



Coalition of Libyan Human Rights Organisations¹: Recommendations for Libya's Upcoming Universal Periodic Review

The Coalition of Libyan Human Rights Organisations sets out below its key recommendations for Libya's upcoming Universal Periodic Review. The Coalition is ready to provide its technical assistance throughout the Universal Periodic Review process. For enquiries, please contact Aml El-Houderi at aml@libyanjustice.org.

Freedom of Expression:

1. Promote and protect the right to freedom of expression which includes freedom of the press and other media, freedom to seek, receive and impart information or ideas of any kind, freedom of artistic creativity, freedom from censorship and freedom to hold and express one's opinion without interference.
2. Ensure that a constitution is adopted which provides a constitutional definition of freedom of expression that accords with Libya's international obligations, and ensure that no limitations to freedom of expression are included in the constitution unless they accord within international norms.
3. Repeal all legal measures that provide disproportionate penalties for crimes linked to freedom of expression, such as defamation, including Penal Code Articles 178, 205, 245 and 439, as well as articles which currently prescribe the death penalty, notably Articles 203 and 207.
4. Ensure the right to access information and records held by the state and public bodies and ensure that national legislation is enacted to give effect to this right.
5. Ensure the safety of civil society, including activists and human rights defenders and conduct impartial, thorough and effective investigations into all cases of attacks, harassment, and intimidation and bring to justice all perpetrators of such offenses, ensuring they are held accountable for their crimes.
6. Amend Law 65 of 2012 in relation to the right to free assembly so that it conforms to Libya's international obligations, notably by repealing Articles 4, 5 and 10, which impose arbitrary restrictions on protestors, including the imposition of criminal sanctions for gatherings in violation of procedural requirements of the law.
7. Lift restrictions which are intended to prevent the work of civil society organisations, including by repealing Law 19 of 2003. Adopt a law of civil society that is consistent with international freedom of association standards, and which guarantees the

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Libyan Association for Tebu Culture (LATC);
Al Nisaa Qadimat Movement (the Women are Coming Movement); and
Lawyers for Justice in Libya (LFJL)

protection of human rights defenders and other actors and which allows them to operate without arbitrary restrictions.

8. Ensure that the future constitution is supportive of civil society organisations and does not impose administrative restrictions, such as registration and funding restrictions, which are intended to prevent the effective operation of civil society.

Freedom of Press

1. Ensure that no state entity restricts the right to freedom of the press. Media practitioners must be free to express their views including criticism of state entities without arbitrary restrictions. In particular, repeal Article 13 of Law 15 of 2012, which restricts freedom of the press by prohibiting media discussion of religious opinions (*fatwas*) issued by the National Council of Islamic Jurisprudence (*Dar Al-Ifta*), as well as Law 5 of 2014 which imposes criminal sanction for any insulting remarks publicly directed at the executive, judiciary, and the legislature or any of their members, or insulting the Nation's flag.
2. Ensure a safe and enabling environment for media practitioners to perform their work independently and without undue interference, including by protecting media institutions. Ensure that any violation against them is investigated and that those responsible duly prosecuted.
3. Respect the plurality and independence of the media, in particular repeal Decree 5 of 2014 that calls for the ban of broadcasting by several satellite channels in Libya, which are "hostile to the February 17 revolution," and adopt transparent mechanisms.

Women's Rights

1. Eliminate violence against women, in particular by adopting laws to criminalise and prevent violence against women, including sexual and domestic violence, and which includes clear and enforceable provisions.
2. Adopt a national plan to eliminate stereotypes regarding the role of women in society, and guarantee equality between men and women, including the ability of women to move without restraints and disallowing polygamy without the consent of any current wife.
3. Ensure that the future constitutional framework grants the ability of Libyan women to pass their nationality on to their children.
4. Adopt a gender sensitive approach to ensure *de facto* gender equality in areas of socio-economic rights, ensuring non-discriminatory access to all areas of employment, education and healthcare.
5. Promote women's representation and participation in politics and increase awareness among all sections of the community regarding human rights of women, including by using special measures such as quotas to ensure the participation of

women in all levels of government and in state institutions, including by adopting measures at the constitutional level.

Disability Rights

1. Ratify the Convention on the Rights of Persons with Disabilities and its Optional Protocol, adopt domestic legislation that implement the Convention and its Optional Protocol and ensure that all laws conform to the Convention and its Optional Protocol.
2. Ensure the autonomy and fundamental human dignity of those with disabilities. In particular, amend provisions which violate such autonomy and dignity, such as Article 7 of Law 5 of 1987 related to people with disabilities which specifies that persons with disabilities should reside with their family and only be provided with accommodation when necessary.
3. Remove all types of discrimination against persons with disabilities, including discrimination on the basis of political associations. In particular, amend the definition of people with disabilities in Law 4 of 2013 which discriminates between people with disabilities drawing a distinction between those associated with the February 17 Revolution and those who are not.
4. Ensure inclusive education for persons with disabilities by providing all students with disabilities, including physical and cognitive disabilities, access to state funded education across Libya.
5. Establish centres for people with disabilities across Libya and provide specialist trained staff and all necessary equipment to promote the development of people with disabilities.
6. Adopt a holistic constitutional framework in respect of the rights of persons with disabilities, including in respect of access to economic, social and cultural rights such as education and health.

Internally Displaced Persons

1. Adopt and enforce comprehensive legislation to alleviate the suffering, and to improve the living conditions, of all internally displaced persons.
2. Ensure access by internally displaced persons to drinking water and sanitation, food and nutrition, as well as health services.
3. Facilitate and ensure the safe return of internally displaced persons to their places of origin, with special protection for women and children.
4. Protect internally displaced persons against violence, including protection from attacks on internally displaced person camps.
5. Promote access to education, healthcare and ensure political participation of internally displaced persons.
6. Remove all types of discrimination against internally displaced persons including discrimination on the basis of political association, including by amending

discriminatory articles of Law 1 of 2014 related to families of martyrs and the missing in the 17 February Uprising, particularly in relation to the definition of the “missing,” which defines the missing as only those who fought *with* the 17 February Uprising.

Minorities

1. Ensure the security and protection of ethnic, religious and political minorities including by providing an environment that is safe and free of intimidation and violence, by protecting sites of religious and cultural significance and by ensuring all abuses against these groups are duly investigated and those responsible prosecuted.
2. Ensure the meaningful representation and participation of minorities in political processes including by using special measures such as quotas to ensure the participation of minorities in all levels of government and in state institutions.
3. Ensure that minorities are defined in legislation in a manner consistent with Libya’s international obligations including by amending laws that reference ‘cultural and linguistic components’, such as Law 18 of 2013.
4. End discrimination against minority groups, particularly in relation to their right to access Libyan citizenship, education, healthcare as well as freedom of conscience and belief. Ensure that these rights are enshrined in the constitution.
5. Ensure the ability of minorities to use their language in all administrative functions, including, in relation to education, by enabling minorities to teach their languages in state schools.
6. Ensure that minority languages are protected in the constitution.
7. Promote a culture which recognising the diverse cultural and linguistic identity of Libya, including by implementing Article 5 of Law 18 of 2013, particularly in relation to the establishment of research and historical centres for the protection of the cultural and linguistic identity of the Tebu, Tuareg and Amazigh.

Freedom from Torture

1. Adopt a comprehensive constitutional framework from within which the prohibition of torture is enforced.
2. Ensure legislative and *de facto* protection against *refoulement* in accordance with Article 3 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In particular, amend Law 10 of 2013 Criminalising Torture, Enforced Disappearances and Discrimination to ensure that it is fully consistent with the convention.
3. Ensure that allegations of torture are investigated in a prompt and impartial manner in accordance with Article 12 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Torture victims must obtain redress and have an enforceable right to fair and adequate compensation in accordance with Article 14(1) of the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

4. Become a party to the 2002 Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and establish an independent national preventive mechanism for the prevention of torture in accordance with Article 17 of OP-CAT.
5. Become a party to the 2006 International Convention for the Protection of All Persons from Enforced Disappearance and, in accordance with Article 31(1) of the convention, recognise the competence of the Committee on Enforced Disappearances to receive and consider individual communications.
6. Adopt national legislation in accordance with Article 22(1) of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to recognise the competence of the Committee against Torture to receive and consider individual communications.
7. Lift all amnesties including on the basis of revolutionary legitimacy. In particular, repeal Article 4 of Law 38 of 2012 which provides a blanket amnesty for any acts made necessary to protect the 17 February revolution and which promotes a culture of impunity for human rights violations committed in the name of 17 February revolution.

