



Compilation of recommendations to the countries under review during the first session of the UPR Working Group 7-18 April 2008

Recommendations to the government of Algeria

To repeal or amend laws which still discriminate against women in order to ensure equality between women and men and to criminalize offences related to domestic violence, including marital rape;

To repeal or amend legal provisions on terrorism-related offences which violate international law, including the broad definition of terrorism;

To repeal legal provisions introduced in Law 06-01 of February 2006 which prevent courts from investigating complaints against the security forces and those acting in concert with them, and which criminalizes free expression and debate about the conduct of the security forces;

To carry out prompt and impartial investigations into all allegations of enforced disappearance, secret detention and torture and to bring to justice those responsible in accordance with international standards for fair trial;

To take immediate steps to ensure that officers of the Department for Information and Security (*Département du Renseignement et de la Sécurité*, DRS), who routinely violate legal safeguards in relation to arrest and detention, no longer carry out such functions or exercise judicial police functions;

To reform legislation to ensure that all detainees have access to legal counsel at all stages of the judicial process, including during detention, interrogation and preliminary investigations;

To ensure that any statement which is established to have been made as a result of torture or ill-treatment is not invoked as

evidence in any proceedings, except against a person accused of torture or ill-treatment, and introduce legal safeguards to this effect;

To ensure that human rights defenders can carry out their work without fear of intimidation.

Recommendations to the government of Bahrain

To repeal all provisions allowing for the death penalty and immediately declare a moratorium on all executions;

To amend legislation to explicitly prohibit the use of torture and ill-treatment, and must amend Decree no. 56 2002 to ensure it does not provide a blanket amnesty for alleged perpetrators of torture;

To enact legislation to ensure that redress is available to victims of torture;

To repeal restrictive legislation on freedom of expression and association and bring this into line with international standards;

To take effective measures to ensure that human rights defenders are able to exercise their rights to freedom of expression and assembly, including carrying out their peaceful activities, and to protect them from harassment by law enforcement officials.

Recommendations to the government of Brazil

To ensure a multi-sectoral approach to the creation and implementation of all public security policies. The central objective of such policies should be the reduction of criminal violence, especially homicide, and should include human-rights based policing; a reduction of police lethality; thorough and impartial investigation of all crimes, including unlawful police killings; a review of policing operations in Rio de Janeiro; and the further control of the spread of arms;

To continue to take measures to reduce levels of urban violence, including through implementation of its new plan PRONASCI;

To ensure thorough investigations of all allegations of torture and reports of killings, including killings by police described as “resistance followed by death” ; to make the findings of such investigations public ; and to bring to justice those responsible in accordance with international standards for fair trial;

To discharge its duties under constitutional law to introduce meaningful land reform; to speed up the process of ratification of ancestral indigenous lands; and to provide adequate protection for existing indigenous territories;

To thoroughly investigate reports of human rights violations against land activists and indigenous Brazilians, especially those alleging the involvement of private security companies operating as rural militias.

Recommendations to the government of the Czech Republic

To ratify without delay the Rome Statute of the International Criminal Court, the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention for the Protection of All Persons from Enforced Disappearance, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families;

To ensure that appropriate legislation is adopted to reform the mental care system and to clearly prohibit any treatment which could be considered inhuman or degrading, such as the use of “cage-beds”;

To promptly investigate all incidents of ill-treatment by police authorities and to ensure that perpetrators are brought to justice in accordance with international standards for fair trial;

To take appropriate and effective measures to fight discrimination and violence against Roma and ensure their equal access to education, housing, healthcare and employment;

To take concrete action to stop the practice of forced sterilization of women and to enact relevant legislation providing for adequate compensation.

Recommendations to the government of Finland

To ratify the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment; the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography; the International Convention for Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities; and to sign and ratify the International Convention on the Rights of All Migrant Workers and Members of their Families;

To ratify the Council of Europe Convention on Action against Trafficking in Human Beings;

To further reduce the length of alternative civilian service, in line with internationally recognized standards and recommendations;

To release, immediately and unconditionally, all prisoners of conscience;

To create National Action Plan on preventing violence against women without further delay;

To reform asylum-determination procedures to ensure that no asylum-seeker can be expelled from the country until a final determination is made of their application for asylum, including of any appeals against initial refusals.

Recommendations to the government of India

To fully implement legal protections in the constitution and policy plans, without discrimination especially towards socially and economically marginalised groups;

To investigate all reports of misconduct by police authorities and take effective measures to reform the policing structure to guarantee easy access to justice for all;

To ensure that all reports of human rights violations, in particular of deaths in custody, are investigated promptly, impartially and effectively, that those responsible are brought to justice in trials that meet international standards of fairness, and that victims and survivors are given full redress;

To end impunity for human rights violations committed by the police and security forces and to remove all legislative provisions which might prevent accountability for human rights violations;

To uphold its commitment to put in place a National Human Rights institution in line with the Paris Principles, including by providing the National Human Rights Commission with stronger authority, a broader mandate and adequate resources for the effective protection of human rights in the country;

To ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to cooperate fully with the UN Special Procedures and Treaty Bodies and to take concrete measure to implement their recommendations;

To undertake effective and prompt investigation into incidents of violence against Muslim communities in Gujarat state, where more than 2,000 people were killed; to prosecute perpetrators, including government and police officials; and to provide reparations for victims and survivors;

To take concrete measures to prevent human rights violations from occurring during the appropriation of land for industrial projects, including by ending the practice of forced evictions and involuntary resettlement, by promptly investigating reports of violations, and by

ensuring compensation to those losing their land and security of tenure.

Recommendations to the government of Indonesia

To ensure that the revised Code of Criminal Procedure (KUHAP) is consistent with international standards for fair trial;

To ensure protection in both law and practice of all suspects, victims and witnesses in line with international law and standards on fair trial, and to ensure that all violations of the Criminal Procedure Code by state agent are adequately investigated and that those responsible are brought to justice;

To remove from domestic legislation all provisions allowing for the death penalty and immediately declare a moratorium on all executions, and to review the Law on Combating Criminal Acts of Terrorism to ensure that it conforms to international human rights standards;

To ensure that the right to freedom of expression and assembly is upheld in Papua province; that local and international journalists, humanitarian workers and human rights defenders have full, unimpeded and unhindered access to the people of the province; to ensure that all members of the police and military are aware of the legitimate role of human rights defenders and their responsibility to protect them, as set out in the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms;

To support the recent ruling by the Constitutional Court by removing all articles in the Criminal Code which impinge on the right to freedom of expression and association, and to release immediately any persons imprisoned for the peaceful exercise of those rights;

To promptly investigate and prosecute all reports of extrajudicial executions, torture and other ill-treatment, excessive use of force during demonstrations, and harassment of human rights defenders; to bring to justice those responsible; and to ensure that victims of human rights violations receive effective reparations.

To incorporate the ILO minimum standards on domestic workers in the 2006 draft law to regulate the conditions of domestic workers. The law must specifically mention a minimum wage, clearly defined daily hours of work and rest periods; provisions on night work and overtime, including adequate compensation; and provisions for public holidays, sick leave and maternity leave.

Recommendations to the government of Morocco

To repeal all provisions allowing for the death penalty and immediately declare a moratorium on all executions;

To further amend anti-torture legislation to ensure that it takes into account the provisions contained in Article 4 of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

To reform the 2003 law on Combating Terrorism in line with Morocco's international human rights obligations, in particular in light of its expansive definition of terrorism and terrorism-related offences; and to guarantee the right to a fair trial, as set out in international standards, for those accused under the anti-terrorism law or on other charges;

To carry out full investigations into all cases of enforced disappearances brought to the attention of the authorities, and to bring to justice the perpetrators. State agents suspected of being responsible for grave human rights violations should be suspended pending prosecutions;

To take concrete measures to ensure respect for the rights of all Sahrawis to freedom of expression, association and assembly, and to allow Sahrawi human rights defenders to collect and disseminate information and views on human rights issues without fear of prosecution, harassment or intimidation;

To release immediately and unconditionally all prisoners of conscience, and to ensure that articles in the Penal Code and the Press Code which criminalise the peaceful exercise of the fundamental rights to freedom of expression, association and assembly are in line with their international human rights obligations.

To immediately halt the *refoulement* of refugees and asylum-seekers and the arbitrary and collective or mass expulsion of migrants to neighbouring countries;

To carry out prompt, thorough and independent investigations into all allegations of death, injury or sexual assault of migrants and asylum-seekers caused by the use of force or firearms by law enforcement officials, and to make the results public;

To reaffirm and fully respect the principle of *non-refoulement* and to ensure that all asylum-seekers have access to fair and satisfactory procedures for determining whether they are in need of international protection, including the right to appeal, with suspensive effect, to an independent specialised body, legal assistance and interpretation, in accordance with international law;

To give clear and public instructions to the Directorate for the Surveillance of the Territory (*Direction de la surveillance du territoire*, DST) that its officers and agents must obey the law and stop carrying out arrests and detaining people;

To ensure effective investigations into all allegations of torture or ill-treatment and to bring those responsible to justice in accordance with international standards for fair trial.

To order retrials, in proceedings meeting international fair trial standards, for all those convicted on the basis of evidence suspected to have been obtained through torture or ill-treatment.

Recommendations to the government of the Netherlands

To fully cooperate with the UN treaty bodies including by submitting all overdue reports without further delay, and ensure submission of future reports in a timely manner;

To include information on the implementation of human rights treaties in the overseas territories of the Kingdom of the Netherlands in its periodic reports to UN Treaty Bodies;

To amend legislation to ensure that trial proceedings meet international human rights standards, including to protect the right to a fair trial for any individual charged with a terrorism-related offence;

To use the *Manual on the Effective Investigation and Documentation of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment* (the 'Istanbul Protocol', 1999) in the asylum-determination procedure, including the investigation and documentation of torture allegations;

To introduce a prompt, efficient and fair procedure for processing asylum claims, which allows sufficient time for claims to be fully considered, including sufficient time for the consideration of appeals against initial refusal, in line with the recommendations of the Evaluation Committee on the Aliens Act 2000;

To take all necessary measures to protect the right of individuals on Dutch territory to file applications for asylum;

To develop, implement, monitor and evaluate policies to combat all forms of discrimination, at both the national and the local levels;

To provide adequate compensation to all the survivors of the fire in October 2005 fire in a temporary detention centre at Amsterdam's Schiphol airport, including those who were forcibly expelled, and to the relatives of the deceased, irrespective of their legal status.

Recommendations to the government of the Philippines

To strengthen the provisions of the Criminal Code regulating the safeguards preceding the issue of an arrest warrant and clearly and effectively prohibit arbitrary arrests; the Human Security Act must be applied in consistency with these safeguards;

To ensure that all reports of unlawful killings are investigated promptly, impartially and effectively, including by strengthening the witness protection program, and that those responsible are brought to justice in trials that meet international standards of fairness;

To condemn all political killings, and prohibit labelling of legal political groups as 'communists'. Effective measures must be taken to prohibit superior officers from authorising, tacitly encouraging or inciting other persons to carry out unlawful killings, and to ensure that military or police personnel suspected of involvement in political killings are suspended from active duty during investigations;

To ensure that dependants of victims of unlawful killings are entitled to fair and adequate reparations, including financial compensation;

To support the effective implementation of the Rule on the Writ of Amparo and reinforce the witness protection programme;

To end torture and other ill-treatment and to ensure that all complaints are investigated promptly, impartially and effectively and that suspected perpetrators are brought to justice in trials that meet international standards of fairness;

To take effective measures to ensure prison conditions are consistent with international standards at all stages of detention, with special emphasis on the protection of minors;

To strengthen and ensure the independence of existing accountability mechanisms such as the office of Ombudsman and Congressional oversight to address political killings that have been attributed to public officials;

To renew efforts to comply with the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law.

Recommendations to the government of Poland

To ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families;

To respect its commitments to the abolition of the death penalty;

To initiate an effective and independent investigation into the involvement of Polish authorities in the programme of renditions (in particular on the use of the Szymany airport) and secret detention centres in Poland and to make the findings of the investigation public;

To make public, without further delay, the conclusions of the meeting, held on 21 December 2005, between the Special Services Committee, the Minister Coordinator of Special Services and the heads of the intelligence services, to investigate claims that Poland had operated secret detention facilities on its territory in support of the programme of illegal transfers carried out by the United States;

To ensure thorough and impartial investigations into all allegations of attacks and threats against individuals targeted because of their sexual orientation or gender identity and to bring to justice those responsible in accordance with international standards of fair trial;

To ensure that no authorities make public statements which could be interpreted as encouraging discrimination against or targeting of individuals because of their sexual orientation or gender identity;

To actively promote the rights to freedom of expression, association and assembly without discrimination at all levels of government;

To ensure the explicit prohibition in Polish legislation of discrimination on the grounds of sexual orientation or gender identity or expression;

To reinstitute the Office of the Government Plenipotentiary for the Equality of Men and Women;

To adopt effective measures to combat racial discrimination and to ensure perpetrators are brought to justice in accordance with international standards of fair trials;

To ensure that thorough and impartial investigations are carried out into reports of police ill-treatment and that those responsible are prosecuted in accordance with international standards of fair trial;

to train police officers to respect the principles of necessity and proportionality at all times when using force, consistent with the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;

To train the police and the judiciary on how to address complaints of racially motivated crimes;

To urgently adopt a *National Programme on Counteracting Domestic Violence*, as decided in the Act of 29 July 2005 on Counteracting Domestic Violence;

To conduct impartial and thorough investigations into all allegations of violence against women and prosecute those responsible in accordance with international standards for fair trial;

To restore the Office of the Government Plenipotentiary for the Equality of Men and Women.

To introduce legislative measures to facilitate a better integration of refugees and migrants into Polish society;

To introduce legislative measures to improve funding and living conditions in refugee reception centres.

Recommendations to the government of South Africa

To take increased measures to protect and provide redress to women at risk of or subjected to gender-based violence;

To take increased measures to eliminate discriminatory barriers to access health services for people living with HIV and AIDS;

To take immediate steps to ratify the International Covenant on Economic, Social and Cultural Rights;

To complete the process of developing and adopting legislative measures to prevent, prosecute and punish acts of torture and ill-treatment, in line with international standards, and to ratify the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

To take concrete and effective measures to protect the rights to freedom of assembly and expression and to ensure that law enforcement officials are fully trained and equipped to maintain public order without resort to excessive force, and to vigorously and independently investigate all breaches;

To ensure that all necessary measures are taken to implement the recommendations of the Jali Commission of Inquiry;

To ensure that the principle of *non-refoulement* is fully understood and upheld by all state officials involved in enforcing the law relating to immigration and asylum-determination procedures, and upholding the country's obligations to combat terrorism.

Recommendations to the government of Tunisia

To reform the 2003 Anti-Terrorism legislation, especially its expansive definition of terrorism and terrorism-related offences, to comply with the Tunisia's international human rights obligations, and to ensure that those accused under the anti-terrorism law and

on other charges receive a fair trial in line with international standards;

To take effective measures, including legislative reform, to address the serious and structural irregularities in the administration of justice which harm the independence of the judiciary;

To uphold the country's obligations under both national law and international human rights law and standards and to lift restriction arbitrarily imposed on former political prisoners; to amend or repeal all laws that continue to allow prison sentences for the peaceful exercise of the right to freedom of expression, association or assembly; and to release immediately and unconditionally all prisoners of conscience;

To put an end to restrictions imposed on human rights organizations and to stop the harassment and intimidation of human rights defenders, journalists and others;

To take effective measures to stop incidents of torture and other ill-treatment at any stage of an individual's detention or questioning, and to ensure that all allegations of torture and other ill-treatment of prisoners are urgently investigated and the perpetrators brought to justice;

To take concrete and effective measures to improve prison conditions and to ensure that prisoners have full access to family visits and medical care, and are not subject to torture or ill-treatment including from prison authorities;

To uphold freedom of religion and to take measures to protect women wearing the *hijab* from discrimination or harassment, including by law enforcement officials.

Recommendations to the government of the United Kingdom

To ratify the Optional Protocol to the Convention on the Rights of the Child, on the sale of children, child prostitution and child pornography, and the Convention on the Rights of Persons with Disabilities; and to sign and ratify the Optional Protocol to the International Covenant on Civil and Political Rights, the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, and the International Convention for Protection of All Persons from Enforced Disappearance;

To set a deadline for the ratification of the Council of Europe Convention on Action against Trafficking in Human Beings, which it signed in March 2007; and to sign and ratify Protocol No. 12 to the European Convention for the Protection of Human Rights and Fundamental Freedoms;

To confirm that there is no limitation on the extraterritorial applicability of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment ;

To make clear that any individual arrested or detained by UK service personnel abroad should be considered to be within the jurisdiction of the UK from the moment of arrest, wherever that arrest or detention takes place, and should therefore be afforded all the protection of human rights envisaged both by the Human Rights Act and by the UK's international obligations;

To accept its obligation to respect the human rights of those whom it has detained in Iraq;

To repeal or amend the Inquiries Act and to create a genuinely independent mechanism for judicial inquiries into serious allegations of human rights violations;

To reform the procedures of the Special Immigration Appeals Commission to bring them into line with international standards for a fair trial, including by repealing the 2005 Prevention of Terrorism Act and charging people suspected of involvement in terrorism with a recognizably criminal offence and bringing them to a fair trial;

To establish without further delay a truly independent judicial inquiry into allegations of collusion by state agents with Loyalist paramilitaries in the 1989 murder of human rights lawyer Patrick Finucane, and into allegations that different government authorities played a part in the subsequent cover-up of collusion in his murder. Such an inquiry cannot possibly be delivered if established under the provisions of the Inquiries Act 2005;

To establish an independent inquiry into all cases where there are credible allegations that individuals have suffered human rights violations as a result of the UK's alleged involvement in the US-led programme of renditions and secret detention;

To grant a form of temporary leave to remain to refused asylum seekers who cannot be safely returned that allows them to work and access support while in the UK.