

Code: HRC/2020/3

Committee: Human Rights Council – Universal Periodic Review

State under Review: Libya

1 The recommendations formulated during the interactive dialogue and listed below have been examined by Libya and
2 enjoy the support of Libya:
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- 4 1. *Recommends* that Libya actively work to improve the accessibility of legal aid for IDPs as a means of
5 reestablishing legal identity and to reaffirm the Housing, Land, and Property (HLP) rights of Libyan
6 citizens;
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- 8 2. *Implores* Libya to enact legislative measures to better enforce Article 8 of the Libyan Constitutional
9 Declaration so as to protect equal opportunity for a proper standard of living and to secure access to work
10 and education;
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- 12 3. *Strongly suggests* that Libya allow access for the International Organization for Migration (IOM) to
13 identify people in internally displaced person camps for the purpose of data collection to appropriately
14 distribute humanitarian and medical aid;
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- 16 4. *Invites* Libya to establish educational, medical, and housing services stationed in Quick Impact Projects
17 (QIP) sites for internally displaced people as organized by the United Nations High Commissioner for
18 Refugees (UNHCR) with a special emphasis on disability, injury, and psychosocial distress;
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- 20 5. *Invites* Libya to collaborate with UN Women and civil society actors to construct a national action plan
21 specifically addressing women’s rights and bodily integrity as they pertain to internally displaced
22 populations;
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- 24 6. *Strongly encourages* Libya to work with the United Nations High Commissioner for Refugees (UNHCR)
25 and other UN agencies to lower risk and improve conditions in overcrowded refugee camps by:
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 - 27 a. Expanding the capacity and capabilities of preexisting refugee camps by providing greater access
28 to basic amenities such as shelter, education, medical care, potable drinking water, and food
29 through UNHCR Quick Impact Projects (QIPs);
 - 30 b. Improving the training of military escorts and its implementation through coordination with the
31 United Nations Support Mission in Libya’s Security Institutions Service (UNSMIL SIS);
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- 33 7. *Invites* Libya to host non-profit organizations, like the International Medical Corps, to help provide services
34 to migrants and asylum seekers while in refugee camps through:
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 - 36 a. Providing basic health care and nutrition to migrants and asylum seekers;
 - 37 b. Assisting women and children migrant and asylum seekers with gender-based violence prevention
38 and response services;
 - 39 c. Aiding the implementation of clean water and sanitation services, along with safe hygiene
40 practices;
- 41 8. *Urges* Libya to continue human rights education programs to raise awareness within communities of
42 fundamental human rights by working with the United Nations Development Program and the United
43 Nations Human Rights Office of the High Commissioner on accessing grants made available by the
44 Assisting Communities Together Project for civil society organizations in implementing human rights
45 activities in local communities;
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- 47 9. *Encourages* the introduction of grassroots, community-based efforts to spread information amongst Libya’s
48 most vulnerable populations regarding IOM’s Voluntary Humanitarian Return Charter, specifically
49 regarding the organization’s facilitation of safe travel and comprehensive post-arrival assistance;
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10. *Urges* Libya to sign a memorandum of understanding with the United Nations High Commissioner for Refugees (UNHCR), formalizing the presence of UNHCR in Libya and allowing the organization greater access to detained asylum seekers and migrants in order to:
 - a. Support local public services, such as hospitals and schools, which improve the living conditions of all people and promote community development;
 - b. Expand the Quick Impact Projects (QIPs) program, which incorporates active consultation with vulnerable communities to identify their needs;
 11. *Recommends* that Libya, in collaboration with existing programs, such as the United Nations Support Mission in Libya (UNSMIL) and the Stabilization Facility for Libya, to provide resources, such as housing and job opportunities, to the 300,000 Libyan citizens who were forced to flee due to violence and have now returned to their home state;
 12. *Advises* the continued partnership with UNICEF and the Ministry of Education to continue the “Our Education, Our Future” Program;
 13. *Recommends* the Ministry of Education to partner with local NGOs, like Kafaa Foundation, to help temporarily relocate schools out of conflict zones that have been closed in Tripoli in an effort to increase access to education for children living in Tripoli who have previously been unable to attend school due to the on-going conflict;
 14. *Strongly suggests* that Libya strengthen its partnership with UNICEF, in their inter-agency Rapid Response Mechanism and WASH assistance to ensure children have access to basic water, sanitation and hygiene within detention camps;
 15. *Invites* Libya to allow UNICEF and WHO to continue working with the Ministry of Health to provide healthcare to displaced people within detention centers;
 16. *Strongly suggests* the continued collaboration between UNICEF’s WASH team and the Ministry of Health to improve access to drinking water in schools;
 17. *Invites* Libya to work with UNICEF and its partners to start a psychological-based program and mental health services to assist children who have experienced violence as a result of the on-going conflict;
 18. *Encourages* Libya to immediately extend medical delivery for at risk populations, including: migrants, children, women, survivors of sexual assault, the disabled, elderly, chronically ill, and internally displaced people;
 19. *Calls Upon* Libya to equip local Health personnel with training and reinforcement with:
 - a. Recognition that Libya must achieve political stability before medical support is feasible;
 - b. The use of NGOs such as ACTED, an organization that enters conflict zones to empower health providers with technical and equipment resources, to conduct advanced medical trainings for nurses, physicians, and emergency medical technicians;
 20. *Urges* Libya to implement basic precautions to the rampant communicable disease outbreaks in refugee camps that could be prevented by:
 - a. Distributing hygiene kits with the aid of NGOs which have previous experience in assisting in IDP camps such as ACTED;
 - b. Increasing access to basic medication and mass vaccinations of women and children with UNICEF;
 - c. Providing access to clean water by simultaneously supplementing the widespread accessibility to desalination stations and pumping engines in order to create a more hygienic attitude to avoid

cross contamination of water sources and spread of waterborne diseases;

21. *Reaffirms* the need for improving access to sanitation facilities and reminds Libya of the goals set in collaboration with UNICEF in 2019 with the target of 30,000 people with improved access to these facilities;
22. *Recommends* the expansion of GNA Decision 445 to provide medical and psychological care as well as legal avenues for action to victims of sexual assault and violence within Libya;
23. *Emphasizes* the need for the government to establish political stability in order to facilitate safe and unimpeded passage to medical personnel, as well as their equipment, seeking to reach specific populations, such as those caught in conflict zones;
24. *Endorses* partnerships with NGOs and UN bodies to establish advocacy centers for specific vulnerable populations to help provide them access to physical, mental, and emotional health resources as well as access to judicial support in the case of inhumane treatment;
25. *Calls for* Libya to ratify the Rome Statute, ensuring that actors who commit human rights abuses in Libya are investigated and tried by the International Criminal Court (ICC) which would hold the Libyan National Army (LNA) and militant groups in Libya accountable for their war crimes as an objective third party;
26. *Expresses its hope* that Libya will host Amnesty International, The Society for Threatened People, The International Center for Transitional Justice (ICTJ), and/or any international human rights monitors willing to enter Libya, as they investigate the human rights violations occurring within its borders with the intent of buttressing ICC investigations with a focus on the LNA and militant organizations;
27. *Invites* Libya to seek advice on how to best investigate and prosecute members of organized crime and subversive terrorist networks from the Member States with experience investigating and prosecuting said groups such as Italy, the United Kingdom, and Ireland;
28. *Encourages* Libya to welcome the Working Group on Arbitrary Detention established by UN Commission on Human Rights (UNCHR) resolution 1991/42 to report on the conditions within Libya's indefinite detention centers and have their subsequent evaluation be guided by the understanding of Libya's limited capacity due to their emergent crisis situation and time of war;
29. *Recommends* Libya to allow humanitarian initiatives such as the REACH initiative, a joint initiative including the United Nations Operational Satellite Application Program (UNOSAT), to train GNA professionals on the proper use of the technology for accurate data collection via a training program analogous to the training of trainers (ToT) program in Antakya, Turkey;
30. *Strongly encourages* the Government of Libya to sign the Organization of African Unity (OAU) Convention Governing the Specific Aspects of Refugee Problems in Africa, in order to better engage in burden and responsibility sharing, solidarity and cooperation between the Member States, and explicitly prohibit cases of Libya committing refoulement against refugees;
31. *Invites* Libya to again request funding from international bodies like the European Union (EU) under the Horizon 2020 budget, for which Libya is automatically eligible, for the purposes of improving conditions at migrant centers, as in the annual aid that has taken place since 2016;
32. *Suggests* Libya to work with civil society groups, private sector groups, and other organizations to continually monitor the success of program implementation and manage data collection from a variety of sources on issues relating to rights of vulnerable persons such as migrants, asylum seekers, refugees, women and children, and victims of human trafficking to ensure transparency and accountability;

- 159 33. *Recommends* that Libya submit a mid-term report to the UPR, which will report on and assess the status of
160 the implementation of their accepted recommendations;
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- 162 34. *Recommends* Libya facilitate training with experts from UNDP and the World Bank Group on public
163 financial management (PFM) for both its national ministries and municipal governments, building upon
164 currently limited programming by the United States Agency for International Development, which will
165 allow for:
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- 167 a. Sustainable expansion of domestic resources that are essential to meeting vulnerable populations’
168 basic needs as guaranteed under the International Convention on Economic, Social and Cultural
169 Rights;
 - 170 b. Allocation of resources in a transparent and equitable manner for effective delivery of services,
171 including healthcare, housing, and education;
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- 173 35. *Urges* Libya to continue and expand community consultations with municipal authorities, local leaders, and
174 civil society regarding the rehabilitation of infrastructure damaged during conflict to give civilians access
175 to the most vital services, including healthcare and electricity;
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- 177 36. *Advises* Libya to work in collaboration with the Stabilization Facility for Libya (SFL) to expand its Social
178 Peace Partnerships to more cities within Libya, strengthening local peace-making and conflict reduction
179 partnerships with actors on the local level through:
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- 181 a. The reintegration of ex-combatants into civic life;
 - 182 b. Training and resources from the SFL for local organizations and authorities to monitor and
183 mediate potential conflicts before escalation;
 - 184 c. Forums through which the community can give feedback on development and peace projects to
185 local leaders;
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- 187 37. *Urges* the Libya Constitution Drafting Assembly (CDA), in accordance with Libyan Parliament, to
188 expedite the adaptation process of the proposed 2017 draft constitution in order to produce a source of
189 political legitimacy.
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191 The following recommendations will be examined by Libya, which will provide responses in due time:
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- 193 38. *Reminds* Libya to uphold their commitment to the Convention against Torture and Other Cruel, Inhuman or
194 Degrading Treatment or Punishment (CAT) regarding Internally Displaced Persons (IDP), refugees, and
195 asylum seekers in refugee detention camps with a special emphasis on Article 2.2, which states, “No
196 exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability
197 or any other public emergency, may be invoked as a justification of torture”;
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- 199 39. *Strongly urges* Libya to allow for the creation of a predictable and safe disembarkment mechanism for
200 migrants fleeing violence and abuse by the International Organization for Migration (IOM) and the
201 UNHCR through the provision of life-saving assistance and protection monitoring, as collaboration with
202 the organizations has allowed for migrants’ safe returns to their countries of origin in the past;
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- 204 40. *Implores* Libya to remember their commitment to Convention on the Rights of the Child and The Optional
205 Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict by
206 ending the practice of child soldiers within the country;
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- 208 41. *Recommends* that Libya authorize personnel to enter vulnerable locations such as refugee camps,
209 resettlement camps, conflict zones, and detention zones, with an express health focus to analyze and
210 evaluate medical condition;
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- 212 42. *Strongly recommends* that Libya focuses on women’s healthcare agency, including neonatal medicine, the
213 development of rehabilitation centers for survivors of sexual assault, mental health care services, and
214 obstetric care through:
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- 216 a. Cooperation with the Libyan Midwifery Association to allow nurses and midwives to ensure safe
217 delivery and refer complicated pregnancies to specialized health facilities;
 - 218 b. The establishment of houses for victim survivors sexual violence, both domestic and conflict-
219 related, to receive rape-related medical services safe from harassment and stigma;
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- 221 43. *Further recommends* that Libya reaffirm its commitment to the establishment of an Emergency
222 Management Department that fortifies health capacities by building the emergency operations of hospitals,
223 rapid response teams, and ambulance services with necessary equipment;
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- 225 44. *Strongly urges* the Government of Libya to ensure that allegations of torture, extra-judicial killings, war
226 crimes, and all other human rights violations are treated on an equal basis in order to:
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- 228 a. Hold violators of human rights from all parties accountable for their actions;
 - 229 b. Provide victims, particular detainees, with the ability to challenge their detention and lodge
230 complaints of torture against all parties;
 - 231 c. Fully comply with the Convention Against Torture and Other Cruel, Inhuman or Degrading
232 Treatment or Punishment, which requires Libya to investigate all allegations of torture and
233 prosecute all alleged perpetrators;
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- 235 45. *Calls Upon* Libya to adhere fully to the United Nations Declaration of Human Rights Freedom of
236 Movement in its handling of the migrant crisis;
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- 238 46. *Urges* Libya to work cooperatively with the UN High Commissioner for Refugees to facilitate the
239 voluntary resettlement of migrants from Libya.
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241 The recommendations listed below did not enjoy the support of Libya and would thus be noted:
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- 243 47. *Advises* Libya to become a party to the 1967 Protocol to the United Nations Convention relating to the
244 Status of Refugees;
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- 246 48. *Encourages* the amendment of GNA Decision 380 to migrants, IDPs, and refugees affected by sexual
247 violence within Libya as a result of Libyan National Army actions allowing them the title of “war victim”
248 and entitling them to the provision of healthcare including psychological care;
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- 250 49. *Calls for* Libya to allow investigators like REACH to also inspect conditions and interview migrants within
251 migrant camps to verify the validity of claims regarding the distribution of aid made by the GNA;
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- 253 50. *Expresses its hope* that, once Libya has taken concrete steps towards stabilization and following the
254 collection of accurate and verifiable data concerning the populations within the indefinite detention camps
255 present in Libya, the Government of Libya will allow existing sources of humanitarian aid to work
256 alongside UN agencies such as the Human Rights Council, and various watchdog NGOs to ensure that aid
257 reaches those who are most vulnerable within the detention camps.