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Summary prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21

Libya*

The present report is a summary of 23 stakeholders' submissions[1] to the universal periodic review. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. As provided for in Human Rights Council resolution 16/21, where appropriate, a separate section is provided for contributions by the national human rights institution of the State under review that is accredited in full compliance with the Paris Principles. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

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

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Information provided by stakeholders

A. Background and framework

1. Scope of international obligations[2]

1. World Organization against Torture (OMCT) recommended that Libya ratify ICPPED.[3]

2. Human Rights Watch (HRW) recommended that Libya ratify ICCPR-OP2.[4]

3. Alkarama Foundation (Alkarama) recommended that Libya ratify ICPPED and OP-CAT and make declarations under Articles 21 and 22 of CAT.[5] Amnesty International (AI), Human Rights Watch (HRW), and OMCT recommended that Libya ratify OP-CAT[6]; and create an independent inspectorate empowered to access and monitor all places of detention.[7]

4. National Libyan Organization for the Development of People with Disabilities (NLODPD) stated that Libya had yet to implement Recommendation 93.1[8] regarding accession to CRPD, which enjoyed Libya's support in the last UPR.[9]

5. HRW recommended that Libya ratify the Rome Statute and align its national legislation with all obligations of the Rome Statute.[10]

6. Joint Submission 2 (JS2) and Joint Submission 4 (JS4) stated that, contrary to Recommendation 95.4[11], Libya had not ratified the 1951 Convention relating to the Status of Refugees (1951 Refugee Convention) and the 1967 Protocol.[12] AI, HRW and OMCT recommended that Libya ratify the 1951 Refugee Convention and its 1967 Protocol.[13]

7. Mercy Association for Charitable and Humanitarian (MACH) stated that, despite Recommendation 95.1[14], Libya had not taken steps to sign up to key instruments related to internally displaced persons (IDPs), such as the African Union Kampala Convention for the Protection and Assistance of Internally Displaced Persons in Africa.[15]

8. HRW and Joint Submission 3 (JS3) recommended that Libya lift all reservations to CEDAW.[16]

2. Constitutional and legislative framework

9. National Council for Civil Liberties and Human Rights (NCCLHR) recommended that the Libyan authorities, and all parties involved, assist the Constitutional Drafting Assembly (CDA) in delivering a constitution guaranteeing fundamental rights of the people and ensuring the separation of powers and the independence of the judiciary. NCCLHR also recommended that the cultural and linguistic rights of the Amazigh, Tuareg, and Tebu (Tabu) be protected in the Constitution.[17]

10. Alkarama recommended that a more exhaustive list of fundamental rights be integrated into constitutional texts.[18] Assabel Foundation (ASBL) recommended that Libya speed up drafting of the Constitution and protect the rights and freedoms of citizens.[19]

3. Institutional and human rights infrastructure and policy measures

11. Alkarama noted that the NCCLHR was officially established in 2013 to assume the role of the national human rights institution (NHRI), however, that it had yet to play an effective role.[20] AI was concerned that some of its members had been threatened by militias since the escalation of violence in Tripoli in mid-July 2014 and had fled the country.[21]

12. Alkarama also noted that a human rights committee had been created in the General National Congress (GNC) to make recommendations for legislative measures.[22]

13. Alkarama recommended that Libya establish an NHRI in conformity with the Paris Principles.[23] NCCLHR recommended that its establishment, mandate and independence as NHRI be enshrined in the Constitution.[24]

14. JS2 indicated that Libya had failed to fully comply with Recommendation 93.39[25] concerning human rights education for the police, prison guards and the judiciary. Lack of training for them might be seen as contributing to the prevailing practice of torture.[26]

B. Cooperation with human rights mechanisms

1. Cooperation with treaty bodies

15. Alkarama noted that Recommendation 93.18[27] had enjoyed Libya's support, however, that the reports to CAT and the HR Committee had not been submitted.[28] OMCT recommended that Libya engage fully with CAT, including by submitting its reports in a regular manner.[29]

16. Alkarama was also concerned by Libya's failure to comply with the views of the HR Committee on individual cases, particularly Communications Nos. 1805/2008 and 1832/2008.[30]

2. Cooperation with special procedures

17. International Service for Human Rights (ISHR) recalled that the Special Rapporteur on Human Rights Defenders had expressed concern about the incompatibility of Law No. 65/2012 aimed at regulating peaceful assembly with international human rights standards. However, Libya had not responded to the Special Rapporteur's letter of concern.[31]

18. Alkarama noted that, in March 2012, Libya had addressed a standing invitation to the Special Procedures. Requests of the visits by the Special Rapporteur on the Freedom of Expression, the Working Group on Arbitrary Detention, and the Working Group on Enforced and Involuntary Disappearances had been accepted; none of them had, however, undertaken a visit to this day. Furthermore, the Working Group on Arbitrary Detention had stated that Libya had not responded to the communication regarding Opinion no. 60/2012. Despite the arbitrary nature of the detention, Libya had never acted to release the person concerned.[32]

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

1. Equality and non-discrimination

19. Al Nissa Qadimat Movement (NQM) expressed concern that, although Libya had given its support to the majority of the recommendations related to the rights of women during the last UPR, this had not led to the realization of any adequate guarantees.[33] For example, Recommendation 93.20[34] provided an overarching recommendation, however, such measures had yet to be implemented.[35] Libya had also failed to implement substantive changes on the basis of Recommendations 93.26[36] or 93.33.[37] AI regretted Libya's refusal of Recommendation 95.27.[38]

20. NQM continued that Law No. 24/2010 remained ambiguous with respect to the ability of women to confer their nationality on their children if their husbands were non-

nationals. Libyan men, by contrast, were able to confer their nationality on their children irrespective of the nationality of their wives.[39]

21. Joint Submission 1 (JS1) and JS4 indicated that Labour Law No. 58/1970 placed limitations on the type of work women could do, forcing women into certain fields traditionally associated with females, such as education, health services, and secretarial or cleaning work. These fields paid less, undermining women's economic stability.[40]

22. JS4 noted that, in February 2012, the National Transitional Council (NTC) re-established the National Council of Islamic Jurisprudence (*Dar Al-Ifta*) as an independent institution that reported directly to the executive. It had authority to issue Islamic legal opinions and advice on daily affairs. Religious legal opinions (*Fatwa*) issued by the Grand Mufti, on behalf of *Dar Al-Ifta*, had led to the deterioration of women's rights.[41]

23. NQM and JS1 indicated that, in February 2013, Libya's Supreme Court had overturned the provision in Law No.10/ 1984 which stipulated that a husband must obtain the consent of his first wife before marrying a second wife, ruling that this law was inconsistent with Islamic law.[42]

24. JS1 and JS4 noted that, in March 2013, the Grand Mufti, had reportedly issued a *Fatwa* against the agreed conclusions of the UN Commission on the Status of Women on the elimination and prevention of all forms of violence against women and girls, on the grounds that they were incompatible with Sharia law. JS4 also indicated that the Grand Mufti had then called for gender segregation at universities and offices, saying a mixed gender environment "encourages unethical behavior".[43]

25. Libyan Women's Platform for Peace (LWPP), NQM, JS1 and JS4 noted that, in March 2013, the Grand Mufti had reportedly called on the Government to prohibit Libyan women from marrying foreign men.[44] LWPP and JS4 also indicated that, in December 2013, a *Fatwa* had been issued to ban Libyan women from travelling without a male chaperone.[45]

26. Alkarama stated that the constitutional guarantee excluded the numerous foreign residents in the country who were often victims of discrimination.[46]

2. Right to life, liberty and security of the person

27. AI indicated that, although Libya had accepted in principle Recommendation 95.19[47] on commuting all existing death sentences, it had not done so. Furthermore, Libya had refused Recommendation 96.6[48] on amending or repealing legislation that applied the death penalty to non-serious crimes".[49]

28. HRW stated that, in May 2014, Hafter had launched a military campaign against Islamist militia forces in the east to "eradicate terrorism." In July, armed clashes had spread to Tripoli where militia forces aligned with those from Misrata had taken control of Tripoli from a rival alliance of Zintan militias. During fighting, the warring factions had discriminately shelled civilian areas in Tripoli and Benghazi and targeted violence at civilians and civilian property.[50]

29. Alkarama expressed grave concern about summary executions committed by the numerous forces on the ground and a number of unclaimed political assassinations taking place predominantly in the east.[51]

30. Front Line Defenders (FLD) reported that there were grave security concerns for human rights defenders. Frequent assassinations, kidnappings and bombings formed a threat and hindered their work.[52] A number of organizations expressed serious concerns about killing of Salwa Bugaighis, a prominent human rights and women's rights activist, by unidentified gunmen in June 2014.[53]

31. OMCT indicated that enforced disappearance of political opponents had been a systematic practice during the Qadhafi regime. The fate and whereabouts of those disappeared during these 42 years remained largely undisclosed. Since the revolution, new cases of disappearances continued to be reported. The number of missing persons had dramatically increased during and after the 2011 civil war. Today, an estimated 10,000 people were missing in Libya.[54]

32. OMCT continued that there were an estimated 200 mass graves spread around the country, largely dug during the 2011 civil war, containing an estimated 6,000 unidentified bodies. There were likely more mass graves that had not yet been discovered. These graves were not secured by any authority, which was of utmost concern for both identification of the bodies and collection of evidence.[55]

33. MACH noted that Libya had adopted Law No. 1/2014 related to Martyrs' Families and the Missing in the 17 February Uprising. However, the law defined the "missing" as only those who fought with the 17 February Uprising and indirectly disqualified anyone who had been associated with the Qadhafi administration.[56]

34. OMCT noted that Law No. 10/2013, which criminalized torture, also criminalized enforced disappearance, however, that Libya was not party to ICPPED. OMCT underscored that it was critical to define enforced disappearance in line with ICPPED[57]

35. OMCT indicated that, since the revolution, torture had become more widespread, grotesque, and accepted. The predominant pattern was that victims were subject to torture based on presumptions of belonging to or supporting the former regime.[58] OMCT reported that it had documented 15 cases of death in custody. In 11 of these cases, victims had been tortured to death within the first 72 hours after arrest.[59]

36. JS2 stated that Libya had adopted Law No. 10/2013, in accordance with Recommendation 93.3.[60] OMCT noted, however, that the law failed to create a comprehensive anti-torture apparatus.[61] AI, HRW and JS2 stated that the definition of torture under this law was inconsistent with CAT.[62]

37. AI, HRW, MACH and OMCT stated that torture was prevalent in prisons, especially in facilities controlled by militia and other non-state groups. There was little or no accountability for torture despite Law No. 10/2013.[63] Alkarama raised similar concern and indicated that the cases of torture were more numerous in the east since launching of the Operation "Dignity" in March 2014.[64]

38. A number of organizations were concerned that efforts by the authorities to take over detention centres controlled by militias had been met with resistance.[65] JS2 stated that many persons were arbitrarily detained on the basis of belonging to certain tribal groups, including Warfalla, Tawergha, and Mashishiya.[66] ASBL recommended that Libya place all prisons and detention centres under the authority of the State and punish anyone who violated the regulation.[67]

39. According to AI, as of March 2014, approximately 6,200 detainees were held in prisons under the Ministry of Justice; only 10 percent had been tried. Hundreds had been held since 2011 without charge or trial or access to lawyers. The authorities had not met a deadline set by Law No. 29/2013 on Transitional Justice to charge or release all detainees.[68]

40. NCCLHR stated that the armed conflict of 2011 had seen heinous crimes committed, some amounting to crimes against humanity. For the first time in living memory, rape had been used as a weapon of war.[69] JS3 noted that both women and men had been subjected to rape and other forms of sexual violence during the conflict.[70]

41. AI, NQM, and JS3 reported that, on 19 February 2014, the Minister of Justice had adopted a text protecting victims of sexual violence by ministerial decree.[71] JS3 indicated

that, while the decree focused mostly on pecuniary reparations for victims, it did establish that victims were entitled to assistance in suing the perpetrators of the crimes in the court. However, the decree had not been passed into law and its implementation therefore remained stalled.[72]

42. LWPP indicated that there must be inclusive and gender-sensitive negotiations and peacebuilding processes, DDRR (disarmament, demobilization, reintegration and rehabilitation), and SSR (security sector reform).[73] LWPP recommended that Libya fulfil the State obligation of due diligence to prevent, protect, investigate, and punish State and non-State perpetrators of violence, particularly all forms of violence against women.[74]

43. NQM indicated that Libya had failed to address discriminatory laws that encouraged violence against women despite Recommendation 93.36 enjoying support.[75]

44. HRW, NQM, JS1 and JS3 expressed concern about the Penal Code of 1953 in its classification of sexual violence as a crime against 'a woman's honour'.[76] JS3 also reported that Law No. 10/1984 defined sexual violence under crimes against freedom, honour and morality.[77]

45. JS1 and JS3 indicated that the provisions of the Penal Code permitted a reduction in sentence for a man who killed a wife, daughter, mother or sister whom he suspected to be engaged in extramarital sexual relations.[78] NQM stated that Libya's *zina* (adultery) law, Law No. 70/1973, criminalized extramarital sexual relations but failed to distinguish adequately between forced and consensual sex. As a result, those who had been subject to sexual assault could be prosecuted.[79]

46. JS1 and JS3 stated that many women and girls detained in "social rehabilitation" facilities for suspected transgressions of moral codes had committed no crime, or had already served a sentence. Some were there for no other reason than that they had been raped and were ostracised by their family.[80]

47. JS1 noted that spousal rape was not a crime in Libya. Law No. 10/1984 prohibited domestic violence but did not specifically criminalize it. The law did not contain any enforcement mechanisms and failed to provide effective protection or remedies for victims.[81] NQM raised similar concern.[82]

48. A number of organizations expressed concerns about corporal punishment.[83] AI stated, under Law No.13/1425, theft was punished by the amputation of the right hand, while *haraba* (highway robbery or rebellion) was punishable by death if there had been a killing, or by cross amputation (right hand and left foot).[84]

49. Child Rights International Network (CRIN) and Global Initiative to End All Corporal Punishment of Children (GIEACPC) noted that corporal punishment of children was lawful, despite repeated recommendations to prohibit it by CRC, CAT, and the HR Committee, and during the 1st cycle UPR.[85] GIEACPC in particular indicated that corporal punishment of children was lawful in the home, alternative care settings, day care and the penal system, including as a sentence for crime.[86]

3. Administration of justice, including impunity, and the rule of law

50. A number of organizations stated that the justice system remained dysfunctional and expressed serious concerns about threats, intimidations, assassinations, abductions or physical assaults against witnesses, lawyers, judges, and prosecutors[87] AI indicated that, courts had effectively suspended their work in Benghazi, Derna and Sirte for security reasons in 2014 or had been temporarily closed in Misrata and in Sabha in 2013.[88] HRW stated that the Justice Ministry in Tripoli had been forced to close due to the fighting between rival militia alliances since July 2014.[89]

51. A number of organizations were seriously concerned that the authorities had been unable to control militias which committed acts of violence. The lack of reform of the justice system, the scarcity of resources, and the failure to strengthen the army and the police had contributed to the impunity with which the militias operated.[90] AI noted that militias formed during and after the 2011 conflict had been allowed to enter state institutions without adequate vetting.[91] OMCT expressed similar concern.[92] JS4 stated that non-state actors had carried out certain state functions such as running prisons, were frequently funded by the State, and received arms distributed by the State.[93]

52. AI noted that the trial of 37 former Qadhafi officials had started in March 2014 amid fair trial concerns. Their lawyers had not been granted full access to evidence or sufficient time to prepare a defense. Saif al-Islam Qadhafi, had appeared in court via video-link, from the militia custody in Zintan, in violation of his right to be present at his own trial. Libya had failed to surrender him to the International Criminal Court (ICC) to face prosecution on charges of crimes against humanity despite their legal obligation to do so.[94]

53. JS2 indicated that the Working Group on Arbitrary Detention had noted that the detention of Saif al-Islam Qadhafi was in contravention of article 14 of ICCPR. His detention was also held to be arbitrary by the African Commission on Human and Peoples' Rights.[95]

54. AI noted that several laws and measures aiming at addressing past human rights abuses had been adopted since the last UPR. In 2013, GNC had adopted Law No. 29/2013 on Transitional Justice establishing accountability, truth-seeking and reparation mechanisms for victims of human rights violations. However, these measures remained unimplemented largely due to poor security and political infighting.[96] ISHR indicated that the fact-finding commission to be set up under the law had not been established.[97]

55. A number of organizations were concerned that Law No. 38/2012 on Some Special Procedures granted amnesty to unlawful acts perpetrated by opposition fighters, including war crimes and crimes against humanity, for the 17 February revolution, and that the culture of impunity propagated by such laws could lead to such crimes being repeated.[98]

56. AI indicated that the authorities had not carried out meaningful investigations into alleged war crimes and serious human rights abuses, such as the alleged extrajudicial execution of Colonel Qadhafi and his son Mutassim and other captured soldiers and the forcible displacement of some 40,000 Tawarghans.[99]

57. AI also stated that the authorities had failed to carry out an investigation into the Abu Salim Prison massacre, despite Recommendation 96.10 enjoying support of Libya.[100]

58. HRW stated that Law No. 13/2013 on political isolation bared Qadhafi-era officials from holding public office for a period of 10 years. The law's provisions were vaguely-framed and over-broad. A recent amendment to the provisional constitution prohibited judicial review of this law.[101] Lawyers for Justice in Libya (LFJL), LWPP, and JS4 also expressed similar concerns.[102]

59. CRIN recommended that Libya raise the age of criminal responsibility set at seven by the Penal Code.[103]

4. Right to privacy

60. Quzah stated that same-sex relationships were punishable with imprisonment of five years.[104] LGBT people were unable to go to the police to protect themselves from violence.[105] Quzah indicated that, in the Libyan society, to be gay was considered against Islam. There was no legislation protecting the rights of sexual minorities.[106] After the 2011 Revolution and deterioration of the security situation, the homosexuals became more targeted by violence committed by Islamic militias.[107]

5. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life

61. The European Centre for Law and Justice (ECLJ) noted that, although the Constitutional Declaration granted rights and freedoms to its citizens without discrimination due to religion, it also proclaimed Islam as the State religion and Sharia as the principal source of legislation.[108]

62. ECLJ indicated that the biggest threat to religious minorities was the growing number and influence of Islamic militants spreading violence.[109] They had incited and carried out attacks against Christians, desecrated religious sites, and attempted to forcibly convert Christians to Islam.[110] JS4 indicated that Sufi religious shrines had notably been targeted across the country resulting in the destruction of several mosques and tombs.[111]

63. LFJL indicated that serious violations to freedom of expression had been perpetrated by armed non-state actors. Many of these groups had responded violently to criticism of their conduct or ideologies.[112] ISHR stated that attacks against journalists could result in their self-censorship due to fear.[113] Alkarama raised similar concern.[114]

64. AI indicated that Libya had accepted recommendations to repeal laws that criminalized the peaceful exercise of the rights to freedom of expression, assembly and association. However, since 2011, the authorities had prosecuted individuals for peacefully expressing their views under existing legislation.[115]

65. Libyan Centre for Freedom of Press (LCFP) and LFJL noted that Libya had failed to adhere to three recommendations concerning freedom of expression which enjoyed its support.[116]

66. HRW and LFJL stated that several provisions of the Penal Code still criminalized the offenses of defamation and insult to religion.[117] LCFP and LFJL indicated that Law No. 37/2012 established life sentences for those who had carried out acts or made statements which "harm" the State and the 17 February Revolution" such as "praising or glorifying Qadhafi". This law was later declared unconstitutional by the Supreme Court.[118]

67. FLD, HRW, LCFP and LFJL expressed concerns that Law No. 5/2014 had amended Article 195 of the Penal Code to include "the criminalisation of any action, which might harm or prejudice the February 17 Revolution."[119]

68. LCFP, LFJL, JS1 and JS4 indicated that Law No. 15/2012 had restricted freedom of the press by prohibiting media discussion of religious opinions (*Fatwa*) issued by the National Council of Islamic Jurisprudence.[120]

69. LCFP stated that Law No. 76/1972 on publications, modified by Law No. 120/1972 and Law No. 75/1973, restricted publishing rights to two public entities.[121] HRW and LCFP noted that Decree No. 5/2014 called for the cessation and ban of broadcasting several satellite channels, which were "hostile to the February 17 revolution."[122]

70. According to LFJL, Law No. 19/2003 and Law No. 71/1972 regulated the formation and activity of associations, with Law No. 71/1972 making illegal associations engaging in "any activity based on a political ideology contrary to the principles of the 1969 Al-Fateh Revolution." Violators of the law were subject to the death penalty.[123]

71. LFJL furthermore indicated that Article 206 of the Penal Code criminalised providing funds to, managing, benefiting from, or advocating the establishment of any organisation deemed illegal and authorised the use of the death penalty for those in breach.[124] FLD also expressed similar concern.[125]

72. FLD and LFJL stated that, in order to ensure freedom of association, members of Libyan civil society had presented a draft NGO law to the Ministry of Culture and Civil Society in February 2012. This draft law had yet to be discussed.[126]

73. LFJL stated that GNC had passed Law No. 65/2012 in order to control demonstrations and protests.[127] AI and HRW noted that the law failed to include relevant guarantees to uphold international human rights law and imposed severe restrictions on exercise of the right to assembly.[128]

74. JS1 stated that NTC had only two women in the 40-member Council.[129] NQM noted that Law No. 4/2012 had allocated only 17 per cent of the total seats to women.[130] According to JS1, 600 women had run in the July 2012 elections for a 200-member GNC. Although 33 women had been elected, the Government formed after the elections had included only two of those 33 women.[131]

75. NQM indicated, in the elections for CDA in February 2014, only 64 candidates had been women out of a total of 649. Not a single woman had secured a seat through the open list and, as a result, women's representation had been limited to just the six reserved seats out of 60.[132] JS3 noted that the 10 per cent quota for women fell significantly short of the UN Beijing target of 30 per cent.[133]

76. LWPP indicated that GNC's new electoral law (Law No. 10/2014) had reserved a 16 per cent quota for women for the House of Representatives (HoR).[134] However, according to NQM, female representation in HoR had only accounted for 15 per cent, due to the violence which had disrupted some of the election polls. Only 30 women had been elected, rather than 32 envisaged in the electoral law.[135]

6. Right to health

77. JS4 stated that Libyan public and private health services provided a very low standard of care, particularly in remote locations.[136] As 80 per cent of Libya's healthcare personnel were foreign nationals, fighting and insecurity had led to their departure and resulted in shortages in medical staff and supplies.[137]

78. According to JS4, child healthcare was a key concern in towns with oil refineries and cement factories due to widespread environmental pollution. In rural towns, paediatricians were hard to find.[138] JS4 also noted a lack of hospitals or clinics with specialist medical equipment, causing the deaths of many new-born babies, due to lack of incubators.[139]

7. Right to education

79. JS4 expressed concern about the delay in implementing recommendation 93.53.[140] There was a lack of trained teaching staff in State schools and universities, and the level of nepotism involved in the appointment of teachers was significant. This impacted the quality of education and the wellbeing of students.[141]

80. JS4 noted that, in rural areas, poor public transport hindered access to education facilities. This problem was particularly important for female students who were not allowed to travel alone.[142]

8. Persons with disabilities

81. According to NLODPD, the only legislative development directed towards persons with disabilities, since Libya's last UPR in 2010, was the adoption of Law No. 4/2013. However, this law provided support only to those who had developed disabilities as a result of injury during the 2011 uprising.[143]

82. NLODPD also indicated that Decision No. 161/2013 provided one seat to people with disabilities in each local council. However, people with disabilities were defined as only those who fought in, and for, the February 17 Revolution.[144]

83. NLODPD stated that two recommendations about improving education for people with disabilities[145] had not been implemented despite enjoying Libya's support.[146] Libya had failed to ensure that students with disabilities were able to access state funded education and to provide specialised staff and equipment.[147]

84. JS4 noted that there were only three State health centres across the whole country that specialised in treating mental illnesses. Services to treat chronic conditions and disabilities were extremely poor.[148] NLODPD also stated that the needs of those with disabilities such as blindness were not taken into account.[149]

9. Minorities and indigenous peoples

85. LWPP indicated that the GNC's electoral law for CDA had allocated only a 10 per cent quota for minorities.[150] NCCLHR also noted that the elections of CDA had failed to achieve the desired inclusiveness, as 13 seats had not been elected, including five of the six seats designated for the Amazigh, Tuareg, and Tebu.[151]

86. The Libyan Association for the Protection of Tebu Culture (LAPTC) stated that the Constitutional Declaration recognised only Arabic as the official language.[152] Alkarama noted that GNC had passed Law No. 18 on the Rights of Cultural and Linguistic Minorities and recognised the languages of the Amazigh, Toubou (Tebu/Tabu) and Tuareg as an integral part of the linguistic and cultural heritage of the country. The law also guaranteed teaching of minority languages in the national education system.[153] JS4, however, noted that the State had failed to take positive steps to train teachers or create appropriate curricula for education in minority languages.[154]

87. LATPC indicated that many Tebu did not have Libyan citizenship. After the International Court of Justice ruled in 1994, in the matter of the fighting over the Aouzo strip between Chad and Libya, that Libya must return the Aouzo strip to Chad, Libya issued Decision 13/1998, revoking the Libyan citizenship of all persons born in Aouzo. Although this decision was overturned in 2010, the Tebu continued to face difficulties in applying for citizenship.[155]

10. Migrants, refugees and asylum seekers

88. JS4 indicated that, through the absence of a clear immigration framework, Libya had systematically failed to ensure adequate human rights protections for the migrant populations residing or transiting through its borders and allowing a significant number of migrants to travel to Europe by boats, endangering their lives.[156]

89. JS4 noted that NTC had reaffirmed the Treaty of Friendship, Partnership and Co-operation with a neighbouring country on the control of migration in April 2012. This agreement attempted to establish bilateral co-operation in combating "illegal migration" but had failed to provide substantive measures to improve the safety of those arriving on boats.[157]

90. OMCT noted that, at least 4,000 migrants, especially from the Horn of Africa, were held in 18 detention centres operated by the Ministry of Interior.[158] JS4 stated that Libyan law permitted indefinite detention for violators of visa and migration regulations. Most detainees had not been given an opportunity to challenge their detention.[159] HRW indicated that guards in detention centres under the Government control had tortured and otherwise abused detainees. Furthermore, the authorities did not allow UNHCR to register asylum seekers in detention.[160]

91. AI indicated that Libya lacked asylum legislation and system. Deportations were carried out without procedural safeguards, at times on health grounds. Detainees were held in overcrowded cells with limited access to fresh air, drinking water, and medical care. UNHCR continued to operate without an official agreement which undermined its ability to provide effective protection.[161]

11. Internally displaced persons

92. OMCT indicated that almost 60,000 people were displaced internally after the 2011 revolution, and the majority of them lived in camps in and around Tripoli and Benghazi. IDPs from Tawergha, Mashashiya, Gualish, and Bani Walid were at the highest risk of arbitrary arrest and detention, torture and extrajudicial killing as part of a post-revolutionary culture of revenge.[162] OMCT and JS4 also noted more recent displacement of the Warshefana.[163]

93. AI, HRW, MACH and OMCT expressed serious concerns about the situation of some 40,000 displaced Tawerghans, who had been driven from their town in 2011 for their perceived allegiance to Qadhafi. Misrata militias had accused them of committing war crimes on behalf of Qadhafi, and arbitrarily detained and routinely tortured them. Tawarghans had been re-displaced in mid-2014 in the context of a renewed armed conflict.[164] According to MACH, there were an estimated 18,000 displaced Tawerghans in Benghazi, 13,000 in Tripoli, and 7,000 in and around Sebha. In total, they were scattered over 26 different campsites across Libya.[165]

94. MACH continued that Libya had also failed to provide adequate housing for IDPs. Shelters in IDP camps were in bad conditions, with broken windows, and there was no heating and hardly any furniture.[166]

95. JS4 indicated that Tawerghan students had experienced discriminatory treatment in State funded schools and that Tawerghan families had been forced to set up their own schools in the camps. However, these schools lacked basic supplies and trained teaching staff.[167]

Notes

[1] The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org.

Civil society:

Individual submissions:

AI	Amnesty International, London (United Kingdom of Great Britain and Northern Ireland);
Alkarama	Alkarama Foundation, Geneva (Switzerland);
ASBL	Assabel Foundation, Tripoli (Libya);
CRIN	Child Rights International Network, London (United Kingdom of Great Britain and Northern Ireland);
ECLJ	European Centre for Law and Justice, Strasbourg (France);
FLD	Front Line Defenders- The International Foundation for the Protection of Human Rights Defenders, Blackrock county, Dublin (Ireland);
GIEACPC	Global Initiative to End All Corporal Punishment of Children, London (United Kingdom of Great Britain and Northern Ireland);
HRW	Human Rights Watch, Geneva (Switzerland);
ISHR	International Service for Human Rights, Geneva (Switzerland);
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 (United Kingdom of Great Britain and Northern Ireland);
LWPP	Libyan Women's Platform for Peace, Giza (Egypt);
MACH	Mercy Association for Charitable and Humanitarian (Alrahma) , Tripoli (Libya);
NCCLHR	National Council for Civil Liberties and Human Rights, Tripoli (Libya);
NLODPD	National Libyan Organisation for the Development of People with Disabilities, Tripoli (Libya);
NQM	Al Nissa Qadimat Movement (the Women are Coming Movement), Tripoli (Libya);
OMCT	World Organisation Against Torture, Geneva (Switzerland);
Quzah	Quzah, Tripoli (Libya).

Joint submissions:

JS1	Joint submission 1 submitted by: The Advocates for Human Rights, Minneapolis (United States of America); and Mobilising for Rights Associates, Rabat (Morocco);
JS2	Joint submission 2 submitted by: Lawyers for Justice in Libya, London (United Kingdom of Great Britain and Northern Ireland); Redress, London (United Kingdom of Great Britain and Northern Ireland); DIGNITY Danish Institute Against Torture, Copenhagen (Denmark);
JS3	Joint submission 3 submitted by: Civil Network for Transitional Justice, Tripoli (Libya); and No Peace Without Justice, Rome (Italy);
JS4	Joint submission 4 submitted by: Coalition of Libyan Human Rights Organisations consisting of: Libyan Centre for Freedom Of Press (LCFP), Tripoli (Libya); Mercy Association for Charitable and Humanitarian (Alrahma), Tripoli (Libya); Lawyers for Justice in Libya (LFJL), London (United Kingdom of Great Britain and Northern Ireland); National Libyan Organisation for the Development of People with Disabilities, Tripoli (Libya); Libyan Association for Tebu Culture (LATC), Ghatroun (Libya); Al Nisaa Qadimat Movement (the Women are Coming Movement), Tripoli (Libya); and Victims Organization For Human Rights, Benghazi (Libya).

[2] The following abbreviations have been used in the present document:

HR Committee	Human Rights Committee
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP2	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
CAT	Committee against Torture
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Committee on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearance.

[3] OMCT, p. 5.
[4] HRW, para. 43.
[5] Alkarama, para. 12. a.
[6] AI, p. 5. / OMCT, p. 1.
[7] HRW, para. 5.
[8] A/HRC/16/15, para. 93.1, *Take necessary measures to accede to CRPD (Oman).*
[9] NLODPD, para. 10.
[10] HRW, para. 53.
[11] A/HRC/16/15, para. 95.4, *Consider becoming a party to the 1951 Convention relating to the Status of Refugees and the Protocol thereto (Chad).*
[12] JS2, para. 24. / JS4, para. 45.
[13] AI, p. 5. / HRW, para. 49. / OMCT, p. 6.
[14] A/HRC/16/15, para. 95.1, *Accede to international human rights conventions not yet acceded to (Egypt).* For position of Libya, see A/HRC/16/1/5/Add.1, para. 7.
[15] MACH, para. 7.
[16] HRW, para. 44. / JS3, para. 19.
[17] NCCLHR, para. 25.
[18] Alkarama, paras. 13, 14 and 17.
[19] ASBL, para. 42.
[20] Alkarama, paras. 18-19.
[21] AI, p. 2.
[22] Alkarama, paras. 20-21.
[23] Alkarama, para. 22. a.
[24] NCCLHR, para. 28.
[25] A/HRC/16/15, para. 93.39, *Continue developing training methods and educating police, prison guards and the judiciary in areas of human rights (Egypt).*
[26] JS2, para. 37.
[27] A/HRC/16/15, para. 93.18, *Continue its active cooperation with the United Nations mechanisms and submit its periodic reports to treaty bodies, as appropriate (Cuba).*
[28] Alkarama, paras. 23-24.
[29] OMCT, p. 1.
[30] Alkarama, para. 25.
[31] ISHR, p. 1.
[32] Alkarama, paras. 27-28.
[33] NQM, para. 2.
[34] A/HRC/16/15, para. 93.20, *Adopt policies and legislation aimed at promoting women's rights and combating gender-based discrimination, particularly domestic violence (Brazil).*
[35] NQM, para. 3.
[36] A/HRC/16/15, para. 93.26, *Strengthen measures and policies to promote the active role and participation of women in the political, social and economic life of the country (Viet Nam).*

[37] A/HRC/16/15, para. 93.33, *Continue to take practical measures to ensure the effective participation of women in economic, social and political fields (Pakistan).* / NQM, para. 4.
[38] A/HRC/16/15, para. 95.27, *With a view to fostering equality in law and practice, repeal all discriminatory legislation with regard to marriage, divorce and inheritance (Canada).* For position of Libya, see A/HCR/16/15/Add.1, para. 7. / AI, p. 1.
[39] NQM, para. 23.
[40] JS1, para. 24. / JS4, par. 16.
[41] JS4, para. 11.
[42] NQM, para. 22. / JS1, para. 36.
[43] JS1, paras. 33-34. / JS4, para. 12.
[44] NQM, para. 24. / LWPP, p. 6. / JS1, paras. 33-34. / JS4, paras. 13-14.
[45] JS4, paras. 13-14. / LWPP, p. 6.
[46] Alkarama, para. 31.
[47] A/HRC/16/15, para. 95.19, *Commute all existing death sentences and establish a moratorium on the use of the death penalty as a step towards its abolition, as declared in the Great Green Charter of Human Rights in the Jamahiriyan Era (United Kingdom).* For position of Libya, see A/HRC/16/15, para. 7.
[48] A/HRC/16/15, para. 96.6, *Amend or repeal legislation that applies the death penalty to non-serious crimes, as recommended by the Human Rights Committee, including the exercise of the right to freedom of expression or opinion or the establishment of groups, organizations or associations based on a political ideology contrary to the principles of the 1969 revolution (articles 206 and 207 of the Penal Code) (Israel).*
[49] AI, p. 4.
[50] HRW, p. 1.
[51] Alkarama, para. 36.
[52] FLD, para. 6.
[53] AI, p. 3. / FLD, p. 2. / HRW, p. 2. / ISHR, p. 1. / LFJL, p. 3. / LWPP, p. 4. / JS1, p. 1. / JS2, p. 2. / JS3, p. 4.
[54] OMCT, p. 4.
[55] OMCT, p. 5.
[56] MACH, para. 24.
[57] OMCT, p. 5.
[58] OMCT, p. 1.
[59] OMCT, p. 2.
[60] A/HRC/16/15, para. 93.3, *Adopt domestic legislation to absolutely abolish practices of torture on its territory (United States).*
[61] OMCT, p. 2.
[62] JS2, paras. 22-23.
[63] AI, p. 2. / HRW, para. 13. / MACH, paras. 16-17. / OMCT, pp. 2-3.
[64] Alkarama, paras. 37-38.
[65] AI, p. 2. / Alkarama, para. 35. / JS2, p. 1.
[66] JS2, para. 10.
[67] ASBL, para. 46.
[68] AI, p. 2.
[69] NCCLHR, para. 24.
[70] JS3, para. 9.
[71] AI, p. 2. / NQM, para. 17. / JS3, para. 14.
[72] JS3, para. 14.
[73] LLWP, p. 1.
[74] LWPP, p. 6.
[75] A/HRC/16/15, para. 93.36, *Take comrehensive measures to elilminate violence against women and children, in particular by adopting a national strategy to combat violence against women, as recommended by the Committee on the Elimination of Discrimination against Women (Thailand).* / NQM, para. 10.
[76] HRW, para. 47. / NQM, para. 12. / JS1, para. 13. / JS3, para. 22.
[77] JS3, para. 15.

[78] JS1, para. 17. / JS3, para. 16.
[79] NQM, para. 15.
[80] JS1, para. 48. / JS3, para. 17.
[81] JS1, paras. 16 and 19.
[82] NQM, para. 14.
[83] AI, p. 2. / CRIN, p.2. / GIEACPC, p.1 / HRW, para. 38. / JS2, p. 1.
[84] AI, p. 2.
[85] A/HRC/16/15, para. 95.24, *Revoke provisions of the national law enabling the use of corporal punishment* (*Czech Republic)/* para. 95.25, *Abolish corporal punishment, both in law and in practice (Switzerland).* For position of Libya, see A/HRC/16/15/Add.1, para. 7.
[86] GIEACPC, pp. 1-2.
[87] AI, p. 3. / HRW, para. 29. / ISHR, p. 2. / LWPP, pp. 6-7.
[88] AI, p. 3.
[89] HRW, para. 29.
[90] AI, p. 1. / FLD, para. 17 / ISHR, p. 2. / JS2, para. 2.
[91] AI, p. 2.
[92] OMCT, p. 3.
[93] JS4, paras. 21-22.
[94] AI, p. 3.
[95] JS2, para. 3.
[96] AI, p. 2.
[97] ISHR, p. 2.
[98] AI, p. 3. / FLD, para. 18. / HRW, para. 15. / MACH, para. 18. /
[99] AI, p. 3.
[100] A/HRC/16/15, para. 96.10, *Publish a list of all those killed in 1996 at Abu Selim prison, and provide their families with death certificates stating the place, date and exact circumstances of death (United Kingdom).* / AI, p. 3. For position of Libya, see A/HRC/16/15/Add.1, para. 7.
[101] HRW, para. 25.
[102] LFJL, para. 20. / LWPP, pp. 6-7. / JS4, p. 1. and para. 7.
[103] CRIN, p. 2.
[104] Quzah, p. 1.
[105] Quzah, p. 2.
[106] Quzah, p. 3.
[107] Quzah, p. 4.
[108] ECLJ, para. 14.
[109] ECLJ, para. 1.
[110] ECLJ, para. 8.
[111] JS4, para. 25.
[112] LFJL, para. 12.
[113] ISHR, p. 1.
[114] Alkarama, paras. 44-45.
[115] AI, p. 1.
[116] A/16/15, para. 93.41, *Comply with international obligations, and ensure full and unhampered enjoyment of freedom of expression (Czech Republic*); para. 93.42, *Abrogate all provisions criminalizing freedom of expression (Switzerland);* and para. 93.43, *Provide for free, independent media in accordance with the Libyan Arab Jamahiriya's international obligations (Slovakia).* / LCFP, para. 5. / LFJL, para. 3.
[117] HRW, para. 7. / LFJL, paras. 6-7.
[118] LCFP, para. 6. / LFJL, para. 9.
[119] FLD, paras. 11-12. / HRW, para. 8 / LCFP, para. 8. / LFJL, para. 10.
[120] LCFP, para. 7. / LFJL, para. 9. / JS1, paras. 30-31. / JS4, para. 15.
[121] LCFP, para. 10.
[122] HRW, para. 8 / LCFP, para. 16.
[123] LFJL, paras. 14-15.
[124] LFJL, paras. 16-17.
[125] FLD, paras. 11-12.

[126] FLD, paras. 5 and 9. / LFJL, para. 19.
[127] LFJL, para. 24.
[128] AI, p. 4. / HRW, para. 12.
[129] JS1, para. 42.
[130] NQM, para. 6.
[131] JS1, para. 42.
[132] NQM, para. 7.
[133] JS3, para. 8.
[134] LWPP. P. 7.
[135] NQM, para. 8.
[136] JS4, para. 36.
[137] JS4, para. 37.
[138] JS4, para. 38.
[139] JS4, para. 39.
[140] A/HRC/16/15, para. 93.53, *Pursue ongoing action in favour of training for qualified teaching staff, and provide education opportunities for all segments and social groups in various regions (Algeria).*
[141] JS4, para. 30.
[142] JS4, para. 32.
[143] NLODPD, para. 11.
[144] NLODPD, para. 24.
[145] A/HRC/16/15, para. 93.54, *Improve education materials used in schools for people with special needs in order to ensure their full integration into society, economically and socially (Syrian Arab Republic)*. / para. 93.57, *Continue its efforts in improving the right to education, especially education for people with special needs (Saudi Arabia)*.
[146] NLODPD, para. 12.
[147] NLODPD, para. 13.
[148] JS4, para. 40.
[149] NLODPD, para. 22.
[150] LWPP. P. 7.
[151] NCCLHR, paras. 6-7
[152] LAPTC, para. 17.
[153] Alkarama, para. 33.
[154] JS4, para. 33.
[155] LATPC, paras. 12-13.
[156] JS4, para. 44.
[157] JS4, para. 45.
[158] OMCT, p. 6.
[159] JS4, para. 43.
[160] HRW, para. 23.
[161] AI, p. 4.
[162] OMCT, p. 6.
[163] OMCT, p. 6. / JS4, para. 20.
[164] AI, p. 4.
[165] MACH, para. 8.
[166] MACH, para. 22.
[167] JS4, para. 34.