



## Suggested recommendations to States considered in the 15th round of the Universal Periodic Review, 21 January – 1 February 2013

Table of contents			
	Page		Page
Bahamas	1	Luxembourg	9
Barbados	2	Mali	9
Botswana	3	Montenegro	11
Burundi	4	Romania	12
France	5	Serbia	13
Israel	6	Tonga	14
Liechtenstein	9	United Arab Emirates	14

### **Recommendations to the government of Bahamas**

#### *Violence against women*

- To amend the Sexual Offences and Domestic Violence Act to criminalize marital rape;
- To ensure that there is a process of effective consultation with all relevant stakeholders, including civil society organizations, in the development of the proposed strategic plan to address sexual violence;
- To ensure that the proposed strategic plan to address sexual violence includes elements of prevention, investigation and punishment of acts of violence, but also service provision and redress for victims, awareness raising, education and training, and systematic data collection and research;
- To ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

#### *Refugees and migrants' rights*

- To implement migration policies that protect human rights, including ratifying and implementing the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
- To ensure that no Haitian nationals are forcibly returned until the humanitarian situation in Haiti has improved;
- To submit its combined fifteenth and sixteenth periodic reports to the Committee on the Elimination of All Forms of Racial Discrimination that were due in September 2006.

#### *Discrimination against lesbian, gay, bisexual and transgender persons*

- To repeal all provisions that discriminate against persons on grounds of their sexual orientation, including in the Domestic Violence (Protection Orders) Act (2007), the Sexual Offences and Domestic Violence Act, and the Penal Code;
- To include sexual orientation in Article 26 (3) of the Constitution and Article 6 of the Employment Act (2001) as a basis for protection from discrimination;
- To establish and implement policies and initiatives to address discrimination based on sexual orientation or gender identity.

*Excessive use of force by the security forces*

- To ensure that all complaints of excessive use of force by the security forces are subject to immediate, thorough and independent investigation and, if state agents are charged with misconduct, that their cases are brought to trial in an expeditious manner and in line with international standards for fair trial;
- To establish a fully independent oversight body to receive and investigate complaints of police misconduct and reports of human rights violations.

*The death penalty*

- To immediately establish a moratorium on executions with a view to abolishing the death penalty, in line with UN General Assembly resolutions 62/149 of 18 December 2007, 63/168 of 18 December 2008 and 65/206 of 21 December 2010;
- To commute without delay all death sentences to terms of imprisonment;
- To ratify without reservations the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at abolition of the death penalty;
- Pending full abolition of the death penalty, to ensure rigorous compliance in all death penalty cases with international standards for fair trial;
- To progressively reduce the number of offences which provide for the death penalty, in particular by removing all capital crimes which do not involve intentional killing, such as treason;
- Pending full abolition of the death penalty, to ensure that no death sentences are handed down to persons with mental or intellectual disabilities, in particular by carrying out comprehensive medical, including mental health, assessments of suspects or defendants at the time of arrest and regularly afterwards, and of all prisoners under sentence of death.

*International human rights standards:*

- To ratify or accede to, without making any reservation, to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention for the Protection of All Persons Against Enforced Disappearance - making upon adherence the declarations set out in Articles 31 and 32 (recognition of the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of victims and from other states parties); the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families; the Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity; and the Rome Statute of the International Criminal Court (signed on 29 December 2000) and the Agreement on the Privileges and Immunities of the International Criminal Court (signed on 30 June 2004) and to implement them all into national law.
- To ratify to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and opt-in to the inquiry and inter-state mechanisms; the First and Second Optional Protocols to the International Covenant on Civil and Political Rights; the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

**Recommendations to the government of Barbados**

*The death penalty*

- To immediately establish a moratorium on executions with a view to abolishing the death penalty, in line with UN General Assembly resolutions 62/149 of 18 December 2007, 63/168 of 18 December 2008 and 65/206 of 21 December 2010;
- To commute without delay all death sentences to terms of imprisonment;
- To immediately remove all provisions in national laws which are in breach of international human rights law, in particular by abolishing all provisions which provide for mandatory death sentences;
- To ensure rigorous compliance in all death penalty cases with international standards for fair trial;

- To ratify without reservations the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty;
- To progressively reduce the number of offences which provide for the death penalty, in particular by removing all capital crimes which do not involve intentional killing, such as treason;
- Pending full abolition of the death penalty, to ensure that no death sentences are handed down to persons with mental or intellectual disabilities, in particular by carrying out comprehensive medical, including mental health, assessments of suspects or defendants at the time of arrest and regularly afterwards, and of all prisoners under sentence of death.

*Discrimination against lesbian, gay, bisexual and transgender persons*

- To repeal all provisions that criminalize consensual same-sex conduct, including in the Sexual Offences Act;
- To enhance access of men who have sex with men (MSM) to HIV/AIDS prevention services;
- To establish and implement policies and initiatives to address discrimination, prejudice and violence based on sexual orientation or gender identity;
- To acknowledge that LGBT persons are at risk of greater discrimination, prejudice and violence because of the existence of laws criminalizing consensual same-sex activity.

*Ratification of international human rights treaties*

- To ratify or accede, without making any reservation, to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment - making upon adherence the declarations set out in Articles 21 and 22 (recognition of the competence of the Committee on Torture to receive and consider communications from or on behalf of victims and from other states parties); the Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity; the Agreement on the Privileges and Immunities of the International Criminal Court; the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families and to implement them all into national law.
- To ratify to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and opt-in to the inquiry and inter-state mechanisms.

## **Recommendations to the government of Botswana**

*The death penalty*

- To immediately establish a moratorium on executions with a view to abolishing the death penalty, in line with UN General Assembly resolutions 62/149 of 18 December 2007, 63/168 of 18 December 2008 and 65/206 of 21 December 2010;
- To commute without delay all death sentences to terms of imprisonment;
- To ratify without reservations the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at abolition of the death penalty;
- To progressively reduce the number of offences which provide for the death penalty, in particular by removing all capital crimes which do not involve intentional killing [such as treason, espionage, piracy or crimes under military law];
- Pending full abolition of the death penalty, to ensure rigorous compliance in all death penalty cases with international standards for fair trial;
- Pending full abolition of the death penalty, to ensure complete transparency in its use of the death penalty, by making publicly available relevant information, as well as by providing, in advance, convicted persons, their families and their lawyers, with adequate information about pending executions, and to return, if requested, the bodies of those who have been executed to the family for burial or to inform on where the body is located.

*Ratification of international human rights treaties*

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

## **Recommendations to the government of Burundi**

*National Independent Human Rights Commission*

- To continue to strengthen and support the independence and work of the CNIDH, by providing adequate resources for transport, communication and the establishment of regional offices.

*Impunity for past human rights violations*

- To revise and enact at the earliest opportunity a TRC law that complies with international human rights law and standards and stipulates that there can be no amnesty for crimes under international law; clearly proposes a Special Tribunal with an independent prosecutor after the TRC has completed its work; and includes the appointment of international commissioners;
- To take all necessary steps to establish a Special Tribunal with the powers to determine individual criminal responsibility for crimes under international law committed between 1962 and 2008 in trials which meet international fair trial standards.

*Extra-judicial executions by security forces*

- To request judicial authorities conduct prompt and full investigations into all extra-judicial executions committed by security services and, where there is sufficient admissible evidence, prosecute those responsible;
- To publish the findings of the national commissions of inquiry established to investigate extra-judicial executions;
- To immediately establish and fund a national witness and victim support programme to allow witnesses of political killings to testify about such crimes, including those involving state agents.

*Torture and other ill-treatment*

- To suspend from duty members of the PNB and SNR suspected of being involved in torture and ill-treatment, as well as the officials who order or condone such crimes regardless of their rank, pending an impartial and independent criminal investigation;
- To initiate independent and impartial criminal investigations into all alleged cases of torture and ill-treatment, make the outcome of such investigations public, and prosecute all SNR, PNB and other state agents involved in such crimes;
- To sign and ratify the Optional Protocol to the Convention against Torture.

*Arbitrary arrest and pre-trial detention*

- To refrain from using arbitrary arrest to silence critics.

*Harassment of human rights activists and journalists*

- To refrain from intimidating human rights defenders and journalists, including through the arbitrary use of judicial summons and threats in the media, on account of their legitimate human rights work.

*Lack of judicial independence*

- To request the judicial authorities investigate and, where sufficient evidence exists, prosecute all those implicated in Ernest Manirumva's killing, including any high-ranking security officials;
- To adhere to the laws regarding the recruitment of magistrates and ensure that the Minister of Justice organizes competitive examinations to recruit magistrates in a fair, open and transparent way, as specified in the *Ministry of Justice Sectorial Policy 2011-2015*.

*Conditions of detention*

- To ensure that the police, the intelligence services and the judicial authorities respect procedures for

arrest and legal custody as set out in the Criminal Procedure Code;

- To provide funding to increase administrative staff in Burundi's 11 prisons to review detainees' case files, in order to reduce the backlog of cases and shorten pre-trial detention.

*Ratification of international human rights treaties*

- To ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and opt-in to the inquiry and inter-state mechanisms;
- To ratify promptly the International Convention for the Protection of All Persons from Enforced Disappearance, signed on 6 February 2007, making upon ratification the declarations set out in Articles 31 and 32 (recognition of the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of victims and from other states parties), and to implement it into national law.
- To accede promptly to the Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity, without making any reservation and to implement it into national law.

*International Criminal Court*

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

## **Recommendations to the government of France**

*Forced evictions and the right to adequate housing*

- To end the practice of forced evictions;
- To amend existing legislation and introduce new legislation to prohibit forced evictions, and to provide guarantees against forced eviction, as set out in CESCR General Comment No. 7, including as regards adequate notice, information and genuine consultation, and provision of adequate alternative housing;
- To adopt the necessary legal and policy measures to ensure that everyone has at least a minimum degree of security of tenure to protect them against forced evictions, discrimination, harassment and other threats;
- To amend housing legislation so that it expressly prohibits forced eviction and sets down safeguards in line with international human rights standards which must be complied with prior to an eviction being carried out;
- To ensure that the right to adequate housing, including the right to a minimum security of tenure and access to essential minimum services, is guaranteed for everyone without discrimination.

*Human rights abuses by law enforcement officials*

- To ensure that all allegations of serious abuses by law enforcement officials are promptly, thoroughly, effectively and impartially investigated;
- To provide victims and families of victims of human rights abuses by law enforcement officials with full and effective remedy and reparation, including restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition, in accordance with the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law;
- To ensure that disciplinary proceedings are initiated against law enforcement officials where there is reasonable ground to believe that they may have committed a human rights violation;
- To suspend police officers who are under investigation for serious human rights violations pending the outcome of the investigation;

- To ensure that police officers receive detailed training on human rights and in particular the prohibition of torture and other ill-treatment and the prohibition of discrimination.

#### *Discrimination*

- To monitor all policies for potential discriminatory impact and to provide fully disaggregated data, including by ethnicity and gender;
- To implement the recommendation by the UN Committee for the Elimination of Racial Discrimination to take a census of the population in France based on anonymous and voluntary ethnic and racial self-identification by individuals.

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

- To include a definition of torture in the Penal Code which corresponds to the definition set out in Article 1 of the UN Convention against Torture;
- To ensure that all allegations of torture and other ill-treatment are promptly, thoroughly, effectively and impartially investigated and those responsible brought to justice.

#### *Gender based violence*

- To reinforce and systematize the training for support and protection of victims of gender based violence and to ensure that such training is delivered to all relevant professionals;
- To encourage the consistent implementation of the law on violence against women in all courts throughout the country to ensure a homogenous penal response to such crimes;
- To implement a national plan against human trafficking, including a national coordination body, in line with the Council of Europe Convention on Action against Trafficking in Human Beings;
- To ratify the Council of Europe Convention on preventing and combating violence against women and domestic violence.

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#### *Refugee, asylum seekers and migrants' rights*

- To remove the priority procedure for the assessment of asylum applications which does not adequately protect the fundamental rights of asylum seekers;
- To ensure that all asylum seekers have the right to a suspensive appeal in front of the National Asylum Court, (*Cour nationale du droit d'asile*);
- To remove the notion of "country of safe origin" from domestic law;
- To ratify the UN Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

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

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

## **Recommendations to the government of Israel**

### *Violations of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*

- To protect all those held by Israeli authorities from all forms of torture and other ill-treatment at all times;
- To ensure prompt, effective investigation by an independent and impartial body into complaints and reports that detainees and prisoners have been tortured or otherwise ill-treated, including into alleged violations by Israel Prison Service and Israel Security Agency staff against prisoners and detainees on hunger strike since December 2011. Suspend from active duty personnel suspected of torture or other ill-treatment during the investigation;
- To prosecute, wherever there is sufficient admissible evidence, those responsible for torture or other ill-treatment in fair trials;

- To provide victims of torture and other ill-treatment with prompt reparation, including restitution, fair and adequate financial compensation and appropriate medical care and rehabilitation;
- To legislate an absolute ban on torture by annulling the “defence of necessity” in “ticking-bomb scenarios”;
- To declare evidence obtained under duress as inadmissible in court.

*Detention without trial and detention conditions*

- To release immediately and unconditionally all individuals held solely for the non-violent exercise of their rights to freedom of expression, association and assembly;
- To release all administrative detainees unless they are to be promptly charged with internationally recognizable criminal offences and tried in accordance with international fair trial standards;
- To end the practice of administrative detention;
- To repeal the Internment of Unlawful Combatants Law and rescind paragraphs 284 to 294 of Military Order 1651, which provide for administrative detention;
- Ensure that hunger strikers are treated humanely at all times. Provide them with adequate medical care, including in civilian hospitals with specialized facilities if necessary, and by granting them access to independent doctors of their choice;
- To ensure that no prisoner or detainee is punished for their being on hunger strike. Any artificial feeding should be only for medical reasons, under medical supervision, by suitably trained personnel, and must never be done in a manner that amounts to cruel, inhuman or degrading treatment;
- To ensure that detainees and prisoners are held in prisons and detention centres in the Occupied Palestinian Territories;
- To allow all Palestinian detainees and prisoners – including those from the Gaza Strip – to have family visits, including from close relatives who have been barred on “security” grounds;
- To end all forced deportations of Palestinians from the Occupied Palestinian Territories (OPT) into exile, or forcible transfers from the West Bank to Gaza, including in the context of deals to release individuals held under administrative detention orders.

*Forced evictions*

- To stop house demolitions and forced evictions in the OPT and transfer planning responsibilities to Palestinian communities;
- To ensure victims of forced evictions have access to effective remedies and full reparations;
- To remove Israeli settlements from the OPT;
- To ensure that Israeli settlers who commit acts of violence against Palestinians are prosecuted, and that victims are granted compensation.

*Arbitrary restrictions on the right to freedom of movement:*

- To immediately and completely lift the blockade on the Gaza Strip and open all crossing points under its control, to allow fuel, food and other necessities into Gaza without restrictions, and permit the free entry of educational and medical equipment, and construction materials necessary for rebuilding and all other materials essential to enabling Gaza’s population to enjoy their human rights, and to allow the export of goods from Gaza and the import of raw and other materials necessary for Gaza’s industrial production;
- To return all arable land inside Gaza currently used as a “buffer zone”;
- To agree a fair fishing zone with Palestinian representatives that is equivalent to the distance Israel enjoys from its coast for its fishing industry;
- To ensure that Israeli security forces at Gaza’s borders use force only when necessary to counter genuine threats and do not use lethal force except in the circumstances allowed under international law;
- To end the regime of closures in the West Bank including East Jerusalem in its current form, as well

as other forms of restrictions on freedom of movement of people and goods, that result in collective punishment. Any restriction may only be imposed if it is necessary to respond to security threats, is non-discriminatory and proportionate in terms of its impact and duration, and is imposed on named individuals, not on whole communities;

- To ensure that the rights to health, education, an adequate standard of living, and other rights dependent on the right to be free from arbitrary restrictions on freedom of movement, are respected;
- To dismantle the fence/wall where its route encroaches on the OPT and compensate Palestinians for losses due to the fence/wall's construction.

#### *Right to Freedom of Expression, Assembly and Association*

- To ensure that Palestinians' rights to peaceful expression and assembly in the Occupied Palestinian Territories are respected by rescinding Israeli military law 'Military Order 101' which places sweeping and arbitrary restrictions on freedom of expression and assembly, making any unauthorized peaceful protest by Palestinians a criminal offence.

#### *International human rights law and humanitarian law in the Occupied Palestinian Territories*

- To accept the applicability of human rights treaties and the Fourth Geneva Convention in the OPT;
- To end the use of all reckless and disproportionate force. In particular, halt immediately all aerial bombardment and shelling of civilian areas;
- To end the policy of deliberate killings of Palestinians suspected of involvement in attacks against Israelis as a substitute for the arrest and prosecution of such suspects.

#### *Investigations of alleged war crimes and possible crimes against humanity*

- To ensure that all allegations of war crimes and possible crimes against humanity committed during Operation "Cast Lead" are thoroughly and impartially investigated, and that anyone found responsible for crimes is brought to justice;
- To cooperate with international mechanisms for accountability by giving access to UN missions;

#### *Imprisonment of conscientious objectors to military service*

- To immediately and unconditionally release anyone deprived of their liberty for conscientious objection;
- To introduce non-punitive civilian alternatives to military service which respect the right to freedom of conscience.

#### *Protecting the rights of minorities within Israel*

- To end all forms of discrimination against minorities, including Palestinian citizens of Israel;
- To legally recognize excluded Bedouin villages in the Negev/Naqab and to halt demolitions and forced evictions in these villages until zoning and planning laws comply with the international prohibition on discrimination;
- To annul the law that prevents the family unification of Israeli citizens with spouses from the OPT.

#### *The Prevention of Infiltration Law*

- To ensure that the treatment of refugees and asylum-seekers conforms to the 1951 Refugee Convention.

#### *Abolish the death penalty*

- To abolish the death penalty, in line with UN General Assembly resolutions 62/149 of 18 December 2007, 63/168 of 18 December 2008 and 65/206 of 21 December 2010, for which Israel voted in favour;
- To take measures towards abolition of the death penalty under military law regulations applicable in the Occupied Palestinian Territories, in particular by removing capital crimes such as treason, sabotage or the bearing of weapons;

- To ratify without reservations the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

*Ratification of international human rights treaties*

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

## **Recommendations to the government of Liechtenstein**

*Independent national human rights institution:*

- To establish a genuinely independent national human rights institution in accordance with the Paris Principles;
- To ensure that the national human rights institution is mandated to receive and take action on individual complaints, monitor the general human rights situation, coordinate with thematic mechanisms, and participate with government and other authorities on the drafting, enactment and execution of human rights legislation;
- To ensure that the national human rights institution has the necessary financial and human resources to carry out its mandate effectively;
- To ensure that members have adequate knowledge and expertise in the field of human rights and are appointed independently of the government.

*Ratification of international human rights treaties*

- To ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and opt-in to the inquiry and inter-state mechanisms;
- To ratify promptly the International Convention for the Protection of All Persons from Enforced Disappearance, signed on 6 February 2007, making upon ratification the declarations set out in Articles 31 and 32 (recognition of the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of victims and from other states parties), and to implement it into national law;
- To accede promptly to the Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity, without making any reservation and to implement it into national law.

*International Criminal Court*

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

## **Recommendations to the government of Luxembourg**

*Ratification of international human rights treaties*

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

## **Recommendations to the government of Mali**

*Torture and other ill-treatment*

- To give clear instructions to police, gendarmerie and armed forces to always observe international human rights standards, in particular, the right to life and the absolute ban on torture and other ill-treatment;

- To adopt and implement measures to prevent, prosecute and punish acts of torture and other ill-treatment, in line with international standards;
- To promptly, impartially and effectively investigate all complaints and reports of torture or other ill-treatment and to bring to justice those suspected of criminal responsibility.

#### *Attacks on the civilian population*

- To cease all attacks in violation of international humanitarian and human rights law in North Mali, including deliberate attacks on civilians and indiscriminate aerial bombardments;
- To respect the fundamental principles of humanity as set out in common Article 3 of the four Geneva Conventions of 1949, including treating civilians and anyone taking no active part in the hostilities humanely and without discrimination and preventing any extrajudicial executions or acts of torture or ill-treatment.

#### *Extrajudicial executions*

- To undertake effective investigations into unlawful killings, notably in the context of the Tuareg conflict;
- To bring to justice those suspected of criminal responsibility for extrajudicial executions, notably members of the security and armed forces;
- To provide reparation to the relatives of victims of extrajudicial executions, including restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition.

#### *Arbitrary arrests and harassment*

- To stop harassment and arbitrary detention of those opposed to the military coup d'état and to release immediately and unconditionally all persons detained for peacefully expressing their dissent;
- To charge individuals detained for recognized criminal offences or release them. All detainees must have access to a lawyer and doctor of their choice and must be able to contact their families. They must also be promptly brought before independent judicial authorities capable of judging the legality of their detention.

#### *Unofficial places of detention*

- To end the use of detention facilities not identified as such and immediately to transfer the prisoners held in these facilities to official detention centres, and to grant them the right to contact with their relatives and lawyers and to receive medical care as necessary.

#### *Discrimination against women in law and practice*

- To amend the Family Code and bring it in conformity with international standards on women's human rights.

#### *Respect freedom of the press*

- To respect and protect freedom of expression and to end all practices that threaten the right to freedom of expression, including threats against journalists and media.

#### *Abolish death penalty*

- To commute all death sentences and progressively reduce the number of offences which provide for the death penalty and take subsequent measures towards its complete abolition;
- To ratify without reservations the Second Optional Protocol to the International Covenant on civil and Political Rights, aiming at the abolition of the death penalty.

#### *Cooperate with human rights treaty bodies*

- To submit promptly all reports that are due to international treaty bodies, including the Human Rights Committee and the Committee against Torture.

*Ratification of international human rights treaties*

- To ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and opt-in to the inquiry and inter-state mechanisms;
- To accede promptly to the Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity, without making any reservation and to implement it into national law.

*International Criminal Court*

- To implement Mali's obligations under the Rome Statute of the International Criminal Court.

## **Recommendations to the government of Montenegro**

*National human rights framework:*

- To take measures to implement fully and without further delay the 2011 Anti-Discrimination Law, including by introducing additional enabling legislation and promoting the law;
- To strengthen the Institution of the Ombudsman through full implementation of the Law on the Ombudsman and provision of the resources and staff required to discharge its duties;
- To introduce secondary legislation to define the rules of procedure for the designated role of the Institution of the Ombudsman as a National Preventive Mechanism, in accordance with Article 19 of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

*Impunity for war crimes:*

- To ensure that proceedings in cases of crimes under international law are conducted in accordance with international standards for fair trial, and with respect for the provisions of international humanitarian law;
- To ensure that victims of crimes under international law are guaranteed access to justice and reparations, including by taking all necessary measures to investigate and, if there is sufficient admissible evidence, prosecute those suspected of criminal responsibility and punish perpetrators of violations of international human rights law and humanitarian law.

*Freedom of expression:*

- To guarantee freedom of expression without discrimination, including by abiding with the obligation of due diligence to protect individuals against abuses by non-state actors;
- To ensure that the civil defamation law is not used with the purpose or effect of inhibiting legitimate criticism of the government;
- To establish procedures for effective and timely access to information requested under the Law on Information and to proactively make available information of public interest, in line with obligations under the International Covenant on Civil and Political Rights as set out in General Comment 34 on Article 19.

*Roma and Ashkali displaced from Kosovo:*

- To ensure displaced Kosovo Roma and Ashkali are provided with every assistance in obtaining documentation required for temporary or permanent residence in Montenegro;
- To guarantee the right to adequate housing of Kosovo Roma and Ashkali, especially those living in the Konik camp, in a resettlement action plan, designed in genuine consultation the affected communities and consistent with international human rights standards, including the UN Guiding Principles on Internal Displacement and the Basic Principles and Guidelines on Development-Based Evictions and Displacement.
- To provide 800 Roma whose homes in Konik I were destroyed in a fire in July 2012 with immediate access to adequate alternative housing – not metal containers – while they await a more durable solution as set out in the government's Action Plan;
- Bring forward the programme of housing for Roma from Konik set out under the Action Plan,

removing any remaining obstacles to the construction programme, including by adopting a Law on Social Housing.

*Ratification of international human rights treaties*

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

*International Criminal Court*

- To implement Montenegro's obligations under the Rome Statute of the International Criminal Court.

## **Recommendations to the government of Romania**

*Protection of the right to adequate housing in national legislation*

- To adopt the necessary legal and policy measures to ensure that everyone has at least a minimum degree of security of tenure, which provides them with protection against forced evictions, harassment and other threats;
- To amend the housing legislation so that it expressly prohibit forced evictions and set down safeguards in line with international human rights standards which must be complied with prior to an eviction being carried out;
- To amend the housing legislation so that it expressly obliges the authorities to ensure that all relocation sites comply with international standards on adequacy of housing;
- To introduce mechanisms to monitor that the authorities, whether at the national or local levels, operate in accordance with the housing law.

*Protection from discrimination in access to housing*

- To ensure equal treatment in access to housing and protection from discrimination by amending the Housing Law to expressly prohibit segregation on the basis of race or any other prohibited ground of discrimination;
- To identify a range of suitable options for the resettlement of people living in informal settlements which cannot be regularized, and to ensure that any relocation and provision of alternative housing complies with international human rights standards on evictions and adequacy of housing and does not result in residential segregation;
- To guarantee access to all forms of housing, including low cost or social housing, without discrimination, to the most disadvantaged groups including Roma communities.

*Accountability for complicity in the US-led rendition and secret detention programmes:*

- To undertake an independent, impartial, thorough and effective investigation into allegations that Romanian state actors collaborated with US officials in the CIA's rendition and secret detention programmes;
- To pursue all relevant lines of inquiry regarding the alleged collusion of Romanian authorities with CIA's rendition and secret detention programmes, including the establishment of the detention sites, whether and when detainees were transported to or from Romania, under what procedures and conditions they were transported, and their treatment in detention;
- To explicitly include in the terms of reference investigation of the direct commission by state actors or their complicity in possible human rights violations in the context of the CIA rendition and secret detention programmes;
- To respond in full to the allegations of Romanian complicity in the CIA rendition and secret detention programmes and the recommendation to conduct a human rights compliant investigation in these operations contained in the February 2010 UN Joint Study on Secret Detention, and more recently in a European Parliament report on EU complicity with CIA renditions and secret detentions adopted in September 2012 - and to communicate directly with the UN Special Procedures involved in the study to pursue any evidence of such collusion and with any follow-up related to the EP report;

- To ensure that where there is credible evidence that human rights violations under national or international law occurred, and particularly with respect to alleged torture and other ill-treatment and enforced disappearances, criminal proceedings are brought against those the investigation identifies as responsible.

*Ratification of international human rights treaties*

- To ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and opt-in to the inquiry and inter-state mechanisms;
- To ratify promptly the International Convention for the Protection of All Persons from Enforced Disappearance, signed on 3 December 2008, making upon adherence the declarations set out in Articles 31 and 32 (recognition of the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of victims and from other states parties), and to implement it into national law.

*International Criminal Court*

- To implement Romania's obligations under the Rome Statute of the International Criminal Court.

## **Recommendations to the government of Serbia**

*Impunity for war crimes:*

- To ensure that all persons, including senior police, military personnel, and political officials, reasonably suspected of criminal responsibility for having committed or being complicit to crimes under international law, are brought to justice in domestic courts in proceedings that meet international standards, and that the victims are guaranteed access to reparations, including compensation restitution, rehabilitation, satisfaction and guarantees of non-repetition.

*Forced evictions and the right to adequate housing:*

- To end the practice of forced evictions;
- To amend existing legislation and introduce new legislation to prohibit forced evictions, and to set out safeguards that must be complied with prior to any eviction, consistent with the UN Basic Principles and Guidelines on Development-Based Evictions and Displacement and other international human rights standards;
- To increase funding and resources to municipal authorities for the implementation of measures to enable the legalization or regularization of informal settlements and for the upgrading of water, electricity, roads and other services wherever possible;
- To identify a range of suitable options for the resettlement of people living in informal settlements which cannot be regularized, and to ensure that any relocation and provision of alternative housing complies with international human rights standards on evictions and adequacy of housing and does not result in the creation of racially segregated settlements;
- To ensure that funds received from the European Investment Bank, European Commission or other bodies for construction of housing for Roma communities are used in a manner which respects international human rights standards;
- To guarantee access to all forms of housing, including low cost or social housing, without discrimination, to Roma living in informal settlements and in recently created segregated container settlements in Belgrade;
- To ensure the right to an effective remedy to all persons who have been forcibly evicted, subjected to discrimination or other violations of their rights to adequate housing.

*Ratification of international human rights treaties*

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

### *International Criminal Court*

- To implement Serbia's obligations under the Rome Statute of the International Criminal Court.

## **Recommendations to the government of Tonga**

### *Abolish death penalty*

- To ratify without reservations the International Covenant on Civil and Political Rights and the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at abolition of the death penalty;
- Pending full abolition of the death penalty, to ensure rigorous compliance in all death penalty cases with international standards for fair trial.

### *Discrimination against lesbian, gay, bisexual and transgender persons*

- To repeal all provisions that criminalize consensual same-sex conduct.

### *Ratification of international human rights treaties*

- To ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and opt-in to the inquiry and inter-state mechanisms; the International Covenant on Civil and Political Rights; and the Convention on the Elimination of All Forms of Discrimination against Women, and to implement their respective obligations into national law.

## **Recommendations to the government of United Arab Emirates**

### *UN human rights mechanisms*

- To cooperate fully with and accept all outstanding requests by UN Special Procedures to visit the United Arab Emirates;
- To ratify and implement all outstanding UN human rights treaties, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention relating to the Status of Stateless Persons, and the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

### *The death penalty*

- To establish a moratorium on executions with a view to abolishing the death penalty as provided by UN General Assembly resolutions 62/149, 63/168 and 65/206, respectively adopted on 18 December 2007, 18 December 2008 and 21 December 2010;
- Pending full abolition of the death penalty, to abolish the death penalty for all crimes that do not meet the threshold of "most serious crimes", including for drug trafficking and for disclosing information that harms the state;
- Pending full abolition of the death penalty, to ensure that no death sentences are handed down to persons under the age of 18 at the time the offence was committed. Where the age of an accused young person is in doubt, the person should be presumed to have been under the age of majority until and unless this is rebutted by the prosecution, through the application of a full range of appropriate criteria for age determination; if this burden is not met, the accused should be tried and sentenced as a juvenile.
- Pending full abolition of the death penalty, to ensure rigorous compliance in all death penalty cases with international standards for fair trial, including the provision of access to consular assistance for foreign nationals, and of language interpretation and effective legal assistance as required.

### *Discrimination*

- To amend the Constitution and other relevant legislation to ensure that all human rights may be enjoyed equally by non-citizens, in accordance with international human rights law;

- To ensure that the provisions of the ILO Convention on Decent Work for Domestic Workers are fully integrated into national legislation and implemented in practice.

*Restrictions on freedom of expression and right to a fair trial*

- To revoke or amend all laws that criminalize, or are used to criminalize, freedom of expression, in particular Articles 176 and 8 of the Penal Code, in order to bring them in line with guarantees of free speech in international human rights law;
- To invite the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression to visit the UAE;
- To ensure that all detainees are charged with an internationally recognizable criminal offence and receive a fair trial in accordance with international law and standards;
- To amend the procedures of State Security trials to ensure that they meet international fair trial standards.

*Restrictions on freedom of association*

- To review, and where necessary, repeal or amend existing laws which govern NGOs and bring these in line with international human rights law and standards, including amending Article 16 of the Law on Associations, to ensure that NGOs can function free from state interference;
- To invite the Special Rapporteur on the rights to freedom of peaceful assembly and of association to visit the UAE.

*Threats to revoke citizenship*

- To end any attempts to arbitrarily deprive political activists who have simply exercised the right to peaceful expression of their UAE citizenship.

*Incommunicado detention and torture*

- To ensure that all allegations of torture or other ill-treatment are independently, promptly and thoroughly investigated, and that anyone found responsible for such abuses is brought to justice, and that this commitment is officially and publicly communicated to all officers involved in arrest, detention and interrogation, in particular those of the *Amn al-Dawla*;
- To immediately end all incommunicado and secret detention;
- To ensure that detainees have immediate access – in law and practice – to their lawyers and families, as well as to adequate medical care;
- To ensure that detainees are brought promptly before a judge to rule on the lawfulness of their detention;
- To establish and maintain a central register to ensure that all detainees can be promptly traced, and to bring appropriate sanctions against officers responsible for the unlawful detention of detainees, including failure to keep proper records of detainees;
- To allow regular, unannounced and unrestricted inspections by independent national and international expert bodies to all places where people are, or may be, deprived of their liberty in order to monitor the treatment of detainees and their conditions of detention;
- To ensure that detainees who lodge complaints about torture or other ill-treatment can do so without fear of any kind of reprisal or prosecution;
- To invite the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, and the Working Group on Arbitrary Detention to visit the UAE.

*Ratification of international human rights treaties*

- To ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and opt-in to the inquiry and inter-state mechanisms.
- To accede promptly to the International Convention for the Protection of All Persons from Enforced Disappearance, making upon adherence the declarations set out in Articles 31 and 32 (recognition of

the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of victims and from other states parties), and to implement it into national law.

- To accede promptly to the Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity, without making any reservation and to implement it into national law.

*International Criminal Court*

- To ratify promptly the Rome Statute of the International Criminal Court, signed on 27 November 2000, without making declarations which may amount to disguised reservations - and to implement it into national law.

- To accede to the Agreement on the Privileges and Immunities of the International Criminal Court and to implement it in national law.