

# AMNESTY INTERNATIONAL

## Suggested recommendations to States under review in the 42nd session of the UPR Working Group, 23 January- 03 February 2023

### Contents

Recommendations to the government of Argentina .....	2
Key Amnesty International Documents on Argentina for reference .....	5
Recommendations to the government of Benin .....	6
Key Amnesty International Documents on Benin for reference .....	8
Recommendations to the government of the Czech Republic .....	9
Key Amnesty International Documents on the Czech Republic for reference .....	10
Recommendations to the government of Gabon .....	11
Key Amnesty International Documents on Gabon for reference .....	12
Recommendations to the government of Ghana .....	13
Key Amnesty International Documents on Ghana for reference .....	17
Recommendations to the government of Guatemala .....	18
Key Amnesty International Documents on Guatemala for reference .....	20
Recommendations to the government of Japan .....	21
Key Amnesty International Documents on Japan for reference .....	24
Recommendations to the government of Pakistan .....	25
Key Amnesty International Documents on Pakistan for reference .....	27
Recommendations to the government of Peru .....	28
Key Amnesty International Documents on Peru for reference .....	30
Recommendations to the government of the Republic of Korea .....	32
Key Amnesty International Documents on Republic of Korea for reference .....	35
Recommendations to the government of Sri Lanka .....	36
Key Amnesty International Documents on Sri Lanka for reference .....	39
Recommendations to the government of Switzerland .....	40
Key Amnesty International Documents on Switzerland for reference .....	47
Recommendations to the government of Zambia .....	48
Key Amnesty International Documents on Zambia for reference .....	50

## Recommendations to the government of Argentina

### Amnesty International calls on the government of Argentina to:

#### National human rights framework

- In line with previously supported recommendations, appoint an independent and impartial Ombudsman with competency and expertise on human rights.
- Fill the vacant position in the Supreme Court of Justice and ensure that the appointee brings a gender perspective.
- Adopt a national process for the selection of candidates to regional and international human rights bodies that is open, transparent, merit-based and guarantees a gender perspective, in consultation with civil society.
- Submit the overdue state party report to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).
- Accept the individual complaints procedures under Article 77 of the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW).
- Ratify ILO Convention 149 (Nursing Personnel Convention).

#### Sexual and reproductive rights

- Ensure adequate budget, infrastructure, staffing and training for sexual and reproductive health services to guarantee access to legal and safe abortion across the country on equal terms, with quality attention.
- Ensure that all methods of abortion are available through the public health system.
- Actively disseminate information on the right to abortion and complaint mechanisms and ensure health providers are well trained to ensure human rights protection.
- End any form of unjust judicial persecution of health providers who guarantee access to legal abortion, and adopt mechanisms to support and protect them.
- Collect and publish full and disaggregated data at the national and local levels to identify and improve the status of implementation of the law on voluntary interruption of pregnancy across the country.

#### Menstrual health

- Take steps to integrate sustainable menstrual health into national laws and public policies to guarantee that every woman, girl, and person who menstruate has equal access to menstrual health management and to reduce the disproportionate impact on those living in vulnerable conditions.

#### Violence against women and LGBTI+ people

- Review, and amend as necessary, all relevant laws and policies to ensure that measures to address gender-based violence include a digital dimension.
- Collect and analyse statistical data on anti-gender hate speech.

## **Suggested recommendations to States under review in the 42nd session of the UPR Working Group, 23 January - 03 February 2023**

- Carry out campaigns that increase understanding of the problem of gender inequality and critically address the social construction of masculinity.
- Implement the Unified System for the Registration of Gender-Related Complaints (URGE) for the swift adoption of protection measures and to facilitate the coordination of police and judicial attention for the comprehensive treatment of gender-based violence
- Guarantee effective access to free legal representation for victims of gender-based violence.
- Ensure protocols and standards for the search for disappeared persons that consider the specificities of travesti, trans and non-binary people.
- Speedily develop and implement regulations for ILO Convention 190, in close consultation with, and active participation of, civil society in all its diversity.

### **Sex education**

- Ensure the effective implementation of the Comprehensive Sex Education Law across the country on equal basis, with full recognition of LGBTI+ people's rights, abortion rights and women rights, including by providing accountability mechanisms for violations of the law.

### **Excessive use of force and enforced disappearances**

- Ensure that all provinces implement the 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.
- Ensure that all cases of torture and other ill-treatment are effectively documented and investigated.

### **Indigenous peoples' rights**

- Ensure that Emergency Law 26.160 is fully implemented to prevent the eviction or removal of Indigenous peoples from their traditional lands.
- Advance the recognition of indigenous peoples' legal property, through a special law created and agreed upon with Indigenous peoples.
- In line with previous recommendations, adopt a federal regulation ensuring the participation of Indigenous peoples on any decisions and public policies that affect them, including regarding the exploitation of natural resources in their territories, guaranteeing the right to consultation and free, prior and informed consent in accordance with the relevant provisions of the UN Declaration on the Rights of Indigenous Peoples.
- Investigate reports of persecution and criminalization of Indigenous peoples and ensure due process and fair trials in criminal cases.
- Protect and apply the traditional knowledge of local communities and Indigenous peoples to support the effective use of resources for agriculture and forestry.

### **Climate crisis**

- Approve the Wetlands Protection Bill, which was agreed upon with more than 380 civil society organizations.

## **Suggested recommendations to States under review in the 42nd session of the UPR Working Group, 23 January - 03 February 2023**

- Establish a preventive and integral fire management system, with a community approach, to reduce fire risk, including by identifying areas with greater danger, use of warning systems and provision of adequate funding.
- In all climate decisions, include specific mention of the primary importance of protection of the rights of Indigenous peoples and their territories, and rural peoples and communities, as well as protection of the life and safety of environmental and land defenders.
- Take the necessary action to rapidly phase out all fossil fuels and shift to renewable energy produced in a manner consistent with human rights and encourage other states to do the same.
- In future climate change negotiations, work to:
  - Ensure that the Work Programme to Scale Mitigation Ambition and Implementation and other relevant measures is adapted annually as necessary, based on the best available science, so that it effectively limits global warming to 1.5°C.
  - Ensure timely and human-rights consistent operationalization of the recently established Loss and Damage Fund by the end of 2023 to provide support and remedy to people whose human rights have been negatively affected as a result of the loss and damage caused by the climate crisis.
  - Establish concrete mechanisms to ensure carbon markets activities for emission reductions do not violate the human rights of affected people, as well as a fully independent, accessible, and transparent grievance process, before allowing for any market or non-market activities to take place.
  - Adopt measures to ensure that market activities only include those that allow for rapid, genuine emission reductions and do not include unproven technologies for carbon removal.
  - Protect civic space and participation at future COPs for NGOs and Indigenous Peoples, including by pressing for meaningful improvements in the human rights situation in host countries ahead of the conference.

### **Rights of migrants, asylum seekers and refugees**

- Reconsider every court decision and ensure that any future decisions are made within the migratory legal framework of the Migration Law 25.871, with a human rights perspective.
- Establish a refugee community-based sponsorship scheme in a Resettlement and Complementary Pathways programme framework, open to people in need of their protection regardless of their nationality or context.
- Establish a clear family reunification scheme for people admitted in the country through resettlement and complementary pathways.
- Establish the regulation of Law No. 26,165 under the guidance of National Commission for Refugees, for its proper implementation.
- Exclude required criteria regarding years of regular migratory residence for accessing existing social programmes, to include migrants, refugees, and asylum seekers in vulnerable situations.
- Ensure the entry into Argentina of migrants on a non-discriminatory basis as to their origin or nationality.

**Suggested recommendations to States under review in the 42nd session of the UPR Working Group, 23 January - 03 February 2023**

- Ensure due process and effective access to justice and remedies for migrants, asylum seekers and refugees.
- Develop a comprehensive programme for the local integration of refugees.

**Technology and Human Rights**

- Impose an immediate moratorium on the sale, transfer, and use of spyware technology.
- Implement domestic legislation that imposes safeguards against human rights violations and abuses through digital surveillance and establishes accountability mechanisms designed to provide victims of surveillance abuses a pathway to remedy.
- Disclose information about all previous, current and future contracts with private surveillance companies by responding to requests for information or by making proactive disclosures.

***Key Amnesty International Documents on Argentina for reference***

*Argentina: Human rights postponed: Submission to the 42nd Session of the UPR Working Group, 23 January 2023, 14 July 2022, <https://www.amnesty.org/es/documents/amr13/5823/2022/en/>*

All of Amnesty's work on Argentina can be found at: <https://www.amnesty.org/en/location/americas/south-america/argentina/> and <https://amnistia.org.ar/>

## Recommendations to the government of Benin

### Amnesty International calls on the government of Benin to:

#### Human rights framework

- Implement previously supported recommendations to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, which establishes a communication procedure, the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity and the Indigenous and Tribal Peoples Convention, 1989 (No. 169) of the International Labour Organization.
- Make the declaration under article 34.6 of the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights, which allows NGOs and individuals to have direct access to the Court.
- Implement the previously supported recommendation to undertake the necessary steps to ensure that the national Human Rights Commission operates in accordance with the Paris Principles, particularly in terms of its financial independence and with sufficient human and material resources to enable it to effectively exercise its mandate.
- Ratify ILO Conventions 149 (Nursing Personnel Convention), 169 (Indigenous and Tribal Peoples Convention), 189 (Domestic Workers Convention), and 190 (the Violence and Harassment Convention of 2019).

#### Excessive use of force

- Ensure the opening and conduct of a prompt and thorough investigation into every case of alleged excessive use of force by defence and security forces to guarantee access to justice and effective remedies for victims or their families.
- Open an independent and impartial investigation into the killings of demonstrators by defence and security forces at the time of the 2021 presidential election and prosecute any alleged perpetrators of excessive use of force.
- Repeal the 2019 Amnesty Law for crimes, offences and infractions committed at the time of the 2019 legislative elections, to comply with the decision taken by the African Court on Human and Peoples' Rights on December 2021.

#### Freedom of expression, freedom of peaceful assembly and freedom from arbitrary detention

- Revise the Criminal Code, in particular Article 237, to guarantee the right to freedom of peaceful assembly in accordance with the ICCPR.
- Revise the Digital Code, in particular Article 550, which unduly restricts the right to freedom of expression, notably by removing prison sentence for the offence of false information.
- Revise Law No. 2018-34 of 5 October 2018 amending and supplementing Law No. 2001-9 of 21 June 2002 on the exercise of the right to strike in the Republic of Benin, to comply with international human rights norms notably regarding conditions applicable to the duration of strikes and the prohibition against the exercise of the right to strike by certain categories of personnel.

#### Right to a fair trial

- Fully respect and ensure the right to a fair trial, including the right of any person prosecuted and tried before courts to be able to communicate with and receive visits from a lawyer of their choice.

### **LGBTI rights**

- Ensure prompt, effective, thorough, impartial and independent investigations into all threats and attacks against LGBTI people and organizations which defend them and that alleged perpetrators of any such attacks are tried before independent courts in proceedings that comply with fair trial standards.

### **Climate justice and human rights**

- Speedily adopt, strengthen and implement relevant domestic legislation to protect and promote the right to a clean, healthy and environment and its associated impact on other rights.
- Take the necessary action to rapidly phase out all fossil fuels and shift to renewable energy produced in a manner consistent with human rights and encourage other states to do the same.
- In future climate change negotiations, work to:
  - Ensure that the Work Programme to Scale Mitigation Ambition and Implementation and other relevant measures is adapted annually as necessary, based on the best available science, so that it effectively limits global warming to 1.5°C.
  - Ensure timely and human-rights consistent operationalization of the recently established Loss and Damage Fund by the end of 2023 to provide support and remedy to people whose human rights have been negatively affected as a result of the loss and damage caused by the climate crisis.
  - Establish concrete mechanisms to ensure carbon markets activities for emission reductions do not violate the human rights of affected people, as well as a fully independent, accessible, and transparent grievance process, before allowing for any market or non-market activities to take place.
  - Adopt measures to ensure that market activities only include those that allow for rapid, genuine emission reductions and do not include unproven technologies for carbon removal.
  - Protect civic space and participation at future COPs for NGOs and Indigenous Peoples, including by pressing for meaningful improvements in the human rights situation in host countries ahead of the conference.

### **Technology and Human Rights**

- Impose an immediate moratorium on the sale, transfer, and use of spyware technology.
- Implement domestic legislation that imposes safeguards against human rights violations and abuses through digital surveillance and establishes accountability mechanisms designed to provide victims of surveillance abuses a pathway to remedy.
- Disclose information about all previous, current and future contracts with private surveillance companies by responding to requests for information or by making proactive disclosures.

## ***Key Amnesty International Documents on Benin for reference***

*Benin: New laws, new human rights restrictions: Amnesty International: Submission to the 42nd session of the UPR Working Group, 26 January 2023, 13 July 2022,*  
<https://www.amnesty.org/en/documents/afr14/5736/2022/en/>

All of Amnesty International's work on Benin can be accessed at:  
<https://www.amnesty.org/en/location/africa/west-and-central-africa/benin/>

## Recommendations to the government of the Czech Republic

### Amnesty International calls on the government of the Czech Republic to:

#### National human rights framework

- Ratify, and implement into domestic law, the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul convention).
- Strengthen the position of Ombudsperson to take up the role of National Human Rights Institution according to Paris Principles.
- Ratify ILO Conventions 149 (Nursing Personnel Convention), 169 (Indigenous and Tribal Peoples Convention), 189 (Domestic Workers Convention), and 190 (the Violence and Harassment Convention of 2019).

#### Children's rights

- Comply with the recommendations made by the Committee on the Rights of the Child to explicitly prohibit corporal punishment in law, in all forms and settings, and promote positive, non-violent and participatory forms of child-rearing and discipline.

#### Roma people

- Fully implement the Roma Equality, Inclusion and Participation Strategies (Roma integration strategy) 2021-2030, including by ensuring that it is adequately resourced.
- Ensure that segregation in school is effectively ended through monitoring and redress.

#### Women's rights and gender equality

- Fully implement the Strategy for Equality of Men and Women (2021-2030), including by ensuring that it is adequately resourced.
- Change the legal definition of rape within the criminal code to be based on a lack of consent, rather than use of force or threat.

#### LGBTI rights

- Extend the right of marriage to same-sex couples by amending the Civil Code, thereby removing the discrimination children brought up by same-sex couples face compared to the children brought up by heterosexual married couples.
- Amend criminal and anti-discrimination law to reduce criminal offences as well as prejudice and discrimination based on sexual orientation and gender identity. Specifically, amend the Czech Criminal Code to the effect that victims of crimes motivated by hate towards LGBTI people receive the same protection as victims of other hate motivated crimes, for example race or religion.
- Abolish the requirement of sterilization in the process of legal gender recognition due to it being a violation of human rights according to the European Court of Human Rights.

#### Rights of refugees and migrants

- Provide necessary protection to refugees and asylum seekers, preserve their dignity and guarantee their access to legal aid.

- Facilitate family reunification for refugees and migrants and provide them with social security.

### **Climate change and human rights**

- Speedily adopt, strengthen and implement relevant domestic legislation to protect and promote the right to a clean, healthy and environment and its associated impact on other rights.
- Take the necessary action to rapidly phase out all fossil fuels and shift to renewable energy produced in a manner consistent with human rights and encourage other states to do the same.
- In future climate change negotiations, work to:
  - Ensure that the Work Programme to Scale Mitigation Ambition and Implementation and other relevant measures is adapted annually as necessary, based on the best available science, so that it effectively limits global warming to 1.5°C.
  - Ensure timely and human-rights consistent operationalization of the recently established Loss and Damage Fund by the end of 2023 to provide support and remedy to people whose human rights have been negatively affected as a result of the loss and damage caused by the climate crisis and make concrete commitments regarding finance for the fund.
  - Establish concrete mechanisms to ensure carbon markets activities for emission reductions do not violate the human rights of affected people, as well as a fully independent, accessible, and transparent grievance process, before allowing for any market or non-market activities to take place.
  - Adopt measures to ensure that market activities only include those that allow for rapid, genuine emission reductions and do not include unproven technologies for carbon removal.
  - Protect civic space and participation at future COPs for NGOs and Indigenous Peoples, including by pressing for meaningful improvements in the human rights situation in host countries ahead of the conference.

### **Technology and Human Rights**

- Impose an immediate moratorium on the sale, transfer, and use of spyware technology.
- Implement domestic legislation that imposes safeguards against human rights violations and abuses through digital surveillance and establishes accountability mechanisms designed to provide victims of surveillance abuses a pathway to remedy.
- Disclose information about all previous, current and future contracts with private surveillance companies by responding to requests for information or by making proactive disclosures.

## ***Key Amnesty International Documents on the Czech Republic for reference***

*Czech Republic: Inequality through inaction: Submission to the 42nd Session of the UPR Working Group, 23 January 2023, 14 July 2022, <https://www.amnesty.org/en/documents/eur71/5865/2022/en/>*

All of Amnesty's work on the Czech Republic can be found at: <https://www.amnesty.org/en/location/europe-and-central-asia/czech-republic/>

## Recommendations to the government of Gabon

### Amnesty International calls on the government of Gabon to:

#### Climate justice and human rights

- Fully implement Gabon's Nationally Determined Contribution, update as necessary Gabon's 2030 emissions target to ensure it is fully aligned with the 1.5°C imperative and take necessary action to rapidly phase out all fossil fuels and shift to renewable energy produced in a manner consistent with human rights.
- Adopt and implement human rights-consistent adaptation and disaster risk reduction measures that will adequately protect people from the foreseeable and unavoidable impacts of the climate crisis.
- Identify Gabon's exact needs in terms of technology transfer and financial resources from wealthier countries to complement its emissions reduction, adaptation efforts and for loss and damage in a manner that fully protects human rights in the face of the climate crisis.
- Speedily adopt, strengthen and implement relevant domestic legislation to protect and promote the right to a clean, healthy and environment and its associated impact on other rights.
- In future climate change negotiations, work to:
  - Ensure that the Work Programme to Scale Mitigation Ambition and Implementation and other relevant measures is adapted annually as necessary, based on the best available science, so that it effectively limits global warming to 1.5°C.
  - Ensure timely and human-rights consistent operationalization of the recently established Loss and Damage Fund by the end of 2023 to provide support and remedy to people whose human rights have been negatively affected as a result of the loss and damage caused by the climate crisis.
  - Establish concrete mechanisms to ensure carbon markets activities for emission reductions do not violate the human rights of affected people, as well as a fully independent, accessible, and transparent grievance process, before allowing for any market or non-market activities to take place.
  - Adopt measures to ensure that market activities only include those that allow for rapid, genuine emission reductions and do not include unproven technologies for carbon removal.
  - Protect civic space and participation at future COPs for NGOs and Indigenous Peoples, including by pressing for meaningful improvements in the human rights situation in host countries ahead of the conference.

#### Covid-19/pandemic response

- Put human rights at the core of any response to fight any pandemic, including Covid-19, including by developing and implementing a coherent, adequately funded and transparent national pandemic response plan that ensures fair distribution of vaccines, tests, medicines or any other remedies or health tools to prevent exclusion and any kind of discrimination in conformity with international human rights standards.
- Strengthen Gabon's national health care system by ensuring adequate funding, infrastructure, medicines, and medical equipment, to remove all barriers to accessing health care, including financial and transport barriers, that people may face in accessing health care.

## **Suggested recommendations to States under review in the 42nd session of the UPR Working Group, 23 January - 03 February 2023**

- Ensure that plans to prepare for, respond to and recover from any pandemic include clear, evidence-based health-related information, including on available methods for prevention and cure, such as the benefits of relevant vaccines and how to access them.
- Support the extension of the limited WTO TRIPS waiver for Covid-19 vaccines to tests and treatments.
- Insist that the International Pandemic Treaty (or other international instrument) currently under discussion at the World Health Organization has human rights at its core and is developed in a fully transparent and inclusive process.

### **Ratifications of international treaties**

- Recognize the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of victims or other states parties.
- Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, as Gabon has previously committed to do.
- Ratify the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity, as Gabon has previously committed to do.
- Ratify ILO Conventions 149 (Nursing Personnel Convention), 169 (Indigenous and Tribal Peoples Convention), 189 (Domestic Workers Convention), and 190 (the Violence and Harassment Convention of 2019).

### **Technology and Human Rights**

- Impose an immediate moratorium on the sale, transfer, and use of spyware technology.
- Implement domestic legislation that imposes safeguards against human rights violations and abuses through digital surveillance and establishes accountability mechanisms designed to provide victims of surveillance abuses a pathway to remedy.
- Disclose information about all previous, current and future contracts with private surveillance companies by responding to requests for information or by making proactive disclosures.

## **Key Amnesty International Documents on Gabon for reference**

*Amnesty International Report 2017/18: The state of the world's human rights*, pp168-169  
22 February 2018, Index: POL 10/6700/2018,  
<https://www.amnesty.org/en/documents/pol10/6700/2018/en/>

All of Amnesty's work on Gabon can be found at: <https://www.amnesty.org/en/location/africa/west-and-central-africa/gabon/>

## Recommendations to the government of Ghana

### Amnesty International calls on the government of Ghana to:

#### Human Rights Defenders

- Publicly recognize the legitimacy of the work of human rights defenders, including by developing and disseminating public awareness campaigns about the key role all human rights defenders play in the defence of human rights with the aim of countering discrimination, misinformation and hostility towards human rights defenders, including those who defend the rights of LGBTI people.
- Design and operationalize practical measures, such as mechanisms for the protection of HRDs in danger.
- Adopt and implement legislation to recognize and effectively protect all human rights defenders, particularly those most at risk of attack and discrimination.

#### Climate justice and human rights

- Fully implement Ghana's Nationally Determined Contribution, update as necessary Ghana's 2030 emissions target to ensure it is fully aligned with the 1.5°C imperative and take necessary action to rapidly phase out all fossil fuels and shift to renewable energy produced in a manner consistent with human rights.
- Adopt and implement human rights-consistent adaptation and disaster risk reduction measures that will adequately protect people from the foreseeable and unavoidable impacts of the climate crisis.
- Identify Ghana's exact needs in terms of technology transfer and financial resources from wealthier countries to complement its emissions reduction, adaptation efforts and for loss and damage in a manner that fully protects human rights in the face of the climate crisis.
- Speedily adopt, strengthen and implement relevant domestic legislation to protect and promote the right to a clean, healthy and environment and its associated impact on other rights.
- In future climate change negotiations, work to:
  - Ensure that the Work Programme to Scale Mitigation Ambition and Implementation and other relevant measures is adapted annually as necessary, based on the best available science, so that it effectively limits global warming to 1.5°C.
  - Ensure timely and human-rights consistent operationalization of the recently established Loss and Damage Fund by the end of 2023 to provide support and remedy to people whose human rights have been negatively affected as a result of the loss and damage caused by the climate crisis.
  - Establish concrete mechanisms to ensure carbon markets activities for emission reductions do not violate the human rights of affected people, as well as a fully independent, accessible, and transparent grievance process, before allowing for any market or non-market activities to take place.
  - Adopt measures to ensure that market activities only include those that allow for rapid, genuine emission reductions and do not include unproven technologies for carbon removal.

- Protect civic space and participation at future COPs for NGOs and Indigenous Peoples, including by pressing for meaningful improvements in the human rights situation in host countries ahead of the conference.

### **Covid-19/pandemic response**

- Put human rights at the core of any response to fight any pandemic, including Covid-19, including by developing and implementing a coherent, adequately funded and transparent national pandemic response plan that ensures fair distribution of vaccines, tests, medicines or any other remedies or health tools to prevent exclusion and any kind of discrimination in conformity with international human rights standards.
- Strengthen Ghana's national health care system by ensuring adequate funding, infrastructure, medicines, and medical equipment, to remove all barriers to accessing health care, including financial and transport barriers, that people may face in accessing health care.
- Ensure that plans to prepare for, respond to and recover from any pandemic include clear, evidence-based health-related information, including on available methods for prevention and cure, such as the benefits of relevant vaccines and how to access them.
- Support the extension of the limited WTO TRIPS waiver for Covid-19 vaccines to tests and treatments.
- Insist that the International Pandemic Treaty (or other international instrument) currently under discussion at the World Health Organization has human rights at its core and is developed in a fully transparent and inclusive process.

### **Death Penalty**

- Abolish the death penalty for all crimes.
- Pending full abolition of the death penalty, commute the death sentences of all death row prisoners to terms of imprisonment; establish an official moratorium on executions; review the cases of all death row prisoners to identify any potential miscarriages of justice and provide all death row prisoners, regardless of means, with adequate and effective legal aid to pursue any appeals against their conviction and death sentence.
- Ratify, without reservations, the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, as Ghana committed to do at the previous review.
- Declare open support and urge members of parliament on both sides to support the two private member Bills - The Criminal and other Offences (Amendment) Bill 2022 and the Ghana Armed Forces (Amendment) Bill 2022 currently before parliament.

### **Ratification of Treaties**

- Ratify the Optional Protocol to the International Covenant of Economic, Social and Cultural Rights and opt into the inquiry and inter-state procedures.
- As Ghana committed to do at the last review, promptly ratify the International Convention for the Protection of All Persons from Enforced Disappearance, signed on 6 February 2007, and fully implement it into national law and recognize the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of victims or other states parties.

- Ratify ILO Conventions 189 (Domestic Workers Convention), 155 (Occupational Safety and Health Convention) and 190 (the Violence and Harassment Convention of 2019).

### **LGBTI Rights**

- Uphold the fundamental principles of equality and non-discrimination as set out in the Constitution of Ghana, including by enacting specific non-discrimination protections for LGBTI people.
- Immediately withdraw the Promotion of Proper Human Sexual Rights and Ghanaian Family Values Bill, also known as Anti-LGBTI Bill. This Bill is in contraventions of principles of equality and non-discrimination, the rights to freedom of expression, association and privacy, and the prohibition of torture specifically denying LGBTI persons their inviolable human dignity.<sup>1</sup>
- Decriminalize consensual same-sex relations by repealing Section 104(1)(b) of the Criminal Code, which criminalizes “unnatural carnal knowledge [...] of any person of sixteen years or older with his consent”, as recommended during all three previous reviews.<sup>2</sup>
- Speedily enact legislation to ensure protection from all forms of violence against individuals based on their real or perceived gender identity and sexual orientation, including rape and sexual assault, and ensure access to justice for survivors.

### **Violence against women and women’s rights**

- Ensure the full implementation of the 2007 Domestic Violence Act such as providing funds for victims’ medical treatments, setting up shelters for victims and providing them with psycho-social support.
- Conduct full and impartial investigations into allegations of all forms of violence against women, bring suspected perpetrators to justice. In this regard, elaborate and implement nationwide training programs for police officers about survivor-centric approaches to receiving gender based violence (GBV) complaints and effective investigation practices in GBV cases.
- Ensure the establishment of institutions that will offer GBV victims adequate shelters, financial, emotional and psycho-social support. Ensure those institutions are provided with qualified personnel and adequate material resources.
- Accelerate the adoption and implementation of laws prohibiting harmful practices against women and girls, including trokosi, female genital mutilation, early and forced marriage and accusations of witchcraft as well as guaranteeing the protection and rehabilitation of victims.
- Continue promoting gender equality through specific laws, plans and programmes aimed at achieving effective equality for all.

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<sup>1</sup> The Promotion of Proper Human Sexual Rights and Ghanaian Family Values Bill adds to the environment of discrimination, intolerance and criminalisation already prevalent against LGBTI people in Ghana, including through provisions that criminalize many aspects of the lives of LGBTI persons, encourage practices such as medical intervention on intersex children and conversion therapy and makes access to gender affirmative healthcare impossible for transgender persons.

<sup>2</sup> UN General Assembly, Report of the Working Group on the Universal Periodic Review: Ghana, 29 May 2008, UN Doc. A/HRC/8/36, recommendations by Czech Republic (para 16); Romania (para. 24) and Slovenia (para. 50); UN General Assembly, Report of the Working Group on the Universal Periodic Review: Ghana, 13 December 2012, UN Doc. A/HRC/22/6, recommendations 126.16-18 (France, Slovenia, Czech Republic) and 126.22 (Spain); UN General Assembly, Report of the Working Group on the Universal Periodic Review: Ghana, 26 December 2017, UN Doc. A/HRC/37/7 and its Addendum A/HRC/37/7/Add.1, recommendations 147.8-9 (France, Germany), 147.12 (Honduras), 147.27 (Sweden), 147.29-30 (United States of America, Uruguay), 147.34 (Argentina) and 147.36 (Australia).

## **Suggested recommendations to States under review in the 42nd session of the UPR Working Group, 23 January - 03 February 2023**

- Adopt and implement a sexual and reproductive health policy for adolescents that includes, sexual education, in addition to protection for the rights of pregnant teenagers, adolescent mothers and their children, and combats discrimination against them.

### **Excessive use of force**

- Establish an independent mechanism (for example an Independent Police Commission), with adequate budgetary and human resources, to carry out investigations of alleged misconduct by police officers.

### **Prison Conditions**

- By the end of 2023, establish a National Preventive Mechanism, in line with the requirements in the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which Ghana ratified in September 2016.
- Continue efforts to reduce overcrowding in the prison system and detention centres, and ensure the inmates basic needs are met, including by adopting and implementing legislation in line with the UN Standard Minimum Rules for the Treatment of Prisoners.
- Ensure that the UN standard Minimum Rules for the Treatment of Prisoners are respected including those related to food: “Every prisoner shall be provided by the administration at the usual hours with food of nutritional value adequate for health and strength, of wholesome quality and well prepared and served.

### **Human Rights in the Extractive Sector**

- Include human rights guarantees in the Mining Bill, the Petroleum (Exploration, Development and Production) Bill, the Energy Bill as well as in related policies and regulations especially in relation to control of illegal mining activities and integration of community rights.
- Ensure the adequate regulation of extractive companies, including in relation to human, social and environmental impacts.
- Legally require companies to undertake human rights due diligence in line with international standards.
- Urgently strengthen environmental safeguards in applicable legislation to ensure that people are protected against pollution of water, air and soil by extractive industries.
- Expedite action on the review of the Minerals and Mining Act to ensure sound management of the extractive sector to include control of illegal mining activities and integrate community rights.

### **Technology and Human Rights**

- Impose an immediate moratorium on the sale, transfer, and use of spyware technology.
- Implement domestic legislation that imposes safeguards against human rights violations and abuses through digital surveillance and establishes accountability mechanisms designed to provide victims of surveillance abuses a pathway to remedy.
- Disclose information about all previous, current and future contracts with private surveillance companies by responding to requests for information or by making proactive disclosures.

## ***Key Amnesty International Documents on Ghana for reference***

*Suggested recommendations to Ghana for its review during the 42nd session of the UPR Working Group, 23 January–3 February 2023, November 2022,*  
<https://www.amnesty.org/en/documents/afr28/5941/2022/en/>

All of Amnesty's work on Ghana can be found at: <https://www.amnesty.org/en/location/africa/west-and-central-africa/ghana/> and <https://amnestyghana.org/>

## Recommendations to the government of Guatemala

### Impunity for crimes under international law perpetrated during the internal armed conflict

- Conduct prompt, independent, impartial and effective investigations into all allegations of outstanding human rights violations committed during the internal armed conflict.

### Human rights defenders

- Implement previously supported recommendations to ensure thorough, prompt, impartial and independent investigations into all attacks against human rights defenders and journalists and bring those responsible to justice
- As previously recommended, refrain from misusing the criminal justice system to intimidate, harass and prosecute human rights defenders and journalists solely for exercising their human rights and close unfounded criminal cases.
- Without further delay, implement the previously supported recommendations to adopt a Public Policy for the Protection of Human Rights Defenders, in accordance with the 2014 ruling of the Inter-American Court of Human Rights.
- Ratify the Escazú Agreement.

### Judicial and prosecutorial independence

- Ensure that those administering justice can continue to carry out their work without undue external or internal pressure and end the harassment and misuse of the criminal law targeted against them.

### Peaceful assembly and freedom of association

- Fully guarantee the exercise of the right to peaceful assembly.

### Death penalty

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

### Use of force

- Adopt measures to ensure that the use of force by members of the security forces fully complies with international human rights standards and norms and impartially investigate all acts of unlawful use of force.

### Violence against women

- Implement the recommendations previously supported to investigate promptly, impartially and effectively all forms of violence against women, bring those responsible to justice and implement effective and coordinated measures, with sufficient resources, to prevent such violence.
- As previously recommended, adopt effective measures to address widespread child pregnancy and ensure access to sexual and reproductive health rights and education programmes.
- Decriminalize abortion in all circumstances and ensure access to abortion in law and in practice for all those who are pregnant.

### **Discrimination and violence against LGBTI people**

- In line with previous recommendations, ensure the right to equality and non-discrimination for all without distinction, and in particular take all necessary measures, including legal reforms, to recognize same-sex marriage and unions without discrimination.
- Conduct thorough investigations into all crimes committed against LGBTI people. Possible lines of inquiry should seek to determine whether crimes were committed because of the victim's sexual orientation and/or gender identity.

### **Access to health**

- Adopt taxation and budget allocation measures, ensuring a gradual increase so that public spending on health approaches the minimum 6% of GDP suggested by the Pan American Health Organization (PAHO), as a fundamental measure to ensure the enjoyment of the highest possible standard of health.

### **People on the move**

- Implement effective procedures in consular services and reception centres to identify deported and returned individuals who are at risk and provide them with protection, paying special attention to vulnerable groups (women, children and LGBTI people).

### **Indigenous peoples**

- Guarantee the right to free, prior and informed consent of Indigenous peoples in relation to policies, projects and legislation that may affect them, in accordance with human rights standards.

### **Climate justice and human rights**

- Resolve the existing obstacles to the implementation of the National Climate Change Action Plan and adopt the most ambitious measures, to the extent possible for Guatemala, to reduce greenhouse gas emissions in the shortest possible time, including by rapidly phasing out all fossil fuels in a human rights consistent manner, and to support people under its jurisdiction to adapt to the effects of climate change.
- Identify in detail Guatemala's needs in terms of technology transfer and financial resources from the richest countries to complement their emission reduction and adaptation efforts and for loss and damage, so that human rights are protected from the climate crisis.
- In all climate decisions, always include specific mention of the primary importance of protection of the rights of Indigenous peoples and their territories, and rural peoples and communities, as well as protection of the life and safety of environmental and land defenders.
- In future climate change negotiations, work to:
  - Ensure that the Work Programme to Scale Mitigation Ambition and Implementation and other relevant measures is adapted annually as necessary, based on the best available science, so that it effectively limits global warming to 1.5°C.
  - Ensure timely and human-rights consistent operationalization of the recently established Loss and Damage Fund by the end of 2023 to provide support and remedy to people whose human rights have been negatively affected as a result of the loss and damage caused by the climate crisis.
  - Establish concrete mechanisms to ensure carbon markets activities for emission reductions do not violate the human rights of affected people, as well as a fully independent,

accessible, and transparent grievance process, before allowing for any market or non-market activities to take place.

- Adopt measures to ensure that market activities only include those that allow for rapid, genuine emission reductions and do not include unproven technologies for carbon removal.
- Protect civic space and participation at future COPs for NGOs and Indigenous Peoples, including by pressing for meaningful improvements in the human rights situation in host countries ahead of the conference.

### **Technology and Human Rights**

- Impose an immediate moratorium on the sale, transfer, and use of spyware technology.
- Implement domestic legislation that imposes safeguards against human rights violations and abuses through digital surveillance and establishes accountability mechanisms designed to provide victims of surveillance abuses a pathway to remedy.
- Disclose information about all previous, current and future contracts with private surveillance companies by responding to requests for information or by making proactive disclosures.

### **Ratifications of international treaties**

- As previously recommended, ratify, without making any reservation, the International Convention for the Protection of All Persons from Enforced Disappearance, signed on 6 February 2007, fully implement it into national law and recognize the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of victims or other states parties.
- Accede to the Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity without making any reservation and implement it into national law.
- Ratify ILO Conventions 189 (Domestic Workers Convention), and 190 (the Violence and Harassment Convention of 2019).

## ***Key Amnesty International Documents on Guatemala for reference***

*Guatemala: Justice under attack: Amnesty International report to the Working Group of the 42nd session of the UN Universal Periodic Review, 30 June 2022,*  
<https://www.amnesty.org/en/documents/amr34/5738/2022/en/>

All of Amnesty's work on Guatemala can be found at: <https://www.amnesty.org/en/location/americas/central-america-and-the-caribbean/guatemala/>

## Recommendations to the government of Japan

### Amnesty International calls on the government of Japan to:

#### National Human Rights Institution and human rights framework

- Take immediate steps to establish a fully independent, impartial, credible and empowered national human rights institution in line with the Paris Principles, with competence to consider and act on complaints of human rights violations committed by public authorities and provide redress to victims, and with adequate financial and human resources.
- As previously recommended,
  - ratify the first Optional Protocol to the ICCPR without reservations;
  - Ratify the Optional Protocol to the International Covenant of Economic, Social and Cultural Rights and opt-in to the inquiry and inter-state procedures;
  - Promptly recognize the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of victims (Article 31, International Convention for the Protection of All Persons from Enforced Disappearance);
- Accede to the Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity without making any reservations and implement it into national law.

#### The Death Penalty

- Immediately introduce a formal moratorium on executions as a first step toward the abolition of the death penalty and commute all death sentences to terms of imprisonment.
- Ratify, without reservations, the Second Optional Protocol to the ICCPR, aiming at the abolition of the death penalty.
- Initiate an immediate independent review of all cases to identify people accused or convicted of capital crimes who may have psycho-social or intellectual disabilities and could fall within the scope of Article 479 of the Code of Criminal Procedure with a view to commuting the death sentence and diverting the cases away from the criminal justice system into a health management framework.
- Ensure that all safeguards guaranteeing protection of the rights of those facing the death penalty are respected and that proceedings meet international law and standards at all times, including the right to prompt access to a lawyer, to regular family visits, not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment, not to be compelled to testify against themselves or to confess guilt and to have statements extracted under such treatment excluded from evidence, and that no executions are carried out until all legal or other review procedures have been completed.

#### Rights of refugees and migrants

- Ensure that the Immigration Control and Refugee Recognition Act maintains that all migrants are protected against refoulement when intended for transfer to another country or jurisdiction where they would face a real risk of serious human rights violations or abuses and ensure an opportunity for effective, independent and impartial review of any decision to deport individuals, especially if there appear to be substantial grounds for believing that the individual would be refouled when facing a real risk of serious human rights violations or abuses on return.
- Ensure that all migrants' right to personal liberty and against arbitrary detention is protected by eliminating default administrative immigration detention, including of asylum seekers and irregular

## **Suggested recommendations to States under review in the 42nd session of the UPR Working Group, 23 January - 03 February 2023**

migrants so that immigration detention is only utilized in the most exceptional of circumstances that are deemed lawful, necessary and proportionate, and that they are free from any inhuman or degrading treatment.

- Ensure that all detained migrants have access to effective procedural safeguards and can challenge the reasons or lawfulness of their detention in court.

### **Rights of LGBTI persons**

- Enact and implement legislation to protect LGBTI persons against arbitrary or unlawful interference with their privacy, including unauthorized disclosure of their sexual orientation and gender identity by third parties.
- Implement previously supported recommendations to officially recognize marriages between couples of the same sex, on the same basis and conferring all the same rights, as marriages between different-sex couples.
- Implement previously supported recommendations to amend the Act on Gender Identity Disorder, including by abolishing requirements to undergo a psychiatric assessment and receive a diagnosis, other medical requirements, any requirement of single status, and other restrictions that violate human rights, for obtaining legal gender recognition.

### **Discrimination against ethnic minorities**

- As previously recommended, end discrimination against members of ethnic minorities, including by ceasing policies that discriminate against “Korean schools” of all levels.
- Refrain from actions that discriminate against ethnic minorities or other marginalized groups in future responses to the Covid-19 pandemic or other public health emergencies.

### **Japan’s military sexual slavery system before and during World War II**

- Publicly assert that survivors have a right to full and effective reparation and access justice before the courts and ensure that any measures or statements by government officials or public figures that may undermine these rights are rescinded.
- Implement the January 2021 chamber ruling of the Seoul Central District Court ordering the Japanese government to provide compensation to the survivors in this case.
- Work with the government of South Korea and other affected countries to ensure that effective systems are put in place to ensure that all survivors are provided with effective remedies, including full and effective reparations to address the harms they have suffered, taking into account their views and needs.
- Refrain from invoking procedural hurdles such as state immunity, to hamper efforts of survivors and their families to obtain full and effective reparation through justice procedures in other countries.

### **Climate change and human rights**

- Speedily adopt, strengthen and implement relevant domestic legislation to protect and promote the right to a clean, healthy and environment and its associated impact on other rights.
- Commit to and implement a phase out of all fossil fuel use as quickly as possible and work to ensure a similar global commitment is adopted by other states.
- In future climate change negotiations, work to:

- Ensure that the Work Programme to Scale Mitigation Ambition and Implementation and other relevant measures is adapted annually as necessary, based on the best available science, so that it effectively limits global warming to 1.5°C.
- Ensure timely and human-rights consistent operationalization of the recently established Loss and Damage Fund by the end of 2023 to provide support and remedy to people whose human rights have been negatively affected as a result of the loss and damage caused by the climate crisis.
- Establish concrete mechanisms to ensure carbon markets activities for emission reductions do not violate the human rights of affected people, as well as a fully independent, accessible, and transparent grievance process, before allowing for any market or non-market activities to take place.
- Adopt measures to ensure that market activities only include those that allow for rapid, genuine emission reductions and do not include unproven technologies for carbon removal.
- Protect civic space and participation at future COPs for NGOs and Indigenous Peoples, including by pressing for meaningful improvements in the human rights situation in host countries ahead of the conference.

### **Technology and Human Rights**

- Impose an immediate moratorium on the sale, transfer, and use of spyware technology.
- Implement domestic legislation that imposes safeguards against human rights violations and abuses through digital surveillance and establishes accountability mechanisms designed to provide victims of surveillance abuses a pathway to remedy.
- Disclose information about all previous, current and future contracts with private surveillance companies by responding to requests for information or by making proactive disclosures.

### **Ratification of international treaties**

- As previously recommended:
  - Ratify the Optional Protocol to the International Covenant of Economic, Social and Cultural Rights and opt-in to the inquiry and inter-state procedures.
  - Promptly recognize the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of victims (Article 31, International Convention for the Protection of All Persons from Enforced Disappearance).
  - Ratify, without reservations, the First Optional Protocol to the International Covenant on Civil and Political Rights.
- Accede to the Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity without making any reservations, and implement it into national law.
- Ratify ILO Conventions 149 (Nursing Personnel Convention), 169 (Indigenous and Tribal Peoples Convention), 189 (Domestic Workers Convention), and 190 (the Violence and Harassment Convention of 2019).

## ***Key Amnesty International Documents on Japan for reference***

*Japan: Long-standing discrimination unchanged: Submission to the 42nd Session of the UPR Working Group, 14 July 2022, <https://www.amnesty.org/en/documents/asa22/5760/2022/en/>*

All of Amnesty's work on Japan can be found at: <https://www.amnesty.org/en/location/asia-and-the-pacific/east-asia/japan/> and <https://www.amnesty.or.jp/>

## Recommendations to the government of Pakistan

Amnesty International calls on the government of Pakistan to:

### Enforced disappearances

- Immediately release all forcibly disappeared people or promptly bring them before a judge in a civilian court of law to rule on the lawfulness of their arrest or detention and whether they should be released.
- As recommended in all three previous reviews, ratify the International Convention for the Protection of All Persons from Enforced Disappearance and incorporate it into domestic law.
- Immediately and unconditionally disclose to families the fate and/or whereabouts of forcibly disappeared people.
- As previously recommended, establish an independent inquiry into all suspected cases of enforced disappearance and hold those suspected to be responsible to account, which Pakistan had accepted to do in the previous review.
- As previously recommended, criminalize enforced disappearances and ensure the current bill amending the Penal Code of Pakistan and any legislation on enforced disappearance conforms with international human rights law and standards.
- Hold meaningful consultations with activists, civil society, and families of the disappeared on the proposed legal amendments to the draft bill on enforced disappearances.
- Ensure victims and families of disappeared people are given full and effective reparations to address any hardships they have endured, including compensation, restitution, rehabilitation and guarantees of non-repetition.

### Freedom of thought, conscience and religion

- As previously recommended, repeal Sections 295-A, 295-B, 295-C, 298 B and 298 C of the Pakistan Penal Code.
- Pending the repeal, commute all death sentences imposed under Section 295-C of the Penal Code.
- Remove Sections 295-A and 298-A from the list of scheduled offences under the Anti-Terrorism Act, 1997.
- Urgently ensure the safety and security of all, in light of threats following allegations of blasphemy and “anti-state” activities by ensuring the protection of vulnerable groups, holding perpetrators to account, having prompt, impartial and effective investigations into incidents, and by providing them safe passage to safe spaces if their lives are so endangered.

### Freedom of Expression

- Amend the Prevention of Electronic Crimes Act, 2016, in particular Sections 31, 3, and 37, to remove over-broad powers for monitoring and shutting down websites and retaining data.
- Amend the Protection of Journalists and Media Professionals Act, in particular Section 6, to avoid broad and vague formulations that lack legal clarity and may be used to unlawfully restrict the right to freedom of expression.

### **Sexual and gender-based violence**

- Implement previously supported recommendations to pass and implement legislation to protect women and girls from gender-based violence, in line with international human rights law and standards as Pakistan had accepted to do in the previous review.
- Implement previously supported recommendations to ensure prompt, impartial, effective and gender-sensitive investigations are carried out into incidents of violence against women or girls and members of the transgender community with the purpose of holding perpetrators to account without recourse to the death penalty and ensure victims can access justice and effective remedies.

### **Climate justice**

- Adopt and implement human rights-consistent adaptation and disaster risk reduction measures that will adequately protect people from the foreseeable and unavoidable impacts of the climate crisis, particularly the heatwaves.
- Fully implement Pakistan's Nationally Determined Contribution, including by identifying, in a participatory and human rights-consistent manner, the exact needs in terms of technology transfer and financial resources needed to meet Pakistan's 2021 NDC commitment to halve its emissions by 2030.
- Update as necessary Pakistan's 2030 emissions target to ensure it is fully aligned with the 1.5°C imperative and take necessary action to rapidly phase out all fossil fuels and shift to renewable energy produced in a manner consistent with human rights.
- Speedily adopt, strengthen and implement relevant domestic legislation to protect and promote the right to a clean, healthy and environment and its associated impact on other rights.
- In future climate change negotiations, work to:
  - Ensure that the Work Programme to Scale Mitigation Ambition and Implementation and other relevant measures is adapted annually as necessary, based on the best available science, so that it effectively limits global warming to 1.5°C.
  - Ensure timely and human-rights consistent operationalization of the recently established Loss and Damage Fund by the end of 2023 to provide support and remedy to people whose human rights have been negatively affected as a result of the loss and damage caused by the climate crisis.
  - Establish concrete mechanisms to ensure carbon markets activities for emission reductions do not violate the human rights of affected people, as well as a fully independent, accessible, and transparent grievance process, before allowing for any market or non-market activities to take place.
  - Adopt measures to ensure that market activities only include those that allow for rapid, genuine emission reductions and do not include unproven technologies for carbon removal.
  - Protect civic space and participation at future COPs for NGOs and Indigenous Peoples, including by pressing for meaningful improvements in the human rights situation in host countries ahead of the conference.

### **Technology and Human Rights**

- Impose an immediate moratorium on the sale, transfer, and use of spyware technology.

## **Suggested recommendations to States under review in the 42nd session of the UPR Working Group, 23 January - 03 February 2023**

- Implement domestic legislation that imposes safeguards against human rights violations and abuses through digital surveillance and establishes accountability mechanisms designed to provide victims of surveillance abuses a pathway to remedy.
- Disclose information about all previous, current and future contracts with private surveillance companies by responding to requests for information or by making proactive disclosures.

### **Ratifications of international treaties**

- As previously recommended, ratify the Optional Protocol to the International Covenant of Economic, Social and Cultural Rights and opt-in to the inquiry and inter-state procedures.
- Promptly accede to the Rome Statute of the International Criminal Court and implement it fully into national law.
- Accede to the Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity without making any reservation and implement it into national law.
- As previously recommended, ratify the 1951 UN Convention Relating to the Status of Refugees and the 1966 Protocol.
- Promptly accede to and implement the Arms Trade Treaty, with particular attention to Article 6 on Prohibitions and Article 7 on Export and Export Assessment, which prohibit the transfer of arms that could be used to commit or facilitate serious violations of international human rights and humanitarian law.
- Ratify ILO Conventions 149 (Nursing Personnel Convention), 169 (Indigenous and Tribal Peoples Convention), 189 (Domestic Workers Convention), and 190 (the Violence and Harassment Convention of 2019).

## ***Key Amnesty International Documents on Pakistan for reference***

*Pakistan: Violations of human rights continue: Submission to the 42nd session of the UPR Working Group, 13 July 2022, <https://www.amnesty.org/en/documents/asa33/5859/2022/en/>*

All of Amnesty's work on Pakistan can be found at: <https://www.amnesty.org/en/location/asia-and-the-pacific/south-asia/pakistan/>

## Recommendations to the government of Peru

### Amnesty International calls on the government of Peru to:

#### Institutional framework for the promotion and protection of human rights

- As previously recommended:
  - Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, as it committed to do in the previous review.
  - Ratify, without reservations, the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.
- Ratify the Regional Agreement on Access to Information, Public Participation and Access to Justice in Environmental Matters in Latin America and the Caribbean.
- Repeal Law 1323, Police Protection Law, as it raises human rights concerns regarding impunity for unlawful use of force by law enforcement officials.
- Ratify ILO Convention 149 (Nursing Personnel Convention).

#### Gender-based violence against girls, adolescents and women

- Adopt a comprehensive, gender-sensitive plan to ensure that disappearances of women and girls are effectively, promptly and duly investigated.
- Collect thorough data regarding disappearances, disaggregated by the gender of the victim and the circumstances of their disappearances.

#### Sexual and reproductive rights

- Decriminalize abortion in all circumstances and ensure that no pregnant person, or medical professional, is subject to criminal sanctions and guarantee timely and effective access to sexual and reproductive health information and services, including the possibility of legal and safe abortion, especially for survivors of sexual violence (as accepted in the previous review).
- Guarantee access to comprehensive sexual education, so that adolescents and young people, in particular girls and women can make informed decisions about their sexuality and reproduction, as accepted in the previous exam.

#### Rights of lesbian, gay, bisexual, transgender and intersex people

- Enact legislation recognizing LGBTI people's right to private and family life, without discrimination, including by ensuring that they can marry and found a family, as accepted in the previous review.
- Enact legislation that guarantees transgender people's right to legal recognition of their gender identity, including establishing a quick, accessible and transparent administrative process to change their name and sex on official documents, as accepted in the previous review.
- Systematically collect and analyze data on LGBTI people's rights, including the prevalence of violence perpetrated against them and access to work and healthcare.

### **Human rights defenders**

- Guarantee the proper implementation of the Protective Mechanism, including by issuing the internal regulations required for each institution to implement the mechanism and by ensuring adequate resources to that purpose.
- Provide more accessible data on the threats and attacks suffered by human rights defenders, safeguarding their privacy and integrity.
- Implement preventive measures, including at the local level, that are gender sensitive and culturally appropriate to tackle the threats that human rights defenders face with a view to enhancing their safety.

### **Right to health and a healthy environment**

- Ensure culturally appropriate health care for all people affected by contamination by heavy metals or other substances, which must include the active participation and free, prior and informed consent of the affected Indigenous communities.
- Provide sufficient resources, both budgetary and staffing, for the proper implementation of the PEM.

### **Justice and impunity for human rights violations**

- Protect the right to peaceful protest under all circumstances, and ensure that any use of force in policing protests is the minimum necessary, proportionate and complies with international human rights law and standards on policing, in particular the UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials
- Guarantee that complaints of human rights violations that occurred during protests, including those in November 2020; December 2022; and January 2023 are investigated and that all those suspected of criminal responsibility are brought to justice in fair trials before ordinary civilian courts.
- Fully comply, in good faith, with the decision of the Inter-American Court of Human Rights on the pardon of Alberto Fujimori, guaranteeing the victims' right of access to justice, truth and reparation.
- Implement the previously supported recommendations to guarantee access to truth, justice and comprehensive reparation for the thousands of people subjected to forced sterilization between 1996 and 2001, as well as for all the victims of human rights violations committed during the internal armed conflict.
- Promptly withdraw the reservation made upon accession to the Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity, related to the temporal scope of the treaty.

### **Rights of migrants and refugees**

- Establish policies, codified in domestic law, that ensure refugee and migrant rights are protected, including from discrimination and unequal treatment under the law.
- Reopen the system for receiving refugee applications, and promptly resolve the 500,000 pending refugee applications.
- Guarantee regularization processes without access barriers, such as fines, that include access to healthcare.

- Guarantee access to justice for refugee women and LGBTI people that are victims of gender-based violence, considering their special vulnerable situation.

### **Climate justice and human rights**

- In all climate decisions, include specific mention of the primary importance of protection of the rights of Indigenous peoples and their territories, and rural peoples and communities, as well as protection of the life and safety of environmental and land defenders.
- Take the necessary action to rapidly phase out all fossil fuels and shift to renewable energy produced in a manner consistent with human rights and encourage other states to do the same.
- In future climate change negotiations, work to:
  - Ensure that the Work Programme to Scale Mitigation Ambition and Implementation and other relevant measures is adapted annually as necessary, based on the best available science, so that it effectively limits global warming to 1.5°C.
  - Ensure timely and human-rights consistent operationalization of the recently established Loss and Damage Fund by the end of 2023 to provide support and remedy to people whose human rights have been negatively affected as a result of the loss and damage caused by the climate crisis.
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  - Adopt measures to ensure that market activities only include those that allow for rapid, genuine emission reductions and do not include unproven technologies for carbon removal.
  - Protect civic space and participation at future COPs for NGOs and Indigenous Peoples, including by pressing for meaningful improvements in the human rights situation in host countries ahead of the conference.

### **Technology and Human Rights**

- Impose an immediate moratorium on the sale, transfer, and use of spyware technology.
- Implement domestic legislation that imposes safeguards against human rights violations and abuses through digital surveillance and establishes accountability mechanisms designed to provide victims of surveillance abuses a pathway to remedy.
- Disclose information about all previous, current and future contracts with private surveillance companies by responding to requests for information or by making proactive disclosures.

## ***Key Amnesty International Documents on Peru for reference***

Peru: Setbacks in human rights: Submission to the 42nd Session of the UPR Working Group, 26 July 2022, <https://www.amnesty.org/en/documents/asa33/5859/2022/en/>

**Suggested recommendations to States under review in the 42nd session of the UPR Working Group, 23 January - 03 February 2023**

All of Amnesty's work on Peru can be found at: <https://www.amnesty.org/en/location/americas/south-america/peru/> and <https://amnistia.org.pe/>

## Recommendations to the government of the Republic of Korea

Amnesty International calls on the government of South Korea to:

### Anti-discrimination Law

- Enact comprehensive, meaningful and enforceable anti-discrimination legislation that prohibits discrimination based on, among others, sexual orientation, gender identity, expression and sex characteristics.

### Conscientious objectors

- Make provisions for conscientious objectors to carry out an appropriate alternative and non-punitive service of a genuinely civilian character and of a comparable length to military service with any additional length based on reasonable and objective criteria.
- Ensure that the recognition of conscientious objectors and the administration of alternative service itself is undertaken by a civilian authority entirely separate from the military authorities and its compositions guarantees maximum independence and impartiality.
- Immediately and unconditionally release all individuals imprisoned solely for exercising their right of refusing military service on grounds of conscience.
- Clear the criminal records of all convicted conscientious objectors and provide them with effective reparation, including adequate compensation.

### Decriminalization of abortion

- Swiftly reform the Criminal Act and ensure universal access to safe and legal abortion.

### Rights of LGBTI individuals

- Repeal Article 92(6) of the Military Criminal Act, which prohibits and punishes consensual same-sex sexual conduct between men in the military.
- Stop conditioning legal gender recognition for transgender individuals upon unreasonable and discriminatory requirements such as undertaking psychiatric diagnosis, seeking medical treatment (that is, forced sterilization or genital reconstruction), the prohibition to marry or having children, and that the recognition is made through swift, accessible and transparent administrative procedures based on individual self-declaration.

### Rights of women and girls

- Promote gender equality by eliminating the drivers of discrimination against women, such as harmful gender stereotypes.
- Recognize the transnational nature of online gender-based violence and encourage domestic and international private intermediaries to take all appropriate measures to eliminate all forms of online discrimination and violence.
- Establish measures such as a comprehensive inter-agency mechanism which includes appropriate allocation of resources to create an enabling environment for women to access justice, report crimes and actively participate in criminal justice processes, and take measures to prevent retaliation against or the revictimization of women seeking recourse in the justice system.

### **Japan's military sexual slavery system before and during World War II**

- Refrain from allowing the invocation of procedural hurdles such as state immunity to hamper efforts of survivors and their families to obtain full and effective reparation through justice procedures.
- Work with the government of Japan and other affected countries to ensure that effective systems are put in place to implement reparation measures for survivors that take into account their views and needs.

### **Freedom of peaceful assembly**

- Ensure that measures that restrict the freedom of peaceful assembly for reasons such as prevention of infectious diseases comply with international human rights law and standards, and that such measures do not result in stigmatization of peaceful assemblies.
- Amend the Assembly and Demonstration Act to bring it in line with the obligations of South Korea under international human rights law including to specify the role of government authorities as facilitators of the right to peaceful assembly.

### **Freedom of expression**

- Repeal, review or amend the National Security Act, in particular its article 7, so that it complies with international human rights law and standards. This law should not be used to harass, intimidate, arrest, prosecute or intimidate those who are lawfully exercising their rights to freedom of opinion and expression.

### **Refugees and asylum seekers**

- Stop arbitrary denials of and detention during refugee status determination procedures and guarantee all refugees an effective opportunity to apply for refugee status.
- Ensure that all asylum seekers have access to a full and fair, individualized, independent and effective asylum procedure.
- Establish administrative and legislative mechanisms to ensure due process at its international borders so that all those who seek asylum are treated in accordance with international human rights law, including the principle of non-refoulement.

### **The death penalty**

- Commute all death sentences without delay to terms of imprisonment and introduce and adopt legislative measures to fully abolish the death penalty which would lead to the full abolition of the death penalty in law.
- Ratify, without reservations, the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

### **Climate Justice and human rights**

- Acknowledge that the climate crisis is a human rights crisis, and immediately raise the NDC target to be consistent with South Korea's human rights obligations and the imperative to keep the increase of the global average temperature as low as possible and no higher than 1.5°C above pre-industrial levels.
- Take the necessary action to rapidly phase out all fossil fuels and shift to renewable energy produced in a manner consistent with human rights and encourage other states to do the same.

- In future climate change negotiations, work to:
  - Ensure that the Work Programme to Scale Mitigation Ambition and Implementation and other relevant measures is adapted annually as necessary, based on the best available science, so that it effectively limits global warming to 1.5°C.
  - Ensure timely and human-rights consistent operationalization of the recently established Loss and Damage Fund by the end of 2023 to provide support and remedy to people whose human rights have been negatively affected as a result of the loss and damage caused by the climate crisis.
  - Establish concrete mechanisms to ensure carbon markets activities for emission reductions do not violate the human rights of affected people, as well as a fully independent, accessible, and transparent grievance process, before allowing for any market or non-market activities to take place.
  - Adopt measures to ensure that market activities only include those that allow for rapid, genuine emission reductions and do not include unproven technologies for carbon removal.
  - Protect civic space and participation at future COPs for NGOs and Indigenous Peoples, including by pressing for meaningful improvements in the human rights situation in host countries ahead of the conference.

#### **Technology and Human Rights**

- Impose an immediate moratorium on the sale, transfer, and use of spyware technology.
- Implement domestic legislation that imposes safeguards against human rights violations and abuses through digital surveillance and establishes accountability mechanisms designed to provide victims of surveillance abuses a pathway to remedy.
- Disclose information about all previous, current and future contracts with private surveillance companies by responding to requests for information or by making proactive disclosures.

#### **Ratifications of international treaties and their implementation**

- As previously recommended, ratify the Optional Protocol to the International Covenant of Economic, Social and Cultural Rights and opt in to the inquiry and inter-state procedures.
- Accede to the Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity without making any reservation and implement it into national law.
- Implement the International Convention for the Protection of All Persons from Enforced Disappearance to which the Republic of Korea has recently acceded, into national law.
- Ratify ILO Conventions 149 (Nursing Personnel Convention), 169 (Indigenous and Tribal Peoples Convention), 189 (Domestic Workers Convention), and 190 (the Violence and Harassment Convention of 2019).

## ***Key Amnesty International Documents on Republic of Korea for reference***

*Republic of Korea: Discrimination persisting and left unaddressed: Submission to the 42nd Session of the UPR Working Group*, 14 July 2022, <https://www.amnesty.org/en/documents/asa25/5761/2022/en/>

All of Amnesty's work on the Republic of Korea can be found at: <https://www.amnesty.org/en/location/asia-and-the-pacific/east-asia/south-korea/> and <https://amnesty.or.kr/>

## Recommendations to the government of Sri Lanka

### Amnesty International calls on the government of Sri Lanka to:

#### National human rights mechanisms

- De-politicise the appointment process for independent institutions, including the Human Rights Commission of Sri Lanka and the Attorney General's Office with a view to making them independent, effective and reliable redress mechanisms for victims of human rights abuses in Sri Lanka.

#### Transitional justice

- Urgently and genuinely take account of the demands of families of the disappeared, who have sought answers for more than a decade.
- Ensure the Office on Missing Persons prioritizes, respects and facilitates the families' rights to truth, justice and reparations without exerting pressure on them to close the cases on their missing relatives.
- Take seriously Sri Lanka's international obligations to protect and create an enabling environment for the families of the disappeared to enjoy their rights to free expression, association, peaceful assembly, and liberty and security of persons.
- Ensure the effective and independent operations of the Office on Missing Persons and the Office on Reparations, paying due regard to the demands and needs of those affected.
- Take all steps including by amending the domestic legal framework to enable the prosecution of perpetrators for alleged violations of international human rights law and humanitarian law.
- Ensure all civilian-owned land is returned to its rightful owners.

#### Prevention of Terrorism Act (PTA)

- Repeal the Prevention of Terrorism Act and, pending repeal, immediately establish a moratorium on its use.
- Immediately review the detention of those held under the Prevention of Terrorism Act, including of Muslims detained after the 2019 bombings, ensure adequate access to fair bail hearings, and immediately release all those not facing internationally recognizable charges.
- Ensure the right to a fair trial, including pre-trial rights of those accused under the Prevention of Terrorism Act such as regular access to legal counsel on a confidential basis and to family members at regular intervals.
- Facilitate access to effective remedies and reparations to those whose human rights have been violated due to the use of the Prevention of Terrorism Act.

#### State of emergency

- Stop unduly restricting people's freedom of movement and peaceful assembly and the use of social media blackouts that restrict freedom of expression under the pretext of a state of emergency.
- Revoke Emergency Regulations that provide sweeping powers to law enforcement officers.

### **Economic and social rights**

- Urgently fund and expand social security systems and ensure that the right to an adequate standard of living is protected for all, including marginalized groups.
- Design proposals to provide ‘emergency relief’ during the economic crisis so they are adequately financed, enable all persons to access an adequate standard of living, and request international cooperation and assistance for this purpose if necessary.
- Develop mechanisms by which people can effectively participate in and contribute to discussions about budgets and public expenditure, before decisions to reduce public expenditure on economic and social rights are made in times of economic crisis.
- Explore alternative options for accessing the maximum available resources to fulfil human rights obligations, including for example, through effectively addressing tax evasion and tax fraud, and implementing progressive tax measures.

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

- End the targeting and prosecution of dissenters critical of government or actors aligned with the government and release anyone held arbitrarily for peacefully protesting or otherwise expressing their views.
- Ensure law enforcement authorities strictly consider the necessity and proportionality of restrictions when applying for court orders, for example by implementing appropriate training programmes.

### **Rights of minorities**

- Ensure prompt, impartial and effective investigations into incidents of attacks against minority communities and hold suspected perpetrators to account.
- Reject policies and proposals that violate the rights of minority communities, including forced cremations and the proposed ban on the niqab.

### **Excessive use of force**

- Ensure law enforcement authorities use of force in response to protests is used as a last resort, proportionate and necessary, and that any officials suspected of using unlawful force are brought to justice.

### **Climate justice and human rights**

- Take the necessary action to rapidly phase out all fossil fuels and shift to renewable energy produced in a manner consistent with human rights and encourage other states to do the same.
- In future climate change negotiations, work to:
  - Ensure that the Work Programme to Scale Mitigation Ambition and Implementation and other relevant measures is adapted annually as necessary, based on the best available science, so that it effectively limits global warming to 1.5°C.
  - Ensure timely and human-rights consistent operationalization of the recently established Loss and Damage Fund by the end of 2023 to provide support and remedy to people whose human rights have been negatively affected as a result of the loss and damage caused by the climate crisis.

- Establish concrete mechanisms to ensure carbon markets activities for emission reductions do not violate the human rights of affected people, as well as a fully independent, accessible, and transparent grievance process, before allowing for any market or non-market activities to take place.
- Adopt measures to ensure that market activities only include those that allow for rapid, genuine emission reductions and do not include unproven technologies for carbon removal.
- Protect civic space and participation at future COPs for NGOs and Indigenous Peoples, including by pressing for meaningful improvements in the human rights situation in host countries ahead of the conference.

### **Technology and Human Rights**

- Impose an immediate moratorium on the sale, transfer, and use of spyware technology.
- Implement domestic legislation that imposes safeguards against human rights violations and abuses through digital surveillance and establishes accountability mechanisms designed to provide victims of surveillance abuses a pathway to remedy.
- Disclose information about all previous, current and future contracts with private surveillance companies by responding to requests for information or by making proactive disclosures.

### **Ratifications and implementation of international treaties**

- Implement the International Convention for the Protection of All Persons from Enforced Disappearance effectively into national law, including by criminalizing enforced disappearance and disappearances by non-state actors.
- Make a declaration under Article 31 of the International Convention for the Protection of All Persons from Enforced Disappearance recognizing the competence of the Committee on Enforced Disappearances to consider complaints from or on behalf of individuals claiming to be victims of a violation of the Convention
- Ratify the Optional Protocol to the International Covenant of Economic, Social and Cultural Rights and opt in to the inquiry and inter-state procedures.
- Promptly accede to the Rome Statute of the International Criminal Court and implement it fully under national law.
- Accede to the Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity without making any reservation, and implement it into national law
- Ratify, without reservations, the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.
- Promptly accede to and implement the Arms Trade Treaty, with particular attention to Article 6 on Prohibitions and Article 7 on Export and Export Assessment, which prohibit the transfer of arms that could be used to commit or facilitate serious violations of international human rights and humanitarian law.
- Ratify ILO Conventions 149 (Nursing Personnel Convention), 169 (Indigenous and Tribal Peoples Convention), 189 (Domestic Workers Convention), and 190 (the Violence and Harassment Convention of 2019).

## ***Key Amnesty International Documents on Sri Lanka for reference***

*Sri Lanka: Impunity entrenched: Submission to the UN Universal Periodic Review: Forty second session of the UPR Working Group*, 1 August 2022,

<https://www.amnesty.org/en/documents/asa37/5904/2022/en/>

All of Amnesty's work on Sri Lanka can be found at: <https://www.amnesty.org/en/location/asia-and-the-pacific/south-asia/sri-lanka/>

## Recommendations to the government of Switzerland

### Ratifications

- Swiftly ratify the remaining optional protocols, allowing for individual communications.
- Ratify ILO Conventions 149 (Nursing Personnel Convention), 169 (Indigenous and Tribal Peoples Convention), and 190 (the Violence and Harassment Convention of 2019).
- Adapt legislation to be able to remove the reservations made to Articles 10.1, 37(c) and 40 of the Convention on the Rights of the Child.
- Promptly accede to, and fully implement, the 1961 Convention on the Reduction of Statelessness.

### Institutional Reforms

- Pass a law declaring a popular initiative invalid in case of incompatibility with international human rights law and standards and the fundamental rights contained in the Constitution.
- Increase the funding made available to the future NHRI to ensure its independence and enable it to comply with its mandate and the Paris Principles.
- Ensure that extrajudicial, independent and low-threshold Ombuds Offices are established at all federal levels for a wide variety of sectors.
- Create an institutionalized, interdepartmental, and adequately resourced coordination mechanism between the confederation, the cantons and civil society to implement and review international human rights obligations including follow-up.

### Climate Change and Human Rights

- Review the 2030 emission reduction target and ensure it is fully aligned with the 1.5°C imperative and with Switzerland's level of capacity and responsibility.
- Substantially increase to at least 1 billion USD the climate finance to less wealthy countries for human rights-consistent mitigation and adaptation measures and allocate new and additional funding for loss and damage.
- Take the necessary action to rapidly phase out all fossil fuels and shift to renewable energy produced in a manner consistent with human rights and encourage other states to do the same.
- In future climate change negotiations, work to:
  - Ensure that the Work Programme to Scale Mitigation Ambition and Implementation and other relevant measures is adapted annually as necessary, based on the best available science, so that it effectively limits global warming to 1.5°C.
  - Ensure timely and human-rights consistent operationalization of the recently established Loss and Damage Fund by the end of 2023 to provide support and remedy to people whose human rights have been negatively affected as a result of the loss and damage caused by the climate crisis.
  - Establish concrete mechanisms to ensure carbon markets activities for emission reductions do not violate the human rights of affected people, as well as a fully independent,

accessible, and transparent grievance process, before allowing for any market or non-market activities to take place.

- Adopt measures to ensure that market activities only include those that allow for rapid, genuine emission reductions and do not include unproven technologies for carbon removal.
- Protect civic space and participation at future COPs for NGOs and Indigenous Peoples, including by pressing for meaningful improvements in the human rights situation in host countries ahead of the conference.

### **Covid-19**

- Respect, protect and fulfil the right to the highest attainable standard of physical and mental health, starting by the legal recognition of the right to health as an individual, enforceable human right, and by striving for equity in health.
- Support the temporary lifting of intellectual property rights at the WTO and beyond -to promote equitable global access to COVID-19 health products.
- Implement all 9 recommendations of the Federal Commission for Women's Issues (FCWI) on this issue.

### **Business and Human Rights**

- Enact a stand-alone corporate accountability law aligning with the UNGPs and corresponding to at least the standards of the foreseen EU Directive on Corporate Sustainability Due Diligence. It should provide for due diligence in relation to the company's own operations, its business relationships and throughout the value chain, as well as for effective enforcement mechanisms, appropriate remedies, and a supervisory authority to ensure compliance.
- Provide negotiation mandates to participate actively, substantively, and constructively in the OEIGWG, both during the sessions and the intersessional activities.
- Adopt an anti-SLAPP regulation to prevent or limit such lawsuits at an early stage

### **Equality and Non-Discrimination**

- Strengthen protection against all forms of discrimination, including discrimination caused by private actors, through appropriate laws, policies, and funding.
- Combat structural discrimination and promote equity for all persons.
- Consult with all groups affected by discrimination in all matters concerning them.
- Legislate against racial and ethnic profiling in federal, cantonal, and communal police laws.
- Improve access to justice for victims of racial profiling and set up an independent monitoring mechanism and a commission of independent experts to investigate all deaths related to police operations.
- Develop a comprehensive National Action Plan that sets and ensures implementation of standards of action for the cantons.
- Introduce a definition of racial discrimination, put in place appropriate provisions in its civil and administrative law, as specified the CERD-Committee, eliminate legal procedural obstacles, provide a relief fund to meet the procedural costs for victims and make sure that they receive a fair compensation.

**Suggested recommendations to States under review in the 42nd session of the UPR Working Group, 23 January - 03 February 2023**

- Continue efforts to provide full equality for all couples and for the full recognition and protection of children's rights with same-sex parents, irrespective of the country of their birth and the parents' marital status.
- Grant every person capable of judgement, irrespective of their age or guardianship status, the equal right to have their gender identity officially recognized and protected.
- Officially recognize non-binary gender identities.
- Guarantee equal access to gender affirmative health care through primary health care providers and reimbursement of gender affirming treatment, also if it is provided abroad.
- Ensure all measures to implement the Istanbul Convention are inclusive and without discrimination (art. 4 CI), sustainable and with sufficient resources.
- Reform the current sexual criminal law to ensure a consent-based definition of rape and sexual offences.
- Take measures to eliminate the stereotypical images and attitudes, norms and roles relating to gender.
- Adopt an intersectional national strategy to prevent and combat violence, sexism, and inequality for the benefit of all those affected
- Take binding measures to reduce the gender pay gap between women and men in all areas, to promote a better representation of women in key roles and to increase the availability of affordable childcare facilities.
- Adopt a comprehensive disability strategy and action plan for implementing all rights of persons with disabilities across all sectors of government and on all federal levels, with specific and measurable targets, responsibilities, timelines und budgets.
- Adopt a comprehensive disability strategy and action plan for implementing all Convention rights across all sectors of government and on all federal levels, with specific and measurable targets, responsibilities, timelines und budgets.
- Introduce a constitutional right to inclusive education and develop an action plan to build an inclusive education system for all children and youth with disabilities, including access to inclusive certified vocational training, standards for bilingual education for deaf children, or the transfer of resources from special to inclusive structures with attention to their respective special needs.
- Tighten protection against discrimination by private actors in the Disability Discrimination Act and introduce quotas for private employers for employing or creating jobs for persons with disabilities.
- Develop and adequately fund programmes to guarantee equal treatment and inclusion of all asylum-seeking and refugee persons with disabilities, during all stages of the asylum procedure up to long-term integration.
- Promptly develop a concrete action plan for successive deinstitutionalization of residential homes and sheltered workshops and for the systematic development of comprehensive personal assistance and community-based support services to enable all persons with disabilities to live independently and be included in the community.
- Amend the Swiss Civil Code to ensure compatibility with the CRPD, revoke general guardianship and develop a nationally consistent supported decision-making framework.

### **Measures Against Discrimination of Religious and National Minorities**

- Recognize the Roma as a national minority according to the FCNM.
- Create more parking sites for people with a nomadic lifestyle.
- Reverse and prevent discriminatory prohibitions for begging, spontaneous halts and economic activities.
- Adopt more measures to protect religious and national minorities.
- Take steps against the intimidation and observation through representatives of third states such as China against Uyghur and Tibet communities.

### **Right to Social Security and an Adequate Standard of Living**

- Provide appropriate levels of social security and assistance, in line with the right to social security, to every person living in Switzerland regardless of their legal status.
- Establish minimum shared criteria for the level of social assistance.
- Apply the rules of the Swiss Conference of Social Assistance Institutions (CISAS) in every canton and to all people.
- Stop authorizing reductions of and restrictions on social welfare, including as a disciplinary sanction, that result in people not being able to access an adequate standard of living.
- Create affordable and quality day-care structures during and after regular working hours as a public service for the first years of life, pre-school, and school years of children.
- Increase public financing of nurseries and institute a general allocation for full time childcare, in a way that will not discourage employment.
- Introduce a prenatal leave and an adequately paid parental leave policy of sufficient length for both parents.
- Expand assistance to families and ensure that children are separated from their families only if necessary for their best interest and make sure that poverty is never the justification for removing a child from parental care.
- Maintain statistical data related to out-of-home placements.
- Develop after care solutions and support young adults leaving care on their way to adult life.
- Guarantee the right to food for all people in the country by adopting policies that allow people to feed themselves through access to affordable and adequate amounts of safe, nutritious, and culturally acceptable food without stigmatization.

### **Children's Rights and Right to Education**

- Explicitly prohibit all practices of corporal punishment and other forms of cruel or degrading punishment of children and allocate sufficient resources to awareness-raising campaigns aimed at promoting positive, non-violent, and participatory forms of child-rearing.
- Ensure that students at all levels of the education system (compulsory and post-compulsory) receive standard obligatory HRE and include HRE in the training of teachers and education professionals.

## **Suggested recommendations to States under review in the 42nd session of the UPR Working Group, 23 January - 03 February 2023**

- Ensure equal access to education and develop policies and awareness raising measures aimed at addressing the root causes of de facto discrimination, especially regarding children without identity documents, asylum-seeking, refugee and migrant children and children with disabilities.
- Ensure that the number of qualified medical professionals, including child psychologists and psychiatrists, is sufficient to meet children's mental-health needs in all cantons.
- Develop a federal strategy and action plan for preventing, combating, and monitoring all forms of physical and mental violence, negligent treatment, and abuse against children, including sexual violence, bullying and violence in the digital environment.
- Strengthen actions to eliminate the practice of FGM, including implementing public awareness-raising campaigns to change the perceptions connected with it; provide education regarding the practice and adequate health services, counselling, and prevention services in different languages.
- Explicitly prohibit non-emergency, invasive and irreversible surgery, or treatments with harmful effects on infants and children with variations in sex characteristics and ensure that these surgeries or treatments are postponed until the children can meaningfully participate in decision making and give their informed consent.

### **International Adoptions**

- Conduct prompt and impartial investigations to determine whether children adopted from Sri Lanka may have been victims of enforced disappearance or wrongful removal.
- Take targeted measures to assist adopted person in finding their original families, together with Sri Lanka, incl. awareness campaigns, and DNA tests through a secure data bank.
- Guarantee reparations for any person who has suffered harm because of possible enforced disappearance.
- Ensure that a project is established to allow access to information on adopted people's origins – regardless of the country they were adopted from, to ensure the implementation of their right to identity.
- Make sure that future adoptions correspond to the best interest of the child, and that adequate safeguards and standards are in place.

### **Victims of trafficking**

- Ensure that – in line with the CoE Convention on Action against Trafficking in Human Beings – financial means are provided in all cases of potential VOTs, so that access to specialized accommodation, counselling, translation, material, and medical assistance is granted, regardless of where the exploitation took place
- Ensure that the needs of persons with specific needs such as VOTs are assessed and taken systematically into account during the whole asylum procedure.
- Provide accommodation infrastructure adapted to the specific needs of vulnerable persons and ensure relevant staff are trained and sensitized accordingly
- Refrain from transferring VOTs to another country under the Dublin Regulation, where they are at risk of being re-subjected to inhumane living conditions and exploitation.
- Establish binding regulations and effective national coordination mechanisms to ensure identification, assistance and protection of victims and prosecution of perpetrators in cases of trafficking in persons (TIP) follow victim-centred standards (such as the principle of non-punishment).

- Ensure that VOTs' rights, in line with international provisions, are applied in an equitable manner across all cantons. Thus, VOTs are to be granted renewable residence permits regardless of cooperation with state authorities.

### **Refugees, migrants, and asylum-seeking persons**

- Amend legislation to only permit administrative detention as a last resort, respecting the principles of necessity, proportionality, and lawfulness of detention.
- Prohibit administrative detention of people with specific needs, including children and families, persons with disabilities, and victims of trafficking.
- Ensure judicial reviews of all migration-related detentions, both at the beginning of detention and at regular intervals. Detention should always be for the shortest possible time.
- Prevent all forms of discrimination regarding family reunification between cantons.
- Develop and apply a procedure for assessing and determining the best interests of the child in all asylum procedures and ensure that all cantonal reception centres conform to minimum standards for reception conditions, integration support, welfare, and education for children.
- Improve the safeguards for unaccompanied children in the asylum procedure to ensure that the best interest of the child is guaranteed.
- Ensure adequate social and psychological support and guarantee access to education until age 18 and in public/regular schools in both federal and cantonal centres.
- Refrain from placing children in remote centres.
- Design and operate Federal asylum centres and cantonal reception centres in line with international standards.
- Improve the timely and systematic detection of people with specific needs (inter alia victims of torture, human trafficking, sexual violence, etc.), including via the help of translators, and the consequent access to medical care.
- Establish more robust and pro-active protection and monitoring to prevent violence in the centres, strengthen effective and adequate complaints systems ensuring they are secure for staff and victims alike,
- Ensure accountability for perpetrators of abuses.
- Tackle and dismantle pre-existing negative and harmful stereotypes and racist views against all people, and particularly against people from North Africa.
- Guarantee the provision of translations where state action assumes the character of a decree and sufficient communication is necessary for the determination of the facts.
- Ensure that information prior to a medical intervention is provided in a language that the patient can understand, so they can make a well-informed decision.
- Ensure that no one is deprived of a medically indicated treatment due to a lack of language skills.
- Enable persons with a negative asylum decision to continue and complete basic education and apprenticeships without having to meet the restrictive requirements of Art. 30a OASA.

- Ensure that naturalization procedures are accessible for everyone, not arbitrary and do not discriminate<sup>58</sup>. Refrain from depriving individuals of their citizenship.

#### **Stateless Persons**

- Formalize the statelessness determination procedure and ensure it is fair, effective, and accessible to all persons regardless of their immigration status.
- Ensure that the definition of “stateless persons” is fully consistent with the definition provided in the 1954 Convention.

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

- Ensure that the right to freedom of peaceful assembly is protected, respected, and facilitated.
- Transition from the current “authorization regime” to a “notification regime” for assemblies, including by clarifying the needs of those organizing an assembly, and adopt a facilitative approach driven by dialogue, mediation and de-escalation.
- Take the necessary steps to amend these laws that unduly restrict the right to freedom of expression.
- Ensure that the publication of information in the public interest is not hindered in any way, including by removing penalties for whistle blowers who disclose information exposing wrongdoing.

#### **Police and Justice System**

- Provide the necessary resources to the Attorney General’s Office to effectively prosecute crimes under international law and prevent Switzerland from becoming a safe haven for perpetrators.
- Continue the legislative process aimed at introducing the offence of torture into the Criminal Code in line with the definition provided in the CAT and include ill-treatment in the remit of the draft provisions.
- Ensure that torture is defined as a specific, separate offence in line with the Convention, and provide penalties that are proportionate to the grave nature of the act.
- Systematically monitor complaints against police officers and make the statistics publicly accessible.
- Introduce independent complaint offices in all cantons.
- Conduct all proceedings by a special and independent prosecutor from another canton.
- Suspend officials under investigation from duty or transfer them to a position with no contact with the public or those conducting the investigation.
- Adopt a legal basis to promote systematic, independent and low-threshold legal counseling for prisoners in all regions.
- Cooperate with and financially support NGOs that provide legal advice to prisoners.
- Ensure that pre-trial detention is only used exceptionally and as a last resort. Alternative measures to detention should not be the exception but the rule.
- Set a maximum duration for pre-trial detention, which may be exceeded only in exceptional cases and under specific criteria.

**Suggested recommendations to States under review in the 42nd session of the UPR Working Group, 23 January - 03 February 2023**

- Ensure that conditions during pre-trial detention meet human rights standards and the principle of proportionality.
- Prevent intelligence services from surveilling the wired network and to specify the conditions under which secondary data (metadata) can or must be handed over to the criminal prosecution authorities or intelligence services.
- Establish an independent and functioning supervisory body to ensure that the FIS conducts its monitoring activities in accordance with human rights.
- Improve access of individuals to the data collected about them and create a free, simpler and more citizen-oriented complaint procedure.
- Urgently reform counter terrorism provisions so that all measures are compliant with international human rights law and do not discriminate against ethnic and religious groups, refugees, and asylum-seeking persons, particularly through racial profiling.
- Ensure that the rights to liberty, movement, expression, association, privacy, freedom of religion, family life and to education are protected, respected, and fulfilled in the context of counterterrorism.

***Key Amnesty International Documents on Switzerland for reference***

*Switzerland: Contribution of the Swiss NGO Platform for Human Rights: Universal Periodic Review of Switzerland, 4th Cycle, 1 July 2022, <https://www.amnesty.org/en/documents/eur43/6161/2022/en/>*

All of Amnesty's work on Switzerland can be found at: <https://www.amnesty.org/en/location/europe-and-central-asia/switzerland/> and <https://www.amnesty.ch/fr/pays/europe-asie-centrale/suisse>

## Recommendations to the government of Zambia

### The national human rights framework

- Urgently develop a clear roadmap to institutionalize human rights through legal and institutional reforms.
- Provide a legal roadmap for public consultations on the amendment of the Bill of Rights to include economic, social and cultural rights in the Constitution to ensure that the right to food is enshrined in the Constitution and can be adjudicated by the courts.
- As previously recommended, ratify the Optional Protocol to the International Covenant of Economic, Social and Cultural Rights and opt in to the inquiry and inter-state procedures.
- Ratify ILO Conventions 169 (Indigenous and Tribal Peoples Convention), 189 (Domestic Workers Convention), and 190 (the Violence and Harassment Convention of 2019).

### Restrictions on freedom of expression and the press

- In line with previous recommendations, repeal Section 69 of the Penal Code on criminal defamation of the President.
- Repeal sections that are inconsistent and incompatible with international human rights standards in the Cyber Security and Cyber Crime Act.
- In line with Zambia's previous commitment, issue a standing invitation to all UN Special Procedures.
- Speedily enact and operationalize the Access to Information bill.

### Freedom of peaceful assembly, use of excessive force and impunity

- Prohibit the use of live ammunition in public order or crowd control situations in line with the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.
- Repeal or amend laws violating the rights to freedom of assembly, in particular the Public Order Act and the criminal defamation clauses in the Penal Code, and ensure their alignment with international human rights to which Zambia is a state party, in particular the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights
- Ensure the non-recurrence of human rights violations by state security, in particular the Zambia Police Service, through undertaking a programme of institutional and other reforms to ensure respect for the rule of law and foster respect for human rights.

### The death penalty

- As previously recommended, ratify without reservation the Second Optional Protocol to the International Covenant on Civil and Political Rights, on the abolition of the death penalty.
- Establish an official moratorium on execution with a view towards abolishing the death penalty.
- Review all death penalty cases with a view to commuting all death sentences to terms of imprisonment.

### **Rights of persons with albinism**

- Protect persons with albinism from further attacks by providing secure houses and visible police patrol and expediting prosecution of suspected perpetrators of such attacks.
- Conduct community education programmes to debunk superstitious beliefs that body parts of persons with albinism bring luck in business and politics.

### **LGBTI Rights**

- Repeal laws that criminalize consensual same-sex conduct between adults and review all legislation, policies and programmes to foster equality and prevent discrimination on the basis of real or perceived sexual orientation or gender identity.

### **Climate Justice and Human Rights**

- Take the necessary action to rapidly phase out all fossil fuels and shift to renewable energy produced in a manner consistent with human rights and encourage other states to do the same.
- In future climate change negotiations, work to:
  - Ensure that the Work Programme to Scale Mitigation Ambition and Implementation and other relevant measures is adapted annually as necessary, based on the best available science, so that it effectively limits global warming to 1.5°C.
  - Ensure timely and human-rights consistent operationalization of the recently established Loss and Damage Fund by the end of 2023 to provide support and remedy to people whose human rights have been negatively affected as a result of the loss and damage caused by the climate crisis.
  - Establish concrete mechanisms to ensure carbon markets activities for emission reductions do not violate the human rights of affected people, as well as a fully independent, accessible, and transparent grievance process, before allowing for any market or non-market activities to take place.
  - Adopt measures to ensure that market activities only include those that allow for rapid, genuine emission reductions and do not include unproven technologies for carbon removal.
  - Protect civic space and participation at future COPs for NGOs and Indigenous Peoples, including by pressing for meaningful improvements in the human rights situation in host countries ahead of the conference.

### **Technology and Human Rights**

- Impose an immediate moratorium on the sale, transfer, and use of spyware technology.
- Implement domestic legislation that imposes safeguards against human rights violations and abuses through digital surveillance and establishes accountability mechanisms designed to provide victims of surveillance abuses a pathway to remedy.
- Disclose information about all previous, current and future contracts with private surveillance companies by responding to requests for information or by making proactive disclosures.

## ***Key Amnesty International Documents on Zambia for reference***

*Zambia: New human rights culture vs entrenched impunity: Amnesty International submission to the 42nd session of the UPR Working Group, 30 January 2023, 31 July 2022,*  
<https://www.amnesty.org/en/documents/afr63/5917/2022/en/>

All of Amnesty's work on Zambia can be found at: <https://www.amnesty.org/en/location/africa/southern-africa/zambia/>