



Human Rights Council
Working Group on the Universal Periodic Review
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Compilation on Libya

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of information contained in reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies^{1, 2}

2. The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (Committee on Migrant Workers) noted with appreciation the ratification of the Convention on the Rights of Persons with Disabilities in 2018.³ The Committee noted that Libya had ratified almost all the major human rights treaties, as well as a number of International Labour Organization (ILO) conventions. It noted, however, that the State party had not yet ratified the International Convention for the Protection of All Persons from Enforced Disappearance; the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty; the ILO Migration for Employment Convention (Revised), 1949 (No. 97); the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143); the ILO Private Employment Agencies Convention, 1997 (No. 181); the ILO Labour Inspection (Agriculture) Convention, 1969 (No. 129); and the ILO Domestic Workers Convention, 2011 (No. 189).⁴ It recommended that Libya consider ratifying or acceding to the above instruments as soon as possible.⁵

3. The Committee also recommended that Libya consider making the declarations provided for in articles 76 and 77 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.⁶

4. The Office of the United Nations High Commissioner for Refugees (UNHCR) recommended that Libya ratify the Convention relating to the Status of Refugees and its Protocol.⁷



III. National human rights framework⁸

5. UNHCR recommended that Libya uphold article 10 of the 2011 interim Libyan Constitutional Declaration that prohibited the extradition of “political refugees”, because otherwise, asylum seekers or refugees in Libya without appropriate documentation, including those rescued and disembarked, faced detention under Law No. 19 of 2010.⁹

6. UNHCR recommended that Libya amend Law No. 6 (1987), Law No. 2 (2004) and Law No. 19 (2010) in order to decriminalize irregular migration without regard to distinctions between migrants, refugees, asylum seekers, victims of trafficking, migrants in vulnerable situations, migrant children or other migrants in need of international human rights protection.¹⁰

7. The Special Rapporteur on the human rights of internally displaced persons recommended that the Government:

(a) Prioritize the creation of a national road map to establish a common strategy, and help guide and ensure a coordinated response for appropriate and effective responses to internal displacement, in accordance with the Guiding Principles on Internal Displacement;

(b) Ensure that the road map clarified roles and assigned institutional responsibilities, and improved coordination across national, municipal and local actors;

(c) Ensure that the Minister of State for Displaced Persons’ Affairs was able to function effectively.¹¹

IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

1. Equality and non-discrimination¹²

8. The Committee on Migrant Workers was concerned about reports of discriminatory treatment against migrant workers and members of their families, especially those from sub-Saharan Africa and belonging to religious minorities, particularly Christians.¹³ It recommended that the State amend its legislation or adopt relevant legislation to ensure that all migrant workers and members of their families, whether documented or not, on its territory or subject to its jurisdiction, enjoyed the rights recognized in the Convention without discrimination.¹⁴

9. The Committee also recommended that Libya adopt a law against all forms of discrimination, particularly racism, racial discrimination, xenophobia and related intolerance.¹⁵ It further recommended that Libya prevent and address violence and discrimination on racial and religious grounds by officials, armed and criminal groups and private citizens, and ensure that acts were recorded, investigated and sanctioned, and that victims received compensation.¹⁶

B. Civil and political rights

1. Right to life, liberty and security of person¹⁷

10. The Committee on Migrant Workers was concerned that:

(a) Serious acts of violence, including unlawful killings, torture and ill-treatment, rape and sexual violence, physical and verbal abuse, extortion, threats and intimidation were committed against migrant workers and members of their families, particularly those in an irregular situation, by officials of the State, armed groups, smugglers, traffickers and criminal groups, in and outside formal and informal detention centres;

- (b) Public authorities, including the Department for Combating Illegal Migration and the Libyan Coast Guard, were alleged to be involved in serious acts of violence, and that such crimes were frequently associated with widespread impunity;
- (c) Excessive and unwarranted lethal force was used by the Directorate and State officials in the course of law enforcement operations against migrants, including migrant workers;
- (d) Traffickers, smugglers and criminal gangs subjected migrants, including migrant workers, to:
- (i) Extreme violence, including with the aim of extorting money from their relatives;
 - (ii) Rape and other forms of sexual violence, including gang rape and sexual exploitation in conditions amounting to sexual slavery.¹⁸

11. The Committee on Migrant Workers was concerned about reports of acts of physical and verbal abuse, arbitrary detention, slavery and sexual violence committed against migrant workers and members of their families, especially those from sub-Saharan Africa and belonging to religious minorities, particularly Christians, by Libyan officials, including representatives of the Department for Combating Illegal Migration and the Libyan Coast Guard, armed and criminal groups and private citizens.¹⁹

12. The Committee on the Elimination of Racial Discrimination, in a statement issued in 2017, was concerned by the information received that thousands of migrants and asylum seekers were facing serious human rights violations including kidnapping, torture, sexual violence, arbitrary detention as well as inhumane conditions of detention, and that most such practices were not recorded, investigated or punished.²⁰

13. The Office of the United Nations High Commissioner for Human Rights (OHCHR) observed that, subject to exploitation and abuse by authorities, armed groups and smugglers, migrants were particularly at risk in Libya. Cases of prolonged arbitrary detention and other deprivation of liberty, torture and ill-treatment, forced labour and exploitative labour practices, extortion, trafficking and sexual violence, had all been reported in the interviews conducted by OHCHR. Sub-Saharan Africans were at a heightened risk of abuse and racial discrimination.²¹

14. On the basis of the site visits and interviews conducted, and the evidence obtained, the United Nations Support Mission in Libya (UNSMIL) confirmed that between 11.28 p.m. and 11.39 p.m. on 2 July 2019, a foreign aircraft had conducted an attack on the Daman complex in Tajoura, striking two buildings in the complex.²² The vehicle repair workshop and maintenance facility were overseen by the Daman Brigade and were used to provide services to all Government of National Accord security agencies in Tajoura.²³

15. UNSMIL was informed that at least 53 migrants and refugees had been killed in the attack (47 men and 6 boys). Those killed were reportedly citizens of Algeria, Bangladesh, Chad, Morocco, the Niger and Tunisia. UNSMIL was also informed that at least 87 male migrants and refugees had been injured.²⁴

16. OHCHR documented a number of unlawful killings, in particular the execution of individuals taken captive, detained or abducted, and assassinations of those voicing dissent. Reports of unlawful killings were documented in all conflict areas and by most major groupings of armed actors.²⁵

17. OHCHR estimated that more than 9,000 people were being detained in facilities operated by the Ministry of Justice and the Department for Combating Illegal Migration of the Ministry of the Interior. That figure did not include the significant number of people detained elsewhere, such as in other facilities operated by the Ministry of the Interior, the Ministry of Defence and/or those operated by armed groups.²⁶

18. OHCHR also documented numerous cases of torture and other forms of cruel, inhuman or degrading treatment or punishment, particularly of individuals in detention facilities. Individuals suffered beatings with plastic pipes or electrical cables, prolonged suspension in stress positions, solitary confinement, incommunicado detention and electrocution.²⁷

19. OHCHR stated that torture had resulted in the death of detainees in various facilities, including at the Al-Birsis facility, the military police facility in Al-Abyar, the Military Intelligence Battalion base in Al-Rajma, Al-Sai'qa military base in Bu'atni, and in a facility reportedly operated by the Tripoli Revolutionaries Brigade.²⁸

2. Administration of justice, including impunity, and the rule of law²⁹

20. The Committee on Migrant Workers was concerned about the widespread impunity for violations of the rights recognized under the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. It was also concerned that undocumented migrant workers, victims of trafficking and victims of forced prostitution were unable to seek justice for violations of their rights due to arbitrary detention or for fear of being detained for illegal entry and stay under Law No. 6 (1987) (amended by Law No. 2 (2004)), Law No. 19 (2010) and national legislation criminalizing prostitution and sexual relations outside wedlock.³⁰ The Committee recommended that Libya ensure that, in law and in practice, migrant workers and members of their families, regardless of their status, had opportunities equal to those of nationals to file complaints and obtain effective redress in the courts, and launch an immediate investigation when crimes and violations of rights were brought to its attention. The Committee also recommended that the State party provide assistance with legal defence, interpretation services, the right to individual consideration, gender-responsive interviewing, the right of appeal, and reparation and/or compensation to victims.³¹

21. The Committee on Migrant Workers urged Libya to enforce the Penal Code (1953) and Law No. 10 (2013) with regard to crimes committed against migrant workers and members of their families and to ensure that it thoroughly investigated those acts, taking into account State officials' links with smuggling and trafficking networks.³²

22. UNSMIL recommended that the Government of National Accord, the Libya National Army and other parties to the conflict conduct independent, impartial and thorough investigations into the airstrikes on the Daman complex, in particular into the related alleged violations of international human rights and international humanitarian law.³³

23. OHCHR stated that judges and prosecutors had been at risk of murder, court bombings, assaults and abductions throughout 2014 and 2015. At times, attacks were linked to specific demands, such as the detention or release of certain individuals, or were an attempt to thwart the arrest and prosecution of armed group members. As a result, courts in Derna, Sirte and Benghazi ceased their activities in 2014. Some courts in parts of Benghazi reopened, though only to a limited extent, in 2015. Courts in Tripoli temporarily suspended activities during the fighting in mid-2014.³⁴

24. On the basis of the information received, OHCHR assessed that the system for providing security for judicial actors through the Judicial Police was inadequate and flawed. The Judicial Police included in its ranks thousands of members of armed groups integrated without any comprehensive vetting programme. According to information received by the UNSMIL Human Rights Division, only about half of Judicial Police officers had reported for duty during the fighting in 2014. Even at full strength, the Judicial Police force lacked the capacity and equipment to repel well-armed attacks. In many facilities, control was effectively exercised by armed groups. In the absence of proper protection, the judiciary could not deliver justice. As a former Minister of Justice told OHCHR, "a frightened judge cannot rule".³⁵

3. Fundamental freedoms and the right to participate in public and political life³⁶

25. In his report of August 2018, the Secretary-General stated that the Libyan National Army fighters had reportedly detained civilian men from Darnah at checkpoints and at their homes. It was reported that those taken had included civil society activists, religious figures, medical professionals and local leaders, and that the victims appeared to have been targeted solely for exercising their right to freedom of expression.³⁷

26. UNESCO reported having recorded 23 killings of journalists in Libya since 2008. At the time of the drafting of the present report, no information had been received by UNESCO from the Government concerning the status of the investigations of the cases. UNESCO

reported that the security situation negatively affected the ability of the media to pursue their work freely.³⁸ UNESCO encouraged the Government to investigate all unresolved cases of journalists who had been killed, and to voluntarily report on the status of judicial follow-up to UNESCO. It was also highlighted that the Government might wish to consider taking advantage of the United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity as a means of strengthening the protection of journalists.³⁹

27. In his report of January 2020, the Secretary-General stated that democratic processes had stalled as a result of the conflict. He expressed concern that the unrecognized “interim government” in eastern Libya was increasing the uncertainty caused by the conflict by planning to conduct parallel municipal elections or to impose appointed “municipal steering committees”, including in areas in which elected councils were already in place.⁴⁰

4. Prohibition of all forms of slavery⁴¹

28. The Committee on Migrant Workers was concerned about reports that migrant workers and members of their families who were detained by the Department for Combating Illegal Migration, armed groups, smugglers or traffickers were frequently subjected to forced labour. It was also concerned that migrants in an irregular situation were frequently not paid for work performed, did not receive the amount agreed upon or were denounced to the Department by their employers after having accomplished their work.⁴² The Committee recommended that Libya prosecute persons or groups exploiting migrant workers or subjecting them to forced labour, including forced prostitution and sexual exploitation, and punish perpetrators with appropriate sanctions. It also recommended that the State party ensure that migrant workers and members of their families had access to independent complaint mechanisms and were provided with legal counsel, protection and reparations.⁴³

29. The Committee on Migrant Workers also recommended that Libya expeditiously adopt anti-trafficking measures, in accordance with the commitment made within the context of the previous universal periodic review (A/HRC/WG.6/22/LBY/1, para. 72), and scale up its campaigns for the prevention of trafficking in migrant workers.⁴⁴

30. The Committee on the Elimination of Racial Discrimination was alarmed that, so many years after the slave trade had been declared illegal, black men from sub-Saharan African countries were being sold in slave markets in Libya and were being subjected to anti-black racial discrimination. The Committee was also alarmed by reports that black women from sub-Saharan African countries, among other migrants and asylum seekers, were being subjected to torture and the worst forms of sexual violence.⁴⁵

31. The Committee urged Libya to take immediate stringent measures against smugglers, traffickers and slavers and to end the sale of humans into slavery and forced labour. It also urged the State party to take targeted measures to end anti-black racial discrimination against migrants and asylum seekers from sub-Saharan Africa, including the torture and sexual abuse of black women.⁴⁶

C. Economic, social and cultural rights

1. Right to health⁴⁷

32. The World Health Organization (WHO) observed that ongoing civil conflict and armed fighting had interrupted many of health programmes and were impacting negatively on all aspects of health and the health sector, resulting in: large-scale displacements; damage to vital infrastructure, including health facilities; and thousands of people dead or injured. Security constraints, damage or closure of health facilities and some main warehouses, the departure of foreign health professionals and reduced budgetary provision for medicines and supplies were among the main reasons for the situation with regard to health services. An estimated 1,056,000 people remained in need of humanitarian assistance in the health sector; 760,000 were targeted in 2018 by health partners.⁴⁸

33. The Service Availability and Readiness Assessment survey carried out by WHO in 2016–2017 covered all 1,656 public health facilities in Libya. The survey revealed that 17.5 per cent of hospitals were closed, and 20 per cent of primary health-care facilities were non-

functional. While the general readiness score for the provision of basic services by functioning hospitals was 69 per cent, the score for primary health-care facilities was only 45 per cent, indicating that their capacity was severely constrained. The greatest limitation was found in the availability of basic medicines across the country, with a score of only 16 per cent.⁴⁹

34. WHO stated that the health profile in Libya had changed in the last decade, with an increasing burden of non-communicable diseases, owing to demographic and life style changes. In 2012, the leading causes of death were cardiovascular diseases (37 per cent) and cancer (13 per cent), followed by traffic accidents. Similarly, obesity rates had increased in the last decade. HIV infection rates had been rising, especially among intravenous drug users, but only eight facilities in Libya offered counselling and testing for HIV. The availability of preventive and curative services for children in Libya was limited. Over one third of municipalities could not provide paediatric health care for their constituents. Where primary health-care facilities did offer such care, the service package was generally limited, focusing primarily on diagnosis and treatment of malnutrition, and treatment of pneumonia. Trauma and obstetric care were difficult to access in security-compromised areas, and the current provision of mental health-care services, psychosocial counselling and care for disabilities was inadequate to meet the needs of the conflict-affected population.⁵⁰

35. WHO observed that immunization coverage rates in Libya had been consistently high, with coverage for all antigens estimated and measured to be 97 per cent or higher. The country had maintained its polio-free status since 1991, and no cases of tetanus had been recorded since 1993. In May 2018, Libya had been in the early stage of measles eradication, although some transmission still occurred, with eight confirmed cases of measles having been reported by the national centre for disease control in 2017, together with seven cases of rubella.⁵¹

36. The Committee on Migrant Workers was concerned about reports that migrant workers, particularly those in an irregular situation, had little or no access to health services, including emergency medical care.⁵² It recommended that the State party ensure that all migrant workers and members of their families, irrespective of their migration status, were able, in law and in practice, to access emergency medical care and basic health services on a basis of equality of treatment with nationals of the State.⁵³

2. Right to education⁵⁴

37. UNESCO stated that schools in Libya had been largely affected by the conflict and the situation of families and children remained precarious. In 2019, the academic year had been suspended in all schools in conflict-affected areas and seven schools had been used to shelter displaced families. In addition, 5 million schoolbooks and national school exam results had been destroyed during an attack on an education warehouse.⁵⁵

38. The Office of the Special Representative of the Secretary-General for Children and Armed Conflict reported that attacks on schools and hospitals were a main and growing concern. It was noted that there had been a spike in the number of incidents, with 34 verified attacks in the first six months of 2019, compared with 42 such attacks for all of 2018.⁵⁶

39. UNESCO recommended that the Government take all necessary measures to protect the educational environment from conflict, including by providing public transport to school. It also recommended that Libya take appropriate measures to ensure that children had access to education everywhere in the country, including in the south; provide human rights training to teachers, especially on non-discrimination; and rehabilitate schools and classrooms that had been destroyed or damaged.⁵⁷

40. The Committee on Migrant Workers recommended that the State party adopt concrete and effective measures to make it possible for children of migrant workers, irrespective of the migration status of their parents, to enter and remain in the education system, and that undocumented migrant children were not reported to the immigration authorities by those working in the education system.⁵⁸

D. Rights of specific persons or groups

1. Women⁵⁹

41. In their 2017 report, UNSMIL/OHCHR observed that while Libya had ratified the Convention on the Elimination of All Forms of Discrimination against Women and other international instruments that prohibited discrimination on the basis of sex, significant discrimination against women in both law and practice continued to have a serious impact on the rights of women in Libya. Following intimidation and attacks in 2014 and 2015, several women activists had been forced to leave the country or adopt a low profile. In 2016, UNSMIL/OHCHR received continuing reports of women activists in exile receiving threats. On 25 September, an armed group that operated in Al-Fernaj, Tripoli, had abducted and tortured a blogger, accusing him of being “liberal” and writing in support of women’s rights on the Internet. Relatives were subsequently unable to locate him.⁶⁰

42. OHCHR staff spoke with a number of women who reported that they had been subjected to sexual violence but who did not wish to provide detailed accounts or have their stories shared publicly for fear of retaliation, perceived stigma, family pressure or trauma. One case documented by OHCHR involved a woman who had been abducted in Tripoli by an armed group affiliated with Libya Dawn, and who had been subsequently drugged and raped repeatedly over a period of six months. She also provided information according to which six girls as young as 11 years of age had been subjected to sexual violence by members of the same group.⁶¹ Migrant women have also faced sexual violence and exploitation both in and outside detention facilities.⁶²

43. UNSMIL/OHCHR found that women in detention and migrant women were particularly vulnerable to sexual abuse and other forms of violence. Women held in detention centres run by armed groups across the country were commonly guarded by men, who had full access to their cells. According to credible information received by UNSMIL/OHCHR, migrant women who travelled through Libya using smuggling routes and those who were in official and unofficial migrant detention centres were targeted for rape. Migrant women who had been detained described how they were taken away by armed men from cells shared with others and repeatedly raped over a number of days.⁶³

44. UNSMIL/OHCHR found that women migrants held by groups pledging allegiance to the Islamic State in Iraq and the Levant (ISIL) were “handed over” to individual fighters and repeatedly raped. If they sought to resist they were beaten and tied up. Those that tried to escape were also beaten and denied food and/or water for up to two days.⁶⁴

2. Children⁶⁵

45. The Office of the Special Representative of the Secretary-General for Children and Armed Conflict stated that children in Libya continued to face serious protection concerns, which had been further exacerbated by an escalation of violence following the April 2019 offensive of the Libyan National Army to seize control of Tripoli.⁶⁶

46. The Office of the Special Representative also stated that, in 2018, the United Nations had verified the killing and maiming of 74 children by unidentified armed elements, and 37 children (29 boys and 8 girls) were killed and maimed in the first six months of 2019 alone, illustrating the devastating consequences of the escalation of violence. Children had been killed by indiscriminate fire and unguided weapons, such as artillery and mortars; air strikes; improvised explosive devices; and unexploded ordnance. Most child casualties had been the result of shelling and crossfire that occurred in urban areas, including in Tripoli, Benghazi and in southern Libya.⁶⁷

47. The Office of the Special Representative further stated that migrant and refugee children had been particularly vulnerable. Sexual abuse of children, including forced prostitution and sexual exploitation, in conditions that could amount to sexual slavery had been reported as having been perpetrated by traffickers or criminal networks allegedly associated with armed groups. As of July 2019, 600 migrant and refugee children had been detained in Libya, including unaccompanied and separated children, held in poor conditions, often together with adults.⁶⁸

48. OHCHR received information on the forced recruitment and use of children in hostilities by groups pledging allegiance to ISIL. OHCHR interviewed two boys, aged 10 and 14 years, who had been forcibly taken from their families. They had been forced to undergo religious and military training and to watch videos of beheadings. They were also sexually abused. OHCHR also documented case in which a child was used by a group pledging allegiance to ISIL to detonate a bomb in a vehicle in Derna, in June 2015.⁶⁹

49. The Office of the Special Representative of the Secretary-General for Children and Armed Conflict stated that, while no case of recruitment and use of children could be verified in 2018 and 2019, the United Nations had received credible allegations of recruitment and use by all parties to the conflict.⁷⁰

3. Minorities⁷¹

50. OHCHR observed that, in addition to the difficulties that internally displaced persons encountered in enjoying their rights, groups perceived as having supported the Qadhafi regime during 2011 remained at particular risk of human rights violations and abuses. OHCHR received the greatest number of reports of violations and abuses from members of the Tawerghan community, which had been displaced since the attack by Misrata-based armed groups on Tawergha in August 2011.⁷²

51. Although progress had been witnessed in 2015 in the dialogue between Misratan and Tawerghan communities to allow for safe returns and reparation (including adoption of a road map in December), OHCHR received reports of difficulties associated with the community's continuing displacement, including reduced livelihoods, ethnic discrimination and limited access to education and health services. Tawerghans reported being subject to a greater risk of arbitrary detention and ill-treatment, especially by Misrata-based armed groups.⁷³

4. Migrants, refugees, asylum seekers and internally displaced persons⁷⁴

52. The Committee on Migrant Workers noted that Libya had traditionally been a country of destination for migrant workers from North African and sub-Saharan African countries, and that it had increasingly become a country of transit for migrants from sub-Saharan Africa, North Africa, Bangladesh and the Syrian Arab Republic. It further noted the existence of a large number of persons in need of international protection in Libya.⁷⁵

53. OHCHR also stated that Libya had long had a considerable population of migrant workers, and that it was also a transit country on the migration routes from East and West Africa to Europe.⁷⁶ UNHCR estimated that between January and mid-October 2015, more than 140,000 individuals had arrived in Italy by sea, the majority of whom had departed from Libya.⁷⁷

54. The Committee on Migrant Workers welcomed the establishment in early 2018 of a registration system for migrants, following interception and rescue at sea, in cooperation with the International Organization for Migration.⁷⁸ Nevertheless, the Committee was concerned about reports of interceptions of vessels carrying migrants, including migrant workers and members of their families, in the Mediterranean Sea and their return to Libya, reportedly at times against their will, in so-called "pullback" operations.⁷⁹ It urged Libya to end any operation by the Libyan Coast Guard or other law enforcement officials that violated the right of migrant workers and members of their families to leave any State, including Libya. It urged Libya to ensure that the activities of the Libyan Coast Guard were aimed at ensuring the security of migrants, including migrant workers and members of their families.⁸⁰

55. The Committee on Migrant Workers was also concerned about the number of disappeared, missing and unidentified migrants in the territory of the State, including in its territorial waters, and that the repatriation of bodies of deceased migrant workers was limited to those countries with which the State party had concluded a bilateral agreement.⁸¹

56. In 2017, the United Nations High Commissioner for Human Rights expressed dismay at the sharp increase in the number of migrants held in horrific conditions at detention facilities in Libya, saying that the suffering of migrants detained in Libya was an outrage to the conscience of humanity, and that what was an already dire situation had now turned

catastrophic. He noted that the detention system for migrants in Libya was broken beyond repair, and that only alternatives to detention could save migrants' lives and physical security, preserve their dignity and protect them from further atrocities.⁸²

57. In 2019, the Committee on Migrant Workers welcomed the instructions that had been issued since March 2017 by the Department for Combating Illegal Migration of the Ministry of the Interior to detention centres under its control on the humane treatment of detainees and the closure of centres where human rights violations had been reported.⁸³

58. In 2019, UNHCR stated that detention conditions continued to be inhumane throughout Libya, both in official and non-official detention centres. Arbitrary detention, deprivation of liberty, torture and other ill-treatment were widespread against refugees, asylum seekers and migrants. Perpetrators were in many cases members of armed groups or militias affiliated with the Government.⁸⁴

59. Over 7,000 persons of concern to UNHCR and migrants were held arbitrarily in detention centres under the administration of the Department for Combating Illegal Migration. Various armed groups and criminal actors accessed detention centres and were alleged to frequently force migrants and refugees into forced labour and trafficking.⁸⁵

60. OHCHR documented a large number of cases in which migrants were being detained in Libya without access to judicial review. As at 4 May 2015, there had been at least 3,245 migrants detained in facilities in western Libya alone, including 329 women and 34 children. Detention conditions were inadequate, often characterized by chronic overcrowding, poor sanitation and health care, and insufficient food. Violence was endemic. A witness held in a centre in Gheryan reported that a man who spilled his soup was subsequently shot dead by one of the guards. OHCHR also received credible information concerning the incidence of sexual and gender-based violence against migrants both in and outside detention centres, as well as an increase in female victims of trafficking arriving in Europe through Libya.⁸⁶

61. UNHCR recommended that Libya release all arbitrarily detained UNHCR persons of concern and migrants, and end widespread detention and mistreatment of refugees and migrants. It also recommended that Libya ensure that all persons intercepted or rescued at sea by the Libyan Coast Guard, or detained in other circumstances, enjoyed fundamental elements of due process of law.⁸⁷

62. The Committee on the Elimination of Racial Discrimination urged Libya to effectively investigate human rights violations taking place at land and sea borders as well as in detention, with a view to bringing alleged perpetrators to justice.⁸⁸ It also urged Libya to fully protect migrants and asylum seekers from refoulement.⁸⁹

63. UNHCR recommended that Libya develop and adopt national refugee legislation based on its commitments under the Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa and, pending this, formalize cooperation with UNHCR in a written agreement, in order to facilitate the work undertaken in the country by UNHCR for refugees and asylum seekers, without regard to nationality.⁹⁰

Notes

- ¹ Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Libya will be available at www.ohchr.org/EN/HRBodies/UPR/Pages/LYIndex.aspx.
- ² For relevant recommendations, see A/HRC/30/16, paras. 137.1–137.8, 137.12, 137.15–137.17, 137.19–137.22, 137.24, 137.63–137.68, 137.71–137.73, 137.119, 137.124, 137.158, 137.160, 137.162, 137.165 and 137.193.
- ³ CMW/C/LBY/CO/1, para. 6.
- ⁴ *Ibid.*, para. 16.
- ⁵ *Ibid.*, para. 17.
- ⁶ *Ibid.*, para. 15.
- ⁷ UNHCR submission, p. 2.
- ⁸ For relevant recommendations, see A/HRC/30/16, paras. 137.25–137.40, 137.42–137.59, 137.70, 137.78, 137.110, 137.140, 137.171–137.174, 137.177 and 137.188.
- ⁹ UNHCR submission, p. 3.
- ¹⁰ *Ibid.*, p. 3.
- ¹¹ A/HRC/38/39/Add.2, paras. 69 (a)–(c).
- ¹² For the relevant recommendation, see A/HRC/30/16, para. 137.90.
- ¹³ CMW/C/LBY/CO/1, para. 28.
- ¹⁴ *Ibid.*, para. 29.
- ¹⁵ *Ibid.*
- ¹⁶ *Ibid.*
- ¹⁷ For relevant recommendations, see A/HRC/30/16, paras. 137.106–137.109, 137.111, 137.114–137.116, 137.120–137.123, 137.125–137.126 and 137.130–137.131.
- ¹⁸ CMW/C/LBY/CO/1, para. 34.
- ¹⁹ *Ibid.*, para. 28.
- ²⁰ See tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/LBY/INT_CERD_SWA_LBY_8609_E.pdf.
- ²¹ A/HRC/31/47, para. 51.
- ²² UNSMIL-OHCHR, “The airstrikes on the Daman building complex, including the Tajoura Detention Centre, 2 July 2019”, para. 5.
- ²³ *Ibid.*
- ²⁴ *Ibid.*, para. 6.
- ²⁵ A/HRC/31/47, para. 14.
- ²⁶ *Ibid.*, para. 26.
- ²⁷ *Ibid.*, para. 31.
- ²⁸ *Ibid.*, para. 32.
- ²⁹ For relevant recommendations, see A/HRC/30/16, paras. 137.41, 137.112, 137.117, 137.128–137.129, 137.141–137.155, 137.157 and 137.166–137.169.
- ³⁰ CMW/C/LBY/CO/1, para. 30.
- ³¹ *Ibid.*, para. 31.
- ³² *Ibid.*, para. 35.
- ³³ UNSMIL-OHCHR, “The airstrikes on the Daman building complex, including the Tajoura Detention Centre, 2 July 2019”, para. 51.
- ³⁴ A/HRC/31/47, para. 43.
- ³⁵ *Ibid.*, para. 44.
- ³⁶ For relevant recommendations, see A/HRC/30/16, paras. 137.118, 137.175–137.176 and 137.178–137.180.
- ³⁷ S/2018/780, para. 30.
- ³⁸ UNESCO submission, para. 6.
- ³⁹ *Ibid.*, para. 12.
- ⁴⁰ S/2020/41, para. 95.
- ⁴¹ For relevant recommendations, see A/HRC/30/16, paras. 137.135–137.139, 137.192 and 137.202.
- ⁴² CMW/C/LBY/CO/1, para. 36.
- ⁴³ *Ibid.*, para. 37.
- ⁴⁴ *Ibid.*, para. 51.
- ⁴⁵ See tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/LBY/INT_CERD_SWA_LBY_8609_E.pdf.
- ⁴⁶ *Ibid.*
- ⁴⁷ For the relevant recommendation, see A/HRC/30/16, para. 137.77.
- ⁴⁸ World Health Organization, “Country cooperation strategy at a glance: Libya”, May 2018, p. 1. Available at apps.who.int/iris/handle/10665/136912.

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- 49 Ibid.
- 50 Ibid.
- 51 Ibid.
- 52 CMW/C/LBY/CO/1, para. 44.
- 53 Ibid., para. 45.
- 54 For relevant recommendations, see A/HRC/30/16, paras. 137.60–137.62 and 137.113.
- 55 UNESCO, para. 7.
- 56 The submission of the Office of the Special Representative of the Secretary-General for Children and Armed Conflict (OSRSG/CAAC) submission, p. 1.
- 57 UNESCO, para. 8.
- 58 CMW/C/LBY/CO/1, para. 45.
- 59 For relevant recommendations, see A/HRC/30/16, paras. 137.69, 137.74–137.76, 137.79–137.83, 137.85–137.89, 137.132 and 137.163–137.164.
- 60 A/HRC/34/42, para. 35.
- 61 A/HRC/31/47, para. 35.
- 62 Ibid., para. 51.
- 63 A/HRC/34/42, para. 36.
- 64 Ibid., para. 37.
- 65 For relevant recommendations, see A/HRC/30/16, paras. 137.133–137.134 and 137.189.
- 66 OSRSG/CAAC submission, p. 1.
- 67 Ibid.
- 68 Ibid., p. 2.
- 69 A/HRC/31/47, para. 59.
- 70 OSRSG/CAAC submission, p. 1.
- 71 For relevant recommendations, see A/HRC/30/16, paras. 137.170 and 137.183.
- 72 A/HRC/31/47, para. 55.
- 73 Ibid., para. 56.
- 74 For relevant recommendations, see A/HRC/30/16, paras. 137.18, 137.184–137.187, 137.190–137.192 and 137.194–137.198.
- 75 CMW/C/LBY/CO/1, para. 4.
- 76 A/HRC/31/47, para. 52.
- 77 Ibid.
- 78 CMW/C/LBY/CO/1, para. 8.
- 79 Ibid., para. 32.
- 80 Ibid., para. 33.
- 81 Ibid., para. 56.
- 82 OHCHR press release, “UN human rights chief: Suffering of migrants in Libya outrage to conscience of humanity”. Available at www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=22393. Accessed on 4 March 2020.
- 83 CMW/C/LBY/CO/1, para. 8.
- 84 UNHCR submission, p. 3.
- 85 Ibid.
- 86 A/HRC/31/47, para. 54.
- 87 UNHCR submission, p. 4.
- 88 See tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/LBY/INT_CERD_SWA_LBY_8609_E.pdf.
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- 90 UNHCR submission, p. 2.
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