rights standards;
- To fully extend the rights and protections of the Pakistan Constitution to the Federally Administrated Tribal Areas and relevant areas of Khyber Pakhtunkhwa, including by extending the jurisdiction of Pakistan's higher courts and parliament to the territory.

*The death penalty:*

- To establish an immediate moratorium on all executions and to commute all death sentences to terms of imprisonment;

- Pending the total abolition of the death penalty, to immediately remove all provisions in national law which are in breach of international human rights law, in particular by:
  - To restrict the imposition of the death penalty to only the most serious crimes;
  - To abolish all provisions which provide for mandatory death sentences;
  - To prohibit the imposition of the death penalty on persons who were below 18 years of age when the crime was committed and anyone suffering from a mental disability; and
  - To ensure rigorous compliance in all death penalty cases with international standards for fair trial.

*The justice system:*

- To fully comply with obligations under the International Covenant on Civil and Political Rights, including by revising laws and changing policies and practices to ensure fair trial standards;
- To accede to the Rome Statute of the International Criminal Court;
- To provide financial and logistic support to civilian law enforcement agencies to expand their capacity, including in forensics and crime scene investigations, through provision of equipment and training, in a manner consistent with international human rights law;
- To end the use of 'shoot on sight' orders and other measures that increase the risk of extra-judicial executions and create impunity for security forces.

## **Recommendations to the government of Peru**

*International and national human rights framework:*

- To become party to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights opt-in to the inquiry and inter-state mechanisms;
- To ratify the International Convention for the Protection of All Persons from Enforced Disappearance, making the declarations set out in Articles 31 and 32 of the Treaty (recognition of the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of victims or from other states parties) and to implement the Convention into national law;
- To accede to the Agreement on the Privileges and Immunities of the International Criminal Court and to implement it into national law;
- To withdraw the declaration made upon accession of the Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity in 2003, with respect to crimes covered by the Convention that are committed prior its entry into force for Peru;
- To develop a National Human Rights Plan for 2012–2016 with the participation of all sectors of civil society, including a timetable for implementation, indicators, adequate resources and clarity on responsibility for implementation;
- To strengthen the legal framework on Indigenous rights in consultation with Indigenous Peoples and in line with international human rights standards.

*Indigenous rights:*

- To respect the right of Indigenous Peoples to consultation and free, prior and informed consent regarding legislative and administrative measures that affect them;
- To refrain from authorizing further development projects which may impact on Indigenous communities until those communities have been adequately consulted and have given their consent, in line with international standards;
- To promptly conduct a thorough, independent, impartial and transparent investigation in accordance with international standards into the events of 5 June 2009 in the town of Bagua in the Amazonas Department, where 33 people were killed and at least 205 people injured after police intervened to end Indigenous protests, and, where there is sufficient admissible evidence, to bring to justice those

responsible in fair trials, and to ensure that the victims of the violence receive full reparation, including restitution, rehabilitation, compensation, satisfaction and guarantees of non-repetition.

*Impunity for past human rights violations:*

- To ensure the full implementation of the recommendations of the Truth and Reconciliation Commission, with a view to achieving accountability for past human rights violations;
- To ensure that the Ministry of Defence collaborates with the investigations and provides all necessary information to identify and bring to justice those responsible for past human rights violations.

*International Criminal Court:*

- To accede to the Agreement on the Privileges and Immunities of the International Criminal Court and to implement it into national law;
- To implement through national law its obligations under the Rome Statute of the International Criminal Court to investigate and prosecute genocide, crimes against humanity and war crimes effectively before its national courts.

*Sexual and reproductive rights:*

- To provide clear and accessible information to all women, especially poor and marginalized women, to enable them to access sexual and reproductive health services and to make informed decisions about their sexual and reproductive health;
- To prioritize access to sexual, reproductive and maternal healthcare for women living in Indigenous and rural communities;
- To prevent and reduce maternal mortality by co-ordinating , including by adopting and implementing a national protocol on therapeutic abortion;
- To ensure that Law No. 28704, which raised the age of consent for sexual relations from 14 to 18 years, does not negatively impact on girls' ability to access maternity services;
- To ensure that prompt, effective, thorough, independent and impartial investigations are carried out into forced sterilizations of women and to guarantee that those forced to endure this procedure have access to appropriate remedies.

*Freedom of expression, association and assembly in the context of protests:*

- To promote, protect and respect the right to freedom of expression, assembly and association, including in situations where protesters are demonstrating against government policies, laws and actions;
- To review Legislative Decrees No. 1094 and No. 1095 to ensure that they are in line with international human rights standards;
- To abide by international standards on the use of force and ensure that all security forces personnel involved in the policing of demonstrations receive adequate training on alternatives to the use of force and firearms, including peaceful settlement of conflicts, understanding of crowd behaviour, and methods of persuasion, negotiation and mediation.

*Human rights defenders:*

- To ensure that human rights defenders – including victims of human rights violations, witnesses, prosecutors, forensic experts, journalists and trade union workers – can carry out their human rights work freely and without fear of intimidation, and to refrain from subjecting them to criminal investigations based on unfounded allegations.

## **Recommendations to the government of the Republic of Korea (South Korea)**

*Ratification of international human rights treaties:*

- To sign and ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Convention for the Protection of All Persons from Enforced Disappearance making the declarations set out in Articles 31 and 32 of the Treaty (recognition of the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of victims or from other states parties), the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and opt-in to the inquiry and inter-state mechanisms, the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty, and the Optional Protocol to the Convention on the Rights of Persons with Disabilities;
- To accede to the Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity.

*National Security Law:*

- To abolish the National Security Law or to bring it into line with international human rights standards so that it cannot be used to suppress dissent or prosecute individuals for peacefully exercising their rights to freedom of expression and association;
- To immediately release all individuals imprisoned for peacefully exercising their right to freedom of opinion and expression.

*National human rights institution:*

- To ensure that the National Human Rights Commission of Korea is adequately staffed and financed so that it is empowered to act as an independent, effective and credible national human rights institution;
- To ensure that members of the National Human Rights Commission are appointed through a transparent process and in consultation with civil society groups and other relevant stakeholders, and that those appointed have relevant human rights-based knowledge and experience.

*Freedom of assembly and association:*

- To ensure that clear guidance and strict training is given to police officials on the appropriate use of police and security equipment and weaponry in accordance with international human rights law and standards;
- To ensure that allegations of unnecessary or excessive use of force by police during protests are investigated, and that individuals responsible for such acts are prosecuted;
- To end the persecution of individuals, including journalists and trade unionists, who campaign for media independence;
- To drop civil and criminal charges against those involved in peaceful protests against the construction of a naval base in Gangjeong village, Jeju Island.

*The death penalty:*

- To establish an official moratorium on executions and to commute all existing death sentences to terms of imprisonment;
- To take all necessary steps to secure abolition of the death penalty in national legislation.

*Conscientious objection to military service:*

- To grant an immediate and unconditional amnesty to all conscientious objectors currently in prison in South Korea;
- To bring national legislation into line with international standards by introducing provisions for conscientious objection to military service, including ensuring that alternative service is of a genuinely civilian character, non-punitive and under civilian control, and of a length comparable to that of military service.

*Migrant workers' rights:*

- To eliminate the restrictions on labour mobility of migrant workers, a major reason for their exploitation by their employers, including by amending Article 25 of the Employment Permit System Act which restricts the number of times migrant workers can change jobs;
- To take particular measures to respect, protect and promote the rights of all women migrant workers and to ensure that they are not subjected to human rights abuses at their places of work, such as unlawful restrictions on their freedom of movement, verbal and physical abuse and sexual and other forms of gender-based violence;
- To immediately remove obstacles to migrant workers forming and participating in trade unions, including the Migrants Trade Union, and to recognize the status of the Migrants Trade Union as a legal union in South Korea;

- To ensure that the procedures for the arrest, detention and deportation of irregular migrant workers are in line with international human rights law and standards;
- To conduct prompt, effective, independent, thorough, and impartial investigations into allegations of human rights violations by immigration officials and to hold the perpetrators to account.

### **Recommendations to the government of Sri Lanka**

#### *Anti-terrorism legislation:*

- To repeal the Prevention of Terrorism Act and abolish the system of administrative detention;
- To ensure that security measures adopted in the context of armed violence comply with international human rights law, in line with commitments made during the previous review, but not yet implemented;
- To release all individuals arrested under emergency or anti-terrorism laws, unless they are charged with recognizable criminal offences and remanded by an independent, regularly constituted court. Any trials must be held promptly and in regularly constituted courts with all internationally recognized safeguards provided.

#### *National human rights Action plan:*

- To promptly implement the specific human rights commitments contained in the National Human Rights Action Plan, particularly those that will protect against ongoing gross violations of human rights and ensure an end to impunity.

#### *National human rights institutions:*

- To strengthen the independence of human rights institutions, such as the National Human Rights Commission, in line with commitments made during the previous review, but not yet implemented.

#### *Witness protection:*

- To initiate and implement effective witness and victim protection, in line with commitments made during the previous review, but not yet implemented.

#### *Lessons Learnt and Reconciliation Commission:*

- To initiate prompt and effective investigation of witness testimony and written submissions to the Lessons Learnt and Reconciliation Commission (LLRC) that allege violations of human rights or humanitarian law;
- To provide effective witness protection to all witnesses as the cases proceed;
- To ensure that no amnesties are considered or granted for perpetrators of violations of human rights or humanitarian law identified by the LLRC investigations, regardless of their status or role in the government.

#### *Arbitrary arrest and detention:*

- To release all detainees, including all persons held in “rehabilitation camps” unless they are charged with internationally recognizable crimes and tried in full conformity with international standards for fair trial and without recourse to the death penalty;
- To implement all court rulings, such as Supreme Court decisions in fundamental rights cases and writs of habeas corpus, ordering release of detainees without delay;
- To ensure that any arrest and/or detention is in strict compliance with the 2006 Presidential Decree regarding the registration of detainees and disclosure of their whereabouts, and state’s obligations under international human rights law, in particular the International Covenant on Civil and Political Rights, to which Sri Lanka is a party;
- To immediately end all use of incommunicado detention;
- To immediately close all unofficial and secret places of detention and enact legislation to make it illegal to detain anyone in any place other than officially recognized detention facilities acknowledged and accessible to families, lawyers and courts, as well as independent monitors.

*Enforced disappearances:*

- To adopt measures to investigate, prosecute and punish those responsible for serious human rights crimes such as enforced disappearances, in accordance with international norms and in a transparent manner, in line with commitments made during the previous review, but not yet implemented;
- To facilitate without delay the visit requested by the Working Group on Enforced or Involuntary Disappearances.

*Torture and other ill-treatment:*

- To implement the recommendations of the Special Rapporteur on torture, including to strengthen legal safeguards for eliminating all forms of torture or other ill treatment in prisons and detention centres, in line with commitments made during the previous review, but not yet implemented.

*The death penalty:*

- To abolish the death penalty and commute all death sentences to terms of imprisonment.

*Extrajudicial executions:*

- To investigate and prosecute all allegations of extrajudicial, summary or arbitrary killings and to bring the perpetrators to justice in accordance with international standards, in line with commitments made during the previous review, but not yet implemented.

*Impunity for human rights violations:*

- To take all necessary measures to prosecute and punish perpetrators of violations of international human rights law and humanitarian law, in line with commitments made during the previous review but not yet implemented.

*Ratification and implementation of international human rights treaties:*

- To accede to the International Convention for the Protection of All Persons from Enforced Disappearance, making the declarations set out in Articles 31 and 32 (recognition of the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of victims or from other states parties) and to implement the treaty into national law;
- To accede to the Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity;
- To become party to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and to opt-in to the inquiry and inter-state mechanisms;
- To accede to the Rome Statute of the International Criminal Court, without making declarations which may amount to disguised reservations, and the Agreement on the Privileges and Immunities of the International Criminal Court, and to implement both into national law.

## **Recommendations to the government of Ukraine**

*Follow up to the previous review:*

- To make the necessary constitutional changes to ratify the Rome Statute of the International Criminal Court, and to draft legislation to implement Rome Statute and the Agreement on Privileges and Immunities;
- To amend the law on refugees and persons in need of complementary protection to provide complementary protection in the context of international or internal armed conflict, in line with international standards;
- To abide by its obligations under international human rights and refugee law not to send individuals to countries where they face a real risk of grave human rights abuses, including torture or other ill-treatment;
- To provide full and fair refugee determination procedures by ensuring that offices of the Migration Services are fully functional and able to accept applications, that asylum-seekers are provided with interpretation, and that no asylum-seekers are detained for having entered the country illegally;

- To set up an independent body to monitor places of detention in accordance with Ukraine's obligations under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- To undertake further work regarding the independence of the judiciary and corruption in the judiciary and across the executive, in line with the recommendation made to and supported by Ukraine during its first Universal Periodic Review.

*International and national human rights framework:*

- To become party to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and to opt-in to the inquiry and inter-state mechanisms;
- To promptly accede to the International Convention for the Protection of All Persons from Enforced Disappearance, making the declarations set out in Articles 31 and 32 (recognition of the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of victims or from other states parties) and to implement it into national law.

*Reform of the criminal justice system:*

- To enact the new Criminal Procedural Code as soon as possible and consider bringing it further into line with the Council of Europe standards;
- To establish, as a matter of priority, a fully-resourced independent agency to investigate all allegations of human rights violations by law enforcement officers, including the police, as recommended by the Commissioner for Human Rights of the Council of Europe.

*Torture and ill-treatment in police custody:*

- To ensure that any police officer or other law enforcement official reasonably suspected of responsibility for torture or other ill-treatment is prosecuted for an appropriate offence and, if proved guilty, that the sentence imposed is commensurate with the gravity of the offence;
- To ensure that a lawyer is always present during police interrogations unless a detainee waives the right to a lawyer, and that all interrogations are accurately recorded, preferably with the use of video/audio equipment;
- To enable victims of torture to obtain redress and adequate reparation, including compensation and the means for the fullest possible rehabilitation, and protection from reprisals;
- To review the provisions of the Administrative Code to ensure that all detainees have immediate access to a lawyer in accordance with international standards.

*Deaths in custody:*

- To ensure that all people deprived of their liberty are held in conditions that meet international standards, and to implement fully the recommendations by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment regarding conditions in pre-trial detention.

*Impunity for human rights violations:*

- To amend Article 127 of the Criminal Code to ensure that it accurately reflects all elements of the definition of torture as set out in Article 1 of the Convention against Torture;
- To ensure that allegations of crimes committed by police officers are investigated promptly, thoroughly, independently and impartially, in particular by reforming the role and functions of the Prosecutor's Office so that such investigations are unbiased and objective and, where there is sufficient admissible evidence, those responsible are prosecuted in fair trials.

## **Recommendations to the government of Zambia**



*The death penalty:*

- To abolish the death penalty in the new Constitution;
- Pending abolition of the death penalty, to take the following steps as a matter of urgency:
  - To establish an official moratorium on the use of the death penalty;
  - To immediately commute all death sentences to terms of imprisonment;
  - To ensure that any person previously sentenced to death, subsequent to commutation, is removed from special prison facilities, especially from death row, and transferred to regular institutions of detention appropriate for the age of the offender and the offence committed;
  - To immediately remove from its law any death penalty provisions which are in breach of international human rights law, such as its mandatory imposition or for crimes which do not meet the threshold of “most serious crimes”, interpreted by international bodies to require an intention to kill which resulted in the loss of life;
  - To ensure that the most rigorous internationally recognized and constitutional standards for fair trial are respected in capital cases;
  - To publicise on an annual basis comprehensive statistics on the death penalty and facts around the administration of justice in death penalty cases;
- To ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at abolishing the death penalty.