



AMNESTY INTERNATIONAL ASSESSMENT OF STATES' IMPLEMENTATION OF RECOMMENDATIONS FROM FIRST UPR CYCLE

15TH SESSION OF THE UPR WORKING GROUP, 21 JANUARY - 1 FEBRUARY 2013

INTRODUCTION

In its submissions for the UPR, Amnesty International endeavours to assess the level of implementation of some of the recommendations, made by other states in the first UPR cycle, that the organization considers to be of the greatest importance in terms of improving the human rights situation in the countries reviewed. The information in this document is drawn from the 10 submissions made by Amnesty International for the 15th session of the UPR Working Group on the following countries: Bahamas, Barbados, Burundi, Israel, Liechtenstein, Mali, Montenegro, Romania, Serbia, and United Arab Emirates.¹

Overall, the data available to Amnesty International indicates that in the period since their first review in 2008, several states have failed to adequately address key human rights concerns in their respective countries despite their acceptance of recommendations to take specific action. The failure to implement recommendations is prevalent across the regional groups.

For example, impunity for crimes under international law in Montenegro and Serbia, the alleged involvement in the US-led rendition and secret detention programmes by Romania, and concerns regarding incommunicado detention and torture and other ill-treatment in the United Arab Emirates, are among the issues that have not been acted on despite commitments to take specific action.

In several reviews, implementation of recommendations related to the death penalty, torture and ill-treatment, and discrimination has been particularly poor. In some reviews, recommendations to amend legislation to abolish the death penalty were either outright rejected or, if accepted, have not yet been implemented. Recommendations to ratify and act in accordance with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol, and to ensure that complaints of torture are properly and impartially investigated, have not been implemented in a number of states. Similarly, discrimination against Roma, LGBT individuals, and other minorities continue to be reported despite states' acceptance of recommendations to address these concerns.

The level of engagement by the states reviewed with the recommendations they received during the first UPR cycle was mixed; some states accepted most of the recommendations made to them by other states, while other states rejected or failed to comment on many of the recommendations given.

The UPR modalities stipulate that, from the second cycle onwards, the reviews should focus, inter alia, on the

¹ Amnesty International's submissions are available at this link: <http://www.amnesty.org/en/united-nations/universal-periodic-review/countries-under-review>

implementation of the preceding review outcome.² Amnesty International considers this aspect of the UPR to be crucial if the UPR is to fulfil its key objective of improving the human rights situation on the ground. Amnesty International urges all states participating in the UPR to raise the issue of implementation of previous recommendations with the state under review during the interactive debate in the UPR Working Group, including exploring obstacles to implementation and options for cooperation and sharing of good practice in the respective area.

BAHAMAS

During its first Universal Periodic Review in December 2008, the Bahamas supported recommendations related to the ratification of a number of international human rights standards. These included completing its accession to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights;³ to consider the possibility of acceding to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol, the International Convention for the Protection of All Persons from Enforced Disappearance, the Convention on the Rights of Persons with Disabilities, the Migrant Workers Convention, and the Optional Protocols to the Convention on the Rights of the Child on children in armed conflict and on the sale of children.⁴

Amnesty International is pleased to note that on 23 December 2008 the Bahamas ratified both the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. On 16 December 2008 the Bahamas signed the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; however, it has yet to ratify this instrument and bring it into force. The other instruments listed above have not yet been signed or ratified.

The Bahamas also supported two recommendations related to women's rights: to ensure the full implementation of the Domestic Violence (Protection Orders) Act,⁵ and to take effective measures to address the serious problem of rape and to reinforce national legislation concerning domestic violence against women.⁶ Amnesty International has noted that the rate at which domestic violence is reported has gone up which may be due to greater enforcement of the above Act.

The Bahamas accepted a recommendation to combat all forms of discrimination and to consider specific measures to promote tolerance and non-discrimination on the grounds of sexual orientation.⁷ To Amnesty International's knowledge, the Bahamas has not taken action to combat discrimination based on sexual orientation and has not included sexual orientation as a basis of non-discrimination in its Constitution. Amnesty International regrets that the Bahamas rejected all recommendations related to the establishment of a moratorium on executions or the abolition of the death penalty.⁸

BARBADOS

During the first Universal Periodic Review of Barbados in December 2008, Barbados rejected nearly half of the recommendations made by reviewing states, including a number of important recommendations on the death

² Human Rights Council resolution 5/1, Institution-building of the United Nations Human Rights Council, Annex, paragraph 34

³ A/HRC/10/70, 7 January 2009, paragraph 52.1 (Algeria, France, Netherlands, Slovenia, Argentina, Pakistan)

⁴ Ibid, paragraph 52.2 (Algeria, Slovenia, France, Czech Republic, Argentina, Mexico, Haiti, Bangladesh, United Kingdom, Netherlands)

⁵ Ibid, paragraph 52.5 (Netherlands, Czech Republic)

⁶ Ibid, paragraph 52.6 (Italy)

⁷ Ibid, paragraph 25.4 (Sweden)

⁸ Ibid, paragraph 54.2 (Mexico, United Kingdom, Australia, Germany, Chile, Brazil, Italy, Haiti, Botswana)

penalty,⁹ ratification of international human rights treaties,¹⁰ children,¹¹ and the rights of lesbian, gay, bisexual and transgender people.¹²

Amnesty International regrets that Barbados rejected recommendations which were intended to ensure that Barbados adheres to its international human rights obligations towards children, as well as to lesbian, gay, bisexual and transgender people. In particular Barbados rejected the recommendations to eliminate all forms of corporal punishment from its legislation and discourage its use in schools, to decriminalize consensual sexual acts between adults of the same sex, and to take all necessary actions to protect LGBT people from harassment, discrimination and violence.¹³

Although Barbados rejected recommendations related to the abolition of the death penalty, the delegation did undertake to abolish the mandatory death penalty.¹⁴ However, the relevant legislation has not yet been amended in order to make the death penalty a discretionary penalty.

BURUNDI

At the time of its first UPR in 2008, Burundi accepted a number of recommendations made by other states, including to take urgent steps to implement the recommendations¹⁵ of the Committee against Torture,¹⁶ to align detention conditions with international standards,¹⁷ to establish and reform the institutions for law enforcement and an independent, effective and impartial justice system,¹⁸ and to establish transitional justice mechanisms to ensure reconciliation and address the most serious past crimes.¹⁹

Following concerns raised by several states in 2008, Burundi stated that torture was prohibited in the rules and regulations of the police and the armed forces and that acts of torture, including those committed by state agents, were sanctioned.²⁰ Burundi also noted that acts of torture would be criminalized in its new Penal Code.²¹ However, despite these legislative changes, cases of torture by state agents continue and conditions of detention fail to meet international standards. According to information available to Amnesty International, allegations of torture made during the reporting period have not resulted in the prosecution of those allegedly responsible.

Burundi has not fulfilled its stated objective of setting up a Truth and Reconciliation Commission (TRC). Progress towards its establishment has been slow and the current draft law on the TRC does not comply with international standards. To date, victims of human rights violations, which occurred during the decades of violence and conflict in Burundi, continue to be denied truth, justice and reparations.

In 2008, Burundi agreed to consider the ratification of human rights treaties.²² However, to date, Burundi has

⁹ Report of the Working Group on the Universal Periodic Review on Barbados, A/HRC/10/73, 9 January 2009, recommendation 77.4 (Turkey, Chile, Mexico, Brazil, Canada, Italy, Sweden).

¹⁰ A/HRC/10/73, recommendation 77.1 (France, Czech Republic, Mexico, Chile, Algeria, Argentina).

¹¹ A/HRC/10/73, recommendation 77.13 (Italy, Brazil) and 77.14 (Chile, Germany, Turkey, Slovenia).

¹² A/HRC/10/73, recommendation 77.17 (France, Canada, Slovenia, Czech Republic, Chile, Sweden) and 77.18 (Canada).

¹³ Report of the Working Group on the Universal Periodic Review, Addendum (A/HRC/10/73/Add.1), 16 March 2009

¹⁴ Ibid, paragraph 12.

¹⁵ A/HRC/10/71, paragraph 80.12 (Portugal, Ireland).

¹⁶ Consideration of reports submitted by states parties under article 19 of the Convention; Conclusions and recommendations of the Committee against Torture, 15 February 2007, CAT/C/BDI/CO/1.

¹⁷ Paragraph 80.13 (Italy).

¹⁸ Paragraph 80.19 (Egypt).

¹⁹ Paragraphs 80.22 (United Kingdom); 80.23 (Ireland); 80.25 (Austria); 80.26 (Italy); 80.27 (Canada).

²⁰ Paragraph comments 83.3.

²¹ HRC 10th session report, paragraph 307 (recommendation can be accessed in WG report, paragraph 81.6).

²² Paragraphs 80.1, 80.2, and 80.3 (Argentina, Brazil, Czech Republic, Djibouti, Mexico)

only signed, but not ratified, the Convention on the Rights of Persons with Disabilities and its Optional Protocol,²³ the International Convention for the Protection of All Persons from Enforced Disappearance,²⁴ and the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.²⁵ Burundi has not signed the Optional Protocol to the Convention against Torture,²⁶ which would require the establishment of a national preventive mechanism against torture and other ill-treatment and facilitate stronger international monitoring of torture and ill-treatment in the country.

In 2008, Burundi committed to establish an independent national human rights commission with a strong mandate in accordance with the Paris Principles.²⁷ Amnesty International is pleased to note that the National Independent Human Rights Commission (CNIDH) was established in 2011 and has demonstrated a degree of independence.

ISRAEL

Amnesty International regrets that Israel did not comment on the vast majority of the 133 recommendations made by other states at Israel's UPR in December 2008 and adopted by the Human Rights Council in March 2009.²⁸ Amnesty International's submission highlights three recommendations which, though accepted by Israel, continue to be relevant.

Continued violations of the Convention against Torture (CAT)

Israel voluntarily committed to acting in accordance with CAT and in particular to conducting prompt and impartial investigations,²⁹ as recommended by four states during the review.³⁰ Amnesty International is concerned, however, that torture and other ill-treatment continue to be carried out during arrest and interrogation and that prompt, thorough and impartial investigations are extremely rare. Methods include painful shackling and binding, immobilization in stress positions, sleep deprivation, the use of threats against family members, and verbal abuse. Recently, detainees on prolonged hunger strikes have also reported suffering torture and other ill-treatment as punishment for their hunger strikes. Children have also been subjected to torture and other ill-treatment during interrogation. Islam Dar Ayyoub, a 14-year-old boy from al-Nabi Saleh in the West Bank, was arrested in the night on 23 January 2011, then deprived of sleep, threatened with violence and interrogated without the presence of a lawyer or family member. Amnesty International is concerned that statements obtained through torture and other ill-treatment are deemed admissible in court. Torture and other ill-treatment are sometimes inflicted with the complicity of doctors.

Israel's current legislation does not contain an absolute prohibition on torture. The Supreme Court ruled on 9 September 2009 that psychological pressure exerted by making threats against detainees' family members was forbidden, and the Attorney General modified the guidelines issued to the Israel Security Agency (ISA) interrogators to reflect this. The Supreme Court ruling of 1999 permits interrogators using "physical interrogation methods" in "ticking time-bomb" situations to escape criminal liability under the "defence of necessity".³¹ This justification for torture has resulted in total impunity for ISA officers. Despite the filing of more than 700

²³ Paragraph 80.1 (Mexico).

²⁴ Paragraph 80.2 (Mexico, Argentina).

²⁵ Paragraph 80.3 (Brazil).

²⁶ Paragraph 80.3 (Brazil, Djibouti, Czech Republic, Mexico).

²⁷ Paragraph 80.4 (South Africa, Malaysia, Portugal, Australia, United Kingdom, Egypt, Republic of Korea).

²⁸ Report of the Working Group on Universal Periodic Review of Israel (referenced below as "UPR Working Group Report"), 8 January 2009 (A/HRC/10/76).

²⁹ Human Rights Council 10th Session Report, para. 461 (f).

³⁰ UPR Working Group Report, para. 100.13 (Canada, France, Syria, Yemen).

³¹ HCJ 5100/94 *Public Committee against Torture in Israel v. the State of Israel*, 6 September 1999.

complaints, no criminal investigation has ever been opened.³²

Israel has not established procedures to ensure that complaints of torture and other ill-treatment at the hands of the ISA are properly and impartially investigated. The person in charge of investigating complaints, the Interrogatee Complaints Comptroller, is himself an employee of the ISA. In November 2010, the Attorney General announced that the Comptroller would become an employee of the Ministry of Justice; however, neither this transfer, nor any other changes to increase accountability have so far been implemented.³³

Continued imprisonment of conscientious objectors

Israel voluntarily committed to granting the rights of conscientious objectors to serve in a civilian body,³⁴ as recommended to it during the review.³⁵ Amnesty International is concerned that Israel has not followed through on this commitment and that individuals continue to be penalized for refusing military service on grounds of conscience. Yaniv Mazor, a 31-year-old Israeli man, was sentenced to 20 days in prison on 11 June 2012 for refusing to carry out his military duty, without being offered the option of alternative civilian service. Similarly, Noam Gur, an 18-year-old Israeli woman, was arrested on 17 April 2012 and served a ten-day sentence.

Continued discrimination against members of minorities within Israel

Israel decided to adopt the recommendation to ensure that the rights of minorities are fully protected.³⁶ Amnesty International is concerned that the housing rights of the Bedouin minority are not respected. Palestinian Bedouin who are citizens of Israel have suffered the repeated demolition of their homes as a corollary of discriminatory policies that do not recognize the legality of some 35 villages in the Negev/Naqab region. For example, since 2010 the authorities have repeatedly demolished all the homes in the village of al-'Araqib, subjecting some 250 people to forced evictions that have rendered them homeless.³⁷ In September 2011, the Israeli cabinet approved plans to “regulate” Bedouin construction in the Negev/Naqab; if implemented, these could lead to the forced eviction of thousands of members of this minority.³⁸

In January 2012, the Israeli Supreme Court rejected a petition that sought to annul a law, passed by the Israeli parliament on 31 July 2003 and renewed every six months since then, barring family unification for Israelis who are married to Palestinians from the OPT.³⁹ The Citizenship and Entry into Israel Law explicitly discriminates against Palestinians from the OPT. It also implicitly discriminates against Palestinian residents and citizens in Israel who constitute 20 percent of the Israeli population and often marry Palestinians from the OPT. As such, the law formally institutionalizes a form of racial discrimination based on ethnicity or nationality.⁴⁰

LIECHTENSTEIN

During the first Universal Periodic Review of Liechtenstein in 2008, recommendations were made to establish an ombudsman institution and a national human rights institution in accordance with the Paris Principles.⁴¹

³² Amnesty International, *Letter to UN Committee against Torture regarding adoption of list of issues by the Committee* (Index MDE 15/029/2012), 7 March 2012.

³³ Amnesty International, *Letter to UN Committee against Torture regarding adoption of list of issues by the Committee* (Index MDE 15/029/2012), 7 March 2012.

³⁴ Human Rights Council 10th Session Report, para. 461 (h).

³⁵ UPR Working Group Report, para. 100.22 (Slovenia).

³⁶ UPR Working Group Report, para. 100.28 (United Kingdom); Human Rights Council 10th Session Report, para. 460.

³⁷ Amnesty International, *Israel sues Bedouin villagers for cost of repeated evictions*, Article, 29 July 2011.

³⁸ Amnesty International, *Annual Report 2012: Israel*, p. 187, (Index POL 10/001/2012), May 2012.

³⁹ Citizenship and Entry into Israel Law (Temporary Order) 5763 – 2003.

⁴⁰ Amnesty International, *Torn Apart: Families split by discriminatory policies*, Report (Index MDE 15/063/2004), 12 July 2004.

⁴¹ Report of the Working Group on the Universal Periodic Review of Liechtenstein (A/HRC/10/77), paragraph 65.6 (Brazil) and 65.7 (Philippines, Russian Federation).

Amnesty International regrets that these recommendations did not enjoy the support of Liechtenstein⁴² and is concerned that the alternative mechanisms already in place, including the Office for Equal Opportunity and the planned Ombudsman for children, do not fully meet the criteria by the Paris Principles and are not the appropriate authorities to consider cases of human rights violations.⁴³

Liechtenstein supported the recommendation to consider establishing an independent mechanism to consider complaints of child rights violations⁴⁴ and established an Ombudsman for Children in February 2009.

MALI

Violence and discrimination against women and other concerns

During the first review in 2008, Mali supported most of the recommendations with regard to women's rights concerns.⁴⁵ Mali stated that a Personal and Family Code repealing all discriminations against women was to be tabled in Parliament in 2008.⁴⁶ In December 2011, the Parliament passed the Family Code after a second reading requested by the President following protests in Bamako in 2009. The amended version of the law enshrines discrimination against women in most aspects of family life and is widely considered as a regression by national and international NGOs. Revoking Mali's international commitments, references to international instruments on the protection of women's human rights have been deleted in the new law.⁴⁷ Several amendments modifying the status of marriage perpetuate the inequality between husband and wife. The age of marriage for women has been lowered from 18 to 16⁴⁸ and Article 311 of the law stipulates that "the wife must obey her husband".

Despite Mali's accession to several international standards protecting the rights of children and women,⁴⁹ the deeply rooted practice of female genital mutilation persists. During the previous review in 2008, the government stated that while it could not commit to repressive measures to curb the practice, it was committed to undertaking public education and awareness-raising campaigns.⁵⁰

The death penalty

In the 2008 review, Mali supported recommendations to continue efforts to abolish the death penalty,⁵¹ including by adopting a bill on the abolition of the death penalty. To date, however, the draft bill has not been approved by Parliament.

Mali has not yet ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of death penalty and, to Amnesty International's knowledge, at least 54 people have been sentenced to death since the last UPR. However, no executions have been carried out since 1984.

Cooperation with UN human rights mechanisms

Mali supported recommendations to elaborate a timetable to bring the presentation of reports to the treaty bodies

⁴² Addendum to the Report of the Working Group on the Universal Periodic Review of Liechtenstein (A/HRC/10/77/Add.1), paragraph 4.

⁴³ Principles relating to the status of national institutions (United Nations General Assembly resolution A/RES/48/134), article 3 (a).

⁴⁴ Report of the Working Group on the Universal Periodic Review of Liechtenstein. A/HRC/10/77 Para 64.4 (France)

⁴⁵ Recommendations 56.5(Germany, France), 56.7 (Netherlands), 56,8 (Czech Republic), 56,9 (Canada), 56,18 (Switzerland), 56.4 (Italy, Canada) and 56,5 (United Kingdom)

⁴⁶ Law n°09-38/ANRM

⁴⁷ Article 25 of the Family Code states that "Treaties and international agreements on protection of women and children, duly ratified by Mali and published, shall be applied" has been deleted.

⁴⁸ Article 282

⁴⁹ Mali has ratified a range of international human rights standards, including the [cedaw, CRC, ICCPR, ICESCR, CAT]

⁵⁰ Addendum to the Working Group report (A/HRC/8/50/Add.1), paragraph 2.

⁵¹ Recommendation 56.16 (Portugal, Luxembourg)

up to date;⁵² however, the government rarely submits its reports on time.⁵³ Although Mali did not explicitly support the recommendation to issue a standing invitation to the Special Procedures,⁵⁴ the government expressed its willingness to fully cooperate with all the Special Procedures and to give careful consideration to requests to visit.⁵⁵

⁵² Recommendation 56.2 (Algeria, Portugal)

⁵³ Mali has not submitted a report to the Committee against Torture since it ratified it in 1999 and the report to the Committee on the Elimination of Discrimination against Women due in 2010 has not yet been submitted.

⁵⁴ Paragraph 57.1

⁵⁵ Addendum to the Report of the Working Group, A/HRC/8/50/Add.1, paragraph 1

MONTENEGRO

During the first Universal Periodic Review of Montenegro in December 2008, reviewing states made recommendations on a range of issues, including discrimination,⁵⁶ impunity,⁵⁷ freedom of expression,⁵⁸ refugees and migrants,⁵⁹ and the national human rights framework.⁶⁰

Since 2008, some progress has been made in the areas of discrimination, the national human rights framework and the rights of the Roma population. Montenegro has also undertaken major reforms, including the introduction of legislation required under the country's accession process towards EU membership. However, much of the legislation aimed at the fuller enjoyment of human rights, such as the Law on Anti-Discrimination and the Law on the Ombudsperson, has not been fully implemented.

Some positive measures have been taken to improve the rights of Roma to education and adequate housing,⁶¹ and the outcome of the 2011 census demonstrated improvements in the registration of Roma.⁶² However, progress has been slow in ensuring the rights of Roma and Ashkali displaced from Kosovo to adequate housing and to residency status, and Amnesty International is particularly concerned at Montenegro's failure to address obstacles which deny displaced Roma access to residency.⁶³

With respect to freedom of expression, Amnesty International welcomes amendments to the Criminal Code in June 2011 to decriminalize defamation. However, recommendations made by other states to safeguard freedom of expression and protect journalists have not been fulfilled.⁶⁴ Attacks against journalists continue and the perpetrators of a series of murders and attacks since 2004 continue to enjoy impunity.

Amnesty International is concerned that the previous review did not adequately address the issue of impunity for crimes under international law, despite the fact that this is one of the major human rights concerns in Montenegro. Only one recommendation was made in this respect in 2008 and impunity for past crimes, including war crimes, persists.

⁵⁶ Report of the Working Group on the Universal Periodic Review on Montenegro; 6 January 2009; A/HRC/10/74, recommendations 66.6 (Austria, Slovenia), 66.8 (Canada), 66.15 (Austria, Netherlands), 66.16 (United Kingdom), and 66.17 (Algeria, Luxembourg, Chile, Canada, Croatia).

⁵⁷ A/HRC/10/74, recommendation 66.13 (Chile).

⁵⁸ A/HRC/10/74, recommendation 66.14 (Sweden, France, Mexico, Ireland, Germany, Czech Republic, Norway).

⁵⁹ A/HRC/10/74, recommendations 66.18 (Greece), 66.19 (Slovenia), and 66.20 (China).

⁶⁰ A/HRC/10/74, recommendations 66.3 (Turkey), 66.5 (Croatia), 66.11 (Czech Republic), and 66.12 (United Kingdom, Austria, Slovakia, Sweden, Poland).

⁶¹ A/HRC/10/74, recommendation 66.16 (United Kingdom).

⁶² A/HRC/10/74, recommendation 66.17 (Canada).

⁶³ A/HRC/10/74, recommendation 66.17 (Chile, Italy), 66.18 (Greece).

⁶⁴ A/HRC/10/74, recommendation 66.14 (Sweden, France, Mexico, Ireland, Germany, Czech Republic, Norway).

ROMANIA

During the first Universal Periodic Review of Romania in 2008, reviewing states made recommendations on a range of issues, including discrimination,⁶⁵ the rule of law,⁶⁶ detention,⁶⁷ the right to health,⁶⁸ freedom of religion,⁶⁹ children's rights,⁷⁰ and women's human rights.⁷¹ Although Romania accepted nearly all of these recommendations, the government delegation stated that it considered most of them to be either already implemented or in the process of implementation.

Amnesty International continues to have concerns relating to the human rights issues raised in the first review, in particular as regards access of Roma and other vulnerable groups to adequate housing and to protection from forced eviction.

In the 2008 review, Romania accepted a recommendation to respect and promote the rights of vulnerable groups, including Roma, and to take measures to eliminate discrimination against Roma and ensure their access to education, housing, healthcare.⁷² In its 2010 interim report on implementation of the UPR recommendations, the government of Romania reported that "[v]arious measures were implemented in the field of education, housing, healthcare and employment, which have produced concrete results over the last years".⁷³ Amnesty International considers that despite these claims, Romania has failed to implement measures that would effectively respect, protect and fulfil the right to adequate housing for all its citizens, either in law or practice. As a result, marginalized communities, such as the Roma, frequently suffer systematic abuses of their right to housing, as discussed in more detail below.

In its submission to the 2008 review, Amnesty International raised concern about Romania's alleged involvement in the US-led rendition and secret detention programmes. Regrettably, the 2008 review did not adequately address this issue. Amnesty International continues to be concerned that - despite the existing evidence - the government of Romania refuses to carry out an investigation into these allegations or to hold those responsible to account.

SERBIA

During the first Universal Periodic Review of Serbia in April 2008, reviewing states made recommendations on a range of issues, including on cooperation with the International Criminal Tribunal for the former Yugoslavia and the arrest of suspects indicted by the Tribunal,⁷⁴ impunity for war crimes,⁷⁵ freedom of expression,⁷⁶ the protection of human rights defenders, including those working on behalf of lesbian, gay, bisexual and transgender

⁶⁵ Report of the Working Group on the Universal Periodic Review on Romania; 3 June 2008; A/HRC/8/49, recommendations 58.3 (Czech Republic), 58.4 (Argentina, Canada, France), 58.5 (Philippines, Ireland, Bangladesh, Netherlands, Brazil, France), 58.6 (Ireland), 58.7 (Mexico), and 58.8 (Finland).

⁶⁶ A/HRC/8/49, recommendations 58.22 (Canada) and 58.23 (Canada).

⁶⁷ A/HRC/8/49, recommendations 58.24 (Denmark) and 58.25 (Ireland, Turkey).

⁶⁸ A/HRC/8/49, recommendations 58.26 (United Kingdom, Ireland), 58.27 (United Kingdom) and 58.28 (Guatemala).

⁶⁹ A/HRC/8/49, recommendations 58.19 (Denmark), 58.20 (Finland) and 58.21.

⁷⁰ A/HRC/8/49, recommendations 58.14 (Algeria, France), 58.15 (Mexico), and 58.16 (Russia).

⁷¹ A/HRC/8/49, recommendations 58.10 (Algeria, Guatemala), 58.11 (Slovenia), 58.12 (Canada, Czech Republic, Ukraine) and 58.13 (Italy, Turkey, France).

⁷² A/HRC/8/49, recommendation 58.5 (Philippines, Ireland, Bangladesh, Netherlands, Brazil, France).

⁷³ Interim report on the implementation of recommendations under the UPR of Romania, 15th session of the Human Rights Council, Geneva, 23 September 2010, paragraph 6.

⁷⁴ *Report of the Working Group on the Universal Periodic Review on Serbia*, A/HRC/10/78, paragraph 57.14 (United Kingdom, Canada, Switzerland).

⁷⁵ A/HRC/10/78, paragraph 57.7 (Croatia).

⁷⁶ A/HRC/10/78, paragraph 57.19 (Sweden, Ireland, Canada).

people,⁷⁷ and discrimination.⁷⁸ The government accepted most of the recommendations.⁷⁹

Since 2008 some progress has been made with respect to each of these issues. However, with some exceptions, further measures need to be taken with regard to the implementation of legislation.

Discrimination

A number of positive measures have been taken to tackle discrimination, including the adoption of an Anti-Discrimination Law in March 2009 and the establishment of the Office of Commissioner for the Protection of Equality in May 2010.⁸⁰ Nevertheless, in practice vulnerable groups, including minority communities, continue to suffer discrimination and face difficulties exercising their rights.

Freedom of expression

Amnesty International notes that those responsible for attacks on journalists are more frequently brought to justice; however, concerns remain about by political control of the media, including through the introduction of restrictive legislation and alleged interference of the media, as well as the ownership of print and some electronic media by individuals with close links to political parties. Moreover, the government has failed to guarantee the rights of lesbian, gay, bisexual and transgender people to freedom of expression and assembly, for example by cancelling the 2011 Belgrade Pride event at short notice, and failing to effectively investigate threats to Pride organizers and participants and to bring the perpetrators to justice.⁸¹

Impunity for war crimes

Serbia has made progress in its cooperation with the International Criminal Tribunal for the former Yugoslavia,⁸² particularly with the arrest of Ratko Mladić and Goran Hadžić, the two remaining suspects indicted by the Tribunal, in May and July 2011 respectively.

Amnesty International remains concerned, however, about the continued impunity for crimes under international law which took place across the region during the 1990s, and Serbia's slow progress in bringing perpetrators to justice in domestic courts. Amnesty International considers that the previous UPR failed to sufficiently address this longstanding human rights concern and regrets that Serbia rejected recommendation made in 2008 "to combat impunity" on the basis that they had already surrendered 46 suspects indicted by the Tribunal.⁸³

Amnesty International considers that impunity for crimes under international law persists. The number of prosecutions concluded in the Special War Crimes Chamber at Belgrade District Court remains low, despite the

⁷⁷ A/HRC/10/78, paragraph 57.20 (Sweden, Canada, Switzerland, France, Czech Republic, Germany, Norway, Netherlands, Ireland).

⁷⁸ A/HRC/10/78, paragraph 57.2 (Mexico, Hungary); Recommendation 57.22 (Finland, Canada).

⁷⁹ In the course of its first Universal Periodic Review, 22 recommendations were made to Serbia, of which 17 were accepted, and two were neither accepted nor rejected. Serbia rejected recommendations relating to impunity, conscientious objection and the promotion and protection of religious freedom. See *Report of the Working Group on the Universal Periodic Review-Serbia, Addendum*, A/HRC/10/78/Add.1.

⁸⁰ The Anti-Discrimination Law entered into force 7 April 2009. Provisions relating to the Commissioner for Equality entered into force 1 January 2010.

⁸¹ In the period since the last review, two major LGBT events have had to be cancelled at the last minute: organizers of the 2009 Belgrade Pride had no option but to cancel the event after the government changed the location of the event at the last minute. The 2010 Pride went ahead, with more than 1,000 police deployed to protect the participants from attack from several thousand right-wing groups. In 2011, the authorities failed to investigate threats made ahead of the planned march, but instead cancelled it at the last minute. Another Belgrade Pride is planned for October 2012.

⁸² However, in June 2012, the Chief Prosecutor to the Tribunal expressed concerns about "Serbia's lack of progress towards investigating and prosecuting individuals who assisted ICTY fugitives while at large", and called for increased regional cooperation, particularly between Serbia and Bosnia and Herzegovina, *Address of Mr. Serge Brammertz Prosecutor, International Criminal Tribunal for the Former Yugoslavia to the United Nations Security Council*, 7 June 2012, http://www.icty.org/x/file/Press/Statements%20and%20Speeches/Prosecutor/120607_proc_brammertz_un_sc_en.pdf

⁸³ A/HRC/10/78/Add.1, paragraph 15.

appointment of additional prosecutorial and support staff in 2010.⁸⁴ Although the Chamber was established in 2003, as of 26 June 2012 only 25 cases had been concluded at the second instance, resulting in the conviction of 56 defendants and the acquittal of 10 persons. Seven cases were at appeal, and prosecutions continued in eight cases.⁸⁵ The Office of the War Crimes Prosecutor continues to face considerable challenges in its investigations, particularly into allegations against former police officials. It has received threats and has had little government support. There are also concerns about the capacity of the witness protection unit to provide adequate protection.⁸⁶

In May 2011, the Human Rights Committee reminded Serbia of its obligations to investigate serious human rights violations, including under Articles 6 and 7 of the Covenant, and to bring those responsible to justice.⁸⁷ The Committee also urged the authorities to ensure that all victims and their families receive adequate compensation.⁸⁸ Amnesty is concerned that only few victims of crimes under international law have received reparations. Many suits have been dismissed on the basis of the statute of limitations, although this is prohibited in international law.⁸⁹ Where compensation has been awarded, material damages are seldom commensurate with the gravity of the crimes. The Committee also recalled recommendations made in 2004 that Serbia investigate and prosecute all those responsible for the transfer to Serbia of the bodies of ethnic Albanians killed in Kosovo in 1999.⁹⁰ To Amnesty International's knowledge, no such investigations have been opened by the Office of the War Crimes Prosecutor since those recommendations were made.⁹¹

UNITED ARAB EMIRATES

The human rights situation in the United Arab Emirates (UAE) has deteriorated in the four years since the last Universal Periodic Review (UPR) in December 2008. Freedom of expression has been stifled, respect for freedom of association remains minimal, and the authorities continue to use incommunicado detention and torture.

Following the review in 2008, the government supported recommendations relating to human trafficking, the rights of women and migrant workers, accession to the Convention against Torture and Other Cruel, Inhuman or

⁸⁴ Staff were hired under the War Crimes Justice Project, funded by the EU, <http://wcjp.unicri.it/project/>

⁸⁵ In relation to Kosovo, for example, by February 2010 the Special War Crimes Chamber at Belgrade District Court, had issued only seven final judgments in relation to Kosovo, in which 12 Serbian defendants and one Kosovo Albanian had been convicted; three retrials were ongoing, following appeals against first instance decisions, and two cases were at the initial stage of prosecution, http://www.tuzilastvorz.org.rs/html_trz/predmeti_eng.htm

⁸⁶ Amnesty International interviews, February 2010. These concerns have also been expressed by the Serbian NGO, the Humanitarian Law Centre, and by the Parliamentary Assembly of the Council of Europe, see PACE, Resolution 1784 (2011), Protection of witnesses as a cornerstone for justice and reconciliation in the Balkans, <http://assembly.coe.int/Mainf.asp?link=/Documents/AdoptedText/ta11/ERES1784.htm>

⁸⁷ Concluding observations of the Human Rights Committee, Serbia, CCPR/C/SRB/CO/2, 24 March 2011, paragraph 13.

⁸⁸ CCPR/C/SRB/CO/2, paragraph 10.

⁸⁹ UN Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, to which Serbia is a state party.

⁹⁰ CCPR/C/SRB/CO/2, paragraph 10.

⁹¹ The only related prosecution was conducted by the International Criminal Tribunal for the former Yugoslavia: in February 2011 former Assistant Interior Minister Vlastimir Đorđević, was convicted at the of crimes against humanity and war crimes in Kosovo in 1999. He was sentenced to 27 years' imprisonment for persecutions on political, racial or religious grounds, murder, deportation and forcible transfer of population. He was found responsible for police crimes leading to the deportation of 800,000 Albanian civilians, the enforced disappearance of more than 800 ethnic Albanians, and for leading a conspiracy to conceal their bodies, which were transported to Serbia for reburial. The Trial Chamber found that Vlastimir Đorđević was "instrumental" in efforts to "conceal the murders of Kosovo Albanians", and "gave instructions for the clandestine transportation of bodies", Đorđević (IT-05-87/1) "Kosovo", http://www.icty.org/x/cases/djordjevic/tjug/en/110223_djordjevic_judgt_en.pdf

Degrading Treatment or Punishment (CAT), and freedom of expression.⁹²

Amnesty International also welcomes the government's invitation to the UN Special Rapporteur on trafficking whose visit to the UAE took place in 2012.⁹³

The UAE endorsed a recommendation to ensure effective support for victims of domestic violence⁹⁴ and in February 2010, the Committee on the Elimination of Discrimination against Women called on the government to take comprehensive measures to protect women from all forms of gender-based violence.⁹⁵ However, to Amnesty International's knowledge there has been little progress with implementing these recommendations; in fact, in a deeply disturbing development, in October 2010, the Supreme Court upheld a husband's right to "discipline" his wife and children, provided that it left no mark, effectively sanctioning domestic violence.⁹⁶

The UAE authorities have made some progress on the recommendation to consider allowing female citizens married to non-citizens to pass on their nationality to their children,⁹⁷ although regrettably the UAE did not indicate its position on this recommendation when the outcome of the 2008 review was formally adopted by the Human Rights Council in March 2009.⁹⁸ In November 2011, the UAE President issued a directive giving the children of UAE women married to foreign nationals the right to apply for citizenship when they reach 18 years of age,⁹⁹ which represents a partial move forward for women's rights in the UAE.

Despite accepting recommendations on foreign migrant labour,¹⁰⁰ Amnesty International considers that such workers continue to be inadequately protected against exploitation and abuse by their employers or sponsors, including in terms of working long hours for little pay, poor living conditions, confiscation of passports, and non-payment of wages.¹⁰¹

The UAE supported recommendations to ratify the CAT,¹⁰² but four years later has yet to do so. Despite the UAE's support of a recommendation to limit the number and extent of restrictions on the right to

⁹² *Report of the Working Group on the Universal Periodic Review: United Arab Emirates* (A/HRC/10/75), 12 January 2009, p17-19, para 91.1 (Qatar), 91.6 (Bahrain), 91.9 (United Kingdom), 91.13 (Indonesia), 91.17 (France), 91.18 (Italy), 91.20 (Norway), 91.21 (Philippines), 91.22 (Philippines), 91.23 (Philippines), 91.25 (Albania), 91.27 (Malaysia), 91.28 (Canada), 91.30 (Slovenia), 91.31 (Slovenia) and 91.32 (Japan).

⁹³ *The UN Special Rapporteur in Trafficking in Persons, especially Women and Children concludes her country visit to the United Arab Emirates*, 17 April 2012.

⁹⁴ *Report of the Working Group on the Universal Periodic Review: United Arab Emirates* (A/HRC/10/75), 12 January 2009, p19, para91.30 (Slovenia).

⁹⁵ The Committee also regretted the lack of a specific law criminalizing domestic violence. For more information, see UN Committee on the Elimination of Discrimination against Women, *Concluding observations of the Committee on the Elimination of Discrimination against Women: United Arab Emirates*, 5 February 2010, p5-6.

⁹⁶ Amnesty International, *Annual Report 2011: United Arab Emirates*, May 2011 <http://www.amnesty.org/en/region/uae/report-2011>

⁹⁷ *Report of the Working Group on the Universal Periodic Review: United Arab Emirates* (A/HRC/10/75), 12 January 2009, p19, para92.4 (Germany).

⁹⁸ Report of the 10th session of the Human Rights Council (A/HRC/10/29), paragraph 429.

⁹⁹ The government has announced that a committee has been set up to implement the decree and gather the names of people who qualify for citizenship. For more information, see Official website of the Prime Minister of the United Arab Emirates, Mansour bin Zayed issues resolution implementing President's directives, 15 December 2011, <http://www.uaepm.ae/en/media/news/articles/news937.html>

¹⁰⁰ *Report of the Working Group on the Universal Periodic Review: United Arab Emirates* (A/HRC/10/75), 12 January 2009, p17-19, para 91.9 (United Kingdom), 91.18 (Italy), 91.21 (Philippines), 91.22 (Philippines), 91.27 (Malaysia) and 91.28 (Canada).

¹⁰¹ Amnesty International, *Annual Report 2012: United Arab Emirates*, May 2012, <http://www.amnesty.org/en/region/uae/report-2012>

¹⁰² *Report of the Working Group on the Universal Periodic Review: United Arab Emirates* (A/HRC/10/75), 12 January 2009, p18, para91.25 (Albania) and 91.32 (Japan).

freedom of expression,¹⁰³ Amnesty International has documented deepening repression of dissent in the UAE in the past four years, including arbitrary arrests, threats to revoke citizenship of political activists, and increased restrictions on civil society organisations.¹⁰⁴

Amnesty International also regrets that in the 2008 review of the UAE, human rights concerns regarding incommunicado detention and torture and other ill-treatment were not adequately addressed.¹⁰⁵

¹⁰³ *Report of the Working Group on the Universal Periodic Review: United Arab Emirates (A/HRC/10/75)*, 12 January 2009, p18, para91.17 (France).

¹⁰⁴ Amnesty International and Human Rights Watch, *United Arab Emirates: End arrests; free political activists: Stop crackdown on freedom of expression, association* (MDE 25/004/2012), 30 April 2012, <http://www.amnesty.org/en/library/info/MDE25/004/2012/en>

¹⁰⁵ Amnesty International raised concerns regarding persons – both Emirati and foreign – who were arbitrarily arrested and held incommunicado for prolonged periods of time, commonly in undisclosed locations where they may face torture and other ill-treatment in its July 2008 submission to the UPR Working Group. For more information, see Amnesty International, *United Arab Emirates: Submission to the UN Universal Periodic Review: Third session of the UPR Working Group of the UN Human Rights Council, December 2008* (MDE 25/006/2008), 14 July 2008, <http://www.amnesty.org/en/library/info/MDE25/006/2008/en>