



# General Assembly

Distr.: General  
11 June 2019

Original: English

---

## Seventy-fourth session

Item 116 (c) of the preliminary list\*

**Elections to fill vacancies in subsidiary organs and other elections: election of members of the Human Rights Council**

### **Note verbale dated 7 June 2019 from the Permanent Mission of Libya to the United Nations addressed to the President of the General Assembly**

The Permanent Mission of the State of Libya to the United Nations presents its compliments to the President of the General Assembly and has the honour to refer to the candidature of the State of Libya to the Human Rights Council for the term 2020–2022, at the elections to be held during the seventy-fourth session of the General Assembly, in New York.

In accordance with General Assembly resolution [60/251](#), the Permanent Mission of the State of Libya to the United Nations has the further honour to transmit the voluntary pledges and commitments reaffirming that the promotion and protection of human rights is a priority of the foreign policy of the State of Libya (see annex).

The Permanent Mission of the State of Libya would be grateful if the present note and its annex could be circulated as a document of the General Assembly.

---

\* [A/74/50](#).



## **Annex to the note verbale dated 7 June 2019 from the Permanent Mission of Libya to the United Nations addressed to the President of the General Assembly**

### **Candidature of Libya to the Human Rights Council, 2020–2022**

#### **Voluntary pledges and commitments pursuant to General Assembly resolution [60/251](#)**

##### **Introduction**

1. The widespread issues affecting human rights have been a constant challenge on which the contemporary world has focused attention. Hence, the United Nations, through its entities, has acted to safeguard, protect and promote human rights all over the world.
2. As a Member State, Libya is among the countries that heed the fulfilment of their obligations to respect human rights and the rule of law. It has acceded to and ratified all fundamental human rights conventions. It has worked in cooperation with the international community to ensure the promotion and advancement of human rights. Libya is honoured to present its candidature for the Human Rights Council for the period 2020–2022.
3. Through its official institutions, Libya is fully committed to the promotion and protection of human rights principles at the national, regional and international levels and advocates a broad concept of human rights that includes, in addition to the well-known human rights, the right to direct participation in public life, the right to development and the right to live in a world free of nuclear weapons and weapons of mass destruction. Libya commits itself to continuing to work in cooperation with other countries to consolidate this concept in all countries of the world and to protect these rights in accordance with existing mechanisms under the Human Rights Council.
4. Despite the existing political conditions in the country, Libya is convinced of the necessity to respect internationally agreed human rights standards. Many of the fundamental laws ensuring legal and judicial protection of these rights have been enacted in Libya, along with the establishment of the National Commission for Human Rights, the National Fact-finding and Reconciliation Commission under Act No. 29 (2013) on transitional justice, and the National Council for Civil Liberties and Human Rights, in compliance with the country's obligations pursuant to international law regarding accountability. Moreover, numerous civil society organizations have started playing an important role in promoting the culture and standards of human rights, which have for the first time been introduced in the educational programmes of colleges and law schools. Among other things, the improvement of conditions in prisons has become part of a national advanced programme that ensures the training of judicial police officers, which is critical to implementing reforms with respect to human rights. Consequently, plans have been adopted with the aim of rehabilitating prisoners and ensuring their successful reintegration into society after their release.
5. Guided by the universal principles of human rights, the State of Libya, in its clear intent to become a member of the Human Rights Council, hereby presents its current practices and actions with respect to the following array of human rights concerns:
6. **Protection and enforcement of legislation.** The legislative protection of human rights includes basic legislation and other ordinary legislation, including Act No. 20 (1991) on the promotion of freedom, as well as the ratification of and accession to the relevant international conventions. The Act was inspired by international

human rights charters and treaties. Its articles are dedicated to setting out the guiding principles of international human rights and freedoms. It is a fundamental law that also provides for the amendment, where necessary, of all conflicting legislation, including previously existing legislation, and provides that the rights it proclaims are not subject to statutory limitations and cannot be rendered less effective or be abrogated.

7. **Other legislation.** Other legislation includes civil, commercial and criminal laws dedicated to setting out the relationships between individuals and the relationships between individuals and public or private institutions. Those laws were inspired in particular by French and Italian legislation, as well as by Islamic Sharia.

8. **International treaties and conventions.** Libya has adopted and acceded to the majority of international human rights conventions, and it is worth mentioning that the legal system in Libya gives priority to international treaties and conventions over national law. Their implementation takes priority in cases of conflicting legislation. This gives greater importance to international conventions, undoubtedly leads to complementarities in the legislative protection system for human rights and prevents the emergence of breaches in the system as a whole. Those conventions include the following:

- (a) International Convention on the Elimination of All Forms of Racial Discrimination (3 July 1968);
- (b) International Covenant on Economic, Social and Cultural Rights (15 May 1970);
- (c) International Covenant on Civil and Political Rights (15 May 1970);
- (d) International Convention on the Suppression and Punishment of the Crime of Apartheid (8 July 1976);
- (e) African Charter on Human and Peoples' Rights (26 March 1987);
- (f) International Convention against Apartheid in Sports (29 June 1988);
- (g) Optional Protocol to the International Covenant on Civil and Political Rights (16 May 1989);
- (h) Convention on the Prevention and Punishment of the Crime of Genocide (16 May 1989);
- (i) Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity (16 May 1989);
- (j) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (16 May 1989);
- (k) Convention on the Elimination of All Forms of Discrimination against Women (16 May 1989);
- (l) Convention on the Rights of the Child (15 April 1993);
- (m) International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (18 June 2004);
- (n) Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (18 June 2004);
- (o) Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (29 October 2004);
- (p) Arab Charter on Human Rights (7 August 2006);

(q) Convention on the Rights of Persons with Disabilities (13 February 2018).

9. **Judicial protection.** Libya offers judicial protection for human rights and freedoms through a national judicial system represented by courts of justice at a horizontal level everywhere in the country, ranging from the Court of First Instance to the Supreme Court. The Judicial System Act of 2006 provides a series of legal principles, provisions and rules that are in conformity with internationally accepted standards for fair trials, including, in particular:

- (a) The independence and neutrality of judges;
- (b) The guarantee, for all individuals, without discrimination, of the right to access to justice;
- (c) The guarantee, for all individuals, without discrimination, of free access to justice;
- (d) The multilevel judicial system;
- (e) Public trial sessions;
- (f) The right to be assisted by a lawyer.

10. **Prisons.** The existing law on prisons in Libya is considered one of the most modern such laws in the world. The prisons are called “reform and rehabilitation institutions”. The aim of those institutions is to rehabilitate prisoners and reintegrate them into society after their release. The main provisions stated in the law are as follows:

- (a) Prisons are divided into different categories: principal prisons, local prisons, special open prisons and semi-open prisons;
- (b) Prisoners are classified and assigned to prisons according to the nature of their crimes;
- (c) Classification is also related to the age of the prisoner;
- (d) It is explicitly stated that no individual is to be imprisoned without a judicial decision;
- (e) Preventive detainees are separated from sentenced prisoners;
- (f) Female prisoners are separated from male prisoners;
- (g) Pregnant women are detained in social care institutions;
- (h) Prisoners have the right to exercise a remunerated activity in or outside the institution;
- (i) Prisoners have the right to education;
- (j) Prisoners have the right to health and social care, to receive visitors and to keep up correspondence;
- (k) Prisons are subject to judicial control and placed under the administrative authority of the Ministry of Justice.

11. **National Commission for Human Rights.** The National Commission for Human Rights was established in 2007. It is a national institution that operates in accordance with the Paris Principles. It enjoys complete administrative and financial independence from the State. It is composed of committed, experienced specialists in the human rights field. The Commission aims to promote human rights and law enforcement with adequate transparency. In this respect, the Commission cooperates with United Nations organizations and related institutions in other countries, and

examines complaints submitted by individuals regarding any alleged human rights violations.

12. With regard to major developments in the field of human rights in Libya, chapter I, article 4, of the Constitutional Declaration issued on 3 August 2011 provides that the State shall work to establish a civil, political and democratic regime built on political and party pluralism for the peaceful succession of power.

13. Chapter II of the Constitutional Declaration addresses the issue of public rights and freedoms. Chapter I, article 1, provides for linguistic and cultural rights for all groups in Libyan society, including the Amazigh, the Tebu and the Tuareg. In accordance with chapter II, article 7, the State is committed to maintaining human rights and basic freedoms and shall work to issue new legislation to ensure them. Chapter I, article 5, sets out the provisions for the protection of mothers, children and the elderly, and relating to care for youth and those with special needs.

14. The National Council for Civil Liberties and Human Rights was established by Act No. 5 (2011) in accordance with the Paris Principles. The Council aims at maintaining, promoting and defending civil rights. The Council also aims at monitoring and documenting violations, as well as promoting and strengthening civil society organizations.

15. The Civil Society Commission was established by decision No. 649 (2013). The Commission is required to register and monitor civil society organizations to ensure their functioning in accordance with existing laws and legislation.

16. **Transitional justice and national reconciliation.** With regard to transitional justice and national reconciliation, a number of laws and decisions have been adopted, including Act No. 29 (2013) on transitional justice, which abrogated Act No. 17 (2012) and established the National Fact-finding and Reconciliation Commission, a fund for victims and the Office of the Ombudsman.

17. Other laws adopted include Act No. 29 (2012) on the right to establish and join political parties, Act No. 65 (2012) regulating the right to peaceful protest, Act No. 10 (2013) criminalizing torture, forced disappearance and discrimination, Act No. 11 (2013) amending provisions of the Military Penal Code and the Code of Criminal Procedures to specify that civilians shall not be tried by military court, Act No. 50 (2012) on compensation for political prisoners, and decision No. 39 (2012) establishing a permanent committee to monitor human rights in Libya within the Ministry of Justice.

18. With regard to economic, social and cultural rights, a law was adopted to raise the minimum wage in the public sector and to raise the minimum basic allowances and social security. In terms of family development, the Marriage Support Fund was established to help those who are approaching marriage, and Act No. 63 (2012) was adopted to establish an anti-corruption commission, in addition to Act No. 18 (2013) on the rights of cultural and linguistic groups.

19. With regard to the right to education, a national plan was put in place in February 2014 to implement the Arab education plan based on the principles of human rights in accordance with the decision of the Council of the League of Arab States.

20. With regard to the right of cultural groups to education, Act No. 18 (2013) on the rights of cultural and linguistic groups was adopted. The Amazigh language will be included in the scholastic curriculum from the first grade to the fourth grade in areas where Amazigh is in use.

21. **Women and children.** Libya pays great attention to women and children, considering that the woman is the pillar of the family, which constitutes the nucleus of society, and that today's children are tomorrow's citizens. This consideration stems

primarily from Islamic Sharia, which dignifies women, elevates their status and promotes their rights. Libya has ratified all conventions on the rights of women and children. Regarding the rights of the child, Libya supported General Assembly resolution 1386 (XIV), entitled “Declaration of the Rights of the Child”, and adopted the Charter on the Rights of the Arab Child. Libya also adopted Act No. 5 (1997), which secures the protection and promotion of the rights of the child, a process which gave rise to the High Council for Childhood.

22. If Libya is elected a member of the Human Rights Council, it will contribute, with other members, to making the Council more efficient and transparent, and to keeping it away from politicization, in order to support and protect human rights everywhere in the world in accordance with international conventions and instruments. In particular, Libya will:

(a) Contribute and work through regional human rights mechanisms, especially as a State member of the League of Arab States, the African Union, the Organization of Islamic Cooperation and the Non-Aligned Movement, to advance and promote human rights;

(b) Lend its support to the Office of the United Nations High Commissioner for Human Rights in accordance with its mechanisms and cooperate with the Office to facilitate the achievement of its tasks in the field of human rights;

(c) Commit itself to strengthening cooperation and to establishing a constructive dialogue with all civil society organizations and non-governmental organizations active in the field of human rights at the national and international levels, and to maintaining a sustainable network to promote protection capacities and the implementation of human rights;

(d) Exert every effort to realize and promote the right to development as a fundamental right for all, which will be possible only if an agreement is reached on the creation of a legally binding international standard for all States to enforce the implementation of the law as part of its quest for development through productive cooperation and serious dialogue among all Member States;

(e) Commit itself to continuing to support the United Nations programmes that play an important role in the protection of human rights, and to cooperating with the Organization throughout the world;

(f) Cooperate fully with all Member States, in particular with members of the Human Rights Council, in order to support and promote the work of the Council and to facilitate the achievement of the tasks set forth under its mandate, taking into account the principles of impartiality and objectivity, and avoiding any selective approach regarding the comprehensive universal periodic review mechanism;

(g) Cooperate with Member States to ensure the necessary protection of international human rights instruments and related conventions.