



Suggested recommendations to States considered in the 18th round of the Universal Periodic Review, 27 January – 7 February 2014

Table of contents	
	Page
Afghanistan.....	1
Cambodia.....	2
Chile.....	
Cyprus.....	
Dominican Republic.....	
Eritrea.....	
FYR Macedonia.....	
New Zealand.....	
Slovakia.....	
Uruguay.....	
Vanuatu.....	
Viet Nam.....	
Yemen.....	

Recommendations to the government of Afghanistan

Strengthening human rights and ending impunity for human rights violations:

- To repeal the 2007 National Reconciliation, General Amnesty and National Stability Law;
- To strengthen the independence and capacity of the Afghan Independent Human Rights Commission.

Protection of civilians in the conflict:

- To ensure that all pro-government military action, including by Afghan National Security Forces and international forces, agencies and civilian contractors, is fully compliant with international human rights and humanitarian law;
- To ensure investigation, accountability and remedy for civilian casualties resulting from national and international military operations;
- With the support of NATO/ISAF (International Security Assistance Force), to put in place effective mechanisms to monitor and independently investigate civilian casualties attributed to the Afghan National Security Forces and to ensure timely and effective remedies to the victims.

Arbitrary detention, and torture and other ill-treatment:

- To ensure that transfers of detainees to Afghan authorities do not take place until effective safeguards against torture and other ill-treatment are in place in the detention system;
- To ensure that all allegations of torture or other ill-treatment, whether in Afghan or ISAF/US custody, are promptly, thoroughly, effectively, impartially and independently investigated in accordance with international law, and that those responsible are prosecuted in fair trials, without recourse to the death penalty.

Internally displaced persons and returnees:

- To consider the full range of durable solutions for IDPs and returnees, including local integration or resettlement elsewhere, as well as return to home communities, in safety and dignity;
- To enact and enforce a clear prohibition on forced evictions;
- To allocate adequate financial and human resources for the swift implementation of the National Policy of The Islamic Republic of Afghanistan on Internal Displacement.

The rights of women and girls:

- To establish benchmarks for assessing the implementation of the Elimination of Violence Against Women Law;
- To implement UN Security Council Resolutions on Women Peace and Security, including by supporting the participation of women in peace talks, and continuing to increase the proportion of women playing an active role in the Afghan National Security Forces, in particular the Afghan National Police Force, while ensuring their safety and dignity in their place of work;
- To address the low conviction rate of perpetrators of gender-based violence, including by ensuring that prompt, impartial and effective investigations are carried out into all such allegations, and ensuring that perpetrators are brought to justice.

Death penalty and the justice system:

- To commute all death sentences and to introduce a moratorium on executions with a view to the abolition of the death penalty, in line with UN General Assembly resolutions adopted since 2007, including resolution 67/176 of 20 December 2012;
- To ensure that all those potentially facing the death penalty are tried in accordance with international standards for fair trial.

Freedom of expression:

- To fully and effectively investigate and prosecute those responsible for attacks on journalists, human rights defenders and others exercising their right to freedom of expression;
- To ensure that no government entities restrict the right to freedom of expression, and that media regulations conform to Afghanistan's international human rights obligations

Recommendations to the government of Cambodia

National infrastructure and law

- To implement the framework for judicial reform set out in the September 2010 report by the Special Rapporteur on the situation of human rights in Cambodia, including to pass and implement laws to ensure the justice system functions independently. The RGC must free the law enforcement and justice system from political control and corruption;
- To establish an independent National Preventative Mechanism as required by OPCAT, as recommended in the previous review cycle and accepted by Cambodia;ⁱ
- To establish a National Human Rights Institution, in accordance with the Paris Principles, as recommended in the previous cycle and accepted by Cambodia;ⁱⁱ
- To consult properly on all legislation, ensuring adequate consultation with affected stakeholders including relevant sections of civil society, and proper scrutiny and debate in the National Assembly as recommended in the previous cycle and accepted by Cambodia.ⁱⁱⁱ

International human rights treaties and cooperation with the UN

- To ratify the First Optional Protocol to the ICCPR as promised in its previous UPR, to allow individuals, including HRDs, to submit complaints to the UN Human Rights Committee around violations of the rights in the ICCPR.^{iv}
- To cooperate with the UN treaty bodies and comply with Cambodia's reporting obligations, such as the submission of the second report to the Human Rights Committee, due since 2002, as recommended in the previous review and accepted by Cambodia.^v
- To improve cooperation with the Special Rapporteur on the situation of human rights in Cambodia and the OHCHR in Cambodia, ensuring regular engagement with the same by senior RGC members.
- To approve the request for a visit by the Special Rapporteur on the Independence of Judges and Lawyers, as recommended in the previous review and accepted by Cambodia.^{vi}
- To approve the requests for visits by the Special Rapporteur on Freedom of Peaceful Assembly and Association and the Special Rapporteur on Human Rights Defenders.
- To issue invitations to visit Cambodia to the Special Rapporteur on Freedom of Opinion and Expression and the Special Rapporteur on Adequate Housing.

Situation on the ground – human rights defenders and freedom of expression

To respect and protect the right of HRDs, including those working on economic, social and cultural rights, to conduct their work without hindrance, intimidation or harassment, in line with the UN Declaration on Human Rights Defenders, as recommended in the previous cycle and accepted by Cambodia.^{vii}

Recommendations to the government of Chile

National human rights institutions

- To ensure the creation of an Ombudsperson according to the Paris Principles, by revising the draft law currently before Congress on this matter;
- To prioritise the process of developing a national human rights action plan through a broad consultative process with civil society.

Impunity for human rights violations

- To revoke the 1978 Amnesty Law (Decree Law 2191) and all other measures that enable impunity;
- To revoke any provision on statute of limitations regarding crimes under international law and civil suits arising from those crimes, irrespective of the date of their commission;
- To ensure full access to reparations for victims of crimes under international human rights law;
- To accede to the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity without any reservation or declaration amounting to a reservation;
- To enact legislation implementing the International Convention for the Protection of All Persons from Enforced Disappearance into national law, as well as the obligation to cooperate fully with the International Criminal Court;
- To enact the crime of torture in national law, in line with the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- To ensure that all ordinary crimes or crimes under international law allegedly committed by police or military personnel are tried in civilian courts.

Discrimination

- To develop an implementation plan in line with the state's duty to prevent discrimination under the Law Establishing Measures Against Discrimination, including affirmative action measures where necessary;
- To ensure that laws regulating family relations, including civil union and marriage, apply to all, including same-sex couples;
- To ensure that migrant laws include recognition of human rights, including the right to an identity and to documentation, circulation, work and social security, nationality, family regrouping, education, health and housing.

Indigenous Peoples

- To adequately implement the right to consultation to obtain Indigenous Peoples' free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them;
- To take concrete measures to facilitate the effective participation of Indigenous Peoples in decisions that affect them and ensure that they are able to express their opinions freely and without fear of reprisals or violence.

Women's rights, including sexual and reproductive rights

- To ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women;
- To ensure that sexual and reproductive rights are respected and protected in Chile, including access without discrimination to health services, contraception and emergency contraception, as well as information about those services;
- To repeal all legislation criminalizing women and girls for having an abortion, as well as the service providers performing it, and take measures to allow legal and safe abortions in case of rape or incest and in case of grave risk to the woman's life or health.

Public protest

- To revise the text and the application of the Law Determining Terrorist Conduct to ensure it is fully compliant with international human rights standards;
- To ensure that legislation on public order and public demonstrations does not unduly limit the right to freedom of expression and assembly;
- To ensure that all incidents of police violence are duly investigated, that those responsible are brought to justice and victims receive reparation;
- To adopt preventive measures to stop excessive use of force by the police, including adoption of publicly known protocols in line with international standards, proper training of police forces, and adequate control of compliance with such protocols.

Recommendations to the government of Cyprus

Criminalisation of irregular entry and stay

- To repeal Article 18(2) of Law 153(I) 2011 which criminalizes irregular entry or stay by irregular migrants.

Detention of asylum-seekers

- To end the routine detention of asylum-seekers for immigration purposes in law and practise, in line with international standards which require that such detention is used only in exceptional circumstances;
- To ensure that the recourse to the Supreme Court regarding a decision rejecting an asylum application, at the initial stage or at appeal level, automatically suspends the implementation of a deportation order.

Detention of irregular migrants

- To ensure that other less restrictive alternatives to detention are always considered first and given preference before resorting to detention;
- To immediately release irregular migrants for whom the sole basis of detention is their removal from Cyprus when this cannot be implemented within a reasonable time;
- To ensure that the decision to detain irregular migrants is automatically reviewed periodically by a judicial body on the basis of clear criteria set out in law.

Unaccompanied children migrants and families with children in irregular status

- To prohibit in law the detention of unaccompanied migrant children.

Detention conditions

- To ensure that conditions for irregular migrants and asylum-seekers held in immigration detention conform to international human right standards, including the UN Body of Principles for the Protection of All Persons under any Form of Detention;
- To ensure the prompt provision of proper medical examination and medical treatment, including psychological counselling where appropriate, whenever necessary and free of charge.

Recommendations to the government of Dominican Republic

National Human Rights Institutions

- To provide adequate resources to the Office of the Ombudsman, including competent and independent investigators, and to ensure that state institutions, including the National Police, collaborate fully with the Office of the Ombudsman;
- To gradually strengthen the Office of the Ombudsman in line with the Paris Principles with a view to it becoming recognized as an independent national human rights institution.

Human rights violations by police and security forces

- To undertake independent, prompt, thorough and impartial investigations into all cases of alleged human rights violations by the police and to ensure that victims and families receive full reparation;

- To ensure that national legislation makes explicit reference to the responsibility of the police as an institution and of the state for human rights violations committed by members of the police and other state agents while acting in the course of their official duties or exercising their authority as law enforcement officials;
- To design and implement an effective and human rights-based reform of the police, including through a new law on the police, developed in consultation with civil society, and the establishment of a fully independent oversight body to receive and investigate complaints of police abuses;
- To ratify and implement the International Convention for the Protection of All Persons from Enforced Disappearance, and to include the crime of enforced disappearance in the national legislation.

Violence against women and girls

- To establish Units for the Integrated Assistance for Victims of Violence against Women in each of the country's 32 provinces, and shelters in each of the country's nine regions;
- To implement the Strategic Plan for the Prevention, Detection, Support and Punishment of Violence against Women and Domestic Violence, 2011-2016;
- To ensure that the Ministry of Women, the Ministry of Health, the Office of the Prosecutor General and other institutions with a role in preventing and addressing cases of gender-based violence are adequately resourced;
- To strengthen the national legal framework for the protection of women and girls from gender-based violence.

Sexual and reproductive rights

- To reform the Criminal Code to ensure that women and girls seeking abortion services are not subject to criminal sanctions and that health professionals are not criminalized for providing safe abortion services;
- To ensure that counselling, information, and safe and legal abortion services are available, accessible, acceptable and of good quality for all women who require them in cases of unwanted pregnancy as result of rape, sexual assault, or incest, and in cases of pregnancy which poses a risk to the life or the health of the woman;
- To dedicate adequate resources for the full implementation of the National Strategic Plan for the Reduction of the Maternal Mortality, 2012-2016, and a National Plan for the Prevention of Pregnancies in Adolescents, 2011-2016.

Illegal expulsions of Haitian migrant workers

- To stop mass arbitrary expulsions of migrant workers and to ensure that their human rights are respected in all deportation processes, including the right to appeal deportation orders before a competent judicial body;
- To take effective measures to reduce the climate of racism and xenophobia against Haitians and Dominicans of Haitian descent in the Dominican Republic.

Discrimination against Dominicans of Haitian descent

- To immediately suspend the implementation of the constitutional ruling 0168-13 issued on 23 September 2013 and consult the Inter-American Court of Human Rights with regards to the ruling and its impact on the country's international human rights obligations;
- To take all necessary measures to protect from racism, xenophobia and violence persons with actual or supposed foreign origins, as well as human rights defenders, journalists and other individuals who might be at risk for having spoken out against the ruling 0168-13 of the Constitutional Court;
- To initiate a national consultation with civil society and groups of persons affected by the ruling in order to take all administrative and/or legislative measures possible to restore Dominican nationality to all of those who were deprived of it by the Constitutional ruling 0168-13
- To introduce effective measures to stop discriminatory practices linked to the process of granting citizenship and civil status registration, and issuing identity documents;
- To ensure that all persons affected by the constitutional ruling 0168-13 receive full compensation for any damages caused by the application of this ruling, particularly with respect to depriving their nationality and making them stateless;

- To formally recognize Dominican citizenship of all those who had it at the time of their birth before the introduction of the new constitution in 2010 as provided by article 18.2) of this constitution.

Trafficking in persons

- To assess the implementation of the National Action Plan against the Trafficking of People and the Smuggling of Migrants and to ensure that effective measures are taken to prevent and punish the smuggling and trafficking in persons and to ensure adequate protection of the victims and witnesses.

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

- To include in national legislation provisions prohibiting discrimination based on sexual orientation or gender identity;
- To ensure that all suspected homophobic killings and other instances of homophobic violence and discrimination towards LGBTI persons are thoroughly and independently investigated and the perpetrators brought to justice;
- To establish and implement policies and initiatives to address discrimination based on sexual orientation or gender identity.

Forced evictions

- To adopt and implement all necessary legislative and policy measures to promote security of tenure, particularly for women and vulnerable groups, to reduce vulnerabilities, and to promote equal access to housing resources;
- To ensure that evictions are carried out in conformity with international human rights standards, including the UN Basic Principles and Guidelines on Development-Based Evictions and Displacement.^{viii}

Attacks on freedom of the press

- To ensure effective investigation of threats and intimidation aimed at journalists and to ensure prosecution of those responsible for the killings of journalists;
- To reform national laws regulating criminal libel, slander, and defamation so that only civil penalties may be applied for offenses against public officials.

Recommendations to the government of Eritrea

Arrest and detention

- To bring an immediate end to the unlawful practices of arbitrary detention without charge or trial, incommunicado detention without access to the outside world, and detention in secret detention centres;
- To immediately and unconditionally release all prisoners of conscience – those detained because of the peaceful exercise of their rights to freedom of expression or freedom of thought, conscience, religion or belief, including because of their peaceful opposition to the government, or because of their identity as a family member of someone who has refused conscription or fled the country;
- To ensure that all detainees are promptly charged with a recognizable criminal offence and tried within a reasonable time and in accordance with international fair trial standards; where such proceedings do not take place within a reasonable time detainees should be released pending trial, in particular those who have been detained for a prolonged period without charge;
- To immediately provide detainees' families with information on their whereabouts and fate, including their current health status or official confirmation of any death in custody. In the latter case there must be an independent and impartial investigation into the death in order to establish the facts and to ensure that those responsible are held accountable, with the families afforded reparation, including compensation;
- To ensure that anyone who is detained:
 - is able to promptly inform, or have the authorities notify, their family or another third party of their detention, including information on their place of detention and any transfers;
 - is given prompt access to family members, including the right to receive visits, and to a lawyer of their choice, with whom they must be able to communicate in private, and to medical care;
 - is brought promptly before a judicial or other competent, impartial and independent authority and is

able to challenge the lawfulness of their detention before a court at the outset or at any time thereafter and to have the lawfulness of their detention reviewed by a court or other authority at reasonable intervals.

Restrictions on freedom of expression and association

- To respect and promote the right to freedom of expression, peaceful assembly and association, including by representatives of political parties, media and civil society groups, as set out in international and regional human rights treaties to which Eritrea is a party, in particular the International Covenant on Civil and Political Rights.

Conscription for national service

- To make provision for conscientious objection to military service;
- To bring an end to indefinite, involuntary conscription for national service, a system which amounts to forced labour;
- To end the policy of children undertaking the final year of schooling at Sawa military camp, a system that effectively involves the conscription of children into the military;
- To ensure that no-one under the age of 18 years is conscripted.

Recommendations to the government of FYR Macedonia

National human rights framework

- To take measures to implement fully and without further delay the 2010 Anti-Discrimination Law, including by integrating the protection of LGBTI people, introducing additional enabling legislation and promoting the law.

Impunity for war crimes

- To re-open investigations and prosecutions in all cases of crimes under international law returned from the ICTY, and to bring perpetrators to justice in proceedings 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, including relatives of the missing, are guaranteed access to justice, truth and reparation, including compensation, restitution, rehabilitation, satisfaction and guarantees of non-repetition;
- To promptly ratify the International Convention for the Protection of All Persons from Enforced Disappearance and to implement it into national law.^{ix}

Freedom of expression

- To guarantee freedom of expression without discrimination, including through the amendment of legislation which threatens media freedoms;
- To refrain from introducing legislation which potentially further limits media freedom and instead to encourage and ensure pluralism in the media;
- To ensure that the civil defamation law is not used with the purpose or effect of inhibiting legitimate criticism of the government.

Discrimination: LGBTI

- To open prompt, impartial and effective investigations into attacks on the lives or property of LGBTI individuals or organizations. Any alleged homophobic or transphobic hate motive should be thoroughly investigated and all those against whom sufficient admissible evidence exists should be brought to trial in fair proceedings;
- To amend anti-discrimination legislation to include sexual orientation and gender identity as specific grounds for discrimination;
- To introduce without further delay and in consultation with LGBT organizations, legislation prohibiting hate crime, specifically including hate crimes based on sexual orientation and gender identity, as well as ethnicity, race, gender and other grounds recognized in international standards.

Discrimination: Roma

- To initiate an audit of the Decade of Roma Inclusion Action Plans, identifying measures taken (with statistical information, aggregated by gender, on beneficiaries) and measures outstanding, and to set out, with budgetary commitments and realistic timescales, an action plan for their implementation;

To implement in full CEDAW's 2013 recommendations, including with respect to temporary special measures to address the rights of ethnic minority women, and to "Implement and expeditiously allocate adequate financial resources to national action plans and strategies aimed at eliminating all forms of discrimination against Roma women".^x

Recommendations to the government of New Zealand

UPR follow-up

- To establish initiatives with a specific focus on tackling domestic violence and which address the root causes of violence against women;
- To develop a comprehensive system of recording and analysing data on violence against women, with data disaggregated by sex, type of violence, relationship of perpetrator to the victim and ethnicity, and to monitor the effectiveness of legislation, policy and practice relating to all forms of violence against women;
- To reinstate the Taskforce for Action on Sexual Violence and implement the recommendations in its 2009 report;
- To take a holistic approach to tackling child abuse by incorporating policies which recognise the wider contributing factors to child abuse, including domestic violence and child poverty, and ensuring these relationships are addressed in the Children's Action Plan;
- To develop strategies across all public service delivery sectors, including health, education and justice, to identify and address institutional bias against Māori and Pacific people.

Normative and institutional framework

- To ratify the Convention relating to the Status of Stateless Persons, the Convention on the Protection of All Persons from Enforced Disappearance, and the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families;
- To remove the three reservations to the Convention on the Rights of the Child;
- To ratify the Optional Protocol to the Convention on Economic, Social and Cultural Rights, including opting in to its inquiry and inter-state mechanisms;
- To ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure;
- To opt into the individual complaints process under Article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination.

Parliamentary processes

- To ensure that there are open and transparent consultations with civil society on proposed legislation which may impact on rights and freedoms, including by developing clear guidelines that limit the circumstances in which a bill may be passed urgently;
- To establish a parliamentary human rights select committee to conduct comprehensive human rights analysis of both primary and secondary legislation in line with domestic and international human rights laws and standards, and to publicly report its findings;
- To require the Attorney-General to table reports on the consistency of legislation with the Bill of Rights Act 1990 and international human rights law and standards on a bill's third reading as well as its introduction;
- To require the Member of Parliament responsible for submitting a bill to respond publicly to reports from the Attorney-General that provisions in a bill are inconsistent with the Bill of Rights Act 1990;
- To table all concluding observations from UN treaty bodies in Parliament for debate.

Protection of the rights of asylum seekers and refugees

- To ensure that adequate safeguards are put in place to ensure that the Immigration Amendment Act 2013 is interpreted so as not to breach New Zealand's domestic and international obligations under the 1951 Refugee Convention;
- To ensure that any policy changes associated with the Immigration Amendment Act 2013 do not breach domestic and international obligations;
- To prohibit the transfer of asylum seekers to detention centres in third countries which do not meet international human rights standards, including those that have not ratified the UN Convention relating to the Status of Refugees and have no existing laws or procedures to assess asylum seeker claims immediately;
- To increase the number of refugees of refugees resettled through the UN quota system from 750 to 1000 per annum.

Economic, social and cultural rights

- To incorporate economic, social and cultural rights into the Bill of Rights Act 1990;
- To take steps so that the competent authorities review draft laws, regulations and policies to ensure their compatibility with the provisions of the International Covenant on Economic, Social and Cultural Rights;
- To provide for effective and enforceable legal remedies on economic, social and cultural rights;
- To extend the Human Rights Commission's alternative dispute mandate to resolve disputes in relation to economic, social and cultural rights;
- To make additional efforts to raise awareness of economic, social and cultural rights among parliamentarians and policy-makers.

Child poverty

- To adopt a rights-based approach to child poverty by:
 - Explicitly incorporating children's rights into domestic legislation;
 - Ensuring any new initiatives to tackle child poverty take a rights-based and child-centred approach;
 - Initiating a child budgeting exercise to specify strategic allocations to implement children's rights, track this implementation, monitor results and evaluate impact;
 - Developing and implementing a holistic national action plan for reducing child poverty.

Recommendations to the government of Slovakia

National human rights framework

- To take measures to effectively implement the prohibition of discrimination as enshrined in the Anti-Discrimination Act and the Schools Act;
- To adopt and operationalize a definition of what acts amount to "segregation" in education, utilizing the definition of segregation provided by the case law of the European Court of Human Rights and of the Prešov Court and to disseminate and promote it to all relevant education and monitoring authorities;
- To develop and implement adequate training on the principle of equal treatment and non-discrimination among teachers, directors and other educational staff.

Discrimination of Romani children in access to education

- To introduce a clear duty on all schools to de-segregate education. This should be accompanied by effective support for schools, including training and resources, and by incentives to develop comprehensive action plans aimed at de-segregation in education;
- To reform the State School Inspectorate and/or other monitoring bodies to assume a function to prevent and eradicate segregation in education. Such reform should include detailed guidelines and procedures on how to identify, monitor and combat segregation in practice and what action to take when the ban on discrimination and segregation is violated;
- To ensure that all victims of discrimination are provided with effective remedies and the means to secure them, including by strengthening the mandates of national human rights monitoring bodies.

Recommendations to the government of Uruguay

Impunity for human rights violations

- To abolish the 1986 Amnesty Law (*Ley 15.848, de Caducidad de la Pretensión Punitiva del Estado*) and to ensure that the perpetrators of crimes under international law are brought to justice;
- To ensure that amnesties, statute of limitations, non-retroactivity of the criminal law, or other similar measures do not apply to crimes under international law or to human rights violations committed during the past military and civilian regimes (1973-1985) and to fully and promptly comply with the 2011 judgement of the Inter-American Court of Human Rights.

Prison conditions

- To fully comply with the recommendations made by national and international bodies to address the problem of overcrowding in the prison system and the poor living conditions for inmates;
- To develop specific plans to support women prisoners to make them less isolated and less vulnerable;
- To fully establish the National Mechanism for the Prevention of Torture, under the Optional Protocol to the Convention against Torture, including by ensuring its autonomy and sufficient funds and resources, and by developing a detailed plan for its effective implementation.

Sexual and reproductive rights

- To ensure adequate resources for the implementation of Law 18.987 for women and girls to access to their right to safe legal abortions;
- To ensure that the health authorities have in place an effective and accessible referral system in cases where health professionals, due to their beliefs, wish to avoid providing abortion services allowed by law;
- To ensure that neither the women who have an abortion nor the personnel who perform it are criminalized.

Killings of transsexual women

- To carry out independent, impartial and effective investigations into the killings of transsexual women in Uruguay, respecting their identity and ensuring that those responsible are brought to justice;
- To ensure that crimes against transsexual women are investigated as hate crimes driven by transphobia;
- To gather comprehensive data and indicators on acts of violence perpetrated against transsexual women;
- To guarantee the safety and right to life of all people in Uruguay, regardless of their sexual orientation or identity.

Recommendations to the government of Vanuatu

[waiting for Kate's input]

Recommendations to the government of Viet Nam

Human rights framework

- To undertake reform of the courts and the judiciary to ensure their independence from the executive;
- To establish an independent National Human Rights Institution, in accordance with the Paris Principles;
- To ensure that the new constitution recognizes the rights provided for in Articles 19, 21, and 22 of the International Covenant on Civil and Political Rights in terms fully consistent with those articles and that do not circumvent Viet Nam's international human rights obligations as a state party;
- To ratify the First Optional Protocol to the International Covenant on Civil and Political Rights to allow individuals to submit complaints to the Human Rights Committee of violations of the rights set out in the International Covenant on Civil and Political Rights;
- To issue a standing invitation to the UN Special Procedures and to facilitate visits by the Special Rapporteur on freedom of opinion and expression and the Special Rapporteur on the situation of human rights defenders.

Freedom of expression

- To immediately and unconditionally release all prisoners of conscience, detained solely for peacefully exercising their right to freedom of expression;
- To repeal or amend provisions in the 1999 Penal Code to ensure that ambiguous provisions relating to national security are clearly defined or removed, in order that they cannot be applied in an arbitrary manner to stifle legitimate and peaceful dissent, debate, opposition and freedom of expression;^{xi}
- To repeal provisions in the 1999 Penal Code allowing house arrest or probation to violate freedom of expression;
- To ensure that any law on the Internet complies with Viet Nam's international human rights obligations as a state party to the International Covenant on Civil and Political Rights;
- To take all necessary measures to end other restrictions in law and practice on the right to freedom of expression, in accordance with international human rights law and standards.^{xii}

The death penalty

- To immediately impose a moratorium on executions, with a view to complete abolition of the death penalty, in line with UN General Assembly resolution 67/176 of 20 December 2012;
- To further reduce the number of offences liable for the death penalty;^{xiii}
- To make public all information about the imposition and use of the death penalty, including information on executions carried out.^{xiv}

Recommendations to the government of Yemen

National human rights framework

- Repeal Law No. 1 of 2012 and ensure that no person, whether acting in an official capacity or not, is immune from prosecution;
- Agree to the establishment of an international, independent and impartial investigation into human rights violations during the events of 2011;
- Establish an independent, impartial and thorough commission of inquiry, with international experts and assistance to ensure it functions effectively, to investigate human rights violations committed prior to 2011, including extrajudicial executions, enforced disappearances, torture and arbitrary detention;
- Ensure that full reparations are provided to victims and survivors of violations of international human rights and humanitarian law, including restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition, as defined by international law and standards;
- Put in place procedures to empower any investigative commission to make information available to relevant judicial or law enforcement bodies and thereby enable them to investigate crimes under international law and other grave human rights violations, including extrajudicial executions, enforced disappearances, torture and arbitrary detention, and, where there is sufficient admissible evidence, bring suspected perpetrators to justice in fair trials and without recourse to the death penalty.

Excessive use of force during protests

- Issue orders to all security forces with immediate effect not to use live ammunition against protesters who do not pose a risk to the lives of others;
- Make public, as a matter of urgency, clear instructions on the use of force, including the use of firearms; all law enforcement personnel deployed to police demonstrations should be given rigorous operational training and clear rules of engagement fully consistent with international human rights standards.

Abuses in armed conflict

- Ensure that government forces participating in armed conflict, including the Yemeni army, other security forces and any tribal groups allied to the government, are fully aware of and comply with their obligations under international humanitarian law;
- Ensure prompt, impartial and thorough investigations, in accordance with international standards, of evidence indicating that any state or non-state actors committed violations of international human rights and humanitarian law during recent armed conflicts; in cases where there is sufficient admissible

evidence that individuals ordered or carried out war crimes or other crimes under international law ensure they are prosecuted in proceedings that meet international standards on fair trial and without recourse to the death penalty;

- Fully implement the UN Guiding Principles on Internal Displacement and take all other necessary measures to fulfil the rights of internally displaced people in Yemen, by for instance taking appropriate measures to ensure the safe return of people who have been displaced to their homes if they so wish, including rebuilding homes and infrastructure, and providing education, health and other vital services.

Arbitrary detention, torture, enforced disappearances and extrajudicial executions

- Ratify the International Convention for the Protection of All Persons from Enforced Disappearance, making the declarations under Articles 31 and 32 to recognize the competence of the Committee on Enforced Disappearances;
- Amend the provisions of the Code of Criminal Procedures to prevent prolonged detention without criminal charge, currently permitted for a period of up to six months;
- Release immediately and unconditionally anyone held solely for the peaceful exercise of their rights to freedom of conscience, expression, association or assembly;
- End enforced disappearances by immediately disclosing the whereabouts of all those detained, ensuring that they are officially registered and their families and lawyers notified;
- End torture, other ill-treatment and incommunicado detention and ensure that all detainees currently held by any security force in Yemen are held in officially recognized places of detention, given prompt and regular access to their families, to any necessary medical care and a lawyer of their choosing, and are promptly brought before a competent judge as required by Yemeni law and charged with an internationally recognizable criminal offence, or released.

Rights of women and girls

- Become a party to the Optional Protocol to CEDAW;
- Remove reservations to Article 29(1) of the CEDAW;
- Bring all laws, practices, policies and procedures into full conformity with international human rights law and standards with respect to the full equality of men and women and ensure that the new constitution reinforces this;
- In particular, amend the Personal Status Law and amend or repeal provisions on “immoral” behaviour to ensure that they conform to international standards and do not impact in a discriminatory way on women;
- Protect women and girls from domestic violence, and ensure that violence in the family is fully investigated and those responsible are held to account;
- Ensure that forced marriages are prohibited in all cases; in the case of the marriage of a child under the age of 18, the state must establish that the child gives full, free and informed consent and has sufficient mental capacity to fully comprehend the consequences and obligations of marriage and that they are not forced to withdraw from school.

The death penalty

- Impose an official moratorium on executions with a view to abolition of the death penalty, as called for by UN General Assembly resolution 65/206 (2010);
- Pending abolition, ensure full compliance with all international standards on the use of the death penalty, and enforce the prohibition of the death penalty for juvenile offenders;
- Review all death penalty cases, including those ratified by the President, with the aim of commuting them to prison terms, or providing a new and fair trial without resort to the death penalty;
- In cases where the age of alleged juvenile offenders is in dispute, apply a full range of appropriate criteria consistent with the principle that the best interests of the child shall be a primary consideration as required by the Convention on the Rights of the Child, and in line with UN Human Rights Council resolution 19/37 of 23 March 2012 on Rights of the Child; give the benefit of the doubt in disputed cases so the individual is treated as a juvenile offender.

ⁱ A/HRC/13/4, recommendation 82.8: Build on progress towards the establishment of an independent national preventive mechanism with the necessary mandate and resources to fulfil its obligations under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Denmark).

ⁱⁱ Ibid, recommendation 82.7: Expedite operationalization of an independent human rights institution in accordance with the Paris Principles (Pakistan); accelerate the steps currently under way for the establishment of a national human rights institution consistent with the Paris Principles (Egypt); continue its efforts to establish a national human rights institution in accordance with the Paris Principles, which would strengthen the human rights infrastructure within the country (Thailand); advance the process of establishing an independent national human rights institution in a pragmatic manner and in consultation with all relevant actors (Philippines).

ⁱⁱⁱ Ibid, recommendation 82.6: Widen its consultation process on the development of policy, legislation and regulations to ensure that all legislative instruments are assessed as to their positive and negative impacts on human rights (United Kingdom).

^{iv} Ibid, recommendation 82.1: Consider ratifying the International Convention for the Protection of All Persons from Enforced Disappearance (CED) and the Convention on the Rights of Persons with Disabilities (CRPD); the two Optional Protocols to the International Covenant on Civil and Political Rights (ICCPR); the Optional Protocols to the Convention on the Elimination of All Forms of Discrimination against Women and CRPD; and Convention No. 169 of the International Labour Organization, and accomplish the human rights goals set by Human Rights Council resolution 9/12 (Brazil).

^v Ibid recommendation 82.17: Submit its pending reports to the relevant treaty bodies (Pakistan).

^{vi} Ibid, recommendation 82.21: Grant the request made by the Special Rapporteur on the independence of judges and lawyers in 2006, 2008 and 2009 to visit the country (Netherlands); approve the request for a visit by the Special Rapporteur on the independence of judges and lawyers (Norway).

^{vii} Ibid, recommendations 82.51: Strengthen efforts to protect freedom of expression and the right of all human rights defenders, including those working on land rights issues, to conduct their work without hindrance or intimidation, including by way of safeguarding freedom of assembly and association (Sweden); 82.52. Facilitate the work of non-governmental organizations and other relevant civil society groups in the country (Italy); 82.53. Develop a policy to protect human rights defenders (Brazil); 82. 55. Adopt appropriate measures to disseminate widely and ensure full observance of the Declaration on Human Rights Defenders (Norway); 8256. Ensure that the draft law on non-governmental organizations does not make their working conditions more difficult and respect their freedom of expression and association (France).

^{viii} Human Rights Council, Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, A/HRC/4/18, 5 February 2007.

^{ix} As recommended in Amnesty International: *“No impunity for enforced disappearances: Checklist for effective implementation of the International Convention for the Protection of All Persons from Enforced Disappearance”*, (IOR 51/006/2011).

^x Para 38 (a), CEDAW, Concluding Observations.

^{xi} See recommendation made and accepted at the previous review: 99-11. Engage in dialogue with international experts on legal developments, including on the review of its Penal Code to allow less scope for open interpretation of these provisions by judges and courts (United Kingdom); continue to work to ensure key pieces of national legislation, including the 1999 Penal Code and 2003 Criminal Procedures Code, are consistent with its international human rights treaty commitments (Australia).

^{xii} See recommendations made and accepted at the previous review: 99-44. Take the necessary steps to ensure that citizens can fully enjoy the rights to freedom of expression and freedom of religion (Argentina); 99-45. Fully guarantee the right to receive, seek and impart information and ideas in compliance with article 19 of ICCPR (Italy); 99-47. Take steps to ensure that full respect for the freedom of expression, including on the Internet, is implemented in current preparations for media law reform (Sweden); 99-52. Strengthen efforts in the areas of civil and political freedoms, including freedom of expression and the press and freedom of religion (Republic of Korea).

^{xiii} See recommendation made and accepted at the previous review: 99-33. Fulfil the Government aim of limiting the use of capital punishment promptly by reducing the scope of crimes subject to the death penalty (Norway); reduce the number of offences punishable by the death penalty (Germany).

^{xiv} See recommendation made and accepted at the previous review: 99-32. Revise its legislation on the death penalty bearing in mind existing international standards on the subject, especially concerning transparency (Switzerland).