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**Human Rights Council**  
**Working Group on the Universal Periodic Review**  
**Thirty-sixth session**  
4–15 May 2020

## **Summary of Stakeholders' submissions 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 summary of 29 stakeholders' submissions<sup>1</sup> to the universal periodic review, presented in a summarized manner owing to word-limit constraints.

#### **II. Information provided by stakeholders**

##### **A. Scope of international obligations<sup>2</sup> and cooperation with international human rights mechanisms and bodies<sup>3</sup>**

2. HRS, HRW, JUBILEE and LFJL called on the Government of National Accord to sign the international conventions and treaties which Libya has not joined, especially the Convention relating to the Status of Refugees and the Protocol relating to the Status of Refugees.<sup>4</sup> HRS also called on the Government of National Accord to ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.<sup>5</sup> HRS and LFJL called on Libya to ratify the International Convention for the Protection of All Persons from Enforced Disappearance.<sup>6</sup> HRS and JUBILEE called on Libya to ratify the Rome Statute of the International Criminal Court.<sup>7</sup> HRW also recommended Libya to ratify the Second Optional Protocol of the International Covenant on Civil and Political Rights, which aims at the abolition of the death penalty, and to declare an immediate moratorium on executions and abolish the death penalty.<sup>8</sup> Finally, HRW called on Libya to lift all reservations to the Convention to End All Discrimination against Women.<sup>9</sup>

3. ICAN recommended that Libya ratifies the UN Treaty on the Prohibition of Nuclear Weapons as a matter of international urgency.<sup>10</sup>

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\* The present document was not edited before being sent to United Nations translation services.



4. GICJ was concerned about the Tripoli Government's lack of cooperation with the UN Committee against Torture and relevant UN Special Procedures.<sup>11</sup>

5. GICJ called upon the Government of National Accord to cooperate with the International Committee on the Red Cross and relevant UN agencies to raise awareness among all belligerents about the limits on warfare imposed by the Geneva Conventions and punishment of breaches.<sup>12</sup>

## **B. National human rights framework<sup>13</sup>**

6. ECLJ noted that Libya continued to operate under an interim Constitution that made Islam its official religion and maintained that the "Shari'a" will be the main source of all legislation.<sup>14</sup> HRS reported that after extensive delays and legal issues, the Constitutional Drafting Assembly delivered a draft copy of the Constitution to the House of Representatives for a national referendum. However, to date, the referendum has not taken place and delayed yet again by another legal challenge to the constitutionality of Law of referendum.<sup>15</sup>

7. CIHRS stated that the armed struggle for power has greatly reduced the legislative role of the House of Representatives, which was forcibly shut down and its representatives harassed and barred entry to vote on new legislation.<sup>16</sup>

## **C. Implementation of international human rights obligations, taking into account applicable international humanitarian law**

### **1. Cross-cutting issues**

#### *Equality and non-discrimination<sup>17</sup>*

8. ADF International recommended Libya to ensure that individuals are not refused entry to the country or profiled and treated in a manner which amounts to invidious discrimination on the basis of race, religion, or national origin.<sup>18</sup>

9. ECLJ noted that while Christians were permitted to practice their faith to some degree, the Government imposed many limitations on how they were allowed to do so. ECLJ called on Libya to protect its citizens from discrimination on the basis of religion so that people of all faiths can freely and openly practice their religion without fear of losing their jobs and being discriminated against.<sup>19</sup>

#### *Human rights and counter-terrorism<sup>20</sup>*

10. CIHRS noted that Law 3/2014 on terrorism continued to be enforced with numerous restrictions on freedom of expression, including on-line censorship. The law's expansive definition of terrorism considered peaceful political opposition, including human rights defenders and others neither linked to nor supportive of terrorist groups, at risk of prolonged imprisonment for exercising their right to free expression.<sup>21</sup>

11. JS1 recommended to repeal the Counter-terrorism Law n°3 of 2014 to protect freedom of expression and the right to a fair trial.<sup>22</sup>

12. RSF-RWB stated that in 2018, the Government of National Accord adopted Decree 555 to dissolve "Al Radaa" and enrol its members into a new anti-crime and anti-terrorist unit, granting broad surveillance powers to an armed group that was responsible for gross abuses. This puts the lives of more journalists at greater risk.<sup>23</sup>

### **2. Civil and political rights**

#### *Right to life, liberty and security of person<sup>24</sup>*

13. LFJL reported that despite the UN arms embargo and the civilian casualty toll, the flow of advanced weapons into the country continued. Weaponry in the hands of armed groups resulted in systematic and indiscriminate attacks, causing the displacement of over 105,000 people since clashes started in April 2019.<sup>25</sup>

14. HRS reported that since the last UPR, the human rights situation in Libya has deteriorated considerably. Grave violations of international human rights law and international humanitarian law, including possible war crimes and crimes against humanity, have been widespread and committed with complete impunity. Thousands of people are victims of indefinite and illegal detention, with no end in sight. Torture and ill-treatment are common. The discovery of bodies dumped in tipping sites and on side roads, with signs of torture and bullet wounds indicating extrajudicial executions, have become common. Hundreds of people have gone missing, victims of enforced disappearances. HRS has documented, over the period from January 2017 to June 2019, more than 700 new cases of disappearances.<sup>26</sup>

15. JS3 observed that, throughout the post-2011 period, human rights violations and abuses, including those amounting to war crimes, have been perpetrated on a widespread scale by a multitude of State and State-affiliated actors and armed groups. These violations and abuses have included enforced disappearance; torture and other forms of cruel, inhuman or degrading treatment or punishment (ill-treatment); rape and other forms of sexual violence perpetrated against women and girls, as well as men and boys; unlawful killings; forced displacement; direct and indiscriminate or disproportionate attacks against civilians and civilian objects; and the unlawful, prolonged or otherwise arbitrary detention of “thousands of men, women and children. The upsurge in conflict in Libya’s capital since April 2019 has seen an increase in alleged indiscriminate and disproportionate attacks against civilians and civilian objects. In many instances, these violations and abuses constitute war crimes and/or crimes against humanity.”<sup>27</sup>

16. HRW reported that over 30 articles of the Penal Code provided for the death penalty, including as a punishment for establishing or participating in unlawful organizations. HRW noted that no death sentences have been carried out since 2010 although both military and civilian courts continued to pronounce them. However, Libya has not imposed a moratorium on capital punishment.<sup>28</sup>

17. GICJ reported that thousands of detainees were being held in prolonged arbitrary detention without charges in several official and unofficial places of detention where the judicial and prison authorities followed the instructions given by the Tripoli or the Tobruk Governments. In these conditions, the lack of independent complaint mechanisms is of extreme concern.<sup>29</sup> GDP recommended to guarantee dignified conditions of detention, including in relation to health care, food, drinking water, access to sanitation facilities, bedding, and recreation time.<sup>30</sup>

*Administration of justice, including impunity, and the rule of law*<sup>31</sup>

18. GICJ reported that the justice system was dysfunctional and that judges received threats for carrying out their mission of delivering justice to victims.<sup>32</sup>

19. JS3 noted that human rights violations and abuses, including those amounting to war crimes were not being effectively investigated and prosecuted, largely because of the absence of political will, inadequate resources and the frequent threats made against justice sector actors by armed groups. Despite the establishment of a human rights office within the Ministry of Interior, and announcements by Libyan authorities that investigations had commenced in response to some complaints about widespread violations and abuses in detention facilities, the information available indicates that investigations and prosecutions of armed group members, including those affiliated to the State, have not been undertaken or completed, even in cases where the State exercised effective control.<sup>33</sup>

20. DCHR, GDP, GICJ, and HRW recommended Libya to establish a fully independent judicial mechanisms to investigate, prosecute and punish perpetrators of war crimes and other human rights violations; and provide thorough and extensive information on the number of complaints received, cases pending, persons acquitted and sentenced.<sup>34</sup>

21. HRW recommended to Amend Law 38/2012 on Some Special Procedures to exclude from amnesty those responsible for serious international crimes such as murder, torture, sexual violence, and forced displacement. HRW also recommended Libya to adopt a law that clearly defines international crimes and ensure they are retroactive to include crimes committed in 2011 onwards.<sup>35</sup>

22. GICJ reported that during the previous UPR review, the Libyan Delegation mentioned the adoption of Law No. 29 in 2013 establishing a fact-finding and national reconciliation body, a fund for victims and an ombudsperson's office, intended to shed light on the abuses committed during the Gaddafi era, and ensure the people's rights to truth, accountability and reparation for human rights abuses. GICJ requested the Libyan Government to provide thorough and extensive information on the advancement of the work of these mechanisms.<sup>36</sup>

23. LFJL reported that Libyan law did not provide a ceiling for the duration of pre-trial detention. Courts and judges were allowed to extend pre-trial detention periods indefinitely for periods of 45 days at a time until the end of investigations. Further, for crimes committed against the State including "terrorism related charges", Libyan law expanded the power of the police to hold a detainee for a duration of seven days without presenting the detainee to the judiciary.<sup>37</sup> JS1 recommended to repeal Disposition n° 177 of the Penal Procedure Code, allowing prolonged pre-trial detention to guarantee fair trial and repeal Law n°4 of amending military procedure issued in 2017 to guarantee fair trial.<sup>38</sup>

24. GIEACPC noted that corporal punishment was lawful as a punishment for a crime. The Penal Code of 1953 does not prohibit all corporal punishment, nor does it contain any provisions on corporal punishment, but the law provides that corporal punishment is to be inflicted under "Shari'a" law and protection from such punishment for persons under 18 appears to be incomplete.<sup>39</sup> HRW said that several Gaddafi-era laws prescribe lashings and amputation of limbs.<sup>40</sup>

*Fundamental freedoms and the right to participate in public and political life<sup>41</sup>*

25. NCCLHR stated that civil society still suffers from restrictions in Libya. Despite the adoption of the freedom of peaceful assembly and freedom of association acts, through the Constitutional Declaration issued in 2011 by the Transitional National Council, no new law has been issued to regulate the work of civil society in Libya, and peaceful assembly can still be criminalized.<sup>42</sup>

26. NCCLHR recommended the state to adopt laws regulating the work of civil society and repeal or amend local laws that restrict freedom of assembly and association.<sup>43</sup>

27. CIHRS, LCFP, HRW and RSF-RWB reported that since 2015 free expression and assembly has been forcibly repressed by militias directly or indirectly linked to both the accord and interim Governments, encompassing abductions, assassinations, bombings, lootings, intimidation and threats, armed attacks and raids, detainment and prosecution.<sup>44</sup> LCFP documented 82 cases in which independent journalists were forced to leave the country between 2014 and 2018 due to these violations and threats against the journalists.<sup>45</sup> LFJL stated that journalists have also been subjected to increased threats, intimidation and violence.<sup>46</sup>

28. LFJL also reported that the upsurge in violence in April 2019 saw a sharp increase in the number of enforced disappearances in Libya. In the first month of fighting, UNSMIL reported at least seven officials and employees being abducted by parties to the conflict and subjected to periods of enforced disappearances in east and west Libya.<sup>47</sup>

29. DCHR and LCFP reports indicated that two thirds of women journalist preferred to leave their jobs given the intimidations and harassment they face because of carrying out their jobs.<sup>48</sup>

30. RSF-RWB reported that in July 2019, the general broadcasting authority of the interim Libyan Government, issued an order which accused 11 TV channels of "justifying terrorism" and "threatening social peace." The Libyan State also introduced 13 new requirements to which international journalists must comply with when applying for accreditation to work in Libya. In 2019, Libya was ranked 162nd of 180 countries in RSF's World Press Freedom Index.<sup>49</sup>

31. JS2 noted that during its last UPR, Libya accepted the recommendation to "respect freedom of association and peaceful demonstration, in particular for rights defenders." Since then however, Libya has adopted restrictive regulations impeding the ability of civil society to work in Libya.<sup>50</sup>

32. JS2 recommended the Government to lift the restrictions intended to impede civil society organizations and their activities in Libya, including by amending Decree 286 of 2019 in order to comply with international standards; protect civil society and activists from threats and reprisals; and investigate and prosecute those responsible for attacks against them.<sup>51</sup>

33. DCHR called on the executive branch to take urgent measures to stop media practices that incite hate speech and violence against human rights defenders.<sup>52</sup>

34. HRS called on the House of Representatives and the High Council of the State to respect the basic rights of freedom of expression, association and assembly.<sup>53</sup>

35. JS1 recommended Libya to repeal the: Press Law n° 76 of 1972 and Penal Code dispositions n°: 178, 205, 208, 245, 438 and 439 in order to protect freedom of expression; Law n°19 regulating civil society organizations of 2001 and all its executive decrees to protect freedom of association; and Law n°65 of 2012 regulating the right to peaceful assembly.<sup>54</sup>

36. JUBILEE reported that Article 291 of the Penal Code of Libya criminalized actions that felt under “insulting the State religion” of Islam. This law has resulted in the arrests of Christians, atheists and other individuals not holding the same Islamic teaching.<sup>55</sup>

37. LFJL reported that in the absence of a central state authority, women have been forced to ensure their safety, by adhering to a specific dress code, traveling with male guardians, or restricting movements to daytime, which profoundly limited women’s freedom of movement and their ability to engage fully in public life.<sup>56</sup>

38. HRS stated that political parties were essential for democracy and must be protected and supported.<sup>57</sup>

#### *Prohibition of all forms of slavery*<sup>58</sup>

39. JUBILEE reported that the penal code provided punishments outlined for perpetrators of human trafficking for sex purposes in article 418 and article 420, but it did not address human trafficking for labour.<sup>59</sup>

40. JUBILEE reported that immigrants to Europe were often abducted, sold into slavery, or raped by vigilante groups. A survey found that 71% of migrants had responded positively to one of the trafficking and other exploitative practices indicators. There is video evidence of auctions in Libya where individuals from other locations in Sub-Saharan Africa were sold to individuals as workers.<sup>60</sup>

41. JUBILEE welcomed the training provided by the Ministry of Interior Human Rights Office to police forces in Tripoli on human trafficking. However, the Ministry of Justice and the Attorney General that have investigated individuals suspected and accused of being involved in human trafficking schemes have released little information on who was investigated and how many were officially prosecuted.<sup>61</sup>

### **3. Economic, social and cultural rights**

#### *Right to work and to just and favourable conditions of work*

42. TPDO stated that the failure of Libya to guarantee educational opportunities for persons with disabilities undermined their chances of finding work and that inability to obtain work due to lack of qualification might lead individuals with disabilities to rely on the limited services of the social security fund provided by the State, which is a breach of the right to dignified life.<sup>62</sup>

#### *Right to health*<sup>63</sup>

43. GICJ warmly recommended Libya to ensure that victims of war crimes, sexual violence, torture and ill-treatment receive adequate psychological and medical support, full reparation and rehabilitation, and to set in place psychological and medical rehabilitation centres for the victims of the massacres that took place during the Gaddafi era.<sup>64</sup>

*Right to education*<sup>65</sup>

44. GICJ reported that quality education was a mirage for many Libyan children. Without committed efforts by the Government, masses of children receiving poor quality education will not be able to play an active role in the reconstruction and development of the country. GICJ urged the Government to address the persistent lack of resources affecting public schools, seek technical assistance from UNESCO and develop international partnerships to strengthen its public education system.<sup>66</sup>

45. IALMCF stated that children of Libyan women married to non-Libyans were treated like foreigners and they had to pay fees to be able to access primary, preparatory, and secondary education. Also, the refusal to give Libyan nationality to the children of Libyan women married to non-Libyan men and their limited rights of residency in Libya left the children in a legal uncertainty because without nationality or residency in the country they could not access education and were considered illegal residents in the country. This lack of access to education has in fact facilitated and paved the way for these children to join “terrorist groups” and militias because it did not leave these children with any other choice.<sup>67</sup>

46. TPDO said that the low educational standards available for persons with disabilities in addition to the restrictions imposed by national laws led to additional forms of discrimination and exclusion.<sup>68</sup>

#### 4. Rights of specific persons or groups

*Women*<sup>69</sup>

47. HRW reported that Libyan law did not criminalize domestic violence.<sup>70</sup> JS5 shed light on, among others, the fact that although domestic violence was criminalized under the Criminal Law, there were no enforcing mechanisms in place and no specific penalties<sup>71</sup>; that according to the Libyan Penal Code, a man whose so-called “honour-motivated” violence resulted in severe injuries to his wife might be imprisoned for no more than two years and that the same level of violence could result in a maximum of 7.5 years imprisonment if the attack was not motivated by so-called ‘honour’;<sup>72</sup> and that in the case of rape, all criminal procedures against the perpetrator will drop if the victim agreed to marry him.<sup>73</sup> According to HRW, the Penal Code allowed for a reduced sentence for honour crime and rapists could escape prosecution if they marry their victim.<sup>74</sup>

48. JS5 observed that during the 2nd UPR cycle (2015), 21 recommendations were made in relation to women’s rights and discrimination, covering topics such as domestic violence, personal status laws and nationality laws. However, little progress has been made and most recommendations have not been fully implemented.<sup>75</sup>

49. HRW reported that the Personal Status Laws discriminated against women with respect to marriage, divorce, transmission of nationality and inheritance.<sup>76</sup> HRS and IALMCF also noted that laws also discriminated against Libyan women married to foreigners. They were disenfranchised of their rights to vote and to confer their nationality on to their children.<sup>77</sup>

50. JS5 also informed that Libyan law discriminated against Libyan women married to foreign nationals.<sup>78</sup>

51. IALMCF further stated that Libyan women married to non-Libyans were banned from any benefits provided by the Libyan State including subsidized commodities, financial assistance, and family allowances.<sup>79</sup>

52. JS7 observed that under the Personal Status Laws, women and men had different marriage and parental obligations. Women were, for instance, “under the legal obligation to ensure the comfort, physical and psychological well-being of their husbands, and to assume all domestic and childcare responsibilities,” while men were considered the “natural guardian of the children.”<sup>80</sup>

53. LFJL stated that Libya’s zina laws, which criminalised adultery and intercourse outside marriage, supported the detention of women and girls who had been raped in Government-run Social Rehabilitation Centres. This law discouraged women from reporting

the crime and restricts their liberty. Generally, the Libyan legal framework reinforces the culture of sexual and gender-based violence in Libya.<sup>81</sup>

54. LFJL called on Libya to guarantee the full implementation of UN Security Council Resolution 1325 on Women, Peace and Security.<sup>82</sup>

*Children*<sup>83</sup>

55. ACHRLY stated that the detention of migrant children continued in state detention centers without guarantee of equitable process. In most cases, there was no list of minors held, which made them vulnerable to smuggling and human trafficking. Furthermore, they were deprived of the necessary vaccinations and medical inoculations to preserve their lives, such as access to water and food, appropriate to their age and needs.<sup>84</sup> GDP and IndOrgHR recommended Libya to stop detention of children and, in case children are detained, to ensure that they are kept separated from unrelated adults.<sup>85</sup>

56. GIEACPC noted that in Libya, corporal punishment of children was still lawful at home and in alternative care settings. However, a review of child-related legislation has been carried out with the support of UNICEF. A new Constitution was being drafted and proposals have been made for inclusion of articles on child rights.<sup>86</sup>

57. JUBILEE reported that children of Christian converts were registered as Muslim at birth in Libya, and they were often forced to attend schools that taught Islamic practices and curriculum, where they were “vulnerable to harassment”.<sup>87</sup>

58. IALMCF stated that refusal to give Libyan nationality to the children of Libyan women married to non-Libyan men, exposed children to exploitation because their illegal status in the country made them take on work that was not protected and regulated under Libyan labour laws and accordingly they were at high risk of exploitation in their work places.<sup>88</sup>

*Persons with disabilities*<sup>89</sup>

59. NCCLHR noted that, according to official government statistics for 2009, the number of persons with disabilities reached more than 82.000. This number increased to more than 103 thousand in 2017, according to the director of the Department of Disabled Affairs at the Ministry of Social Affairs.<sup>90</sup>

60. NCCLHR noted that, despite the government ratifying the ICRPD in 2013, civil society has generally expressed dissatisfaction with the performance of the Libyan state, by issuing a joint statement of NGOs on the International Day of Persons with Disabilities.<sup>91</sup>

61. NCCLHR urged the Government to develop a national strategy and plan in order to implement the terms of the ICRPD.<sup>92</sup>

62. TPDO stated that the Libyan State has not implement any of the articles from the Convention on the Rights of People with Disabilities, particularly article 11 related to the protection of people with disabilities during armed conflict.<sup>93</sup>

63. TPDO also stated that the Law no 4 of 2013 related to permanently disabled people discriminated against disabled people based on their political affiliation.<sup>94</sup>

64. TPDO noted that Law 5 of 1987 undermined the role of the State in protecting persons with disabilities and ensuring the exercise of their rights, by delegating its obligations. Article 7 of the law provided that they lived and were dependent on their families, and were admitted to special institutions only in cases of necessity and according to certain criteria.<sup>95</sup>

65. ACHRLY expressed its concern about the lack of any monitoring to demonstrate that the Libyan State has not taken any concrete steps towards improving persons with disabilities' conditions, in addition to not monitoring any type of national programs and plans that responded to their needs.<sup>96</sup>

66. TPDO noted that very few public schools in Libya were equipped to accommodate students with disabilities, so they could not access school buildings, which was a real obstacle in their right to education. Furthermore, persons with disabilities in Libya were still restricted

to participate in democratic processes due to the absence of services and facilities that enabled them to participate in political life.<sup>97</sup>

*Minorities*<sup>98</sup>

67. GICJ positively noted that since the 2015 UPR review, the Amazigh language was included as a subject outside the required school credit in areas where the language was spoken. However, it was particularly worrying that the ongoing armed conflict continued to threaten the Amazigh people in Libya.<sup>99</sup>

68. ECLJ and JUBILEE reported that Open Doors World Watch List ranked Libya as the fourth country with the worse incidence of persecution of Christians.<sup>100</sup> JUBILEE specified that other religious minorities were also subject to persecution, including Sufis and Ibadis, whose mosques and places of worship have been targets for attacks.<sup>101</sup>

69. LAPTC reported that the Ministry of Interior of the interim Government in east Libya issued a decision to refrain from issuing national documentation for Tebu born in the regions of Aouzou, Gatroun, and Murzugthe. As a result of this decision, they could not access public institutions such as schools and hospitals.<sup>102</sup>

70. LAPTC reported that on 4 August 2019, the Libyan Arab Armed Forces carried out air strikes on Murzug town, killing at least 43 civilians from Tebu people.<sup>103</sup>

71. LAPTC reported that the places largely inhabited by the Tebu people such as Rebiana and Gatroun in South Libya were severely underdeveloped. The Libyan State did not invest in the infrastructure and basic facilities such as schools and hospitals in the areas inhabited by minority groups and indigenous people.<sup>104</sup>

*Migrants, refugees, asylum seekers and internally displaced persons*<sup>105</sup>

72. GDP and LFJL stated that since 2015 Libya continued to sign cooperation agreements with recipient countries aiming to limit the number of migrants and refugees while failing to guarantee their human rights in Libya.<sup>106</sup>

73. IndOrgHR and LFJL noted that in the absence of a national asylum law, all those who entered Libya were perceived to be undocumented illegal migrants, and Libya's Law continued to treat asylum seekers as criminals if they entered Libya through illegal channels and/or without identity papers.<sup>107</sup>

74. JS1 recommended Libya to release all those detained for attempting to cross into Europe as refugees and asylum-seekers and to respect international obligations in this regard by regulating the legal framework for the application of asylum through a transparent mechanism in line with Libya's constitutional, regional and international obligations and strengthen legal protection for migrants.<sup>108</sup>

75. ADF International, GDP, GICJ, HRW, IndOrgHR, LFJL and RRE reported that migrants and refugees continued to be vulnerable to deprivation of liberty and arbitrary detention in official and unofficial places, which were severely overcrowded facilities with little food, water, or medical care, and suffered physical abuse, forced labour, slavery, and torture from the hands of State Officials, armed groups, smugglers and traffickers.<sup>109</sup>

76. GDP and HRW recommended Libya to release all refugees and migrants detained arbitrarily; decriminalise irregular entry, stay or exit from the country; cease automatic detention of migrants and ensure that detention is an exceptional measure of last resort justified on individual circumstances of each case; and develop non-custodial alternatives to detention.<sup>110</sup>

77. JS6 strongly advised the Government to take urgent measures to improve the conditions of detention of irregular migrants, especially the most vulnerable groups such as children, women, people with disabilities and the elderly; revise its laws on migration; and take necessary legal measures to protect the rights of migrants through judicial guarantees and the right to access a fair trial.<sup>111</sup>

78. HRW and NA reported that armed groups and officials, mostly from Misrata, have prevented more than 40,000 people from returning to the town of Tawergha, and they



continued to face persecution and discrimination, attacks by militias during the armed conflict, and lack of access to medical services and education.<sup>112</sup> HRW recommended Libya to, through competent authorities, facilitate the voluntary, safe and dignified return of displaced to their homes, help them recover their homes, property and possessions, and investigate and prosecute all those responsible for forcibly displacing people.<sup>113</sup>

79. NA reported that on 31 August 2016, an agreement between Tawergha and Misrata was signed. On 3 June 2018, Misrata celebrated the signing of the new reconciliation agreement despite the fact that the version of the treaty submitted by Misrata was rejected by the Tawerghan social committee and by Tawerghan tribes and the Shura Council.<sup>114</sup>

80. RRE reported that on the 2 July 2019, the Tajourah detention centre was bombed and consequentially emptied of detainees. Yet humanitarian actors reported that the Libyan authorities continued to send displaced people to the Tajourah detention centre and would not allow individuals with contagious diseases into the UNHCR centre.<sup>115</sup>

81. NA reported that there all camps in Tripoli were overcrowded with internally displaced persons and lacked basic hygiene, sanitation and infrastructure, resulting in the spread of infectious diseases. There are Medical facilities such as clinics inside some camps in Tripoli. However, these clinics lack basic medical equipment and supplies. In addition, young people in these camps have also used drugs due to lack of psychological support, persecution, lack of employment and lack of recreational activities. This drug abuse has been a pretext for militias to attack many camps in Tripoli since 2011.<sup>116</sup>

#### *Stateless persons*

82. JS4 noted that minority non-Arab ethnic groups in the southern border regions of Libya, such as the Tebu (also affected by a boundary change with Chad), have long been at risk of statelessness, struggling to obtain papers recognising them as Libyan.<sup>117</sup>

83. JS4 observed that statelessness has been identified as a problem that affected certain minority populations in Libya, as a result of policies of 'Arabisation' implemented under the former regime of Moammar Gadhafi. Berber (Amazigh), Tuareg and Tebu were three communities for whom access to citizenship has been reported as problematic. While no published information is available on statelessness among the Berber and Tuareg populations, there has been some limited reporting on the Tebu minority.

84. JS4 recommended the Government to ensure that all members of minority communities have equal access to citizenship and do not face any discrimination in realising their right to a nationality.<sup>118</sup>

## Notes

- <sup>1</sup> The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: [www.ohchr.org](http://www.ohchr.org).

*Civil society**Individual submissions:*

|                   |   |
|-------------------|---|
| ACHRLY            | Advisory Center for Human Rights, Benghazi (Libya);   |
| ADF International | ADF International, 1209, Geneva (Switzerland);  |
| CIHRS             | Cairo Institute for Human Rights Studies, Geneva (Switzerland);   |
| DCHR              | DEFENDER CENTER FOR HUMAN RIGHT, Paris (France);  |
| ECLJ              | European Centre for Law and Justice, Strasbourg (France);   |
| GDP               | Global Detention Project, Geneva (Switzerland);   |
| GICJ              | Geneva International Centre for Justice, Vernier (Switzerland);   |
| GIEACPC           | Global Initiative to End All Corporal Punishment of Children, London (UK);  |
| HRS               | Human Rights Solidarity, Geneva (Switzerland);  |
| HRW               | Human Rights Watch, Geneva (Switzerland);   |
| IALMCF            | I am Libyan, but My Child is a Foreigner, Tripoli (Libya);  |
| ICAN              | International Campaign to Abolish Nuclear Weapons, Geneva (Switzerland);  |
| IndOrgHR          | Independent Organisation for Human Rights, Tripoli (Libya)  |
| JUBILEE           | JUBILEE Campaign, Fairfax, VA (USA);  |
| LAPTC             | The Libyan Association for the Protection of Tebu Culture, Ghatroun (Libya);  |
| LCFP              | Libyan Center for Freedom of Press, Tripoli (Libya);  |
| LFJL              | Lawyers for Justice in Libya, London (UK);  |
| NA                | Youth Gathering for Tawargha Association, London (UK);  |
| RRE               | Refugee Rights Europe, London (UK);   |
| RSF-RWB           | Reporters Without Borders International, Paris (France);  |
| TPDO              | TAMKEEN for People with Disabilities Organisation and the Libyan National Organisation for Handicaps Development Tripoli (Libya). |

*Joint submissions:*

|     |  |
|-----|--|
| JS1 | <b>Joint submission 1 submitted by:</b> Cairo Institute for Human Rights Studies (Egypt); Libya Platform (Libya); Aman Organisation against Discrimination (Libya);  |
| JS2 | <b>Joint submission 2 submitted by:</b> The Coalition of Libyan Human Rights Organisations   |
| JS3 | <b>Joint submission 3 submitted by:</b> International Commission of Jurists and Defender Center for Human Rights;  |
| JS4 | <b>Joint submission 4 submitted by:</b> Institute on Statelessness and Inclusion & Global Campaign for Equal Nationality Rights;   |
| JS5 | <b>Joint submission 5 submitted by:</b> Aman Organization Against Discrimination; CORDAID; Haqi for Libyan Female Workers; “I am a Libyan Woman, but my Child is a Foreigner” Association for Charity and Civil Work; Makers of Hope; Human Security Collective, and Tamazight Women’s Movement; |
| JS6 | <b>Joint submission 6 submitted by:</b> Rights Group for Migration;  |
| JS7 | <b>Joint submission 7 submitted by:</b> Women’s International League for Peace and Freedom.  |

*National human rights institution:*

|        |   |
|--------|---|
| NCCLHR | National Council for Civil Liberties and Human Rights, Tripoli (Libya). |
|--------|---|

- <sup>2</sup> The following abbreviations are used in UPR documents:

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|--------|---|
| ICERD  | International Convention on the Elimination of All Forms of Racial Discrimination |
| ICESCR | International Covenant on Economic, Social and Cultural                           |

|            |  |
|------------|--|
|            | Rights   |
| OP-ICESCR  | Optional Protocol to ICESCR;   |
| ICCPR      | International Covenant on Civil and Political Rights;  |
| ICCPR-OP 1 | Optional Protocol to ICCPR;  |
| ICCPR-OP 2 | Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty;                               |
| CEDAW      | Convention on the Elimination of All Forms of Discrimination against Women;                                    |
| OP-CEDAW   | Optional Protocol to CEDAW;  |
| CAT        | Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;                      |
| OP-CAT     | Optional Protocol to CAT;  |
| CRC        | Convention on the Rights of the Child;   |
| OP-CRC-AC  | Optional Protocol to CRC on the involvement of children in armed conflict;                                     |
| OP-CRC-SC  | Optional Protocol to CRC on the sale of children, child prostitution and child pornography;                    |
| OP-CRC-IC  | Optional Protocol to CRC on a communications procedure;  |
| ICRMW      | International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; |
| CRPD       | Convention on the Rights of Persons with Disabilities;   |
| OP-CRPD    | Optional Protocol to CRPD;   |
| ICPPED     | International Convention for the Protection of All Persons from Enforced Disappearance.                        |

<sup>3</sup> For relevant recommendations see A/HRC/30/16/Add.1, paras. 137.1–8, 137.12, 137.15–17, 137.19–22, 137.24, 137.63–68, 137.71–73, 137.119, 137.124, 137.158, 137.160, 137.162, 137.165, and 137.193.

<sup>4</sup> HRS, para. 32, HRW para. 39, JUBILEE para. 68, and LFJL p. 8.

<sup>5</sup> HRS, para. 32.

<sup>6</sup> HRS, para. 32 and LFJL p. 8.

<sup>7</sup> HRS, para. 32 and JUBILEE para. 68.

<sup>8</sup> HRW, para. 30.

<sup>9</sup> HRW, para. 19.

<sup>10</sup> ICAN, p. 1.

<sup>11</sup> GICJ, para. 5.

<sup>12</sup> GICJ, para. 3.

<sup>13</sup> For relevant recommendations see A/HRC/30/16/Add.1, paras. 137.25–40, 137.42–59, 137.70, 137.78, 137.110, 137.140, 137.171–137.174, 137.177, and 137.188.

<sup>14</sup> ECLJ, para. 4.

<sup>15</sup> HRS, paras. 8-9.

<sup>16</sup> CIHRS, para. 7.

<sup>17</sup> For relevant recommendations see A/HRC/30/16/Add.1, para. 137.90.

<sup>18</sup> ADF International, para. 21.

<sup>19</sup> ECLJ, paras. 9 and 14

<sup>20</sup> For relevant recommendations see A/HRC/30/16/Add.1, paras. 137.199–202.

<sup>21</sup> CIHRS, para. 20.

<sup>22</sup> JS1, p. 17

<sup>23</sup> RSF, para. 21.

<sup>24</sup> For relevant recommendations see A/HRC/30/16/Add.1, paras. 137.106–109, 137.111, 137.114–116, 137.120–123, 137.125–126, 137.130, and 137.131.

<sup>25</sup> LFJL, para. 5.

<sup>26</sup> HRS, paras. 18-20.

<sup>27</sup> JS3, para. 4.

<sup>28</sup> HRW, paras. 23, 27 and 31.

<sup>29</sup> GICJ, para. 5.

<sup>30</sup> GDP, p. 6.

<sup>31</sup> For relevant recommendations see A/HRC/30/16/Add.1, paras. 137.41, 137.112, 137.117, 137.128, 137.129, 137.141–155, 137.157, and 137.166-169.

<sup>32</sup> GICJ, para. 5.

<sup>33</sup> JS3, para. 5.

<sup>34</sup> DCHR, p. 6, GDP, p. 5, GICJ, para. 17, and HRW, para. 16.

<sup>35</sup> HRW, para. 16.

<sup>36</sup> GICJ, para. 8.

<sup>37</sup> LFJL, para. 24.

- 38 JS1, p. 17.
- 39 GIEACPC, pp. 2-3.
- 40 HRW, paras. 23, 27 and 31.
- 41 For relevant recommendations see A/HRC/30/16/Add.1, paras. 137.118, 137.175, 137.176, and 137.178–137.180.
- 42 NCCLHR, page 4.
- 43 NCCLHR, page 4.
- 44 CIHRS, paras. 25 and 28, LCFP, paras. 16, 18 and 25, HRW, paras. 20 and 24, and RSF, para. 5.
- 45 LCFP, paras. 16, 18 and 25.
- 46 LFJL, para. 26.
- 47 LFJL, para. 26.
- 48 DCHR, p. 5 and LCFP, para. 26.
- 49 RSF, paras. 3, 13 and 16.
- 50 JS2, para. 16.
- 51 JS2, para. 22.
- 52 DCHR, p. 6.
- 53 HRS, para. 31.
- 54 JS1, p. 17.
- 55 JUBILEE, p. 2.
- 56 LFJL, para. 21.
- 57 HRS, para. 31.
- 58 For relevant recommendations see A/HRC/30/16/Add.1, paras. 137.137, 137.138, 137.135, 137.136, 137.139, 137.192, 137.202.
- 59 JUBILEE, para. 34.
- 60 JUBILEE, paras. 35-36.
- 61 JUBILEE, paras. 39-40.
- 62 TPDO, para. 15.
- 63 For relevant recommendations see A/HRC/30/16/Add.1, para. 137.77.
- 64 GICJ, para. 17.
- 65 For relevant recommendations see A/HRC/30/16/Add.1, paras. 137.60–62 and 137.113.
- 66 GICJ, para. 10.
- 67 IALMCF, paras. 10 and 12.
- 68 TPDO, para. 15.
- 69 For relevant recommendations see A/HRC/30/16/Add.1, paras. 137.69, 137.74–76, 137.79–83, 137.85–89, 137.132, and 137.163–137.164.
- 70 HRW, para. 17.
- 71 JS5, para. 2.
- 72 JS5, para. 3.
- 73 JS5, para. 4.
- 74 HRW, para. 17.
- 75 JS5, para. 1.
- 76 HRW, para. 17.
- 77 HRS, para. 13 and IALMCF, para. 7.
- 78 JS5, para. 5.
- 79 IALMCF, para. 9.
- 80 JS7, para. 6.
- 81 LFJL, para. 18.
- 82 LFJL, p. 8.
- 83 For relevant recommendations see A/HRC/30/16/Add.1, paras. 137.133, 137.134, and 137.189.
- 84 ACHRLY, p. 2.
- 85 GDP, p. 5 and IndOrgHR, para. 8.
- 86 GIEACPC, p. 2.
- 87 JUBILEE, paras. 60-61.
- 88 IALMCF, para. 12.
- 89 For relevant recommendations see A/HRC/30/16/Add.1, para. 137.182.
- 90 NCCLHR, page 2.
- 91 NCCLHR, page 2.
- 92 NCCLHR, page 2.
- 93 TPDO, para. 3.
- 94 TPDO, para. 8.
- 95 TPDO, para. 7.
- 96 ACHRLY, p. 2.
- 97 TPDO, paras. 12 and 16.
- 98 For relevant recommendations see A/HRC/30/16/Add.1, paras. 137.170 and 137.183.

- <sup>99</sup> GICJ, paras. 11-12.  
<sup>100</sup> ECLJ, para. 2 and JUBILEE, p. 3.  
<sup>101</sup> JUBILEE, p. 3.  
<sup>102</sup> LAPTIC, paras. 16 and 19.  
<sup>103</sup> LAPTIC, para. 20.  
<sup>104</sup> LAPTIC, para. 17.  
<sup>105</sup> For relevant recommendations see A/HRC/30/16/Add.1, paras. 137.18, 137.184–187, 137.190–192, and 137.194–198.  
<sup>106</sup> GDP, p. 5 and LFJL, para. 6.  
<sup>107</sup> IndOrgHR, para. 3 and LFJL para. 7.  
<sup>108</sup> JS1, pp. 18-19.  
<sup>109</sup> ADF, p. 2, GDP pp. 4-5, GICJ, para. 6, HRW, para. 6, IndOrgHR, pages 2 and 4; and RRE, p. 5.  
<sup>110</sup> GDP, p. 5 and HRW, para. 39.  
<sup>111</sup> JS6, p. 3.  
<sup>112</sup> HRW, para. 33 and NA, paras. 3-4 and 29.  
<sup>113</sup> HRW, para. 35.  
<sup>114</sup> NA, para. 26.  
<sup>115</sup> RRE, para. 24.  
<sup>116</sup> NA, paras. 10-11.  
<sup>117</sup> JS4, para. 15.  
<sup>118</sup> JS4, para. 17.
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