

**Responses to Recommendations**

**LIBYA**

Review in the Working Group: 9 November 2010  
 Adoption in the Plenary: September 2011

**Libya's responses to recommendations (as of 06.07.2011):**

<b>In the Report of the Working Group:</b>	<b>In the Addendum:</b>	<b>During the plenary:</b>	<b>Summary:</b>
66 REC accepted; (among which 4 are considered already implemented or in the process of implementation); 24 rejected; 30 pending	No addendum	The plenary has been postponed to the 18 <sup>th</sup> Human Rights Council session in September 2011 due the situation in the country	Accepted: 66 Rejected: 24 No clear position: 0 Pending: 30

**List of recommendations contained in Section II of the Report of the Working Group A/HRC/16/15:**

**93. The recommendations formulated during the interactive dialogue and listed below have been examined by the Libyan Arab Jamahiriya and enjoy its support:**

- A - 93.1. Take necessary measures to accede to CRPD (Oman);
- A - 93.2. Adopt and implement a definition of torture consistent with its obligations under the International Covenant on Civil and Political Rights and the Convention against Torture and Other Cruel, Inhuman, Degrading Treatment or Punishment (United States);
- A - 93.3. Adopt domestic legislation to absolutely abolish practices of torture on its territory (United States);
- A - 93.4. Step up efforts to consolidate the rule of law and national human rights protection institutions (Viet Nam);
- A - 93.5. Continue to make further efforts in the promotion and protection of human rights in accordance with the needs and requirements of Libyan society (United Arab Emirates);
- A - 93.6. Continue its efforts to address the adverse effects of the sanctions imposed during the 1990s (Sudan);<sup>1</sup>

A - 93.7. Continue to implement its voluntary commitments to promote human rights through its membership in the Human Rights Council, the African Union and the League of Arab States in order to prevent double standards in dealing with specific countries and to promote dialogue between nations, instead of resorting to force or the imposition of coercive measures or using human rights as a reason to interfere in the internal affairs of States (Sudan);

A - 93.8. Continue its efforts in promoting and protecting human rights and other fundamental freedoms of the Libyan people (Jordan);

A - 93.9. Continue its efforts in promoting human rights education and national human rights protection mechanisms (Egypt);

A - 93.10. Continue its positive efforts to increase the culture of the human rights of the Libyan people (Cuba);

A - 93.11. Continue its efforts to achieve the Millennium Development Goals (Azerbaijan);

A - 93.12. Take appropriate measures to ensure that all children enjoy all human rights, without discrimination (Islamic Republic of Iran);

A - 93.13. Consider giving more role to the private sector in developing the national education and health-care systems (Islamic Republic of Iran);

A - 93.14. Explore the possibility of adopting a national strategy to combat discrimination against women (Malaysia);

A - 93.15. Continue to improve policies and programmes to advance the status of women and girls, and to protect children (Myanmar);

A - 93.16. Continue its cooperation with the United Nations special procedures (Azerbaijan);

A - 93.17. Consider inviting the Special Rapporteur on the right to education and the Special Rapporteur on the sale of children, child prostitution and child pornography, within a framework of mutual cooperation, as a constructive step towards the consolidation of greater protection for this vulnerable group (Bolivarian Republic of Venezuela);<sup>2</sup>

A - 93.18. Continue its active cooperation with the United Nations mechanisms and submit its periodic reports to treaty bodies, as appropriate (Cuba);

A - 93.19. Continue its efforts in cooperating with OHCHR since becoming a member in the Human Rights Council (Morocco);

A - 93.20. Adopt policies and legislation aimed at promoting women's rights and combating gender-based discrimination, particularly domestic violence (Brazil);

A - 93.21. Continue to scale up its efforts to empower women, mainly rural women (Democratic People's Republic of Korea);

A - 93.22. Continue its efforts in promoting human rights and gender equality, and ensure that women can be involved in the labour market (Tunisia);

A - 93.23. Continue the measures to promote women rights, including the advancement of women's empowerment (Azerbaijan);

A - 93.24. Continue its efforts to promote women's role in social and public life, and protect them from violence (Islamic Republic of Iran);

A - 93.25. Continue the implementation of measures designed to enhance the role of women in social and political life (Belarus);

A - 93.26. Strengthen measures and policies to promote the active role and participation of women in the political, social and economic life of the country (Viet Nam);

A - 93.27. Continue its special efforts to empower women in various areas, in particular in the labour market (Egypt);

A - 93.28. Step up efforts to enhance the participation of women in all spheres of socio-economic life, in line with the progress made in education (Bangladesh);

A - 93.29. Continue their efforts in enhancing the role of persons with disabilities in society (Jordan);

A - 93.30. Continue its efforts towards people with special needs, and ensure that they are exempted from paying some expenses (Morocco);

A - 93.31. Speed up the adoption of the draft law on exempting disabled children from transportation costs within and outside cities (Yemen);

A - 93.32. Continue to implement its decision No. 908 of 2007 regarding the coverage of certain costs for persons with special needs (Kuwait);

A - 93.33. Continue to take practical measures to ensure the effective participation of women in economic, social and political fields (Pakistan);

A - 93.34. Consider issuing a moratorium on the execution of death penalty sentences (Mexico);<sup>3</sup>

A - 93.35. Take the necessary steps to ensure that security forces are subject to legal oversight and are operating in compliance with international human rights standards (Canada);

A - 93.36. Take comprehensive measures to eliminate violence against women and children, in particular by adopting a national strategy to combat violence against women, as recommended by the Committee on the Elimination of Discrimination against Women (Thailand);

A - 93.37. Enact legislation that prohibits all forms of human trafficking, increase law enforcement efforts, and implement standard procedures to identify victims and provide them with protection (United States);

A - 93.38. Increase efforts to combat human trafficking, in particular by considering the development of comprehensive national legislation and an action plan to eradicate human trafficking and protect victims (Belarus);

A - 93.39. Continue developing training methods and educating police, prison guards and the judiciary in areas of human rights (Egypt);

A - 93.40. Immediately release all individuals detained without a legal basis, including those that have completed their terms and those acquitted by courts (Slovakia);

A - 93.41. Comply with international obligations, and ensure full and unhampered enjoyment of freedom of expression (Czech Republic);

A - 93.42. Abrogate all provisions criminalizing freedom of expression (Switzerland);

A - 93.43. Provide for free, independent media in accordance with the Libyan Arab Jamahiriya's international obligations (Slovakia);

A - 93.44. Promote freedom for trade unions to ensure fair treatment in the event of labour disputes, especially when they involve migrant workers, and ensure that all domestic labour laws fully comply with the Covenant on Economic, Social and Cultural Rights (Thailand);

A - 93.45. Pursue its efforts aimed at improving the standard of living of its population, taking into consideration the equitable distribution of the fruit of those efforts among all segments and groups in society and among various regions (Algeria);

- A - 93.46. Continue to work to improve the human and material situation that resulted from the economic sanctions during the 1990s (Qatar);
- A - 93.47. Continue to combat poverty, with due regard for socio-economic and regional disparities (Myanmar);
- A - 93.48. Take additional steps to reduce infant mortality (Belarus);
- A - 93.49. Continue to make progress in education and health care, with a particular focus on women and girls, in order to achieve quality education and a quality health-care system (Myanmar);
- A - 93.50. Continue its efforts to increase job opportunities for educated women in the Libyan Arab Jamahiriya (Sudan);
- A - 93.51. Call on the Libyan Arab Jamahiriya to share with other countries, including mine, the Sudan, its experience in achieving an adequate standard of living for low-income families, especially by providing such families with an investment portfolio (Sudan);
- A - 93.52. Take appropriate measures aimed at full access to an improved water source for the population (Islamic Republic Iran);
- A - 93.53. Pursue ongoing action in favour of training for qualified teaching staff, and provide education opportunities for all segments and social groups in various regions (Algeria);
- A - 93.54. Improve education materials used in schools for people with special needs in order to ensure their full integration into society, economically and socially (Syrian Arab Republic);
- A - 93.55. Continue its efforts to further strengthen the education sector (Democratic People's Republic of Korea);
- A - 93.56. Enhance and improve education, in particular by continuing to work towards the improvement of education through information technology (Bahrain);
- A - 93.57. Continue its efforts in improving the right to education, especially education for people with special needs (Saudi Arabia);
- A - 93.58. Continue human rights education and awareness-raising programmes undertaken by governmental and non-governmental organizations to disseminate a culture of human rights (Saudi Arabia);
- A - 93.59. Continue strengthening its successful education policy, in conditions that ensure access to education with full equality (Bolivarian Republic of Venezuela);
- A - 93.60. Pursue its efforts, in the African context and through cooperation with concerned European countries, to find collective solutions to address the issue of illegal migration (Algeria);
- A - 93.61. Continue on the path of dialogue with its immediate neighbours and with the European Union, with a view to ensuring that together they continue to meet the challenges of migration in the humane and constructive spirit to which they are all committed (Malta);
- A - 93.62. Continue to pursue its several financing mechanisms to address the root causes of undocumented migration in Africa, and extend the scope of such programmes beyond Africa, with assistance from the international community (Bangladesh);
- A - 93.63. Ensure that there are no practices that discriminate on the basis of ethnic or national origin regarding the expulsion of immigrants (Poland);
- A - 93.64. Continue granting the necessary humanitarian assistance to migrants in the Libyan Arab Jamahiriya (Viet Nam);
- A - 93.65. Take necessary measures to guarantee that migrant workers are treated on a non-discriminatory basis (Thailand);

A - 93.66. Continue ongoing efforts to assist countries, with their consent, in resolving political disputes as well as in improving their developmental infrastructure (Pakistan).

**94. The Libyan Arab Jamahiriya considers that recommendations Nos. 93.2, 93.3, 93.31 and 93.40 above have already been implemented or are in the process of implementation.**

**95. The following recommendations will be examined by the Libyan Arab Jamahiriya, which will provide responses in due course, but no later than the 16<sup>th</sup> session of the Human Rights Council, in March 2011. The responses of the Libyan Arab Jamahiriya to these recommendations will be included in the outcome report adopted by the Council at its 16<sup>th</sup> session.**

P - 95.1. Accede to international human rights conventions not yet acceded to (Egypt);

P - 95.2. Accede to OP-CAT (Iraq);

P - 95.3. Accede to CRPD (Iraq);

P - 95.4. Consider becoming a party to the 1951 Convention relating to the Status of Refugees and the Protocol thereto (Chad);

P - 95.5. Issue legislation regarding the status of refugees in order to deal with the refugee situation in the country (Iraq);

P - 95.6. Strive to take the following steps in order to implement the international human rights conventions to which it is a party: (a) the adoption of a single written constitution; and (b) an amendment to the penal code to include provisions on the prohibition of the use of torture (Japan);

P - 95.7. Encourage the national human rights institution to seek accreditation from the international coordinating committee (Algeria);

P - 95.8. In line with the recommendations of the Committee on the Elimination of Discrimination against Women, adopt a national plan to eliminate stereotypes regarding the role of women in society, and speed up the reform process to guarantee equality between men and women, including with regard to the transfer of nationality, the custody of children, divorce and inheritance (Mexico);

P - 95.9. Issue a standing invitation to all special procedures mandate holders (Brazil);

P - 95.10. Invite to its territory, as a priority, the Working Group on arbitrary detention and the Special Rapporteur on torture, in particular to investigate arbitrary detention and the holding in detention of persons who have served their sentences, as well as torture and ill treatment, and put an end to such practices (France);

P - 95.11. Allow the Working Group on Arbitrary Detention to visit the country and to be guaranteed access to all places of detention (Switzerland);

P - 95.12. Allow a visit by the Working Group on Arbitrary Detention, granting it full access to all detention centres (Slovakia);

P - 95.13. Abolish capital punishment (Mexico);<sup>4</sup>

P - 95.14. Review provisions to reduce the number of offences that carry the death penalty, particularly those relating to the establishment of groups, organizations or associations (Mexico);<sup>5</sup>

P - 95.15. Establish a moratorium on executions with a view to abolishing the death penalty (Brazil);

P - 95.16. Take relevant steps aimed at abolishing the death penalty (Czech Republic);

P - 95.17. Impose a moratorium on capital punishment and commute existing death sentences to imprisonment terms, with a view to abolishing capital punishment entirely (Slovakia);

P - 95.18. Conform to the provisions of article 6 of the International Covenant on Civil and Political Rights, and move towards a moratorium on executions with a view to considering the definite abolition of the death penalty (France);

P - 95.19. Commute all existing death sentences and establish a moratorium on the use of the death penalty as a step towards its abolition, as declared in the Great Green Charter of Human Rights in the Jamahiriyan Era (United Kingdom);

P - 95.20. Abolish the death penalty and, in any event, establish a moratorium as an interim measure towards full abolition (Australia);

P - 95.21. Adopt a moratorium on executions with a view to fully abolishing the death penalty (Switzerland);

P - 95.22. Ensure independent access by international humanitarian agencies to assess the well-being of prisoners detained without trial, or in continued detention following the acquittal or commuting of their sentences (Australia);

P - 95.23. Investigates, in line with international standards, all allegations of enforced disappearance, torture and ill treatment committed by security forces, and bring perpetrators to justice and ratifies the OP-CAT (United Kingdom);

P - 95.24. Revoke provisions of the national law enabling the use of corporal punishment (Czech Republic);

P - 95.25. Abolish corporal punishment, both in law and in practice (Switzerland);

P - 95.26. Release publicly the findings of the Libyan Government's investigation into the Abu Salim prison killings of 1996 (Australia);

P - 95.27. With a view to fostering equality in law and practice, repeal all discriminatory legislation with regard to marriage, divorce and inheritance (Canada);

P - 95.28. Ensure respect for the right to a private life, as guaranteed by the International Covenant on Economic, Social and Cultural Rights, to which the Libyan Arab Jamahiriya is a State party, by reviewing its national law criminalizing consensual sexual relations out of wedlock (Czech Republic);

P - 95.29. Repeal laws restricting the formation of a free and independent press, including Law No. 76 of 1972, Law No. 120 of 1972 and Law No. 75 of 1973 (United States);

P - 95.30. Enhance freedom of expression, association and assembly (Brazil).

## **96. The recommendations below did not enjoy the support of the Libyan Arab Jamahiriya:**

R - 96.1. Accede to OP-ICESCR and CED (Iraq);

R - 96.2. Investigate all alleged enforced disappearances, and accede to the International Convention for the Protection of All Persons from Enforced Disappearance (France);

R - 96.3. Make declarations under article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination and article 22 of the Convention against Torture, to recognize the individual complaints mechanisms under those treaties (Republic of Korea);

R - 96.4. Consider becoming a party to the 1967 Protocol to the United Nations Convention relating to the Status of Refugees; adopt asylum legislation; sign a memorandum of understanding with the United Nations High Commissioner for Refugees (UNHCR), formalizing the presence of UNHCR in the Libyan Arab Jamahiriya and allowing UNHCR greater access to detained asylumseekers and migrants (United States);

R - 96.5. Accede to international refugee protection instruments, adopt national asylum legislation and appropriate administrative structures, and reach a formal agreement with UNHCR to establish the agency's presence and operations in the country (Canada);

R - 96.6. Amend or repeal legislation that applies the death penalty to nonserious crimes, as recommended by the Human Rights Committee, including the exercise of the right to freedom of expression or opinion or the establishment of groups, organizations or associations based on a political ideology contrary to the principles of the 1969 revolution (articles 206 and 207 of the Penal Code) (Israel);

R - 96.7. Ensure equality, under the law and in practice, of women, and amend all discriminatory legal provisions concerning marriage (including polygamy), male guardianship, child custody, divorce and inheritance, as recommended by the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child (Israel);

R - 96.8. Review the assessment regarding the absence of any racial discrimination within the country, as recommended by the Committee on the Elimination of Racial Discrimination, and adopt legislation that prohibits racial discrimination, especially against Black Africans, as well as guarantee that migrant workers are treated on a non-discriminatory basis, as recommended by the Committee on Economic, Social and Cultural Rights (Israel);

R - 96.9. Reinforce measures to ensure the full investigation of allegations of torture, disappearances and arbitrary detention, and that it fully prosecutes and appropriately punishes persons responsible (Canada);

R - 96.10. Publish a list of all those killed in 1996 at Abu Selim prison, and provide their families with death certificates stating the place, date and exact circumstances of death (United Kingdom);

R - 96.11. Respect obligations under ICCPR by freeing persons currently under administrative detention and by putting an end to arbitrary detention and torture (Switzerland);

R - 96.12. Consistent with the requirements of fair trial provided for in Libyan constitutional instruments and relevant international conventions it has signed and ratified, abolish all special courts and related institutions, including the State Security Court and Prosecution Office, and abrogate all laws, provisions and powers related to the People's Court (Canada);

R - 96.13. Ensure the independence of the judiciary and international standards of fair trial, including the right to be speedily tried, the right to be informed of the charges, the right to an adequate defence, the right to legal counsel of one's own choosing, and the right of appeal in front of a higher tribunal (Israel);

R - 96.14. Abolish legal provisions that criminalize the dissemination of information considered to tarnish the Libyan Arab Jamahiriya's reputation abroad, including article 178 of the Libyan Penal Code (United States);

R - 96.15. Review legislation and repeal provisions under which up to life imprisonment can be imposed for tarnishing the country's reputation or undermining confidence in it abroad (Czech Republic);

R - 96.16. Take measures to protect freedom of expression and association, by pursuing its reforms of the law on the press and of the Penal Code to bring them into conformity with its fundamental law and international standards, by putting an end to the restrictions on Internet access, and by allowing the free establishment of associations (France);

R - 96.17. Promote the creation of an adequate environment for the full enjoyment of freedom of association, including the creation of labour unions and organizations independent from government; and initiate a review of the relevant provisions to ensure that the restrictions on freedom of association are only those provided for in the Covenant on Civil and Political Rights (Mexico);

R - 96.18. Consider greater provision for the protection of freedom of association, freedom of speech and rights to judicial appeal, including by aligning all articles of the Penal Code and other relevant laws with international standards (Australia);

R - 96.19. Repeal laws which criminalize expression of the rights of freedom of expression, of association and of assembly, and ensure that individuals detained for the peaceful exercise of these rights are released (Canada);

R - 96.20. Repeal Law No. 71 of 1972 and relevant articles of the Penal Code that criminalize free association, and ensure that individuals seeking to establish associations are spared from any harassment or prosecution (Slovakia);

R - 96.21. Adopt measures aimed at establishing the necessary legal and administrative institutions to guarantee the rights of migrants and asylum seekers, particularly the right to due process and respect for the principle of non-refoulement (Mexico);

R - 96.22. Adopt legislative and administrative regulations that allow immigrants to file an appeal against forced removal, with suspensive effects, in cases in which they could be subject to torture or other ill treatment in their countries of origin (Poland);

R - 96.23. Fully apply the Convention governing the specific aspects of refugee problems in Africa and respect international refugee law; conclude, as soon as possible, a headquarters agreement with the United Nations High Commissioner for Refugees (France);

R - 96.24. Uphold the principle of non-refoulement regarding refugees and asylum seekers, and protect the human rights of all migrants, irrespective of their immigration status (Brazil).

#### Notes

1 Recommendation as read during the interactive dialogue: "Continue efforts to face the adverse effects of the sanctions imposed between 1992 and 1993" (Sudan).

2 Recommendation as read during the interactive dialogue: "Consider inviting the Special Rapporteur on the right to education, and the Special Rapporteur on trafficking in persons, especially in women and children; within a framework of mutual cooperation, as a constructive step towards the consolidation of a greater protection to this vulnerable group" (Bolivarian Republic of Venezuela).

3 Recommendation as read during the interactive dialogue : "Consider to issue a moratorium on executions of death penalty sentences; with a view to the abolition of capital punishment; review provisions to reduce the number of offenses which carry the death penalty, particularly those relating to the establishment of groups, organizations or associations" (Mexico).

4 Recommendation as read during the interactive dialogue: "Consider to issue a moratorium on executions of death penalty sentences; with a view to the abolition of capital punishment; review provisions to reduce the number of offences which carry the death penalty, particularly those relating to the establishment of groups, organizations or associations" (Mexico).

5 Recommendation as read during the interactive dialogue: "Consider to issue a moratorium on executions of death penalty sentences; with a view to the abolition of capital punishment; review provisions to reduce the number of offenses which carry the death penalty, particularly those relating to the establishment of groups, organizations or associations" (Mexico).

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