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## **National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1**

**Libya\***

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## I. Introduction

1. The issue of human rights attracts great respect and interest in Libya, being a legal obligation that arises from national constitutional principles enshrined in the Constitutional Declaration and other domestic laws. Such an approach, moreover, stems from Islamic teachings, which guarantee respect for human dignity and human rights. These commitments are reflected in the draft permanent constitution the definitive version of which has been adopted by the Constituent Assembly and which makes respect for human rights a general principle that governs the action of public authorities and informs public policy. Moreover, in its executive actions, the Government of National Accord has not failed in its obligation to ensure full respect for human rights values and to combat and follow up on any violations.

2. Libya submitted its last report in November 2015. During the universal periodic review cycle, it received 202 recommendations of which it fully accepted 161, partially accepted 10, rejected 3 as being inconsistent with Islamic sharia and with constitutional principles and noted 28 as having already been implemented. Since 2015, the competent authorities in Libya have been working hard to give effect to the recommendations that were accepted.

3. The present report reviews the measures taken by the Government of National Accord to implement the recommendations Libya accepted in the second cycle of the review in 2015, since the present administration took office in 2016. The report also explains the reasons for which some of the recommendations have not been implemented.

## II. Political situation and the formation of the Government of National Accord

4. After the fall of the Gaddafi regime in 2011, legislative elections for the General National Congress were held in 2012, and the government of Ali Zeidan was formed, which continued to function until 2014. In the face of popular demands for new elections, the “February committee” was created; it approved a number of amendments to the interim Constitutional Declaration and opened the way to fresh parliamentary elections, which were held in 2014. Those elections led to the formation of the current parliament, which is carrying out its functions in the city of Tobruk in the east of the country. Some members boycotted the parliament and the capital Tripoli subsequently became the scene of a battle between armed factions known as “Libya Dawn”, which led to the withdrawal of armed groups to the city of Zintan and the re-creation of the General National Congress, after the Constitutional Chamber issued a ruling invalidating the constitutional amendments on the basis of which the parliamentary elections had been held. The country thus came to have two legislative bodies – the parliament and the General National Congress – and two governments – the interim government and the National Salvation Government.

5. In an attempt to end the political divide and to draw up a road map to complete the transition and end the chaos of insecurity and armed conflict, the United Nations Support Mission in Libya (UNSMIL) organized a series of drawn-out negotiations involving several parties in Libya from the Libyan parliament, members of the General National Congress and national figures representing different sides of the Libyan political and social spectrum. The negotiations ended with the adoption of the Declaration or Agreement of Skhirat, which consists of a number of governing principles followed by 67 articles distributed over 9 sections:

- **Government of National Accord**

This section, which contains 11 articles, lays down the principles for the formation of the Government of National Accord, its functions and its prerogatives.

- **House of Representatives**

The seven articles in this section explain the functions of the House of Representatives, which was elected in June 2014, and its operating mechanism as the highest legislative body in Libya.

- **Supreme Council of State**

The section contains seven articles explaining how the Supreme Council of State is to be formed and its functions as a supreme executive advisory authority.

- **Confidence building measures**

The section contains seven articles.

- **Security arrangements**

The section contains 14 articles.

- **Constitutional process**

The section contains six articles.

- **Specialized institutions and councils**

The section contains three articles.

- **International support**

The section contains three articles.

- **Final provisions**

The section contains nine articles.

6. Sitting on 25 December 2016, the House of Representatives adopted the Political Agreement, and the Presidency Council was formed under the leadership of Faiez Serraj.

7. Following the refusal by parliament to express confidence in the government of Faiez Serraj, a government was formed by delegated ministers, which began work in Tripoli on 31 March 2016 and enjoyed international recognition. The Security Council issued resolution 2259 (2015) in which it expressed its support for the Political Agreement and called for the Government of National Accord to be formed; subsequently, the Council adopted resolution 2278 (2016) recognizing the Government of National Accord as the sole legitimate government of the country.

8. The same assurances have been reiterated in a number of resolutions and statements issued by the Security Council and the European Union.

9. Despite the fact that the House of Representatives had approved the Political Agreement, which included the formation of the Presidency Council, it refused to express confidence in the composition of the government proposed by the Presidency Council, and the interim government continued to operate in the east of the country. The political divide was exacerbated by the establishment of institutions parallel to those in Tripoli, including a central bank in the city of Bayda' and an oil company in Benghazi, which led to conflicting government policies and increased spending.

10. The capital city Tripoli came under attack as the country was preparing to hold a national conference under the auspices of the United Nations in an effort to end the political divide, unify institutions and to draw up a new road map to end the transitional period and complete the constitutional process. On the day the Secretary-General of the United Nations António Guterres visited Libya to facilitate the start of the national conference in Ghadamis, Khalifa Haftar announced the start of military operations against Tripoli on 4 April 2019. The country thus entered a devastating war that has put an end to all hopes of stability and reconciliation and has made a comprehensive political solution difficult if not impossible. This has exacerbated the sufferings of the Libyan people, increased the pace of human rights violations and limited the Government's ability to impose respect for human rights and fulfil its obligations towards citizens and residents.

11. The attack against Tripoli claimed the lives of more than 200 innocent civilians, left thousands injured and displaced more than 120,000 people from their homes. The scale and gravity of the violations committed were such as to classify them as war crimes. In fact, civilians, residential neighbourhoods and civilian dignitaries were targeted as well as installations such as airports, hospitals and schools. This has been pointed out on more than one occasion by the Office of the Prosecutor at the International Criminal Court (ICC) as well as by UNSMIL.

### **III. Methodology and process for preparing the report**

12. The present report was drafted by a committee of government experts, which was brought together under Decree No. 1119 of 2019 of the Presidency Council of the Government of National Accord. The committee, which was led by the Minister Delegate of Justice and included a number of human rights advisers with expertise in activities related to matters covered in the report, was responsive to the current situation and sought information from specialists. It held a series of meetings, which concluded in the selection of a technical team of experts from the Ministry of Justice, the Ministry of Foreign Affairs and the Ministry of the Interior, which drew up the final draft of the national human rights report.

13. The report-drafting committee contacted the competent bodies for information about the measures taken to promote human rights and to implement the recommendations that Libya had accepted when it underwent its universal periodic review in 2015.

14. The committee held a number of face-to-face meetings with ministries and government departments whose activities have a close bearing on human rights. The meetings served to review any actions taken and to enter into comprehensive dialogue with human rights activists and stakeholders on the situation of human rights in Libya, the violations to which they are subject and the ways in which all sides can come together to improve legal protection for human rights.

### **IV. Cooperation with United Nations mechanisms**

15. The Government is cooperating with UNSMIL and with the UNSMIL Human Rights, Transitional Justice and Rule of Law Division. Furthermore on 12 October 2017, it welcomed United Nations High Commissioner for Human Rights, Zeid Ra'ad Zeid Al-Hussein, on the first ever visit to Libya by a High Commissioner for Human Rights.

16. The Minister of Justice took part in a session of the Human Rights Council held in Geneva in March 2019.

17. The Government of National Accord sent a high-level delegation headed by the Deputy Minister of Justice to meet with the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families.

18. The Government responded to an invitation from the Working Group on Enforced or Involuntary Disappearances by sending a team of national experts from different ministries. The team cooperated with the Working Group and conveyed replies in regard of individual cases raised by the Group.

19. The Permanent Mission of Libya in Geneva and the official delegation participating in the meeting with the Working Group on Enforced or Involuntary Disappearances organized a symposium on the human rights situation in Libya, on the sidelines of the September 2019 session of the Human Rights Council.

### **V. Promotion and protection of human rights, follow-up on the implementation of previous recommendations, the constitutional and political process, transitional justice and national reconciliation**

#### **Recommendations Nos. 25–48**

##### **Constitutional process**

20. Act No. 20 of 2014 issued by the House of Representatives included provision for the formation of a select body to draft a permanent constitution. The Act envisaged the division of the country into three electoral zones, each with 20 seats, with due consideration for the representation of cultural and linguistic groups. The elections were held on 20 February 2014 and the Assembly began work on 21 April 2014.

21. Despite the obstacles the Assembly faced in arriving at a text that was satisfactory to all members, and despite a boycott by some of those members, it was able to propose a final version of the draft constitution in the city of Bayda' on 29 July 2017.

22. The Assembly submitted the draft constitution to the House of Representatives, which then passed Act No. 6 of 2018 regarding a referendum on that constitution, to be held on 26 November 2018. Subsequently, under Act No. 1 of 2019, the House of Representatives amended the earlier Act on the referendum, which was referred to the High Commission for National Elections on 29 January 2019.

23. In coordination with UNSMIL, the High Commission for National Elections had begun to make the arrangements necessary for the referendum to take place. However, the attack known as Operation Dignity launched by the forces of Khalifa Belqasim Haftar, and the country's descent into war disrupted the entire political process, which had been supposed to begin with the national conference in Ghadamis in April 2019.

24. As part of governmental support for the work of the Constituent Assembly, the Ministry of Justice in the Government of National Accord printed thousands of copies of the draft constitution and distributed them free of charge to citizens. Its purpose in so doing was to make people familiar with the draft text and to enable them to exercise their legal right to vote on it.

#### **Political solution, transitional justice and national reconciliation**

25. The Government of National Accord has spared no effort to achieve a political solution and advance the process of national reconciliation, to which end it has undertaken a number of initiatives. The Government's endeavours in that regard have been welcomed and supported by the Security Council (statement of the Council on 10 October 2017 and statement of the President of the Council on 14 December 2017). Moreover the Government has cooperated positively with UNSMIL with a view to reaching a comprehensive political solution, most recently in the national conference that was to have taken place in April 2019. Despite the attack against the capital, in November 2019 the President of the Presidency Council submitted a road map for a political solution in Libya; this consisted in the convening of a Libyan forum with representatives from all national forces and regions. The forum was to serve to reach agreement on a road map for the coming phase and to endorse an appropriate constitutional basis for presidential and parliamentary elections at the end of 2019.

26. The Government of National Accord has supported transitional justice and national reconciliation as necessary conditions for reaching the political stability necessary to ensure the successful construction of democracy in the country. However, despite the enactment of the Transitional Justice Act, the course of transitional justice is still faltering and has seen no real breakthrough. There are a number of reasons for this, including political division and a state of war in the country. The Government has made various efforts in that connection one being the drafting, by the Ministry of Justice, of the implementing regulations of the Transitional Justice Act in order to facilitate its application and to enable the bodies envisaged in the Act to begin operating, including truth and reconciliation commissions and a reparations fund.

27. The Presidency Council issued Decree No. 438 of 2017 regarding the formation of a preparatory committee to draft a project for national reconciliation. The committee was charged with holding countrywide consultations and dialogue on national reconciliation in all areas of Libya and with developing a comprehensive operational mechanism to achieve such reconciliation.

## **VI. Civil and political rights**

### **Right to life, liberty and freedom from torture and inhumane treatment**

28. The right to life is protected under the law, which envisages severe penalties for murder. Domestic law does allow for the imposition of the death penalty but only for specific serious offences and it prohibits its arbitrary imposition. In fact, the death penalty is surrounded by legal safeguards and must be reviewed and upheld by the Supreme Court.

These provisions are consistent with article 6 (2) of the International Covenant on Civil and Political Rights.

29. Libyan law criminalizes torture and cruel and inhuman treatment while the draft constitution imposes an obligation upon the State to protect human dignity and to combat torture and cruel and inhuman treatment. Such offences are not subject to any statute of limitations. As part of steps taken to eliminate torture, Act No. 10 of 2013 was passed, which criminalizes torture, enforced disappearance and discrimination. Under the Act, torture is a crime that attracts a prison sentence of not less than 5 years. The Criminal Code also identifies torture as a criminal offence perpetrators of which are liable to imprisonment.

30. The Ministry of the Interior issued circular No. 1 of 2019 to draw the attention of all its staff to the need to follow rules regarding the humane treatment of anyone detained, arrested, searched or held in provisional custody under legal or judicial procedures.

31. With reference to the recommendation concerning arbitrary detention, the right to freedom is enshrined in the Constitutional Declaration and reiterated in the draft constitution, article 64 of which stipulates that all persons have the right to personal freedom. The Code of Criminal Procedure surrounds provisional detention with a number of safeguards intended to ensure that it is used only exceptionally and when alternative methods cannot be applied. Under the Code, persons who have been arrested pending a criminal case are to be brought before the Office of the Public Prosecution within no more than 48 hours while accused persons in detention must have their cases examined by the courts, which are to rule on the legality of their detention.

32. In order to promote the right to freedom and to prevent the abuse of preventive custody, the draft constitution contains a separate article entitled “Procedural safeguards”, which imposes a set of measures designed to restrict recourse to such custody. Under that article, detention orders are to be issued by a competent authority, persons may be detained only in places legally designated for that purpose and detainees’ families must be told where they are being held. Moreover, officials of prisons or correctional institutions may not admit anyone without a written order from a competent judicial body, while all institutions housing inmates are subject to judicial oversight to ensure that no one is being held there arbitrarily.

33. Since coming to power, the Government of National Accord has noted the existence of the problem of arbitrary detention and is working to put an end to what is, in effect, a legacy it inherited from previous governments. In this regard, it has taken action to close illegal detention centres, improve conditions for inmates and detainees, and release persons whose terms of imprisonment have expired. Moreover, the Presidency Council issued Decree No. 1301 of 2018 and Decree No. 1304 of 2018, one of which concerns the release of all detainees and prisoners in prisons and other places of detention whose term of imprisonment has extended beyond the legal limit, while the other regards persons detained in the Mitiga reform and correction facility and any other places of detention and the verification that detention procedures are consistent with current criminal legislation. The Council also issued Decree No. 1307 of 2018, which envisaged the formation of a committee headed by a public prosecutor to look into the condition of detainees. These steps have led to the release of no fewer than 2,104 detained persons. For his part, the Minister of Justice has issued a series of orders for release on health and humanitarian grounds, which have benefited a large number of people being held in connection with criminal cases.

34. As part of the Ministry of Justice’s strategic plan to promote human rights, it has entered into partnership with the United Nations and its specialized agencies to improve the skills of police officials responsible for managing prisons and other correctional and rehabilitation institutions, particularly as concerns respecting the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules). Hundreds of police officers and enlisted personnel have received training on internal and external courses.

35. The Ministry of the Interior has issued standing instructions and circulars to all government departments and agencies outlining the importance of complying with the legal procedures governing arrests and placement of persons in detention and warning that anyone responsible for the illegal or wrongful detention of persons will be subject to disciplinary and criminal proceedings (Ministry of the Interior circular No. 6443).

## **Recommendations regarding the investigation of human rights violations and the prevention of impunity**

36. By law the police and judicial authorities are required to investigate and prosecute those responsible for breaking the law and breaching human rights. The Ministry of the Interior oversees criminal investigation departments and law enforcement officials, who are legally responsible for receiving complaints and reports of crimes and violations. Their work is supervised by the Office of the Public Prosecution, which is entrusted with criminal prosecutions and has a legal duty to prosecute and try those who perpetrate violations. The Public Prosecutor's office keeps records on all violations of the rights of persons. It maintains files, initiates investigations and has laid charges against many persons suspected of involvement in human rights violations such as murder, unlawful detention, torture and so on.

37. The Government is continuing to cooperate in the case of the disappearance of Imam Moussa Al-Sadr and his two companions. A committee has been created to follow up on this matter from the Libyan side and another on the Lebanese side. The two committees have held a number of meetings, both in Libya and abroad, and coordination between them is continuing. Investigations into this case are still ongoing in Libya and the outcomes have been communicated to the Lebanese.

38. With regard to the recommendation to ensure the independence of the judiciary, it should be noted that such independence has been greatly strengthened thanks to legal and executive measures taken since 2011, when several amendments were introduced into the law that regulates the judiciary (the Judicial Organization Act). Under those amendments it is the Supreme Council of the Judiciary alone that can oversee the activities of judicial bodies and judicial personnel, with no interference from the legislative or executive branches. Judicial independence is also reaffirmed in the draft constitution, which envisages the judiciary as a separate authority the activity of which is regulated in a special chapter of the text. In fact, article 118 expressly stipulates the independence of the judiciary by describing it as an independent body the function of which is to administer justice, guarantee the rule of law and protect rights and freedoms. Under article 120, members of the judiciary may not be dismissed from office.

39. The Government is well aware of the difficulties the police and the judiciary have to face as they deal with allegations of human rights violations in the country's current circumstances, the situation of political division, the military operations following the attack on the capital Tripoli and the concomitant serious violations of international humanitarian law and human rights. For that reason, under Presidency Council Decree No. 735 of 2019, the Government formed a joint commission to monitor and record human rights violations, its purpose being to document those violations and preserve evidence and testimony to be used by the competent national and international courts to ensure that perpetrators do not go unpunished. The commission began working from the moment it was established and has submitted two reports on the results of its activities covering all violations recorded between April 2019 and January 2020.

## **Accessing to international human rights treaties and the Rome Statute of the International Criminal Court and adapting domestic legislation accordingly**

### **Recommendations Nos. 1–23**

40. Delegations pointed to the need to accede to the Convention on the Rights of Persons with Disabilities; the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Optional Protocol to the International Covenant on Civil and Political Rights. In fact, the legal system in Libya is already consistent with the obligations stipulated in those treaties, and the rights enshrined therein will be further strengthened following the adoption of the permanent constitution, which makes respect for human rights an overarching principle governing the activities of public authorities and institutions. Likewise, the constitution attaches binding

force to international treaties within the Libyan legal system placing them above general legislation and below the constitution. However, it should be noted that political divisions and the absence of parliamentary cooperation with the Government of National Accord – which is the legislative authority competent to ratify such treaties – have made it impossible for the treaties to complete the legal process necessary for ratification.

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

41. With a view to meeting its obligation to guarantee economic and social rights and to secure a decent life and an adequate standard of living, and in recognition of the economic and financial difficulties facing the people following the steep fall in the exchange rate for local currency against foreign currencies with the decline in the country's oil exports, the Government took steps to restore exports of oil – the country's only source of income – to normal levels. It then adopted a package of economic reforms in September 2018 which led to a great improvement in the exchange rate, a fall in the prices of basic goods and an improvement in the public's purchasing power. Data produced by the Central Bank of Libya point to an improvement in the value of Libyan holdings of hard currency.

### **Measures intended to secure the right to work**

42. Article 56 of the draft constitution states that all citizens have the right to work and the Government strives to create job opportunities through stimulation of the economy, investment promotion and youth employment plans and programmes. This is consistent with the 17 Sustainable Development Goals, in particular Goal 1, which focuses on poverty eradication, and Goal 8, concerning appropriate work and economic growth. The Ministry of Labour and Training has worked on the adoption of a package of practical measures to achieve these goals. The package includes the following:

- (a) Training programmes on loans for activating small and medium-sized businesses have been launched and the High Commission for Loans has been reactivated. The Commission – members of which include the Ministry of Labour and specialized banks (the Development Bank and the Agricultural Bank) – aims to encourage financial institutions to increase their lending to businesses and companies. The Presidency Council has issued Decree No. 205 of 2019 regarding the reorganization of the Libyan Lending Fund, which underwrites, within specific parameters, a portion of the risks faced by financial institutions that lend to new companies and economic projects;
- (b) Training programmes oriented at work in the private sector and on development projects have been expanded;
- (c) The Ministry of Labour is seeking to facilitate work and employment on development projects and in the construction sector, which is one of the most labour intensive sectors. In fact, the Ministry undertakes to provide the human resource requirements on development projects for which contracts have been concluded;
- (d) In partnership with the private sector, the Ministry has identified a number of promising employment areas in new professions and is seeking to guide young people to train in these fields in order to take advantage of the rewarding and safe job opportunities they offer. In that connection, training initiatives have been rolled out on the use of solar and renewable energy, on sea fishing and on handling and logistics;
- (e) The Financial Facilities Fund was reactivated under Decree No. 237 of 2018 of the Minister of Labour. The Fund runs lending and financing programmes for small and medium-sized enterprises and youth entrepreneurship projects.

### **Measures intended to secure the right to health**

43. Article 8 of the Constitutional Declaration underscores the State's obligation to provide health care to all its citizens. The right to health is also guaranteed under article 48 of the draft constitution, which reads: "Health is a right for all persons and a duty incumbent upon the State and society. The State shall guarantee comprehensive, quality health care for all citizens and provide them with preventive services and treatment at all

stages, under an adequate and integrated system. Failure to provide treatment of all kinds in emergency or life-threatening situations is forbidden.” Health Act No. 106 of 1973 also stipulates that health and medical care is a right for all citizens.

44. The Ministry of Health provides free health-care services through a series of public health facilities. These include primary health-care centres and units, group clinics and hospitals at various levels, both public and private. Public health facilities number in excess of 1,600, including 97 hospitals, 56 group clinics and 571 primary health-care centres. The State undertakes to provide the medicines and medical supplies necessary for those health facilities to operate.

45. Over the past three years, the Government has allocated a large budget for the provision of health care. In 2016 this amounted to around 3,000,000,000 Libyan dinars (LD), in 2018 to LD 3,345,010,000 and in 2019 to in excess of LD 3,517,880,000.

46. As for the operation of health facilities and the provision of health services, the Government is working to recruit medical and auxiliary personnel. The total workforce in the health sector numbers 98,827 including specialists, doctors, dentists, pharmacists and health technicians. Indicators regarding the number of medical personnel per 10,000 citizens are as follows: 23 doctors, 9 dentists, 7 pharmacists and 69 nurses.

47. In addition to providing health services within the country, the Government also undertakes to provide treatment abroad for difficult cases that cannot be treated locally. Over the past three years, budgetary allocations for treatment abroad amounted to LD 200 million in 2016, LD 130 million in 2018 and LD 130 million in 2019.

48. According to statistics, 100 per cent of the population is covered by primary health-care services and all children have been vaccinated against tuberculosis, polio, measles and hepatitis. In addition, 93 per cent of pregnant women receive health care and 99 per cent of births take place with medical support.

49. The Government is working to improve health services, and has taken important steps towards providing health insurance to all citizens. In that regard, the Presidency Council issued Decree No. 854 of 2017 for the creation of the Public Insurance Fund and Decree No. 531 of 2019 regarding the implementing regulations for Health Insurance Act No. 20 of 2010.

## **Ongoing efforts regarding the right to education**

50. The Government continues to fulfil its obligation to ensure the right to free education for all persons at the primary, secondary, university and post-university levels under the body of laws and regulations that regulate that sector, which include Act No. 18 of 2010 and Act No. 75 of 1975. Budget allocations for education in 2018 were in excess of LD 8 billion, or 17 per cent of the overall budget. In 2019, the amount again exceeded LD 8 billion, accounting for 16 per cent of all public spending.

51. A total of 1,271,493 students are enrolled in primary education and 251,000 in secondary education. Gender parity stands at 51 per cent.

52. The government delivers higher education through 24 State-run universities and a graduate academy with 502,000 students, of whom 52 per cent are women. In addition, there are 112 higher institutes and 27 technical faculties with a total of 20,000 students.

53. There are 417 national postgraduate programmes, which are followed by more than 17,000 students.

54. Students are still being sent to study abroad to obtain high-level qualifications such as Master’s degrees and doctorates. A total of 13,000 students of both sexes were sent overseas in the year 2016/17. However, due to the country’s financial difficulties and budget deficit, the number has currently dropped to 4,000.

55. In an effort to achieve gender parity in education, the Government has continued to ensure that education at all levels remains free of charge. It also seeks to ensure that educational institutions are evenly distributed so that they are accessible to everyone. The latest figures indicate that gender parity is, in fact, being achieved: parity in primary education stands at 51 per cent male and 48 per cent female; in secondary education, it is 47

per cent male and 52 per cent female, and in university education 47 per cent male and 52 per cent female.

56. As for the empowerment of women in education, the Government is encouraging women to work in the education sector. The proportion of female teachers in primary and secondary schools is 88 per cent while the proportion of women occupying leadership positions in education is 30 per cent.

57. In line with Goal 4 of the Sustainable Development Goals, the Government is striving to improve the quality of education. In that connection, the Ministry of Education and the United Nations Children's Fund (UNICEF) have signed an agreement regarding curriculum development and the design of an educational management information system. The Ministry has also signed an agreement with the United States Agency for International Development for it to undertake an analytical study on the situation of education in Libya and the challenges it faces.

58. With a view to making education in the values of citizenship and human rights more prominent in the curriculum, the Ministry of Education has signed an agreement with the International Foundation for Electoral Systems on a long-term strategic plan for the development of a module on national civic education.

## **VIII. Protection of women's rights and empowerment of women**

59. The Constitutional Declaration of August 2011 states that all persons are to enjoy fundamental rights without discrimination. The principle of equal opportunity is enshrined in article 16 of the draft permanent constitution, which reads: "Equal opportunities are guaranteed to citizens of both sexes, and the State is to take the measures necessary to achieve that end."

60. Libya ratified the Convention on the Elimination of All Forms of Discrimination against Women in 1989. It has also ratified the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (the Maputo Protocol).

61. Women have a tangible presence in a number of political and economic fields, and more than 50 per cent of persons who work in the public sector are women, including areas such as the judiciary, education and health care. The Government is determined to empower women and raise their profile, to which end women's empowerment units have been set up in the Presidency Council as well as in various ministries. This came about under Decree No. 210 of 2016 regarding the establishment of the women's support and empowerment unit and Decree 1436 of 2018 regarding the appointment of the president and deputy of the women's support and empowerment unit. In addition, a ministry for women and community development has been established.

62. The Labour Relations Act guarantees the rights of working women without discrimination, and article 2 of the Act prohibits any differentiation in financial remuneration for the same work, on the basis of sex.

63. Women make up a large proportion of the national workforce in all areas, and that proportion is increasing on an annual basis. According to official statistics, women make up 37 per cent of the workforce, while the proportion of women working in leadership roles and in the judiciary has increased. The ministerial composition of the Government of National Accord includes three women: the Minister of Social Affairs, the Minister for Institutional Structures and the Minister for Women and Community Affairs. Women also account for more than 40 per cent of persons working in the judiciary.

64. Successive electoral laws have envisaged the involvement of women in political life, and a fixed quota for the representation of women has been allocated in elections to the General National Congress as well as to the Chamber of Deputies and the Constituent Assembly.

65. As part of efforts on the part of the Government to eliminate violence against women, the Ministry of Justice has launched a national plan under the title "Together to end violence against women". The purpose of the initiative is to raise awareness in society about the gravity of domestic and gender-based violence and to make women themselves aware of their rights. The plan also envisages the establishment of women and child welfare

units inside security directorates. Moreover, in cooperation with the United Nations Development Fund, UNICEF and the United Nations Fund for Population Activities, the Ministry is seeking to extend its national campaign to curb violence against women, to sensitize the police and the judiciary to the gravity of the phenomenon and to draw attention to the need to deal with it in a way that reflects its seriousness and the psychological impact it has on women.

## **IX. Right to social security and rights of persons with disabilities**

66. Libya has an advanced social protection system wherein services are delivered via two funds: the Social Security Fund and the Social Solidarity Fund. Under the provisions of Act No. 13 of 1980, the Social Security Fund registers the contributors insured under the system, both citizens and foreigners. The Fund then provides cash benefits in the form of pensions of various kinds such as old-age pensions, health incapacity benefits, lump-sum payments and family allowances. More than 363,000 pensions are being paid out with a value in excess of LD 1.8 billion in 2019.

67. Acting under Act 20 of 1998, the Social Solidarity Fund provides social care for persons with disabilities, and supervises childcare homes and centres that deliver services for persons with disabilities and older persons. The Fund also pays out basic pensions to a number of vulnerable groups, amounting in all to around 250,000 pensions.

68. According to article 2 (18) of Council of Ministers Decree No. 20 of 2012, which concerns the organizational structure and functions of the Ministry of Social Affairs, the Ministry is to provide services for inmates of social institutions and of centres for persons with special needs. It must concern itself with their welfare and lay the foundations to ensure that they receive due care and habilitation. According to article 2 (19), the Ministry must also supervise and monitor the running of social welfare facilities, kindergartens and centres and institutes for the education and habilitation of persons with special needs, and it must seek to ensure that services are integrated across those various bodies. The following institutions come under the Ministry of Social Affairs:

- (a) General Authority for the Solidarity Fund;
- (b) Habilitation centre for persons with disabilities in the city of Janzur;
- (c) Sawani Centre for Persons with Disabilities;
- (d) National Committee for the Care of Persons with Disabilities.

## **X. Refugees, migrants and the fight against human trafficking**

69. Libya is one of the countries that has suffered most as a result of irregular migration. In fact, there are more than 1 million migrants on its territory and the phenomenon is growing apace due to the country's delicate security situation, its long borders and its incapacity to control them and the presence of international human smuggling networks. Undoubtedly, this phenomenon poses a risk to the migrants themselves and causes many of them great suffering and distress as they strive to reach a place of safety where they can live decent lives. Indeed, many of them lose their lives at the hands of smuggling gangs and criminals. Yet Libya is not just a major corridor for irregular migration; it has also become a country in which many migrants have settled and found opportunities for work and self-development. Official international statistics show that more than 700,000 migrants are working normally in Libya and sending remittances back to their countries of origin.

70. The Government understands the migrants' suffering and the danger that migration poses to national stability and security. It has, therefore, paid particular attention to the issue and has set up an agency to combat irregular migration, the objective of which is to eliminate the smuggling networks, protect migrants and control borders. In addition, the post of assistant undersecretary for irregular migration has been newly created in the Ministry of the Interior.

71. Many unlawful migrants use Libya as a crossing point on their way to the shores of Europe and thereby expose themselves to the risk of drowning in the Mediterranean. In fact, migrant boats frequently sink and hundreds of people have lost their lives in tragic

accidents. For its part, the Government is determined to control its borders and to prevent the country being used as an illegal transit corridor. It is therefore detaining migrants, including those rescued at sea, in holding centres, which the Government supervises and where it provides migrants with humanitarian services.

72. In order to safeguard the rights of migrants, the Government has acted to improve conditions inside the centres, undertaking maintenance of the facilities and equipping them to make them suitable to accommodate migrants. The Ministry of the Interior has entered into partnership with the International Organization for Migration (IOM), the International Committee of the Red Cross and other bodies in order to improve the conditions of migrants in the centres, who are estimated to be around 6,000, a small number compared to the 1 million irregular migrants who live and work in Libya.

73. Eager to ensure the safety of irregular migrants, Libya has pursued a policy of non-refoulement and has facilitated voluntary returns only for those who so wished. In cooperation with IOM, it facilitated the voluntary return of 20,000 migrants in 2017 and in 2018.

74. The Ministry of the Interior has trained hundreds of staff members of the agency to combat irregular migration in how to handle migrants and it has raised their awareness about principles of human rights and decent treatment. The agency also works in collaboration with IOM to improve conditions in the migration centres.

75. The government is working in partnership with UNSMIL to develop a new strategy to address the issue of irregular migration. In that connection, it has drawn inspiration from the successful experience of the Kingdom of Morocco, which adopted a humanitarian strategy based on more stringent prosecutions and tougher penalties against smugglers and smuggling networks while at the same time taking in migrants who wish to settle and work, respecting human rights and facilitating voluntary returns. The team responsible for drafting national migration policies held a meeting on safe migration with a Moroccan delegation in December 2019.

76. In this context, the House of Representatives passed Decree No. 90 of 2019 regarding the formation of a committee to develop a national irregular migration strategy. The committee is to examine the issue of irregular migration in coordination with national authorities and international partners then develop a national strategy that does not conflict with the provisions of international law.

## **XI. Status of implementation of voluntary pledges**

77. Libya is committed to implementing its pledges and always seeks to take an inclusive approach to promoting and respecting human rights and supporting fundamental freedoms.

78. Libya will continue to back the role played by the Human Rights Council, in line with the principles of universality, neutrality and objectivity, and without politicization, in order to support and protect human rights in accordance with relevant international treaties and instruments.

79. Through its membership of the League of Arab States and the African Union, Libya contributes and works towards the promotion and advancement of human rights, in accordance with regional human rights mechanisms.

80. The State uses available mechanisms to support and cooperate with the Office of the United Nations High Commissioner for Human Rights in order to help it carry out its mandated role in favour of human rights.

81. Cooperation, dialogue and communication take place, at both the national and the international level, with civil society and non-governmental organizations operating in the sphere of human rights, in order to strengthen capacities to protect and enforce human rights.

82. Efforts are made to publicize and realize the right to development, which is an inherent and universal right. Such efforts necessitate agreement on an international and legally binding standard on the right to development, through fruitful cooperation and serious dialogue among States.

83. Support and cooperation continue to be given to United Nations programmes, which play an important role in protecting human rights around the world.

84. Libya cooperates fully with United Nations Member States, particularly the members of the Human Rights Council, to support and promote the Council's activities and to help it carry out its functions, while respecting the principles of neutrality, objectivity and non-selectivity, particularly as regards the universal periodic review mechanism.

85. There is cooperation with Member States to ensure that international legal instruments and treaties relating to human rights are duly respected.

## **XII. Challenges facing Libya which necessitate support from the international community**

86. Stopping the war and the inflow of smuggled weaponry and mercenaries.

87. Putting an end to unilateral foreign interference in Libyan affairs, respecting the outcomes of the Berlin Conference and Security Council resolutions and working through UNSMIL.

88. Controlling all the land, sea and air borders of Libya to block the entry of smuggled arms and of terrorist and criminal groups, combating the smuggling trade and human trafficking gangs.

89. Stopping gross violations of human rights such as the right to life and the right to development. These violations take the form of crimes of collective punishment, such as the closure of the oil fields and its harmful impact on the State and the lives of citizens, as well as criminal acts such as cutting off water and electricity to entire residential areas.

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