

# UPRna Mid-Term Monitoring Report: An Assessment of Libya's Second Universal Periodic Review

2017

COALITION OF LIBYAN HUMAN RIGHTS ORGANISATIONS





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# EXECUTIVE SUMMARY

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In 2015, the State of Libya (**Libya**) participated in its second Universal Periodic Review (**UPR**). Libya was due to provide a mid-term report in November 2017 on the status of implementation of the recommendations made to it in the UPR. On the occasion of Libya's UPR mid-term assessment, the Coalition of Libyan Human Rights Organisations<sup>1</sup> (the **Coalition**) presents this *UPRna Mid-Term Monitoring Report: An Assessment of Libya's Second Universal Periodic Review* (the **Report**). The aim of the Report is to assess the status of implementation of UPR recommendations accepted and partially accepted by Libya in its second UPR. The Report assesses the recommendations that are relevant to the Coalition's work, namely (i) the rights to freedoms of expression, association, and assembly; (ii) the right to non-discrimination and equality for (a) internally displaced persons (**IDPs**); (b) persons with disabilities; (c) ethnic minorities and (d) on the basis of gender; and finally (iii) the right to be free from torture and ill-treatment.

In May 2015, the Coalition welcomed Libya's commitment, as set out in its national report<sup>2</sup> (the **National Report**) dated 5 May 2015, to strive to implement the UPR recommendations.<sup>3</sup> Subsequently, on 25 September 2015, Libya accepted or partially accepted 171 of 202 recommendations that were put forward by United Nations (UN) member states (**UN Member States**).

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1 The Coalition is made up of eight Libyan NGOs: LFJL; the Women are Coming Movement; Mercy Association for Charitable and Humanitarian Aid (Alrahma); the National Libyan Organisation for the Development of People with Disabilities; the Libyan Association for Tebu Culture; the Libyan Center for Freedom of Press; Youth for Tawergha and the Independent Libyan Organisation for Human Rights.  
2 The National Report is submitted by UN Member States ahead of accepting the recommendations to report on the human rights situation in their country and the actions they have taken or will take to improve it.  
3 Human Rights Council (HRC), *National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21, Libya*, 5 May 2015, A/HRC/WG.6/22/LBY/1, p. 21, para. 85.

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In relation to the abovementioned focus areas, the Report finds that:

- Libya has made no significant efforts to implement the majority of the recommendations it accepted;
- Libya has made no progress in implementing recommendations related to freedom of expression, association and assembly;
- Libya has made limited efforts to protect the rights of IDPs, persons with disabilities, ethnic minorities; to ensure gender equality; and to prevent torture and ill-treatment; and
- Libya has yet to produce an implementation action plan for accepted UPR recommendations.

**The Coalition therefore calls on Libya to:**

- take prompt steps to implement the UPR recommendations it has accepted and partially accepted and prioritise compliance with its obligations under international human rights law, including the promotion, protection and fulfilment of international human rights;
- implement recommendations related to freedom of expression, association and assembly;
- implement fully recommendations related to the rights of IDPs; the rights of persons with disabilities; the rights of ethnic minorities; ensuring gender equality; and preventing torture and ill-treatment;
- produce and publish an implementation action plan for all accepted UPR recommendations, with an anticipated time-frame for activities that is regularly updated to reflect the progress of implementation;

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- consult and cooperate with Libyan civil society during both the formulation of an implementation action plan and during the implementation of UPR recommendations;
  - submit to the UN Office of the High Commissioner for Human Rights (OHCHR) an assessment report on the status of implementation of accepted and partially accepted UPR recommendations; and
  - implement the Coalition’s UPR recommendations provided in Annex 1, which address key concerns identified by the Coalition for Libya’s second UPR cycle.

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“DESPITE ITS PUBLIC COMMITMENT TO HUMAN RIGHTS, AS OF THE DATE OF THIS REPORT, LIBYA HAS MADE LIMITED PROGRESS IN IMPLEMENTING ACCEPTED UPR RECOMMENDATIONS.”

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# INTRODUCTION

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The UPR is a mechanism by which the UN Human Rights Council (HRC) reviews the human rights record of each UN Member State every four and a half years. Libya's second UPR marked the first opportunity for Libya's non-governmental organisations (NGOs) to engage in the process. To encourage engagement with human rights protection mechanisms, Lawyers for Justice in Libya (LFJL) launched *UPRna* (which means "Our UPR" in Arabic). *UPRna* provides a platform for Libyan NGOs to engage in the UPR. Such engagement includes submitting stakeholder reports on the human rights situation in Libya; conducting national and international advocacy for the implementation of the UPR recommendations Libya accepted and partially accepted; and monitoring the progress made towards implementation. The Coalition remains the only group of Libyan NGOs actively engaging in Libya's UPR.

The UPR mid-term reporting for Libya is scheduled for November 2017. UPR mid-term reporting remains a voluntary procedure of reporting to the OHCHR on the status of implementation of UPR recommendations accepted and partially accepted by a state in the UPR process. Nevertheless, it is an important step towards greater accountability for the implementation of UPR recommendations. In view of this, this Report assesses the implementation status of the UPR recommendations Libya accepted and partially accepted that are relevant to the Coalition's work. The Report also includes the Coalition's recommendations for measures that Libya should implement in its second UPR in order to strengthen human rights protection in Libya.

To find out more about *UPRna* and the Coalition's work, please visit [www.uprna.ly](http://www.uprna.ly) or email the *UPRna* team at [uprna@libyanjustice.org](mailto:uprna@libyanjustice.org).

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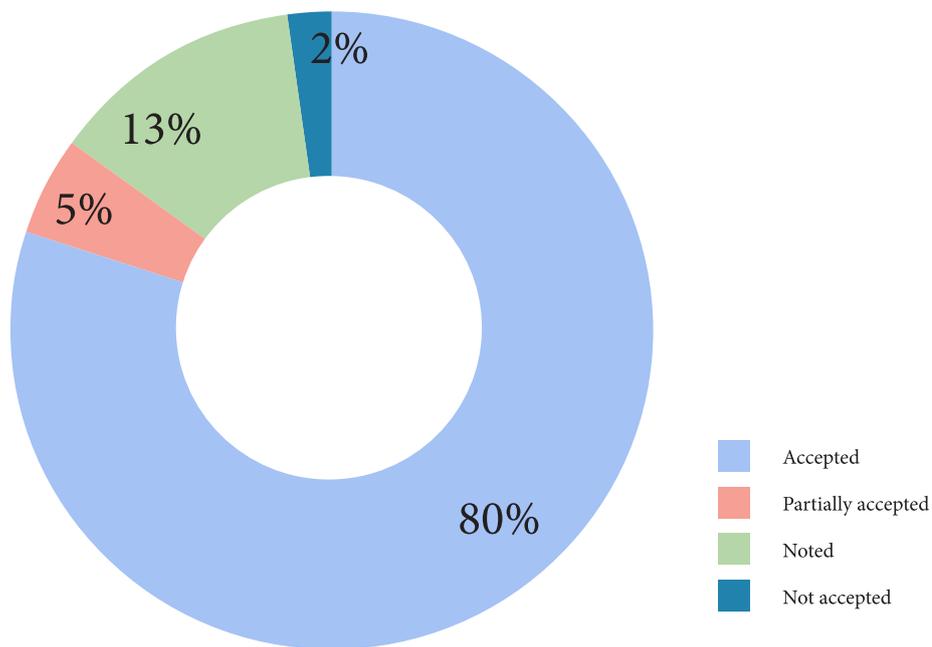
“UPRNA PROVIDES A PLATFORM FOR LIBYAN NGOS TO ENGAGE IN THE UPR.”

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# OVERVIEW OF LIBYA'S POSITION ON THE UPR RECOMMENDATIONS OF ITS SECOND CYCLE

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“LIBYA ACCEPTED 171 OF 202 RECOMMENDATIONS PUT FORWARD BY UNITED NATIONS MEMBER STATES [...] HOWEVER [IT] HAS MADE LIMITED PROGRESS IN IMPLEMENTING ACCEPTED UPR RECOMMENDATIONS.”

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# RECOMMENDATION IMPLEMENTATION ASSESSMENT KEY:

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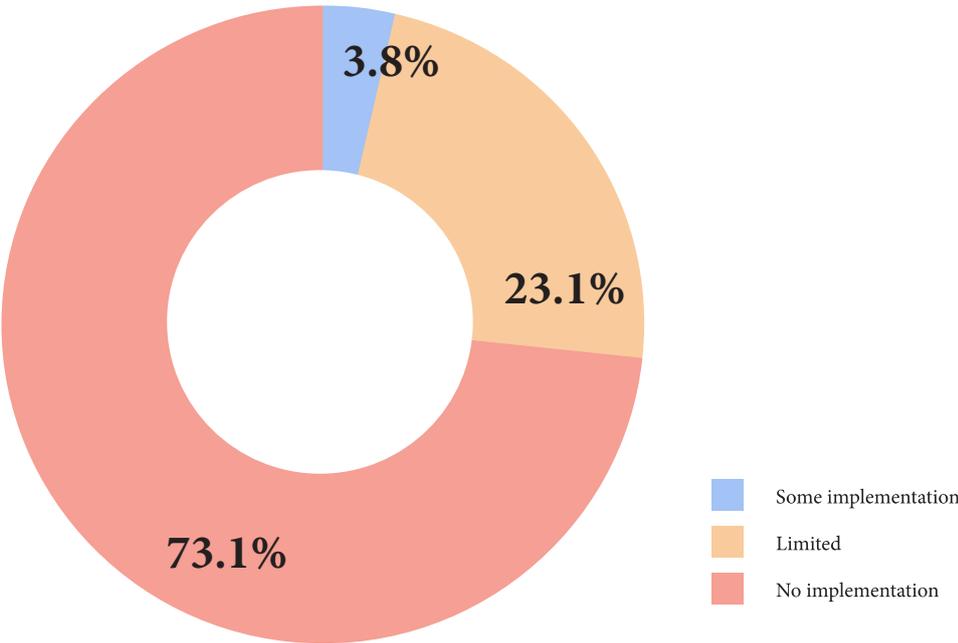
**Fully implemented** = taken full steps to implement the recommendation

**Some implementation** = taken notable steps towards implementing the recommendation

**Limited implementation** = taken initial steps towards implementing the recommendation

**Not implemented** = no steps taken towards implementing the recommendation

## OVERVIEW ON THE STATUS OF IMPLEMENTATION OF RECOMMENDATIONS MONITORED BY THE COALITION



# SECTION ONE: FREEDOMS OF EXPRESSION, ASSOCIATION AND ASSEMBLY

Recommendations accepted by Libya <sup>4</sup>	Status of implementation
<i>137.37 Ensure that the constitutional framework duly protects journalists, media and civil society against intimidation, threats and assaults, and review the Penal Code accordingly (Denmark)</i>	<b>Not implemented</b>
<i>137.115 Immediately take all necessary measures to ensure access to humanitarian assistance and to protect civilians, including humanitarian workers, human rights defenders, and media workers, from attack (Ireland)</i>	<b>Not implemented</b>
<i>137.116 Ensure the safety of all vulnerable groups, including women, journalists, human rights defenders, and ensure respect for fundamental human rights (Netherlands)</i>	<b>Not implemented</b>
<i>137.117 Investigate and prosecute attacks and threats against journalists (Austria)</i>	<b>Not implemented</b>
<i>137.151 Ensure all human rights violations, including assassination of journalists and human rights defenders, are investigated and the perpetrators brought to justice (United Kingdom of Great Britain and Northern Ireland)</i>	<b>Not implemented</b>
<i>137.152 Conduct impartial, thorough and effective investigations into all cases of attacks, harassment and intimidation of human rights defenders and journalists, and hold all perpetrators accountable (Latvia)</i>	<b>Not implemented</b>
<i>137.153 Investigate the killings of journalists since October 2011 and bring perpetrators to justice (Greece)</i>	<b>Not implemented</b>
<i>137.155 Take action to stop attacks on human rights defenders and make sure that perpetrators are held accountable for crimes committed, in accordance with international standards (Sweden)</i>	<b>Not implemented</b>
<i>137.172 Review the Penal Code articles that undermine freedoms of expression, association and assembly (Lithuania)</i>	<b>Not implemented</b>
<i>137.173 Repeal all provisions in the Penal Code and other laws and regulations criminalizing defamation, libel and slander, and ensure that any restrictions on freedom of expression are in line with the International Covenant on Civil and Political Rights (Latvia)</i>	<b>Not implemented</b>
<i>137.174 Review the provisions of the Penal Code to ensure the effective exercise of freedom of opinion and expression without fear of reprisals in accordance with international standards (Luxembourg)</i>	<b>Not implemented</b>
<i>137.175 Take further steps to protect freedom of expression by creating an environment in which the media can operate freely, without discrimination, fear of retribution, or arbitrary punishment (United States of America)</i>	<b>Not implemented</b>

<sup>4</sup> Libya accepted all 14 recommendations relating to freedoms of expression, association and assembly.

“THE RESTRICTIONS IMPOSED BY THE PUBLICATIONS ACT [...] CONSTITUTE A VIOLATION OF ARTICLE 19 OF THE ICCPR [AND...] DO NOT COMPLY WITH RECOMMENDATION 137.173.”

137.176 Respect freedom of opinion and expression, as well as freedom of association and peaceful demonstration, in particular for rights defenders (France)	Not implemented
137.177 Review the Libyan Penal Code articles limiting fundamental freedoms and release all individuals held solely for the peaceful exercise of their right to freedom of expression, assembly and association (Estonia)	Not implemented

Please refer to the Coalition’s stakeholder submission for a more detailed overview on the situation of freedom of expression, association and assembly [here](#). Please also refer to the other Coalition stakeholder submission for a more detailed overview on the situation of the press and media [here](#).

The Coalition presents the following update on the situation of freedom of expression, association and assembly since the submission:

## I. FREEDOM OF EXPRESSION

In August 2017, Libya invoked the Publications Act of 1972 (the **Publications Act**) against a group of 27 Libyan writers (the **Writers**) of a book entitled *Sun on Closed Windows* (the **Book**). The Writers were subjected to threats, including death threats, persecution and intimidation.<sup>5</sup> These actions against the Writers were prompted by accusations on social media that one of the short stories in the Book entitled *Kashan* by Ahmed Elboukhari contains language “contrary to public morals.”<sup>6</sup> In an apparent reaction to the response on social media, on 29 August 2017, the Head of the General Authority for Printing and Publications under the General Authority of Culture of the Government of National Accord (GNA), Almabrouk Alghali Almabrouk, released a statement condemning the content of the Book, describing it as “dangerous for public morality and threatening to the integrity of Islam.”<sup>7</sup> The GNA banned the book and

5 LFJL interview with the Writers on 14 September 2017.

6 An excerpt from *Kashan* was posted on social media and it sparked a strong reaction from the Libyan public, where hundreds of comments on several Facebook pages expressed that the story is ‘too obscene,’ ‘profane’ and ‘against Muslim and Arab values’.

7 General Authority for Culture’s Facebook Page, <https://www.facebook.com/Culture.Libya/photos/a.1776716085896689.1073741829.1753075678260730/1966691103565852/?type=3&theater>.

ordered the confiscation of all copies.<sup>8</sup> Libya failed to protect the Writers from the attacks against them and to guarantee their right to freedom of expression. Libya may have put their lives at greater risk by legitimising the actions of their attackers by invoking the Publications Act to ban the book. This contravenes the accepted recommendation 137.176 to respect freedom of expression, and recommendation 137.37 to protect civil society against intimidation, threats and assaults.

Article 1 of the Publications Act allows the press limited freedom of expression, insofar as such expression falls “within the framework of the principles, values and objectives of society.”<sup>9</sup> Such a provision constitutes a severe limitation on the right to freedom of expression guaranteed by Article 19 of the International Covenant for Civil and Political Rights (ICCPR). Under Article 19 of the ICCPR, restrictions to the right to freedom of expression must be legitimate and necessary. However, the restrictions imposed by the Publications Act fail to comply with these requirements and constitute a violation of Article 19 of the ICCPR. These restrictions do not comply with recommendation 137.173.

The July 2017 constitutional draft (the **Constitutional Draft**) weakens protection of freedom of expression, especially for media professionals. For example, the Constitutional Draft guarantees the “freedom, plurality and independence of the press and media”, and establishes the High Council for the Press and Media as an independent oversight body.<sup>10</sup> However, the Constitutional Draft fails to elaborate on the purpose of the High Council for the Press and Media and states that its functions will

8 General Authority for Culture’s Facebook Page, <https://www.facebook.com/Culture.Libya/photos/a.1776716085896689.1073741829.1753075678260730/1967240620177567/?type=3&theater>.

9 Publications Act, 1972, art 1.

10 Constitutional Draft, July 2017, art. 38.

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## “THE MEASURES ESTABLISHED BY DECISION 1 OF 2016 AMOUNT TO AN ATTEMPT TO RESTRICT THE ACTIVITIES OF CSOS ILLEGITIMATELY BY VIOLATING THE RIGHT TO FREEDOM OF ASSOCIATION GUARANTEED BY LIBYA’S INTERNATIONAL HUMAN RIGHTS OBLIGATIONS.”

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be determined in future legislation.<sup>11</sup> Any attempts to regulate the press and media sector should remain independent from the state. It is crucial that the media regulatory framework put in place aims to ensure pluralism and equality in the flow of information that reaches the public, and not to censor information. In view of this, accepted recommendation 137.175 to create “an environment in which the media can operate freely” is yet to be implemented.

### II. FREEDOM OF ASSOCIATION

Less than two months after the adoption of Libya’s UPR recommendations, on 21 November 2015, the Head of Media and Culture Committee of the Libyan government based in Tobruk, Omar El-Gawairi, publicly threatened CSOs and their members. El-Gawairi issued a statement on his Facebook page urging security agencies to “capture the spies and traitors and ban any media or civil society organisations funded by foreign sponsors or linked to foreign agencies.”<sup>12</sup>

On a separate occasion, on 25 November 2015, the Ministry of Culture and Civil Society<sup>13</sup> announced that all individuals working for CSOs must provide notice and seek approval from the authorities prior to attending meetings, workshops and conferences outside of Libya. These measures restrict illegitimately the activities of civil society and are a breach of Libya’s international obligations. Article 22(2) of the ICCPR places strict conditions on restrictions to the right to freedom of association, including the requirements of necessity and proportionality.<sup>14</sup> Neither El-Gawairi’s statement nor the

Ministry’s notice respect these conditions<sup>15</sup> and contravenes accepted recommendation 137.176.

On 3 January 2016, the Civil Society Commission (CSC), the body mandated<sup>16</sup> in 2013 for regulating the work of national and foreign CSOs in Libya, issued two restrictive regulatory procedures for local and international CSOs.<sup>17</sup>

Decision 1 of 2016 established rules of procedure governing national CSOs in Libya. While it provides national CSOs with the right to exercise limited free association “in accordance with the law”, it also grants the CSC the power to request CSOs to provide information on their activities based on “national security” grounds. It also introduced onerous notification, authorisation and reporting requirements for CSOs. For example, CSOs have to provide detailed information to the CSC at least two weeks in advance on any activity they intend to conduct including forums and workshops, or materials they intend to produce. Such an obligation on CSOs threatens their independence as it is unclear from Decision 1 of 2016 whether the CSC can then stop the activities from taking place. The measures established by Decision 1 of 2016 amount to an attempt to restrict the activities of CSOs illegitimately by violating the right to freedom of association guaranteed by Libya’s international human rights obligations. This constitutes a breach of several recommendations, notably recommendation 137.176: “respect freedom of opinion and expression as well as freedom of association [...] in particular for rights defenders”.

Decision 2 of 2016 relating to the rules of procedure governing foreign CSOs in Libya grants the CSC discretionary powers to refuse work permits for foreign CSOs to operate or fund projects in Libya. It also has the power, at any time, to access and inspect a foreign CSO’s office where it is required to keep all files, registers and financial and administrative documents relating to their activities in Libya. These powers allow the CSC to access and inspect these files, including

<sup>15</sup> Read full statement by the Coalition here: <http://www.libyanjustice.org/news/news/post/221>.

<sup>16</sup> The mandate of the CSC was established by the Ministerial Council of the Libyan Interim Government by Decision 649 of 2013. Its establishment predates the existence of more than one government authority.

<sup>17</sup> The CSC was established by the Council of Ministers Decision No. 649 (2013) amending Decision No. 12 (2012) on the establishment of the Commission.

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<sup>11</sup> Constitutional Draft, July 2017, art. 163.

<sup>12</sup> The original post was removed from Facebook. A copy of the original post here: <https://twitter.com/Eljarh/status/670723699377627137>.

<sup>13</sup> The Media and Culture Committee and the Ministry of Culture and Civil Society are separate entities. The latter is affiliated with the Government of Salvation in the west and the former is affiliated with the Tobruk-based government in the east. These events predate the establishment of the GNA.

<sup>14</sup> It also places restrictions on the freedom of movement. Libya is also obliged to protect the right to freedom of movement including by allowing individuals to have the right to leave the country and the right to return.

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## “BETWEEN OCTOBER 2015 AND JANUARY 2017, THE COALITION DOCUMENTED 89 CASES OF ATTACKS AGAINST MEDIA PRACTITIONERS, INCLUDING FEMALE MEDIA PRACTITIONERS, BY ARMED GROUPS.”

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those that are confidential. In a context where victims, witnesses and human rights activists are subjected to direct threats and attacks, granting the CSC access to confidential information relating to the identity of such persons places those persons at great risk.

The CSC's mandate is set out in Decision 649 of 2013.<sup>18</sup> Article 2 of Decision 649 of 2013 stipulates that the mandate of the CSC is to regulate CSOs “in accordance to the laws in force.”<sup>19</sup> The current laws in force are Law 19 of 2003 and Law 71 of 1972 which regulate the formation and activity of associations as well as Penal Code Articles 206, 208 and 210. These laws and provisions illegitimately restrict freedom of association by significantly limiting the scope of activities that CSOs can undertake and provide severe criminal penalties for those who breach these provisions. There is currently no civil society law to create a protective framework for NGOs in accordance with international law standards.<sup>20</sup> By requiring CSOs to comply with its decisions, the CSC exceeds the mandate on which its authority is based. The CSC was initially created to support implementation of the civil society law which never materialised. However, it is now attempting to implement primary legislation that breaches the Constitutional Draft by calling it regulation. It should be noted that no effective scrutiny mechanism is in place in Libya in order to make sure that the CSC acts within its mandate. Libya's failure to address this issue reflects Libya's disregard to implement the accepted recommendation 137.176 to respect freedom of association.

Members of civil society including activists and media practitioners continue to be targeted violently due to their work. On 16 March 2016, human rights activist **Abdul Basit Abu-Dahab**, was killed in a car bomb attack in Derna. He had received numerous death threats for his work and survived two previous assassination attempts in 2013 and 2014.<sup>21</sup> On 25 September 2016, Jabir Zain,

18 For Decision 649 of 2013, see <http://kenanaonline.com/files/0075/75575/649.pdf>.

19 Article 2 of Decision 649 of 2013

20 The CSC presented a draft civil society law which has not been made public to the Head of the Media, Culture and Civil Society Committee in November 2017, see <http://alwasat.ly/ar/news/libya/158814/>.

21 HRC, Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Libya, including on the effectiveness of technical assistance and capacity-building measures received by the Government of Libya, 13 January 2017, A/HRC/34/42, p. 10, para. 52.

a human rights activist based in Tripoli, was abducted allegedly by an armed group linked to the Interior Ministry of the GNA.<sup>22</sup> He was abducted as he was leaving a seminar on women's rights held by an NGO and it appears that he was targeted because of his activism. To this day, Zain remains detained in an unknown location. The UN Support Mission in Libya (UNSMIL) in its 2016 report on human rights defenders highlighted the consequences of the ongoing attacks on human rights defenders and the total impunity for such acts. These consequences include members of civil society scaling back their activities, working anonymously, fleeing to neighbouring countries or seeking asylum abroad.<sup>23</sup> This is contrary to accepted recommendations 137.116; 137.151; and 137.155 to take action to stop attacks on human rights defenders.

Between October 2015 and January 2017, the Coalition documented 89 cases of attacks against media practitioners, including female media practitioners, by armed groups. The majority of these cases took place in Tripoli, Sirte, Benghazi and Sebha. The type of attacks included enforced disappearances, torture and ill-treatment, arbitrary detention, threats and insults. By way of example, on 28 March 2016, armed groups detained a blogger, **Ali Asbali**, in the Grenada detention facility in Benghazi.<sup>24</sup> Ali Asbali had written about the rise in kidnappings and extrajudicial killings and had criticised Khalifa Haftar, the head of the Libyan National Army (LNA), in his online posts.<sup>25</sup> He was denied access to legal representation and family visits. He was released after four months.<sup>26</sup> On 28 March 2017, the Agence France Presse photojournalist **Abdullah Douma**

22 Human Rights Watch, 'Libya: Enforced Disappearance of Tripoli Activist', 7 May 2017, available at: <https://www.hrw.org/news/2017/05/07/libya-enforced-disappearance-tripoli-activist>.

23 UNSMIL/OHCHR, *Human Rights Defenders Under Attack*, 25 March 2015, p. 3, available at: <http://www.ohchr.org/Documents/Countries/LY/HumanRightsDefendersLibya.pdf>.

24 UN Security Council, *Report of the Secretary-General on the United Nations Support Mission in Libya*, 16 May 2016, S/2016/452, p. 8, para 45. See also 'Missing blogger and friends in Benghazi jail', Libya Herald, 4 May 2016. <https://www.libyaherald.com/2016/05/04/missingblogger-and-friends-in-benghazi-jail-report/>.

25 Freedom House, *Freedom on the net 2016, Libya*, available at: <https://freedomhouse.org/sites/default/files/FOTN%202016%20Libya.pdf>.

26 HRC, *Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Libya, including on the effectiveness of technical assistance and capacity-building measures received by the Government of Libya*, 13 January 2017, A/HRC/34/42, p. 10, para. 49.

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## “THE CONSTITUTIONAL DRAFT STILL FAILS TO RECOGNISE THE POSSIBILITY TO ORGANISE SPONTANEOUS DEMONSTRATIONS.”

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was detained for 24 hours by the Benghazi Security Directorate for covering the Earth Hour celebrations in Benghazi. He was detained again on 2 April 2017 to be interrogated and was released the next day.<sup>27</sup> As of the date of this report, no investigation into any of the abovementioned attacks has taken place despite accepting recommendations 137.117; 137.151; 137.152; 137.153, to investigate such attacks and hold perpetrators to account.

Media institutions have been subject to attacks by armed groups. On 27 February 2017, *Al Wassat* radio station in Benghazi was raided, seized and closed by armed groups.<sup>28</sup> On 15 March 2017, an armed group attacked the headquarters of *Al Naba* television station in Tripoli and set the building on fire, causing extensive damage to the building. As a result of the attack, the channel remained off air for a few hours. The same channel was previously targeted on two other occasions, in March and April 2016 and was taken off air by force by armed men.<sup>29</sup> The armed group allegedly responsible for the attack is affiliated with the GNA.<sup>30</sup> As of the date of this Report, no investigation into these attacks has taken place, despite recommendation 137.152 to which Libya accepted to conduct impartial, thorough and effective investigations into all attacks against journalists.

### III. FREEDOM OF ASSEMBLY

Please refer to the Coalition’s stakeholder submission for a more detailed overview on the situation of freedom of assembly [here](#).

In the period following the adoption of the UPR recommendations by Libya, armed groups have repeatedly attacked peaceful protesters. On 23 October 2015, at least twelve people were killed

<sup>27</sup> Libya Herald, ‘AFP photographer Abdullah Doma held by Benghazi terrorist force’, 2 April 2017, available at: <https://www.libyaherald.com/2017/04/02/afp-photographer-abdullah-doma-held-by-benghazi-anti-terrorist-force/>.

<sup>28</sup> Reporters Without Borders, ‘RSF decries closure of two radio stations in Libya’, 1 March 2017, available at: <https://rsf.org/en/news/rsf-decries-closure-two-radio-stations-libya>.

<sup>29</sup> HRC, *Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Libya, including on the effectiveness of technical assistance and capacity-building measures received by the Government of Libya*, 13 January 2017, A/HRC/34/42, p. 10, para. 50.

<sup>30</sup> Interview 2, 16 March 2017.

and dozens more injured in Benghazi when mortar shells fell on protesters. On 6 May 2016, unidentified assailants fired mortars at protesters demonstrating in *Al-Kish* Square in Benghazi, killing eight civilians, including one child, and injuring at least 32 others.<sup>31</sup> On 8 March 2017, unidentified armed groups that were securing Aman Bank in the Gurji area in western Tripoli attacked a group of unarmed civilian protesters who were outside Aman bank. The protesters were expressing their discontent with the presence of armed groups in Tripoli. The armed groups attacked the protesters by firing directly at them. A man named **Sami Ali Alalem** was killed during the attack.

On 17 March 2017, hundreds of unarmed civilians demonstrated in Martyrs’ Square against the presence of armed groups in Tripoli. Men belonging to armed groups interrupted the protest. They circled Martyrs’ Square in pickup trucks and fired into the air and at the protesters.<sup>32</sup> No casualties were reported. This is a failure by Libya to implement recommendation 137.176 to respect freedom of association and peaceful demonstration. Moreover, no investigation has taken place for any of these events to bring those responsible to account.

The Constitutional Draft guarantees the right to assembly, association and demonstration. This constitutes a positive step as it fills some gaps of Law 65 of 2012<sup>33</sup> and notably recognises the duty of the state to ensure the protection of persons and property within this framework.<sup>34</sup> However, the Constitutional Draft still fails to recognise the possibility to organise spontaneous demonstrations. Pursuant to Libya’s international obligations, it is the responsibility of the state, and not the organisers of such gatherings, to maintain public order during demonstrations and to ensure the safety of the public.

<sup>31</sup> HRC, *Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Libya, including on the effectiveness of technical assistance and capacity building measures received by the Government of Libya*, 13 January 2017, A/HRC/34/42, p. 5, para. 18.

<sup>32</sup> Two eyewitnesses confirmed to LFJL that when the armed groups opened fire, the protesters were unarmed.

<sup>33</sup> Please refer to page 5 in the stakeholder submission for more information on Law 65 of 2012.

<sup>34</sup> Constitutional Draft, July 2017, art. 43.

# SECTION TWO: RIGHT TO NON-DISCRIMINATION AND RIGHT TO EQUALITY

## I. INTERNALLY DISPLACED PERSONS: TAWERGHA

Recommendations accepted by Libya <sup>35</sup>	Status of Implementation
137.189 Redouble efforts to protect children, migrants and internally displaced persons (Costa Rica)	Not implemented
137.190 Take further steps to ensure a better protection of human rights of refugees, asylum seekers, migrants and internally displaced persons (Kazakhstan)	Not implemented
137.191 Ensure protection of the dignity of migrants, displaced persons and refugees, whether they are deprived of movement and freedom or exposed to any risk of death (Switzerland)	Not implemented
137.194 Develop a comprehensive strategy to address the needs of refugees and internally displaced persons caused by the conflict, including measures to ensure access to the birth registration of all children born in Libya, with emphasis on asylum seekers from sub-Saharan Africa (Mexico)	Not implemented
137.195 Continue its efforts in order to address the issue of internal displacement (Azerbaijan)	Limited implementation
137.196 Develop a comprehensive strategy to address internal displacement; allow internally displaced persons to return to their homes and, in the interim, provide them with protection and assistance (Austria)	Limited implementation
137.197 Protect those communities that have been forced to be internally displaced, and assist them in returning to their place of origin or another place selected voluntarily (Uruguay)	Not implemented
137.198 Fully protect human rights of internally displaced persons, including by giving them access to safe areas, as well as health, social and educational services without discrimination, and support, wherever possible, the voluntary and safe return of internally displaced persons to their areas of origin (Germany)	Not implemented

For a more detailed overview of the situation of the internally displaced persons of Tawergha please refer to the stakeholder submission by the Coalition [here](#). The Coalition presents the following update on the situation of Tawergha IDPs since its stakeholder submission:

On 31 August 2016, representatives from the cities of Misrata and Tawergha signed the *Misrata-Tawergha Agreement on the Return of the Displaced and Compensation of those Affected* (the

<sup>35</sup> Libya accepted all eight recommendations relating to the rights of IDPs.

*Agreement*). The Agreement promotes reconciliation between the two cities and provides for the return of the Tawergha IDPs to Tawergha. When the Agreement was signed, parties to the Agreement and the then head of UNSMIL, Martin Kobler, declared that Tawergha IDPs would start returning to their homes by the end of 2016.<sup>36</sup> The Agreement does not specify a return date nor does it explain how return will be facilitated.

<sup>36</sup> UNSMIL, *Martin Kobler welcomes the signing of the Agreement between Misrata and Tawergha*, 1 September 2016, available at: <https://unsmil.unmissions.org/martin-kobler-welcomes-signing-agreement-between-misrata-and-tawergha>.

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## “NO PROGRESS IN FACILITATING [THE RETURN OF TAWERGHAN IDPS TO TAWERGHA] HAS BEEN MADE SINCE THE AGREEMENT WAS RATIFIED.”

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On 15 March 2017, the joint reconciliation committee between Misrata and Tawergha (the **Misrata-Tawergha Reconciliation Committee**) referred the Agreement to the Presidential Council of the GNA for implementation, seven months after it was signed. On 19 June 2017, the GNA ratified the Agreement.<sup>37</sup> This step demonstrated limited implementation of accepted recommendations 137.194; 137.195; and 137.196. However, no progress in facilitating their return has been made since the Agreement was ratified.

Libya failed to investigate the serious allegations made by the OHCHR investigation mission (**OHCHR Mission**) in 2015.<sup>38</sup> The OHCHR investigation mission in Libya was tasked to collect the facts related to human rights violations and abuses from 2014 to 2016. It found that the Tawerghans held in detention facilities run by militias were subjected to torture and ill-treatment, “in some cases leading to death.”<sup>39</sup> This constitutes a breach of accepted recommendation 137.191 to ensure protection of IDPs from the risk of being exposed to death.

On 9 January 2016, unidentified armed groups shelled *Al-Fallah* IDP camp in Tripoli, killing two women and one man, and injuring eight others, including one child.<sup>40</sup> On 16 October 2016, another series of shellings targeted *Al-Fallah* camp, causing the death of one woman and the injury of three women and three children.<sup>41</sup> On 9 January 2016, Sports City (*Al Madina Alreyadiya*) IDP camp in Benghazi was shelled twice, resulting

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37 Human Rights Watch, ‘Libya: Ensure Safe Return of Displaced Tawerghans’, 20 June 2017, available at: <https://www.hrw.org/news/2017/06/20/libya-ensure-safe-return-displaced-tawerghans>.

38 HRC, *Investigation by the Office of the United Nations High Commissioner for Human Rights on Libya*, 23 February 2016, UN Doc A/HRC/31/CRP.3, p. 62.

39 HRC, *Investigation by the Office of the United Nations High Commissioner for Human Rights on Libya*, 23 February 2016, UN Doc A/HRC/31/CRP.3, p. 72, para. 278.

40 HRC, *Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Libya, including on the effectiveness of technical assistance and capacity-building measures received by the Government of Libya*, UN Doc A/HRC/34/42, 13 January 2017, p. 5, para. 18.

41 Ibid.

in the death of two people and the injury of six others.<sup>42</sup> In addition, in 2016 an armed group attacked the *Al-Hilis* IDP camp in Benghazi where 12 Tawerghans were killed and 30 others were kidnapped and taken to an unknown location.<sup>43</sup> These events demonstrate Libya’s failure so far to implement recommendation 137.189 to ensure the protection of children as well as recommendations 137.190; 137.191; and 137.198 to protect the human rights of IDPs.

In **March 2017**, a fire broke out in the camp of *Bouhdeima* in Benghazi due to an electrical short circuit, causing considerable material damage. Due to this, nine families were forced to move to Al-Halis camp in Benghazi. Similarly, on 12 March 2017, an electrical short circuit led to another major fire in the Tawerghan camp located in the *Sidi Sayeh* district in Tripoli. Although there were no casualties, the fire burnt a large section of mainly prefabricated or wooden shacks, leaving 14 families homeless.<sup>44</sup>

In **April 2017**, random shooting near the *Al-Fallah* IDP camp led to the killing of one woman in the camp and seven others were injured.

In **May 2017**, Wershefana affiliated armed groups attacked the *Janzour* IDP camp west of Tripoli. During the attack the armed group was firing at the camp residents and destroyed two cars and stole possessions belonging to camp residents. The armed group requested that all camp residents should leave so that they could turn the camp into a military base. Such incidences illustrate Libya’s failure to ensure IDPs have “access to safe areas” as set out in recommendation 137.198.

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42 UN Security Council, *Report of the Secretary-General on the United Nations Support Mission in Libya*, 25 February 2016, S/2016/182, p. 9, para. 47, available at: <https://unsml.unmissions.org/Portals/unsml/Documents/N1604043.pdf>.

43 Reported to LFJL by Mercy Association for Charitable and Humanitarian Aid (Alrahma). Alrahma is part of the Coalition and is an independent Libyan organisation, which provides medical and humanitarian aid for Tawerghan IDPs and promotes the rights of IDPs by fighting against racial discrimination against this group.

44 Libya Herald, ‘Fire devastates Tawerghan refugee camp outside Tripoli’, 12 March 2017, available at: <https://www.libyaherald.com/2017/03/12/fire-devastates-tawerghan-refugee-camp-outside-tripoli/>.

“ON 8 NOVEMBER 2017, THE HOR AGREED TO REMOVE LIBYA’S RESERVATION RELATED TO PARAGRAPH (A) OF ARTICLE 25 OF THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES.”

## II. PERSONS WITH DISABILITIES

Recommendations accepted by Libya <sup>45</sup>	Status of implementation
137.1 <i>Accede to the Convention on the Rights of Persons with Disabilities (Uganda)</i>	Limited implementation
137.8 <i>Ratify the International Convention for the Protection of All Persons from Enforced Disappearance and the Convention on the Rights of Persons with Disabilities (Sierra Leone)</i>	Limited Implementation
137.182 <i>Act on intensifying national efforts to integrate rights of persons with disabilities within the framework of the legal system according to comprehensive national programmes that respond to their needs (Bahrain)</i>	Limited implementation

For a more detailed overview of the situation of persons with disabilities please refer to the stakeholder submission by the Coalition [here](#). The Coalition presents the following update on the situation of persons with disabilities since its submission:

The Coalition acknowledges the step taken by the House of Representatives (HoR) in January 2017 to amend Article 4 of Law 16 of 1985 relating to the Basic Pension.<sup>46</sup> The amendment as agreed during a HoR session, allows women with disability to receive the Basic Pension even after marriage.<sup>47</sup> Article 4 of Law 16 of 1985 had previously stipulated that the Basic Pension for women with disability would not be payable if they are married. This is a notable step towards implementing recommendation 137.182.

On 8 November 2017, the HoR agreed to remove Libya’s reservation related to paragraph (a) of Article 25<sup>48</sup> of the

45 Libya accepted all three recommendations relating to the rights of persons with disabilities.

46 According to Law 16 of 1985, the Basic Pension is “a monetary benefit guaranteed by the social security to the beneficiaries under the conditions prescribed in Law 16 of 1985.

47 House of Representatives, <http://www.libyan-parliament.org/قراط-ويلا-اقبال-جلال-خ-ت-ي-وصت-ال-امت-ي-شور-جلال>

48 Paragraph (a) of Article 25 of the CRPD states: “Provide persons with disabilities with the same range, quality and standard of free or affordable health care and programmes as provided to other persons, including in the area of sexual and reproductive health and population-based public health programmes”.

Convention on the Rights of Persons with Disabilities (CRPD).<sup>49</sup> Article 1 of Law 2 of 2013 relating to the ratification of the CRPD states that the reservation to the CRPD concerns the interpretation of Paragraph 1 Article 25 of the CRPD. The reservation stated that the interpretation of “sexual and reproductive health and population-based public health programmes may include actions contrary to religious moral principles, national legislation and to sharia law.”<sup>50</sup> Agreeing to remove the reservation constitutes a positive step towards implementing recommendations 137.1 and 137.8.

The Constitutional Draft shows another positive development as it recognises the state’s responsibility to guarantee “the health, social, educational, economic, political, sports and entertainment rights of persons with disabilities on equal footing with others.”<sup>51</sup> The state is also required to ensure that public and private facilities enable persons with disabilities to integrate into society.<sup>52</sup> This is a notable step towards the implementation of recommendation 137.188.

49 A copy of the decision is yet to be made public. An official statement was made by the spokesperson of the HoR, see <https://www.facebook.com/Inohd/videos/684841435053004/>.

50 Law 2 of 2013. art. 1.

51 Constitutional Draft, July 2017, art. 60.

52 Ibid.

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There are also some positive efforts by the High National Elections Commission (HNEC) to support and promote the political participation of persons with disabilities, in line with recommendation 137.182. In December 2015, HNEC stated that it is keen to support persons with disabilities in their participation in the electoral process and to facilitate the voting process for them.<sup>53</sup> Since then, HNEC in collaboration with the International Foundation for Electoral Systems organised a number of workshops for civil society organisations working on the rights of persons with disabilities with the aim of discussing challenges of political participation facing this group. HNEC has also discussed with NGOs methods for developing a database for persons with disabilities to help HNEC improve accessibility to polling stations.

In 2016, a new state run primary school was established for persons with disabilities in the city of Zintan. Although the Coalition acknowledges this step towards implementing recommendation 137.182 to “act on intensifying national efforts to integrate rights of persons with disabilities,” this school in Zintan is not fully equipped with the necessary resources for learning for persons with disabilities.

On 19 April 2016, the Education Minister of the National Salvation Government in the west, adopted Decision 1175. This decision ordered the eviction of the Office of Education and Integration for Special Needs (ORIS) located in Tripoli. ORIS is under the authority of the Ministry of Education and provides education services for children and young people with special needs, including persons with physical disabilities and learning difficulties. Decision 1175 required the immediate termination of all ORIS’ staff contracts. It did not provide a mechanism for relocating ORIS nor did it establish an alternative entity which could provide the same teaching facilities and services. This decision is in breach of Article 13 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) that states everyone has the right to education because it guarantees their full development and their sense of dignity. It also contravenes recommendation 137.182. Decision 1175 was later repealed following advocacy by NGOs including by the National Libyan Organisation for the Development of Persons with Disabilities, which is a member of the Coalition working for the promotion and protection of the rights of persons with disabilities.

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<sup>53</sup> HNEC, ‘HNEC participates in the Libyan forum for the rights of persons with disabilities’, 15 December 2015, available at: <https://hneclib/en/?p=7889>.

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“IN 2016, A NEW STATE RUN PRIMARY SCHOOL WAS ESTABLISHED FOR PERSONS WITH DISABILITIES IN THE CITY OF ZINTAN. ALTHOUGH THE COALITION ACKNOWLEDGES THIS STEP TOWARDS IMPLEMENTING RECOMMENDATION 137.182 TO “ACT ON INTENSIFYING NATIONAL EFFORTS TO INTEGRATE RIGHTS OF PERSONS WITH DISABILITIES”, THE SCHOOL IN ZINTAN IS NOT EQUIPPED WITH THE LEARNING RESOURCES REQUIRED FOR PERSONS WITH DISABILITIES.”

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## “WOMEN REMAIN ABSENT FROM SENIOR POSITIONS IN GOVERNMENT.”

### III. GENDER EQUALITY

Recommendations accepted by Libya <sup>54</sup>	Status of implementation
137.24 Allow women's participation in all tracks of the national concord government formation process, as well as in decision-making positions (Greece)	Limited implementation
137.35 Ensure full support to the Constitution Drafting Assembly in order to deliver a constitution that fully complies with international democratic standards and safeguards the human rights of all on an equal footing, including women, minorities and vulnerable groups (Cyprus)	Not implemented
137.36 Ensure an independent, inclusive and consultative drafting process which will lead to a constitution guaranteeing fundamental rights of the people, including the rights of women, ensure separation of powers and independence of the judiciary (Slovenia)	Not implemented
137.48 Enact a plan to achieve national reconciliation based on dialogue and with the full ownership of all Libyans, including women and ethnic, religious and other minorities, while cooperating closely with the United Nations Support Mission in Libya and the Office of the United Nations High Commissioner for Human Rights (Czech Republic)	Limited implementation
137.69 Implement Security Council resolutions 1325 (2000) and 2122 (2013) on women and peace and security, and fully cooperate with the Office of the United Nations High Commissioner for Human Rights and the fact-finding mission appointed by the Human Rights Council (Canada)	Not implemented
137.74 Establish gender equality and implement measures to prevent violence against women (France)	Not implemented
137.75 Take all the necessary steps to ensure gender equality and equity for women in all spheres (Honduras)	Limited implementation
137.76 Continue to take measures to promote equality between men and women at all levels of society and government (Namibia)	Limited implementation
137.77 Continue efforts to promote the rights of women, as well as the education and health of the Libyan people (Nepal)	Limited implementation
137.78 Continue to strengthen and promote the legal and social status of women through constitutional and legislative guarantees (Bahrain)	Not implemented
137.79 Take actions to combat discrimination and violence against women, calling for measures to promote gender equality in the public, economic and private spheres (Colombia)	Not implemented
137.80 Make every effort to improve, by legislative and social measures, the status of women and ensure gender equality in Libya (Burundi)	Not implemented

54 Libya accepted twenty-eight recommendations and noted three recommendations in relation to the rights of women. The noted recommendations addressed the removal of reservations made by Libya to CEDAW and the amendment of legislation with regard to marriage, divorce and inheritance.

“IN ADDITION TO EXISTING DISCRIMINATORY PROVISIONS IN LAW 10 OF 1984, INCLUDING DRAWING A DISTINCTION WITH REGARDS TO MARITAL RESPONSIBILITIES ON THE BASIS OF GENDER, THE AMENDMENTS IN LAW 14 OF 2015 PRESENT FURTHER SETBACKS TO GENDER EQUALITY AND NON-DISCRIMINATION.”

137.81 Adopt a national plan to eliminate stereotypes about the role of women in society, particularly in the field of gender equality, as previously recommended (Mexico)	Not implemented
137.82 Take judicial and administrative measures to ensure equality and empowerment of women, including fair representation in the legislative and executive branches of the State and participation in political decision-making (Denmark)	Not implemented
137.83 Adopt appropriate administrative policies to promote gender equality in public affairs, particularly in the labour market, and enforce strict sanctions against all kinds of discrimination and abuse of women's rights by ensuring that the rights of women are genuinely recognized in national legislation (Serbia)	Not implemented
137.85 Undertake harmonization of Libya's nationality law to place women on an equal footing with men regarding the right to acquire, change or pass on their nationality (Kenya)	Not implemented
137.86 Take the necessary measures to guarantee women the right to transfer their nationality to their children born in the territory, regardless of the status or nationality of the father (Argentina)	Not implemented
137.87 Ensure that Libyan mothers are able to pass their nationality to their children, regardless of the nationality of the child's father, and ensure access to birth registration for all children born in Libya (Poland)	Not implemented
137.88 Address discrimination against women in Law No. 24 for 2010 on the Libyan Nationality so that women can transfer their nationality to their children and foreign spouses, and acquire, change or retain their nationality, on an equal basis with men, in line with article 9 of the Convention on the Elimination of All Forms of Discrimination against Women (Portugal)	Not implemented
137.89 Improve the rights of women, ensuring their full, equal and effective participation in conflict resolution and decision-making, including the Constitution drafting process, and tackling sexual violence, bringing perpetrators to justice (United Kingdom of Great Britain and Northern Ireland)	Not implemented
137.116 Ensure the safety of all vulnerable groups, including women, journalists, human rights defenders, and ensure respect for fundamental human rights (Netherlands)	Not implemented
137.132 Adopt clear and enforceable provisions criminalizing violence against women, including domestic and sexual violence (Latvia)	Not implemented
137.150 Undertake prompt, thorough and impartial investigations of all human rights violations, in particular against women and children and hold those responsible to account (Slovenia)	Not implemented
137.163 Create a compliant mechanism to determine reparations for the victims of sexual violence (Lithuania)	Not implemented
137.164 Ensure access to justice for victims of sexual violence by ensuring the effective implementation of laws protecting women (Luxembourg)	Not implemented
137.178 Increase women's representation in decision-making positions (Rwanda)	Not implemented

“THE CONSTITUTIONAL DRAFT REFLECTS SOME EFFORTS TO PROMOTE STRONGER REPRESENTATION OF WOMEN IN POLITICS AS IT INCLUDES PROMOTING THE PROTECTION OF WOMEN AND THEIR INCLUSION IN SOCIETY.”

137.179 Ensure women’s participation in public, constitutional, and transitional justice processes (South Africa)	Not implemented
137.180 Take concrete measures to enhance the participation of women in political and public life, including in efforts for conflict resolution and state building (Austria)	Not implemented

**For a more detailed overview of the situation of gender equality please refer to the Coalition’s stakeholder submission [here](#). The Coalition presents the following update on the situation of gender equality in Libya since its submission:**

One month after the adoption of Libya’s UPR recommendations, on 15 October 2015, the General National Congress (GNC) adopted Law 14 of 2015 which amends Law 10 of 1984 relating to marriage and divorce. In addition to existing discriminatory provisions in Law 10 of 1984, including drawing a distinction with regards to marital responsibilities on the basis of gender, the amendments in Law 14 of 2015 present further setbacks to gender equality and non-discrimination.<sup>55</sup> The most concerning amendments include:

- Article 6 reducing the legal age for marriage from 20 to 18 with discretion given to the courts to permit marriage at a younger age;
- Article 14 annulling the ability of a woman to witness a marriage contract;
- Article 18 stipulating a number of responsibilities of the wife towards her husband, which are not required to be reciprocated by the husband; and
- Article 28 granting unilateral power to the husband to initiate a divorce.

The existence of such legal disparity is contrary to Libya’s obligations under Article 16 of CEDAW, which stipulates that men and women should have the “same rights and responsibilities during marriage and its dissolution.”<sup>56</sup> The

<sup>55</sup> However, a positive step in this field was the amendment of Law 16 of 1985 to allow women with disability to receive the Basic Pension even after marriage. For more details, see section on “Persons with disabilities” above.

<sup>56</sup> CEDAW, art. 16.

amendments introduced by Law 14 of 2015 contravene accepted recommendation 137.79 to combat discrimination in the private spheres and recommendation 137.81 to eliminate stereotypes about the role of women in society. The Coalition acknowledges the amendment by Law 4 of 2015 which removes the responsibility of the wife to assist her husband financially.

The Libyan Political Agreement (LPA) which was adopted on 17 December 2015. Article 11 of the LPA stipulates “The Government of National Accord shall commit itself to the formation of a Women Support and Empowerment Unit under the Presidency of the Council of Ministers.”<sup>57</sup> Further, Annex 2 of the LPA on the Political Priorities of the GNA states that the GNA will also “represent [the Women Empowerment Unit] in all committees and bodies that emanate from the Libyan Political Agreement.”<sup>58</sup> The Women Support and Empowerment Unit was indeed established by Decree 201 of 2016 but it was not represented in committees and bodies of the GNA. Women remain absent from senior positions in government. The GNA appointed only one woman for a traditionally female post, as the State Minister of Women’s Affairs and Community Development.

During a speech to the House of Representatives in February 2017, Fathi Al-Majbri, a member of the Presidential Council of the GNA, stated that demands for equal representation of women in senior positions in government were not possible.<sup>59</sup> He added that 25%<sup>60</sup> for female representation in government

<sup>57</sup> UNSMIL, Libyan Political Agreement, 17 December 2015, p. 9, available at: <https://unsmil.unmissions.org/sites/default/files/Libyan%20Political%20Agreement%20-%20ENG%20.pdf>.

<sup>58</sup> UNSMIL, Libyan Political Agreement, Annex (2) Priorities of the Government of National Accord, 17 December 2015, p. 24, para 8, available at: <https://unsmil.unmissions.org/sites/default/files/Libyan%20Political%20Agreement%20-%20ENG%20.pdf>.

<sup>59</sup> Libya’s Channel, published on 20 February 2017, <https://www.youtube.com/watch?v=-UkpIOA6IJs>.

<sup>60</sup> This estimate seems to have been put forward by a panel speaker during the event at which Al Majbri made these comments.

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is a large number for a developing country like Libya, and that even democracies in developed countries have not achieved this level of representation of women. He added that empowerment should start with a “bottom-up approach” - representing women at junior and middle political posts before appointing them in senior positions. Al-Majbri’s position dangerously obstructs the efforts by women to run for senior positions according to their qualifications rather than gender, and contravenes recommendation 137.24 to “allow women’s participation in all tracks of the national concord government formation process, as well as in decision-making positions.” The GNA must uphold the right for women to participate in political and public life on equal terms with men, as outlined in Articles 5 and 7 of the CEDAW and Article 25 of the ICCPR.

The Constitutional Draft reflects some efforts to promote stronger representation of women in politics as it includes promoting the protection of women and their inclusion in society,<sup>61</sup> including their representation in government and politics by establishing a system of electoral quotas for women for two election cycles.<sup>62</sup>

A notable step to increase the participation and representation of women in politics was taken by HNEC. In 2017, HNEC set up the Women Empowerment Unit (the **Unit**) which aims to support women’s participation in elections as voters and as candidates, and to encourage women to hold leading positions in HNEC.<sup>63</sup> The Unit also aims to ensure the compliance of HNEC’s internal regulations to the principle of equality between women and men including by increasing the representation of women in HNEC’s electoral offices.

*Dar Al-Iftaa* continues to make statements that are contrary to Libya’s obligations under international law and without being held accountable for them. This remains dangerous as *Dar Al-Iftaa* holds influence in Libyan society. On 27 January 2016, *Dar Al-Iftaa* issued a commentary responding to UNSMIL’s recommendations for the April 2016 Constitutional Draft. Among other things, *Dar Al-Iftaa* disputed UNSMIL’s

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61 Constitutional Draft, July 2017, art. 49.

62 Constitutional Draft, July 2017, art. 185.

63 HNEC, “The HNEC Women Empowerment Unit holds its first meeting”, 30 July 2017, available at: <https://hneclj/en/?p=8320>.

recommendation in relation to ensuring equality between men and women in accordance with international law, including as outlined in CEDAW.<sup>64</sup> Allowing *Dar Al-Iftaa* to issue its opinions without holding its members accountable for them, is contrary to recommendation 137.75 to “take all necessary steps to ensure gender equality and equity,” and recommendations 137.78 and recommendation 137.80 to strengthen and promote the legal and social status of women.

The Constitutional Draft defines Libya as an Islamic Republic governed by Sharia law with Islamic Sharia as the source of legislation.<sup>65</sup> The Constitutional Draft also provides that international law is “superior to the law and inferior to the Constitution.”<sup>66</sup> This means that Sharia is at the top of the hierarchy of sources of law, above the constitution and international law, and that any legislation deemed non-compliant may be struck down. Therefore, on issues where Sharia is determinative, it becomes the only form of law. The Constitutional Draft is unclear about who would act to ensure religious compliance. The possibility is left open that a religious body such as *Dar Al-Iftaa*, and not the judiciary, might effectively claim that it is the only institution capable of interpreting a law’s compliance with religious principles. In this case, unelected and unaccountable religious bodies are effectively granted supremacy over the executive, legislature and judiciary and will have wide discretion for interpretation. This could prove problematic for the advancement of the human rights of women. *Dar Al-Iftaa*’s statements seeking to limit the human rights and freedoms of women show that if it is given this ultimate power of interpretation, it might use it to further limit these rights. This would be contrary to recommendations 137.75 and 137.76 to take measures ensuring gender equality as well as recommendation 137.89 to “improve the rights of women, ensuring their full, equal and effective participation in conflict resolution and decision-making, including the Constitution drafting process.”

On 16 February 2017, the Libyan National Army’s chief of staff and Military Governor for the area from Ben Jawad to Derna,

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64 Libya Prospect, ‘Dar Al-Ifta refuses UNSMIL’s comments on constitution’, 30 January 2016, available at: <http://libyaprospect.com/index.php/2016/01/30/dar-al-ifta-refuses-unsmils-comments-on-constitution/>.

65 Constitutional Draft, July 2017, art. 6.

66 Constitutional Draft, July 2017, art. 13.

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“ACCORDING TO ARTICLE 375 OF THE PENAL CODE, SEXUAL VIOLENCE IS CLASSIFIED AS A CRIME AGAINST “A WOMAN’S HONOUR”, RATHER THAN AGAINST HER PERSON. ARTICLE 424 OF THE PENAL CODE PROVIDES FOR THE PERPETRATORS OF SUCH CRIMES TO ESCAPE PUNISHMENT BY MARRYING THE VICTIM.”

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Abdel Razik Al-Nadori, issued Decision 6 of 2017 banning Libyan women under 60 years of age from travelling abroad without a male chaperone or “Mahram” (**Decision 6**). The military authorities in eastern Libya adopted decision 6, allegedly for reasons of national security. In a televised interview on 19 February 2017, Al-Nadori claimed that women who frequently travel abroad for work to represent civil society groups were being used by foreign intelligence services, creating a risk that they would disclose information that could harm the national interest.<sup>67</sup> Decision 6, affecting anyone transiting through the east, also required relevant authorities to implement the decision immediately and repealed any laws inconsistent with it. Decision 6 did not state what sanctions applied in the event of a breach. Decision 6 was frozen five days after its adoption amidst protests from civil society.

On 23 February 2017, Decision 6 was ultimately repealed following calls by civil society but was replaced with the “gender-neutral” Decision 7 of 2017 (**Decision 7**). Decision 7 bans all Libyan men and women between the ages of 18 and 45 from travelling abroad without a security permit from Libya’s eastern military intelligence agency and Ministry of Interior.

Although Decision 6 was repealed, it was issued in the context of ongoing discrimination against women and highlighted the precariousness of discrimination on the basis of gender in Libya. It constituted a worrying attempt to restrict freedom of movement, which is guaranteed by Article 12 of CEDAW, Article 12 of the African Charter on Human and People’s Rights, and Article 12 of the ICCPR. Pursuant to Article 12(3) of the ICCPR, restrictions on travel to protect national security are only permissible if they are provided by law, necessary, and consistent with all other rights recognised in the ICCPR. This includes the fundamental right to equality and non-discrimination. The Human Rights Committee has found on several occasions that measures preventing women from moving freely or from leaving the country by requiring them to have the consent or the escort of a male person constitute a violation of Article 12 of the ICCPR.<sup>68</sup>

67 Libya’s Channel, 19 February 2017, available at: <https://www.facebook.com/libyachannel/videos/693783580801511/?pnref=story&qsefr=1>

68 UN Human Rights Committee, *CCPR General Comment No. 27: Article 12 (Freedom of Movement)*, 2 November 1999, UN Doc CCPR/C/21/Rev.1/Add.9, para. 18, available at: <http://www.refworld.org/docid/45139c394.htm>.

Within this framework of ongoing discrimination against women in Libya, Decision 7 may be implemented arbitrarily so as to restrict unlawfully the right of women to travel. On 30 April 2017, a woman was arrested in Al-Abraq airport in eastern Libya for trying to travel to France without security approval as required by Decision 7. She was detained and transferred to a prison for interrogation for violating strict orders from the military governor not to travel abroad without security approval.<sup>69</sup> This contravenes accepted recommendations 137.75; 137.76; 137.79; 137.81; and 137.83.

As a state party to the ICCPR, CEDAW and the African Charter on Human and Peoples’ Rights, Libya is obliged to respect, protect and fulfil the rights safeguarded by these conventions for all people without distinction.

In December 2016, a video emerged on social media<sup>70</sup> which appears to show a woman being gang-raped by members of a militia as she pleads for mercy in front of her young daughter. The fate of the victim and her daughter remains unknown. The GNA promised to bring the perpetrators and anyone involved in the attack to justice, but to the best of the Coalition’s knowledge no investigation has taken place.<sup>71</sup> Some reactions on social media to the video may demonstrate how sexual violence in Libya is still viewed as a crime against a “woman’s honour”. This reflects the current legal status of victims of sexual violence. According to Article 375 of the Penal Code, sexual violence is classified as a crime against “a woman’s honour”, rather than against her person. Article 424 of the Penal Code provides for the perpetrators of such crimes to escape punishment by marrying the victim. This is contrary to accepted recommendations 137.79; 137.89; 137.132; 137.150; and 137.164. As such, Libya must adopt urgently measures to ensure that gender-based violence is criminalised and that all victims receive support, including access to justice and to hold perpetrators to account.

69 <http://ewanlibya.ly/news/news.aspx?id=106705>.

70 The New Arab, ‘Outrage in Libya after Woman gang-raped by militiamen’, 12 December 2016, available at: <https://www.alaraby.co.uk/english/news/2016/12/12/outrage-in-libya-after-woman-gang-raped-by-militiamen>.

71 The New Arab, ‘Libya: Haftar to ‘liberate’ capital as militia rape-scandal reverberates’, 16 December 2016, available at: <https://www.alaraby.co.uk/english/news/2016/12/16/libya-haftar-to-liberate-capital-as-militia-rape-scandal-reverberates>.

“THE CONSTITUTIONAL DRAFT ENSHRINES DIRECT AND INDIRECT BARRIERS TO POLITICAL PARTICIPATION, AND DOES NOT PROVIDE POSITIVE MEASURES TO ENSURE THE REPRESENTATION OF ETHNIC MINORITIES IN GOVERNMENT.”

#### IV. ETHNIC MINORITIES

Recommendations accepted by Libya <sup>72</sup>	Status of implementation
137.35 <i>Ensure full support to the Constitution Drafting Assembly in order to deliver a constitution that fully complies with international democratic standards and safeguards the human rights of all on an equal footing, including women, minorities and vulnerable groups (Cyprus)</i>	Not implemented
137.45 <i>That the various forces in Libya act in the interests of the nation and the people, immediately stop fighting and violence, end the disorder, start the political process as soon as possible, resolve their differences, and safeguard ethnic and national unity (China)</i>	Limited implementation
137.48 <i>Enact a plan to achieve national reconciliation based on dialogue and with the full ownership of all Libyans, including women and ethnic, religious and other minorities (Czech Republic)</i>	Some implementation
137.83 <i>Ensure the rights of minorities, particularly with regard to their full and complete political representation (Chad)</i>	Limited implementation
137.90 <i>Combat discrimination based on nationality, ethnicity or religion (France)</i>	Not implemented

**For a more detailed overview of the situation of the human rights of ethnic minorities please refer to the Coalition’s stakeholder submission [here](#). The Coalition presents the following update on the situation of ethnic minorities in Libya since its submission:**

The Tebu, the Amazigh and the Tuareg continue to boycott the Constitutional Drafting Assembly (CDA) as they accuse the CDA of excluding them from the constitutional process. On 30 January 2016, the Supreme Amazigh Council – a political body elected by towns with an Amazigh majority – and the Amazigh CDA boycotters, as well as their Tebu and Tuareg counterparts, jointly declared “We will not recognise any constitution that is not agreed upon by all of Libya’s children – the Tebu, Tuareg, Amazigh and Arabs.”<sup>73</sup> In July 2017, the Tebu representatives in the CDA announced their rejection of the Constitutional Draft stating that the it does not sufficiently recognise the rights of

<sup>72</sup> Libya accepted five recommendations in relation to the rights of minorities.

<sup>73</sup> Joint press conference, 30 January 2016, <https://www.facebook.com/abulgasem.ashur.3/videos/1693302930916152/>.

ethnic minorities.<sup>74</sup> Libya has not addressed this matter despite accepting recommendation 137.35 to ensure a constitutional process which “safeguards the human rights of all on an equal footing, including women, minorities and vulnerable groups.”

The Constitutional Draft enshrines direct and indirect barriers to political participation, and does not provide positive measures to guarantee that ethnic minorities are represented in the government. This includes the insertion of strict requirements to hold or run for high public office positions, such as imposing that both of a candidate’s parents must be Libyan.<sup>75</sup> Such a requirement will impact the capacity of some ethnic minorities particularly the Tebu who face barriers

<sup>74</sup> See Libya Herald, ‘CDA calls on election commission to prepare referendum on draft constitution as Tebu representatives reject it’, 31 July 2017, available at: <https://www.libyaherald.com/2017/07/31/cda-calls-on-election-commission-to-prepare-referendum-on-draft-constitution-as-tebu-representatives-reject-it/>.

<sup>75</sup> Constitutional Draft, July 2017, art. 68; 69; 75; 99.

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## “THE COALITION NOTES THE LIMITED IMPLEMENTATION OF RECOMMENDATION 137.83 WITH SOME REPRESENTATION OF ETHNIC MINORITIES IN GOVERNMENT.”

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to access Libyan citizenship.<sup>76</sup> This is contrary to accepted recommendation 137.35.

The Coalition notes the limited implementation of recommendation 137.83 with some representation of ethnic minorities in government. The current Minister of Labour, Mehdi Alwardami Al-Amin is from the Tebu; the former<sup>77</sup> Minister of Education, Mohamed Al-Ezzabi is from the Amazigh; and the former<sup>78</sup> Deputy of the Head of the Presidency Council, Mousa Al-Kouni, is from the Tuareg.

The Coalition also welcomes steps to implement recommendations 137.45 and 137.48, towards achieving national unity and reconciliation respectively. On 29 March 2017 representatives of two of south Libya's strongest tribes – the Awlad Suleiman and the Tebu signed the Peace and Reconciliation Agreement in Rome. The two tribes agreed to cease hostilities, to re-establish mutual trust and to promote peaceful coexistence. They also agreed to work together for the security and development of the south of Libya in collaboration with all the other tribes. Negotiations between the Tebu and Awlad Suleiman were supported by the GNA. This is a positive step towards reconciliation following the failure to implement a ceasefire agreement between the two tribes in November 2015 where the ceasefire was breached by both tribes. As of the date of this Report, the situation between the two tribes in Ubari remains peaceful. The GNA followed up on the progress of implementation of the Peace and Reconciliation agreement in 22 July 2017 where a meeting was held in Tripoli with the two tribes and with the Presidency Council.

A reconciliation effort also begun in Kufra in 2017 between the Tebu and Al-Zwayya tribe. It was initiated locally without a

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<sup>76</sup> After a prolonged border conflict between Libya and Chad over the 'Aouzou strip', the ICC ruled in 1994 that the Aouzou strip was Chadian territory. The dispute led to questions about the nationality status of those residents in or otherwise associated with this area. In 1996, Libya issued Decree No.13 (1485), revoking the Libyan citizenship of all persons born in Aouzou. Although the 1996 Decree was annulled in 2011, the nationality status of Aouzou document holders remains contested.

<sup>77</sup> Mohamed Al Ezzabi resigned from his position as Minister of Education in April 2017.

<sup>78</sup> Mousa Al Kouni resigned from his position as Deputy of the Head of the Presidency Council in January 2017.

formal agreement. On 2 November 2017, the Military Governor for Ben Jawad to Derna, Abdel Razik Al-Nadori met with both tribes in Marj. Following this meeting, Al-Nadori set up the Social Reconciliation Committee to facilitate reconciliation efforts between the Tebu and Al-Zwayya tribe.

The Constitutional Draft provides that Arabic, Amazigh, Tuareg and Tebu are considered “a cultural and linguistic heritage as well as a common asset for all Libyans” but states only that Arabic will be the official language of the State.<sup>79</sup> It is left to domestic law to regulate how the other languages will be integrated in the areas of public life at the local and national levels.<sup>80</sup> In implementing this provision it is essential that Libyan law enforces provisions such as Article 2 of Law 18 of 2013 relating to the rights of cultural and linguistic minorities, which states that “all ethno-linguistic components shall have the right to learn their language as an optional subject both in the schools located in their original communities and others.”<sup>81</sup>

On 7 March 2017, the Media, Culture and Civil Society Committee of the Tobruk government issued Decision 39 of 2017 relating to recognising the Day of Tebu Culture. Decision 39 of 2017 recognises 15 September as the Day of Tebu Culture to celebrate Tebu culture, heritage and traditions. There have been a number of Tebu cultural events in the east of Libya since issuing Decision 39 of 2017. Article 160 of the Constitutional Draft does constitute a positive step in this direction as it provides for the establishment of a National Council for Protection of Cultural and Linguistic Heritage responsible for developing and protecting the different languages in Libya, including Arabic, Amazigh, Tuareg and Tebu, in order to preserve the diverse cultural and linguistic heritage of the Libyan people.<sup>82</sup>

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<sup>79</sup> Constitutional Draft, July 2017, art. 2.

<sup>80</sup> Ibid.

<sup>81</sup> Law 18 of 2013, 30 July 2013, art. 2, available at: <http://security-legislation.ly/node/31633>.

<sup>82</sup> Constitutional Draft, July 2017, art. 160.

# SECTION THREE: FREEDOM FROM TORTURE AND ILL-TREATMENT

Recommendations accepted by Libya <sup>83</sup>	Status of implementation
137.2 Ratify the <i>Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment</i> (Denmark, Estonia, Montenegro)	Not implemented
137.3 Ratify the international human rights instruments to which it is not yet a party, including the <i>Optional Protocol to the Convention against Torture</i> and the <i>Rome Statute</i> establishing the <i>International Criminal Court</i> (Honduras)	Not implemented
137.4 Ratify the <i>International Convention for the Protection of All Persons from Enforced Disappearance</i> and the <i>Optional Protocol to the Convention against Torture</i> , and bring its national legislation into compliance with all obligations (Madagascar)	Not implemented
137.6 Ratify the <i>Convention against Torture</i> and the <i>International Convention for the Protection of All Persons from Enforced Disappearance</i> (Cabo Verde)	Not implemented
137.7 Consider becoming a party to the <i>International Convention for the Protection of All Persons from Enforced Disappearance</i> and consider ratifying the <i>Optional Protocol to the Convention against Torture</i> (Uruguay)	Not implemented
137.17 Ratify promptly the <i>International Convention for the Protection of All Persons from Enforced Disappearance</i> , the <i>Second Optional Protocol to the International Covenant on Civil and Political Rights</i> , the <i>Optional Protocol to the Convention against Torture</i> , the <i>Convention relating to the Status of Refugees</i> and the <i>Rome Statute</i> (Chile)	Not implemented
137.111 Condemn publicly and take action to stop, including through full cooperation with the United Nations and regionally mandated investigations, all human rights abuses and violations of international humanitarian law, including abductions, torture and other ill-treatment, and attacks on civilians and on civilian objects such as medical facilities (New Zealand)	Not implemented
137. 121 Prohibit the practice of torture, and prosecute its perpetrators (France, Costa Rica)	Not implemented
137.124 Intensify its efforts to prevent, combat and eliminate torture and accede to the <i>Optional Protocol to the Convention against Torture</i> (Luxembourg)	Not implemented
137.130 Close the illegal places of detention, which are the source of grave human rights violations (Chad)	Not implemented
137.125 Ensure that all allegations of torture are promptly and impartially investigated and that victims obtain redress in accordance with Libya's international obligations under the <i>Convention against Torture</i> (Latvia)	Not implemented
137.126 Take all necessary actions to end torture and ill-treatment of detainees, ensure that all cases of alleged torture are promptly investigated and that perpetrators are held accountable (Ireland)	Not implemented

<sup>83</sup> Libya accepted twenty-five recommendations and noted 1 recommendation in relation to the right to freedom of torture. The noted recommendation recommended to amend legislation that allows corporal punishment, including amputation, and to criminalise torture.

137.127 Amend legislation that allows corporal punishment, including amputation, and criminalize torture (Spain)	Limited implementation
137.128 End arbitrary detentions and guarantee treatment of detainees in line with international standards (Switzerland)	Not implemented
137.129 Put an end to arbitrary detention and prevent abuses and discrimination against third-country nationals and against groups of citizens of Libya (Chile)	Not implemented
137.133 Pursue efforts to protect children from violence (Jordan)	Limited implementation
137.148 Strengthen efforts to investigate all allegations of torture, summary executions, enforced disappearance and other abuses, and to bring those responsible to justice (Italy)	Not implemented
137.149 Hold accountable all parties responsible for violations of human rights, including abduction of civilians, torture and deaths in custody (Lithuania)	Not implemented
137.169 Develop, as part of the drafting process of a framework for Libya's political transition, an agenda on transitional justice and accountability, which includes investigations of all allegations of torture, to hold those responsible to account, and to provide redress and reparation for victims (Netherlands)	Not implemented
137.184 Ensure the security of migrants in conformity with international conventions (Chad)	Not implemented
137.185 Continue to take measures to promote and protect the rights of migrant workers even in situation of crisis (Philippines)	Not implemented
137.186 Ensure adequate human rights protection for the migrant populations residing or transiting through its borders (Rwanda)	Not implemented
137.187 Guarantee the rights of migrants, particularly those that are in transit to European countries, women and unaccompanied children (Honduras)	Not implemented
137.191 Ensure protection of the dignity of migrants, displaced persons and refugees, whether they are deprived of movement and freedom or exposed to any risk of death (Switzerland)	Not implemented
137.192 Take urgent and immediate steps to address the plight of migrants, asylum seekers, refugees and trafficked human beings in Libya, ensuring full respect for their human rights, including preventing violence against women and violence targeting members of religious communities (Canada)	Not implemented

**For a more detailed account of the use of torture and other ill-treatment please refer to the Coalition's stakeholder submission [here](#). The Coalition presents the following update on the use of torture in Libya and other ill-treatment since its submission:**

The Constitutional Draft includes provisions safeguarding human dignity<sup>84</sup> and prohibiting international crimes such as

<sup>84</sup> Constitutional Draft, July 2017, art. 34.

crimes against humanity, war crimes and genocide.<sup>85</sup> However, it fails to explicitly guarantee an absolute right to freedom from torture. This is contrary to accepted recommendations 137.121 and 137.124. Article 34 confirms the state's commitment to "preventing" torture, inhumane and cruel treatment but it does not address Libya's obligation to prohibit, punish, and protect from, acts of torture, inhumane and cruel treatment . Article

<sup>85</sup> Constitutional Draft, July 2017, art. 36.

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## “[THE CONSTITUTIONAL DRAFT] FAILS TO EXPLICITLY GUARANTEE AN ABSOLUTE RIGHT TO FREEDOM FROM TORTURE.”

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63 contains procedural guarantees aimed at protecting human dignity in all criminal proceedings. However, it does not explicitly guarantee other highly important safeguards against torture such as the prohibition of extraction of evidence through torture. Further, Article 105 of the Constitutional Draft empowers the President of the Republic to issue “special amnesty”, the scope of which is unclear. Read together, Articles 34, 63 and 105 fail to guarantee an absolute right to freedom from torture.

The Coalition welcomes Libya’s efforts to implement recommendation 137.127 to amend legislation to end corporal punishment and recommendation 137.133 to protect children from violence. On 13 November 2017, the Minister of Education of the GNA, Othman Abdel Jaleel issued Decision 1736 of 2017 relating to enforcing rules for disciplining students. Article 1 of Decision 1736 of 2017 stipulates the absolute prohibition of the use of all forms of violence by teachers to discipline students. It also states that anyone in breach of this decision will be held to account.<sup>86</sup>

The OHCHR Mission found that torture and ill-treatment have become “routine in many detention facilities, with no real potential redress”.<sup>87</sup> From May to July 2016 alone, UNSMIL and the OHCHR reported six deaths in custody as a result of torture or ill-treatment in detention centres in Tripoli and in Misrata. They also received reports of an *Al-Hadhba* prison official continuing to work in the prison, despite having been previously filmed torturing Al-Sādi Gaddafi, the son of Muammar Gaddafi.<sup>88</sup>

On 19 April 2016, the United Nations Working Group on Arbitrary Detention (the **Working Group**) concluded that former Gaddafi administration officials were arbitrarily detained by state actors and by armed groups acting on behalf of or with the support of the state. The Working Group emphasised that their

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<sup>86</sup> Ministry of Education of the GNA Facebook page, available at: <https://www.facebook.com/Libyan.Medu/posts/1444768825640269>.

<sup>87</sup> HRC, *Investigation by the Office of the United Nations High Commissioner for Human Rights on Libya: detailed findings*, 15 February 2016, UN Doc A/HRC/31/CRP.3, p.38, para. 138.

<sup>88</sup> HRC, *Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Libya, including on the effectiveness of technical assistance and capacity building measures received by the Government of Libya*, 13 January 2017, UN Doc A/HRC/34/42, p. 13, para. 67.

arbitrary detention constituted a violation of Article 9 which guarantees the right to liberty and security.<sup>89</sup> Their arbitrary detention also constituted a violation of Article 14 of the ICCPR which guarantees the right to equality before the courts and the right to a fair trial. The Working Group requested that Libya release the officials and provide them with compensation, and referred the allegations of torture to the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment for appropriate action.<sup>90</sup> This contravenes recommendation 137.128 to “end arbitrary detentions and guarantee treatment of detainees in line with international standards” as well as a number of recommendations to prohibit the practice of torture, including recommendation 137.126 to “take all necessary actions to end torture and ill-treatment of detainees, ensure that all cases of alleged torture are promptly investigated and that perpetrators are held accountable.”

In June 2016, unidentified armed groups killed 12 detainees upon their conditional release from *Al-Baraka* prison in Tripoli. The 12 men were members of the former Gaddafi administration and had been accused of taking part in the killing and torture of anti-government protesters in 2011. The bodies were found in various locations around Tripoli.<sup>91</sup> This contravenes recommendations 137.125; 137.126 and 137.148. At the time of writing, no investigation has been initiated into these crimes.

Torture and ill-treatment for financial gain has also been documented. For example, on 24 February 2016, the body of an 11-year-old boy was found in the *Sayad* area of Tripoli, with

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<sup>89</sup> HRC, *Opinions adopted by the Working Group on Arbitrary Detention at its seventy-fifth session, 18-27 April 2016, Opinion No. 4/2016 concerning Messrs. Al Gaoud, Al Kadiki, Al Mouallef, Al-Obeidi, Dao, Dorda, Gaddafi, Hajazi, Ibrahim, Kharoobee, Maria, and Zayd (Libya)*, 4 May 2016, UN Doc A/HRC/WGAD/2016, p. 7, paras. 36 and 42; p.8, para. 46, available at: [http://www.ohchr.org/Documents/Issues/Detention/Opinions/Session75/Opinion\\_2016\\_4\\_Libya.pdf](http://www.ohchr.org/Documents/Issues/Detention/Opinions/Session75/Opinion_2016_4_Libya.pdf).

<sup>90</sup> Ibid, paras. 48-49. To the best of our knowledge, the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment has not sent any communication to Libya on this matter yet.

<sup>91</sup> Amnesty International, Public statement: ‘Libya: Killing of 12 detainees after court orders their release must be investigated’, 17 June 2016, available at: <https://www.amnesty.org/en/documents/mde19/4291/2016/en/>.

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## “THE PAST TWO YEARS HAVE SEEN A SIGNIFICANT INCREASE IN HUMAN RIGHTS VIOLATIONS AGAINST MIGRANTS, INCLUDING TORTURE.”

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marks of torture and a wire around his neck. His abductors had taken him 68 days earlier while he was on his way to school and demanded ransom from his family.<sup>92</sup> There have also been reports of unlawful killings of a number of civilians. A man was found on 26 May 2016 with signs of torture, including a broken hand, and gunshot wounds. He had been taken from his home in Benghazi on 6 April 2016 by an armed group.<sup>93</sup>

Summary executions have been commissioned on a number of instances. On 23 July 2017, a video released on social media revealed a mass summary execution perpetrated by armed forces allegedly affiliated with the LNA. The video shows a group of armed men executing 20 kneeling men with hoods over their heads and hands tied behind their backs.<sup>94</sup> News sources have reported that the men were targeted because they were alleged to be fighters affiliated with the so-called Islamic State (IS).<sup>95</sup> Four videos depicting similar content had already been published over the five previous months. In October 2017, an additional summary execution was reported after the bodies of 36 men were found in Abyar, 50 kilometres east of Benghazi.<sup>96</sup> The men were reportedly found handcuffed and their bodies had signs of severe torture and injuries including gunshots to the head. The Ministry of Justice of the GNA condemned the incident on 28 October 2017 and called for the Libyan Public Prosecutor's

Office to initiate an investigation into the incident.<sup>97</sup> The Public Prosecutor has yet to take any measures to start an investigation.

These summary executions are arbitrary deprivations of human life<sup>98</sup> and could constitute war crimes and crimes against humanity due to the systemic nature in which they have been committed. Summary executions are also a crime under Libya's domestic law. Law 10 of 2013 relating to Criminalisation of Torture, Forced Disappearance and Discrimination prohibits anyone from inflicting, or ordering another person to inflict, physical or mental pain on a detainee under his control. These events, and the lack of investigation by Libya, contravene recommendation 137.148 to “strengthen efforts to investigate all allegations of torture, summary executions, enforced disappearance and other abuses, and to bring those responsible to justice”.

The past two years have seen a significant increase in human rights violations against migrants, including torture. On 13 December 2016, the OHCHR published its report on human rights abuses against migrants in Libya, which reported a pattern of torture, forced labour, sexual violence, and arbitrary detention of migrants and asylum seekers.<sup>99</sup> The International Organisation for Migration (IOM) estimated that 71% of migrants travelling to Europe through the Central Mediterranean route have been subjected to human trafficking and exploitation<sup>100</sup> and that about 770,000 migrants and asylum seekers were in Libya, of whom 4,000 to 7,000 are held in detention facilities run by

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92 HRC, *Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Libya, including on the effectiveness of technical assistance and capacity building measures received by the Government of Libya*, 13 January 2017, UN Doc A/HRC/34/42, p. 7, para. 26.

93 Ibid, para. 27.

94 Libya Herald, 'Another execution video seems to show the murder of 20 bound captives by an LNA unit', 24 July 2017, available at: <https://www.libyaherald.com/2017/07/24/another-execution-video-seems-to-show-the-murder-of-20-bound-captives-by-an-lna-unit/>.

95 See for example, Aljazeera, 'ISIL fighters executed by Haftar's forces in Libya', 23 July 2017, available at: <http://www.aljazeera.com/news/2017/07/isil-fighters-executed-haftar-forces-libya-170723180122413.html>.

96 LFJL, 'Summary executions in eastern Libya: LFJL calls for immediate investigations', 31 July 2017, available at: <http://www.libyanjustice.org/news/news/post/307-more-summary-executions-in-eastern-libya-yet-no-accountability>.

97 Libya Herald, 'Al-Abyar massacre a terrorist crime says GNA', 29 October 2017, available at: <https://www.libyaherald.com/2017/10/29/al-abyar-massacre-a-terrorist-crime-says-gna/>.

98 UN General Assembly, Resolution on Summary or Arbitrary Executions, 18 December 1990, UN Doc. A/RES/45/162, available at: <http://www.un.org/documents/ga/res/45/a45r162.htm>.

99 UNSMIL/OHCHR, 'Detained and Dehumanised' Report on Human Rights abuses against migrants in Libya, 13 December 2016, available at: [http://www.ohchr.org/Documents/Countries/LY/DetainedAndDehumanised\\_en.pdf](http://www.ohchr.org/Documents/Countries/LY/DetainedAndDehumanised_en.pdf).

100 IOM, Analysis: Flow Monitoring Surveys the Human Trafficking and Other Exploitative Practices Prevalence Indication, 6 October 2016, p.3, available at: [http://migration.iom.int/docs/Analysis\\_-\\_Flow\\_Monitoring\\_and\\_Human\\_Trafficking\\_Surveys\\_in\\_the\\_Mediterranean\\_and\\_Beyond\\_-\\_6%20October\\_2016.pdf](http://migration.iom.int/docs/Analysis_-_Flow_Monitoring_and_Human_Trafficking_Surveys_in_the_Mediterranean_and_Beyond_-_6%20October_2016.pdf).

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## “THROUGH THE MOU, LIBYA IS ASSUMING THE RESPONSIBILITY FOR THE RETURNED MIGRANTS WHERE THEY ARE SUBJECTED TO TORTURE AND INHUMAN OR DEGRADING TREATMENT IN DETENTION FACILITIES INCLUDING THOSE UNDER STATE CONTROL.”

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the Department for Combating Illegal Migration (DCIM). The Coalition documented gross human rights violations in migrant detention centres in Zawiya, Surman, Misrata, Zliten, Sabratha and Al Khums. The violations include arbitrary detention, torture and other ill-treatment, sexual exploitation and rape. In addition, migrant detention centres are severely overcrowded, without adequate access to toilets or washing facilities, food, or clean water. It is Libya's duty to protect migrants' right to freedom from torture and inhuman or degrading treatment. The use of torture can never be justified. It is the responsibility of Libya to ensure that places of reception meet international standards, including the provision of healthcare and sanitary facilities.

Allegations of modern slavery have also been documented in Libya. In April 2017, the IOM documented “slave markets” operating in Libya where migrants are openly sold by smugglers for labour and then held hostage, ransomed and tortured by their buyers.<sup>101</sup> Migrants who cannot pay for their freedom are reportedly killed or left to starve, to be replaced by another migrant. On 15 November 2017, a video emerged of what appeared to be a slave auction where individuals of African descent were auctioned for up to 1,200 Libyan dinars.<sup>102</sup> Some of the men in the video were allegedly sold to undertake farm work. The Coalition has also documented instances of migrants being taken from state-run migrant detention facilities by armed groups and being forced to work in military bases for long hours and under harsh working conditions. This contravenes Libya's commitment to implementing recommendation 137.191 to safeguard the dignity of migrants, their freedom of movement and protect them from the risk of death. Libya also has failed to implement recommendation 137.192 to take immediate steps to address the plight of migrants, asylum seekers, refugees and trafficked persons in Libya.

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101 International Organization for Migration, ‘IOM Learns of ‘Slave Market’ Conditions Endangering Migrants in North Africa’, 11 April 2017, available at: <https://www.iom.int/news/iom-learns-slave-market-conditions-endangering-migrants-north-africa>.

102 CNN, ‘People for Sale, Where lives are auctioned for \$400’, 15 November 2017, available at: <http://edition.cnn.com/2017/11/14/africa/libya-migrant-auctions/index.html>.

In this context, on 2 February 2017, the Office of the United Nations High Commissioner for Refugees (UNHCR) and IOM stated that Libya could no longer be considered a safe third country.<sup>103</sup> Nonetheless, on the same day as on 2 February 2017, the GNA signed a Memorandum of Understanding (MoU) with Italy in relation to border security and migration. The MoU gives the Libyan coast guard an increasing role in controlling “illegal migration” but fails to ensure adequate protection of refugees, unaccompanied minors and victims of trafficking in Libya as it provides no guarantees of key human rights. Through the MoU, Libya is assuming the responsibility for the returned migrants where they are subjected to torture and inhuman or degrading treatment in detention facilities including those under state control. By adopting this agreement, Libya violated its commitment to ensure the safety of migrants pursuant to recommendation 137.184, and to “guarantee the rights of migrants, particularly those that are in transit to European countries, women and unaccompanied children” pursuant to recommendation 137.187.

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103 UNHCR, ‘Joint UNHCR and IOM statement on addressing migration and refugee movements along the Central Mediterranean route’, 2 February 2017, available at: <http://www.unhcr.org/afr/news/press/2017/2/58931ffb4/joint-unhcr-iom-statement-addressing-migration-refugee-movements-along.html>.

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# ANNEX 1:

## THE COALITION'S RECOMMENDATIONS TO LIBYA

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In light of the observations made above on the implementation of recommendations, the Coalition would like to make the following recommendations to Libya for measures that it should implement in its second UPR in order to strengthen human rights protection in Libya:

### I. FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY

1. Promote and protect the right to freedom of expression which includes freedom of the press and other media, freedom to seek, receive and impart information or ideas of any kind, freedom of artistic creativity, freedom from censorship and freedom to hold and express one's opinion without interference.
2. Ensure that a constitution is adopted which provides a constitutional definition of freedom of expression that accords with Libya's international obligations, and ensure that no limitations to freedom of expression are included in the constitution unless they accord within international norms.
3. Repeal all legal measures that provide disproportionate penalties for crimes linked to freedom of expression, such as defamation, including the Publications Act, Penal Code Articles 178, 205, 245 and 439, as well as articles which currently prescribe the death penalty, notably Articles 203 and 207.
4. Ensure the safety of civil society, including activists and human rights defenders and conduct impartial, thorough and effective investigations into all cases of attacks, harassment, and intimidation and bring to justice all perpetrators of such offenses, ensuring they are held accountable for their crimes.
5. Amend Law 65 of 2012 in relation to the right to free assembly so that it conforms to Libya's international obligations, notably by repealing Articles 4, 5 and 10, which impose arbitrary restrictions on protestors, including the imposition of criminal sanctions for gatherings in violation of procedural requirements of the law.
6. Lift restrictions which are intended to prevent the work of civil society organisations, including by repealing Law 19 of 2003. Adopt a law of civil society that is consistent with international freedom of association standards, and which guarantees the protection of human rights defenders and other actors and which allows them to operate without arbitrary restrictions.
7. Ensure that the future constitution is supportive of civil society organisations and does not impose administrative restrictions, such as registration and funding restrictions, which are intended to prevent the effective operation of civil society.
8. Ensure that no state entity restricts the right to freedom of the press. Media practitioners must be free to express their views including criticism of state entities without arbitrary restrictions. In particular, repeal Article 13 of Law 15 of 2012, which restricts freedom of the press by prohibiting media discussion of religious opinions (fatwas) issued by the National Council of Islamic Jurisprudence (Dar Al-Ifta), as well as Law 5 of 2014 which imposes criminal sanction for any insulting remarks publicly directed at the executive, judiciary, and the legislature or any of their members, or insulting the Nation's flag.
9. Ensure a safe and enabling environment for media practitioners to perform their work independently and without undue interference, including by protecting media institutions. Ensure that any violation against them is investigated and that those responsible duly prosecuted.
10. Respect the plurality and independence of the media, in particular repeal Decree 5 of 2014 that calls for the ban of broadcasting by several satellite channels in Libya, which are "hostile to the February 17 revolution," and adopt transparent mechanisms.

### II. INTERNALLY DISPLACED PERSONS

1. Adopt and enforce comprehensive legislation to alleviate the suffering, and to improve the living conditions, of all internally displaced persons.

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2. Ensure access by internally displaced persons to drinking water and sanitation, food and nutrition, as well as health services.
  3. Facilitate and ensure the safe return of internally displaced persons to their places of origin, with special protection for women and children.
  4. Protect internally displaced persons against violence, including protection from attacks on internally displaced person camps.
  5. Promote access to education, healthcare and ensure political participation of internally displaced persons.
  6. Remove all types of discrimination against internally displaced persons including discrimination on the basis of political association, including by amending discriminatory articles of Law 1 of 2014 related to families of martyrs and the missing in the 17 February Uprising, particularly in relation to the definition of the “missing,” which defines the missing as only those who fought with the 17 February uprising.

### III. PERSONS WITH DISABILITIES

1. Ratify the Convention on the Rights of Persons with Disabilities and its Optional Protocol, adopt domestic legislation that implement the Convention and its Optional Protocol and ensure that all laws conform to the Convention and its Optional Protocol.
2. Ensure the autonomy and fundamental human dignity of those with disabilities. In particular, amend provisions which violate such autonomy and dignity, such as Article 7 of Law 5 of 1987 related to people with disabilities which specifies that persons with disabilities should reside with their family and only be provided with accommodation when necessary.
3. Remove all types of discrimination against persons with disabilities, including discrimination on the basis of political associations. In particular, amend the definition of people with disabilities in Law 4 of 2013 which

discriminates between persons with disabilities drawing a distinction between those associated with the February 17 Revolution and those who are not.

4. Ensure inclusive education for persons with disabilities by providing all students with disabilities, including physical and cognitive disabilities, access to state funded education across Libya.
5. Establish centres for people with disabilities across Libya and provide specialist trained staff and all necessary equipment to promote the development of people with disabilities.
6. Adopt a holistic constitutional framework in respect of the rights of persons with disabilities, including in respect of access to economic, social and cultural rights such as education and health.

### IV. GENDER EQUALITY

1. Eliminate violence against women, in particular by adopting laws to criminalise and prevent violence against women, including sexual and domestic violence, and which includes clear and enforceable provisions.
2. Adopt a national plan to eliminate stereotypes regarding the role of women in society, and guarantee equality between men and women, including the ability of women to move without restraints and disallowing polygamy without the consent of any current wife.
3. Ensure that the future constitutional framework grants the ability of Libyan women to pass their nationality on to their children.
4. Adopt a gender sensitive approach to ensure de facto gender equality in areas of socio-economic rights, ensuring non-discriminatory access to all areas of employment, education and healthcare.
5. Promote women’s representation and participation in politics and increase awareness among all sections of the community regarding human rights of women, including by using special measures such as quotas to ensure the

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participation of women in all levels of government and in state institutions, including by adopting measures at the constitutional level.

## V. MINORITIES

1. Ensure the security and protection of ethnic, religious and political minorities including by providing an environment that is safe and free of intimidation and violence, by protecting sites of religious and cultural significance and by ensuring all abuses against these groups are duly investigated and those responsible prosecuted.
2. Ensure the meaningful representation and participation of minorities in political processes including by using special measures such as quotas to ensure the participation of minorities in all levels of government and in state institutions.
3. Ensure that minorities are defined in legislation in a manner consistent with Libya's international obligations including by amending laws that reference "cultural and linguistic components", such as Law 18 of 2013.
4. End discrimination against minority groups, particularly in relation to their right to access Libyan citizenship, education, healthcare as well as freedom of conscience and belief. Ensure that these rights are enshrined in the constitution.
5. Ensure the ability of minorities to use their language in all administrative functions, including, in relation to education, by enabling minorities to teach their languages in state schools.
6. Ensure that minority languages are protected in the constitution.
7. Promote a culture which recognising the diverse cultural and linguistic identity of
8. Libya, including by implementing Article 5 of Law 18 of 2013, particularly in relation to the establishment of research and historical centres for the protection of the cultural and linguistic identity of the Tebu, Tuareg and Amazigh.

## VI. FREEDOM FROM TORTURE AND ILL-TREATMENT

1. Adopt a comprehensive constitutional framework from within which the absolute prohibition of torture is enforced.
2. Ensure legislative and de facto protection against refoulement in accordance with Article 3 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In particular, amend Law 10 of 2013 Criminalising Torture, Enforced Disappearances and Discrimination to ensure that it is fully consistent with the convention.
3. Ensure that allegations of torture are investigated in a prompt and impartial manner in accordance with Article 12 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Torture victims must obtain redress and have an enforceable right to fair and adequate compensation in accordance with Article 14(1) of the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
4. Ratify the Optional Protocol of the UN Convention Against Torture.
5. Take measures to transfer control of all detention facilities run by non-state actors to the state.
6. Undertake prompt investigations into allegations of torture including in state and non-state detention facilities and ensure that the legal system provides means of redress for victims of torture.
7. Protect the human rights of all migrants by establishing asylum procedures that meet international standards. Set up vetting and monitoring mechanism for recruiting staff in detention facilities to end impunity for violations and ensure accountability.

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# ANNEX 2:

## FULL LIST OF RECOMMENDATIONS OR PARTIALLY ACCEPTED BY LIBYA DURING ITS SECOND UPR<sup>104</sup>

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### FREEDOMS OF EXPRESSION, ASSOCIATION AND ASSEMBLY

137.37 Ensure that the constitutional framework duly protects journalists, media and civil society against intimidation, threats and assaults, and review the Penal Code accordingly (Denmark)

137.115 Immediately take all necessary measures to ensure access to humanitarian assistance and to protect civilians, including humanitarian workers, human rights defenders, and media workers, from attack (Ireland)

137.116 Ensure the safety of all vulnerable groups, including women, journalists, human rights defenders, and ensure respect for fundamental human rights (Netherlands)

137.117 Investigate and prosecute attacks and threats against journalists (Austria)

137.118 Take legal and practical measures to ensure the safety of human rights defenders (Spain)

137.151 Ensure all human rights violations, including assassination of journalists and human rights defenders, are investigated and the perpetrators brought to justice (United Kingdom of Great Britain and Northern Ireland)

137.152 Conduct impartial, thorough and effective investigations into all cases of attacks, harassment and intimidation of human rights defenders and journalists, and hold all perpetrators accountable (Latvia)

137.153 Investigate the killings of journalists since October 2011 and bring perpetrators to justice (Greece)

137.154 Take measures to protect journalists and human rights defenders from acts of violence, including by investigating attacks and assassinations and strengthening accountability mechanisms (Germany)

137.155 Take action to stop attacks on human rights defenders and make sure that perpetrators are held accountable for crimes committed, in accordance with international standards (Sweden)

137.170 Adopt measures to guarantee the religious freedom and integrity of believers and their places of worship, regardless of their creed (Colombia)

137.171 Take practical and legislative measures, including in the Constitution, in order to eliminate incitement to violence and repetition of attacks against freedom of religion and religious cult (Cape Verde)

137.172 Review the Penal Code articles that undermine freedoms of expression, association and assembly (Lithuania)

137.173 Repeal all provisions in the Penal Code and other laws and regulations criminalizing defamation, libel and slander, and ensure that any restrictions on freedom of expression are in line with the International Covenant on Civil and Political Rights (Latvia)

137.174 Review the provisions of the Penal Code to ensure the effective exercise of freedom of opinion and expression without fear of reprisals in accordance with international standards (Luxembourg)

137.175 Take further steps to protect freedom of expression by creating an environment in which the media can operate freely, without discrimination, fear of retribution, or arbitrary punishment (United States of America)

137.176 Respect freedom of opinion and expression, as well as freedom of association and peaceful demonstration, in particular for rights defenders (France)

137.177 Review the Libyan Penal Code articles limiting fundamental freedoms and release all individuals held solely for the peaceful exercise of their right to freedom of expression, assembly and association (Estonia).

### RIGHT TO NON-DISCRIMINATION AND RIGHT TO EQUALITY

#### Internally Displaced Persons

137.189 Redouble efforts to protect children, migrants and internally displaced persons (Costa Rica)

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<sup>104</sup> HRC, *National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21, Libya*, 5 May 2015, A/HRC/WG.6/22/LBY/1, pp. 14-27.

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137.190 Take further steps to ensure a better protection of human rights of refugees, asylum seekers, migrants and internally displaced persons (Kazakhstan)

137.191 Ensure protection of the dignity of migrants, displaced persons and refugees, whether they are deprived of movement and freedom or exposed to any risk of death (Switzerland)

137.194 Develop a comprehensive strategy to address the needs of refugees and internally displaced persons caused by the conflict, including measures to ensure access to the birth registration of all children born in Libya, with emphasis on asylum seekers from sub-Saharan Africa (Mexico)

137.195 Continue its efforts in order to address the issue of internal displacement (Azerbaijan)

137.196 Develop a comprehensive strategy to address internal displacement; allow internally displaced persons to return to their homes and, in the interim, provide them with protection and assistance (Austria)

137.197 Protect those communities that have been forced to be internally displaced, and assist them in returning to their place of origin or another place selected voluntarily (Uruguay)

137.198 Fully protect human rights of internally displaced persons, including by giving them access to safe areas, as well as health, social and educational services without discrimination, and support, wherever possible, the voluntary and safe return of internally displaced persons to their areas of origin (Germany).

#### **Asylum-Seekers / Migrants**

137.16 Accede to the Convention relating to the Status of Refugees and its Protocol (Italy)

137.18 Become a State party to the Convention relating to the Status of Refugees and its Protocol (Czech Republic)

137.19 Consider ratifying the Convention relating to the Status of Refugees of 1951 and its 1967 Protocol, respecting the principle of non-refoulement of refugees and asylum seekers (Uruguay)

137.20 Accede to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol and put in place mechanisms for determining refugee status (Sierra Leone)

137.21 Ratify the Convention relating to the Status of Refugees and its Protocol and, pending this, formalize the cooperation with the Office of the United Nations High Commissioner for Refugees in order to facilitate effective protection of the human rights of refugees and asylum seekers in Libya (Germany)

137.184 Ensure the security of migrants in conformity with international conventions (Chad)

137.185 Continue to take measures to promote and protect the rights of migrant workers even in situation of crisis (Philippines)

137.186 Ensure adequate human rights protection for the migrant populations residing or transiting through its borders (Rwanda)

137.187 Guarantee the rights of migrants, particularly those that are in transit to European countries, women and unaccompanied children (Honduras)

137.188 Urgently provide for the necessary immigration and asylum legislation (Uganda)

137.192 Take urgent and immediate steps to address the plight of migrants, asylum seekers, refugees and trafficked human beings in Libya, ensuring full respect for their human rights, including preventing violence against women and violence targeting members of religious communities (Canada)

137.193 Take all action necessary to ensure the protection of refugees and asylum seekers, including the provision of access to birth registration for all children born in Libya, and the ratification of the Convention relating to the Status of Refugees and its 1967 Protocol (New Zealand).

#### **Persons with Disabilities**

137.1 Accede to the Convention on the Rights of Persons with Disabilities (Uganda)

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137.8 Ratify the International Convention for the Protection of All Persons from Enforced Disappearance and the Convention on the Rights of Persons with Disabilities (Sierra Leone)

137.182. Act on intensifying national efforts to integrate rights of persons with disabilities within the framework of the legal system according to comprehensive national programmes that respond to their needs (Bahrain).

#### **Ethnic Minorities and Gender Equality**

137.23 Remove the reservations to the Convention on the Elimination of All Forms of Discrimination against Women and take temporary special measures in favour of gender equality (Angola)

137.24 Allow women's participation in all tracks of the national concord government formation process, as well as in decision-making positions (Greece)

137.35 Ensure full support to the Constitution Drafting Assembly in order to deliver a constitution that fully complies with international democratic standards and safeguards the human rights of all on an equal footing, including women, minorities and vulnerable groups (Cyprus)

137.36 Ensure an independent, inclusive and consultative drafting process which will lead to a constitution guaranteeing fundamental rights of the people, including the rights of women, ensure separation of powers and independence of the judiciary (Slovenia)

137.48 Enact a plan to achieve national reconciliation based on dialogue and with the full ownership of all Libyans, including women and ethnic, religious and other minorities (Czech Republic)

137.69 Implement Security Council resolutions 1325 (2000) and 2122 (2013) on women and peace and security, and fully cooperate with the Office of the United Nations High Commissioner for Human Rights and the fact-finding mission appointed by the Human Rights Council (Canada)

137.74 Establish gender equality and implement measures to prevent violence against women (France)

137.75 Take all the necessary steps to ensure gender equality and equity for women in all spheres (Honduras)

137.76 Continue to take measures to promote equality between men and women at all levels of society and government (Namibia)

137.77 Continue efforts to promote the rights of women, as well as the education and health of the Libyan people (Nepal)

137.78 Continue to strengthen and promote the legal and social status of women through constitutional and legislative guarantees (Bahrain)

137.79 Take actions to combat discrimination and violence against women, calling for measures to promote gender equality in the public, economic and private spheres (Colombia)

137.80 Make every effort to improve, by legislative and social measures, the status of women and ensure gender equality in Libya (Burundi)

137.81 Adopt a national plan to eliminate stereotypes about the role of women in society, particularly in the field of gender equality, as previously recommended (Mexico)

137.82 Take judicial and administrative measures to ensure equality and empowerment of women, including fair representation in the legislative and executive branches of the State and participation in political decision-making (Denmark)

137.83 Adopt appropriate administrative policies to promote gender equality in public affairs, particularly in the labour market, and enforce strict sanctions against all kinds of discrimination and abuse of women's rights by ensuring that the rights of women are genuinely recognized in national legislation (Serbia)

137.85 Undertake harmonization of Libya's nationality law to place women on an equal footing with men regarding the right to acquire, change or pass on their nationality (Kenya)

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137.86 Take the necessary measures to guarantee women the right to transfer their nationality to their children born in the territory, regardless of the status or nationality of the father (Argentina)

137.87 Ensure that Libyan mothers are able to pass their nationality to their children, regardless of the nationality of the child's father, and ensure access to birth registration for all children born in Libya (Poland)

137.88 Address discrimination against women in Law No. 24 for 2010 on the Libyan Nationality so that women can transfer their nationality to their children and foreign spouses, and acquire, change or retain their nationality, on an equal basis with men, in line with article 9 of the Convention on the Elimination of All Forms of Discrimination against Women (Portugal)

137.89 Improve the rights of women, ensuring their full, equal and effective participation in conflict resolution and decision-making, including the Constitution drafting process, and tackling sexual violence, bringing perpetrators to justice (United Kingdom of Great Britain and Northern Ireland)

137.90 Combat discrimination based on nationality, ethnicity or religion (France)

137.132 Adopt clear and enforceable provisions criminalizing violence against women, including domestic and sexual violence (Latvia)

137.150 Undertake prompt, thorough and impartial investigations of all human rights violations, in particular against women and children and hold those responsible to account (Slovenia)

137.163 Create a compliant mechanism to determine reparations for the victims of sexual violence (Lithuania)

137.164 Ensure access to justice for victims of sexual violence by ensuring the effective implementation of laws protecting women (Luxembourg)

137.178 Increase women's representation in decision-making positions (Rwanda)

137.179 Ensure women's participation in public, constitutional, and transitional justice processes (South Africa)

137.180 Take concrete measures to enhance the participation of women in political and public life, including in efforts for conflict resolution and state building (Austria)

137.183 Ensure the rights of minorities, particularly with regard to their full and complete political representation (Chad).

137.133 Pursue efforts to protect children from violence (Jordan)

137.134 Continue strengthening legal and policy protections which guarantee the rights of the child (Serbia).

#### **FREEDOM FROM TORTURE AND ILL-TREATMENT**

137.2 Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Denmark) (Estonia) (Montenegro)

137.3 Ratify the international human rights instruments to which it is not yet a party, including the Optional Protocol to the Convention against Torture and the Rome Statute establishing the International Criminal Court (Honduras)

137.4 Ratify the following international human rights treaties: the International Convention for the Protection of All Persons from Enforced Disappearance; the Second Optional Protocol to the International Covenant on Civil and Political Rights; the Optional Protocol to the Convention against Torture; and the Rome Statute; and bring its national legislation into compliance with all obligations (Madagascar)

137.5 Accede to/ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Benin, Mali)

137.6 Ratify the Convention against Torture and the International Convention for the Protection of All Persons from Enforced Disappearance (Cabo Verde)

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137.7 Consider becoming a party to the International Convention for the Protection of All Persons from Enforced Disappearance and consider ratifying the Optional Protocol to the Convention against Torture (Uruguay)

137.111 Condemn publicly and take action to stop, including through full cooperation with the United Nations and regionally mandated investigations, all human rights abuses and violations of international humanitarian law, including abductions, torture and other ill-treatment, and attacks on civilians and on civilian objects such as medical facilities (New Zealand)

137.17 Ratify promptly the International Convention for the Protection of All Persons from Enforced Disappearance, the Second Optional Protocol to the International Covenant on Civil and Political Rights, the Optional Protocol to the Convention against Torture, the Convention relating to the Status of Refugees and the Rome Statute (Chile)

137.119 Conduct investigations of enforced disappearances and ratify the Convention relative thereto (France)

137.120 Reveal the fate and location of those persons who forcefully disappeared during the period of the Gaddafi regime, among whom the Lebanese Leader, Imam Moussa Al-Sadr and his two companions, who disappeared after their visit to Libya on 31 August 1978, following their meeting at that time with the Libyan President Muammar Gaddafi (Lebanon)

137.121 Prohibit the practice of torture, and prosecute its perpetrators (France)

137.122 Take actions to stop the use of torture, including sexual torture (Costa Rica)

137.123 End all torture or ill-treatment of detainees and the use of unlawful interrogation methods (Slovenia)

137.124 Intensify its efforts to prevent, combat and eliminate torture and accede to the Optional Protocol to the Convention against Torture (Luxembourg)

137.125 Ensure that all allegations of torture are promptly and impartially investigated and that victims obtain redress in accordance with Libya's international obligations under the Convention against Torture (Latvia)

137.126 Take all necessary actions to end torture and ill-treatment of detainees, ensure that all cases of alleged torture are promptly investigated and that perpetrators are held accountable (Ireland)

137.128 End arbitrary detentions and guarantee treatment of detainees in line with international standards (Switzerland)

137.129 Put an end to arbitrary detention and prevent abuses and discrimination against third-country nationals and against groups of citizens of Libya (Chile)

137.130 Close the illegal places of detention, which are the source of grave human rights violations (Chad)

137.148 Strengthen efforts to investigate all allegations of torture, summary executions, enforced disappearance and other abuses, and to bring those responsible to justice (Italy).

137.149 Hold accountable all parties responsible for violations of human rights, including abduction of civilians, torture and deaths in custody (Lithuania)

137.169 Develop, as part of the drafting process of a framework for Libya's political transition, an agenda on transitional justice and accountability, which includes investigations of all allegations of torture, to hold those responsible to account, and to provide redress and reparation for victims (Netherlands).

## JUSTICE AND GOVERNANCE

137.12 Implement appropriate measures to fully cooperate with the International Criminal Court (Mexico)

137.15 Cooperate fully with the Court, including by assisting its proceedings and complying with its rulings (Austria)

137.25 Carry out the necessary reforms for the consolidation of the rule of law, by rapidly proposing a draft constitution (France)

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137.27 Intensify efforts for drafting a constitution which guarantees the fundamental rights of persons, as well as the separation and independence of the executive, legislative and judicial branches (Uruguay)

137.39 Continue its efforts for stability, national reconciliation and the protection of human rights (Yemen)

137.41 Build on current efforts to improve the overall human rights environment in the country through restoring stable governance and the rule of law (Republic of Korea)

137.43 Fully commit to the United Nations Support Mission in Libya-facilitated dialogue process, take urgent measures to promote and protect human rights, and restore the rule of law (Canada)

137.44 That all sides of Libya's conflict immediately cease armed hostilities and engage constructively in the United Nations Support Mission in Libya-led political dialogue, and use this opportunity to build a State based on democracy and respect for human rights and rule of law (Australia)

137.47 Work through the United Nations process to finalize a political agreement as soon as possible and immediately begin the process of restoring rule of law and establishing necessary conditions and institutions for protecting human rights (United States)

137.51 Continue to establish a solid legal framework, strengthen national human rights institutions, and ensure the effective administration of justice (Palestine)

137.64 Continue interaction with the Human Rights Council and its mechanisms with a view to strengthening the rule of law and protecting human rights in accordance with international instruments to which Libya has acceded (United Arab Emirates)

137.68 Cooperate fully with international human rights procedures and institutions, including with the Human Rights Council fact-finding mission, with the aim of holding accountable those responsible for violations and abuses of human rights (United States)

137.70 Strengthen its cooperation with the United Nations Support Mission in Libya and the Office of the United Nations High Commissioner for Human Rights in order to resume capacity-building of national institutions dealing with human rights, transitional justice and the rule of law, according to its Government's expressed wishes (Greece)

137.71 Continue its cooperation with the High Commissioner in order to benefit from technical assistance necessary to help create a solid legal framework, strengthen national structures for human rights, and ensure the efficient administration of justice in the fight against impunity, abuses and all other attacks on human rights (Niger)

137.112 Spare no effort in continuing to urge the prevention of acts of revenge and investigate abuses committed by its own combatants (Chile)

137.140 Enhance the capacity-building programmes for all branches of government (Indonesia)

137.141 Strengthen the independence of the judiciary, put an end to extrajudicial executions and arbitrary detentions, and strengthen the penitentiary authority (France)

137.142 Enhance its efforts to rebuild state institutions, and in particular a strong, efficient and independent justice system that respects due process and protects the human rights of detainees in line with international standards (Austria)

137.143 Take, through capacity-building and technical assistance from the international community, the necessary measures to restore and strengthen national institutions essential to the administration of justice, the rule of law, including the judiciary, the office of the prosecutor, and the police (Brazil)

137.144 Cooperate fully with investigations into human rights abuses and violations (Namibia)

137.146 Investigate all alleged crimes and hold accountable, in accordance with international standards, all those responsible for violations and abuses of human rights and humanitarian law (Cyprus)

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137.147 Ensure that all those responsible for human rights violations are brought to justice, in accordance with international standards, in particular the right to a fair trial (Belgium)

137.158 Continue its cooperation with the International Criminal Court in order that the perpetrators of human rights violations are held accountable for their actions (Luxembourg)

137.160 Ensure that all perpetrators of violations and abuses of the international human rights law and the international humanitarian law from all sides of the conflict are investigated, prosecuted and punished in accordance with international standards and cooperate with the International Criminal Court in this regard (Czech Republic)

137.162 Meet its obligations to cooperate with the International Criminal Court pursuant to Security Council resolution 1970 (2011) (Australia)

137.165 Strengthen transitional justice and its equity. Pursue cooperation with the International Criminal Court (France)

137.166 Draw up plans for transitional justice to ensure that all perpetrators of human rights abuses would be brought to justice (Sierra Leone)

137.167 Support international efforts to help restore the rule of law and develop transitional justice in the country (Thailand)

137.168 Make more efforts in order to make the national dialogue a success, and activate the law of transitional justice (Kuwait).

#### **HUMAN RIGHTS PROTECTION / COMPLIANCE WITH HUMANITARIAN LAW**

137.49 Provide the necessary support for national human rights bodies to help them do their work (Egypt)

137.50 Enhance legislation, strategies, national action plans, initiatives and create committees on human rights (Jordan)

137.52 Create a national human rights institution in conformity with the Paris Principles (Madagascar)

137.53 Take effective steps to establish a national human rights institution in line with the Paris Principles (Kenya)

137.54 Take all the necessary measures to bring its national human rights institution in line with the Paris Principles (Honduras)

137.55 Give continuity to strengthening of national human rights institutions and mechanism (Nepal)

137.56 Continue with the efforts to strengthen the institutional infrastructure in the field of human rights, particularly through the establishment of independent national human rights entities (Colombia)

137.57 Ensure the effective functioning of the National Council for Civil Liberties and Human Rights (South Africa)

137.58 Strengthen the role of the National Council on Civil Liberties and Human Rights in the promotion and protection of human rights in accordance with the Paris Principle (Indonesia)

137.59 Revise Law No. 5 (2011) to bring the National Council for Civil Liberties and Human Rights of Libya into accordance with the Paris Principles (Canada).

137.60 Integrate human rights in the educational system at various levels (Sudan)

137.61 Making more efforts to spread human rights culture in the educational field at various levels (Algeria)

137.62 Step up efforts to ensure a safe environment for education and to work on implementing a model plan for human rights education, which aims to integrate human rights in the educational system at various levels (Palestine)

137.106 Take all the necessary measures to end the escalation of violence and immediately cease armed hostilities (Slovenia)

137.107 Continue with the efforts to ensure respect for the rights and fundamental freedoms of the entire population and compliance with international humanitarian law, particularly the principles of distinction, proportionality and precaution during attacks (Argentina)

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137.108 That all parties to the conflict in Libya cease violations of international humanitarian and human rights law, including attacks on civilians, as in line with previous appeals by the High Commissioner (Japan)

137.109 Ensure respect for the right to life, liberty and security of person for all in Libya, including by working towards an end of armed hostilities among Libyans, by complying with applicable international law in the conduct of hostilities, and by ensuring humane treatment of all persons detained, in line with international standards (Germany)

137.110 Hold accountable, in accordance with international standards, all parties responsible for violations of international human rights and humanitarian law and abuses of human rights, and include human rights guarantees in the new Constitution (Australia)

137.113 Take all necessary measures to protect schools from military use by fighting forces (Portugal)

137.114 Ensure the timely and unimpeded passage of humanitarian relief and guarantee the safety of humanitarian workers in the conflict zones (Thailand)

137.118 Take legal and practical measures to ensure the safety of human rights defenders (Spain)

137.131 Adopt measures to fight against the use of violence as a weapon of war (Angola)

137.145 Adopt all necessary measures to guarantee the fight against impunity for the perpetrators of crimes, acts of violence and all human rights violations (Argentina)

137.155 Take action to stop attacks on human rights defenders and make sure that perpetrators are held accountable for crimes committed, in accordance with international standards (Sweden)

137.157 Amend Law 38 of 2012, which provides total impunity to militia members who violate international humanitarian law and commit human rights abuses (Spain).

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#### **ENGAGEMENT WITH AND COOPERATION IN THE UPR PROCESS**

137.38 Continue the national dialogue to find a peaceful political solution to the crisis (Algeria)

137.40 Continue efforts in establishing stability in the country and in this regard to resume building state institutions (South Africa)

137.42 Continue moving towards establishing a comprehensive unity Government through the Libyan Political Dialogue currently led by the United Nations (Republic of Korea)

137.63 Continue its engagement with the human rights mechanisms of the United Nations for the protection and promotion of human rights (Azerbaijan)

137.65 Continue implementing the remaining accepted recommendations of the Council from the first universal periodic review cycle (Ethiopia)

137.66 Pursue its efforts in the implementation of the recommendations made by the United Nations human rights mechanisms, especially recommendations accepted in the framework of the universal periodic review process (Qatar)

137.67 Continue its engagement with relevant United Nations bodies and other related international organisations to fulfil its commitment to promote and protect the rights of its people, especially the vulnerable groups (Brunei Darussalam)

137.72 Continue to cooperate and coordinate with the international community and the United Nations Support Mission in Libya in order to obtain technical assistance to address the challenges faced in the promotion and realization of human rights (Qatar)

137.73 Submit all overdue reports to the relevant United Nations treaty bodies (Sierra Leone)

137.199 Intensify its efforts in fighting terrorism, and identify gaps in promotion and protection of human rights implementation and seek assistance from the international community (Ethiopia).

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## **PUBLIC SECURITY**

137.22 Ratify and strictly implement the Arms Trade Treaty without delay, giving particular attention to implementing measures to prevent the diversion and illicit trafficking of all types of conventional arms (New Zealand)

137.45 That the various forces in Libya act in the interests of the nation and the people, immediately stop fighting and violence, end the disorder, start the political process as soon as possible, resolve their differences, and safeguard ethnic and national unity (China)

137.46 Make every effort to seek peace with all actors concerned in order to be able to re-begin the construction of the country both politically, socially and economically (Democratic Republic of Congo)

137.200 Respect the principles of human rights and the rule of law in the fight against terrorism (Sweden)

137.201 Continue its efforts in the fight against the terrorist gangs that perpetuate the most heinous crimes against humanity on a daily basis (Iraq)

137.202 Combat further terrorist groups which are destabilizing the country and are using it as logistical base for organizing many forms of trafficking and terrorist acts (Senegal).

## **CONSTITUTIONAL PROCESS**

137.26 Accelerate the process of drafting of the constitution, as it plays an extremely important role for the stability of Libya (Kuwait)

137.28 Pursue efforts to prepare a new constitution in conformity with international human rights norms (Senegal)

137.29 Take the necessary measures to ensure that its new Constitution is consistent with the human rights instruments to which Libya is a party (Honduras)

137.31 Intensify efforts to draft a constitution which would be in full compliance with the international standards of human rights protection (Kazakhstan)

137.30 Consider incorporating basic human rights principles and guarantees for fundamental freedom on its new constitution (Philippines)

137.32 Incorporate the largest human rights protection guarantees in the Constitution being drafted, partly contained in the current interim Constitutional Declaration (Spain)

137.33 Ensure that the Constitution is aligned with international human rights standards, thus contributing to political efforts aimed at fully restoring unity, peace, and security throughout Libya (Brazil)

137.34 Give full support to the Constitution Drafting Assembly and to an inclusive drafting process, leading to a constitution that is fully compliant with international human rights standards (Lithuania).

## **ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

137.181 Strengthen efforts in the area of development by giving priority to economic, social and cultural rights (United Arab Emirates).

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