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## **Draft report of the Working Group on the Universal Periodic Review\***

### **Libyan Arab Jamahiriya**

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\* The final document will be issued under the symbol A/HRC/16/15. The annex to the present report is circulated as received.

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## Introduction

1. The Working Group on the Universal Periodic Review, established in accordance with Human Rights Council resolution 5/1, held its ninth session from 1 to 12 November 2010. The review of the Libyan Arab Jamahiriya was held at the 13 meeting, on 9 November 2010. The delegation of the Libyan Arab Jamahiriya was headed by the Vice-Minister for European Affairs at the Ministry of Foreign Affairs, Abdulati I. Alobidi. At its 17th meeting, held on 12 November 2010, the Working Group adopted the report on the Libyan Arab Jamahiriya.

2. On 21 June 2010, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of the Libyan Arab Jamahiriya: Argentina, Norway and Senegal.

3. In accordance with paragraph 15 of the annex to resolution 5/1, the following documents were issued for the review of the Libyan Arab Jamahiriya:

(a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/9/LBY/1);

(b) A compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/9/LBY/2);

(c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/9/LBY/3).

4. A list of questions prepared in advance by the United Kingdom of Great Britain and Northern Ireland, the Czech Republic, Denmark, Germany, Latvia, Norway, Slovenia, Sweden and the Netherlands was transmitted to the Libyan Arab Jamahiriya through the troika. Those questions are available on the extranet of the universal periodic review.

## I. Summary of the proceedings of the review process

5. During the interactive dialogue, statements were made by 46 delegations. A number of delegations commended the Libyan Arab Jamahiriya for the preparation and presentation of its national report, noting the broad consultation process with stakeholders in the preparation phase. Several delegations also noted with appreciation the country's commitment to upholding human rights on the ground. Additional statements, which could not be delivered during the interactive dialogue owing to time constraints, will be posted on the extranet of the universal periodic review when available.<sup>1</sup> Recommendations made during the dialogue are found in section II of the present report.

### A. Presentation by the State under review

6. The Libyan Arab Jamahiriya stated that it highly valued the universal periodic review as one of the most important human rights mechanisms in the United Nations, in

<sup>1</sup> Denmark, China, Italy, the Netherlands, Mauritania, Slovenia, Nicaragua, the Russian Federation, Spain, Indonesia, Sweden, Norway, Ecuador, Hungary, South Africa, the Philippines, Maldives, Chile, Singapore, Germany, Austria, Kazakhstan, Latvia, Angola, Nigeria, Congo, Burundi, Zambia, Rwanda, Burkina Faso, Senegal, Côte d'Ivoire, Djibouti and Zimbabwe.

which all countries were equal. It was a neutral, non-selective mechanism, with no double standards.

7. The delegation noted that the national report had been prepared in a transparent and consultative manner. A national committee had been established with the participation of representatives from all relevant sectors. Consultations with civil society organizations and relevant stakeholders had also been held.

8. The Libyan Arab Jamahiriya believed that the promotion and protection of human rights was one of the most important factors for the progress and development of the people. The first declaration of the Great Alfateh Revolution in 1969 had called for equality and non-discrimination, and in 1977 the People's Authority had been declared. In 1988, the Libyan Arab Jamahiriya had issued the Great Green Document on Human Rights, which provided that all human beings were born free and equal, with no difference between men and women. In 1991, Law No. 20 on Strengthening Freedoms had also been enacted. The Libyan Arab Jamahiriya was party to most human rights treaties and the protocols thereto, and those instruments took precedence over national laws and could be directly applied by the courts once they had been ratified.

9. The Libyan Arab Jamahiriya also referred to its interaction with the human rights special procedures. Recently, invitations had been addressed to the Special Rapporteur on the right to education and the Special Rapporteur on the sale of children, child prostitution and child pornography. The Libyan Arab Jamahiriya was awaiting their responses to those invitations. On 30 June 2010, the Libyan Arab Jamahiriya had also invited Amnesty International to visit the country to see for itself that the Libyan Arab Jamahiriya had never forcibly evicted or discriminated against any member of the Toubou tribe.

10. The delegation noted that all rights and freedoms were contained in a coherent, consolidated legal framework. The legal guarantees formed the basis for protection of the basic rights of the people. Further, abuses that might occur were dealt with by the judiciary, and the perpetrators were brought before justice. The judiciary safeguarded the rights of individuals and was assisted by other entities, most importantly the Office of the Public Prosecutor. A National Human Rights Commission, with a mandate based on the Paris Principles, had also been established, in 2007. The aforementioned entities were complemented by newly established mechanisms, such as civil society organizations established under Law No. 19 of 2001.

11. Protection of human rights was guaranteed in the Libyan Arab Jamahiriya; this included not only political rights, but also economic, social and cultural rights. The Libyan Arab Jamahiriya referred to its pioneering experience in the field of wealth distribution and labour rights.

12. The delegation indicated that women were highly regarded in the Libyan Arab Jamahiriya, and their rights were guaranteed by all laws and legislation. Discriminatory laws had been revoked. Libyan women occupied prominent positions in the public sector, the judicial system, the public prosecutor's office, the police and the military. Libyan legislation also guaranteed children their rights, and provided for special care for children with special needs, the elderly and persons with disabilities.

13. Illegal immigration was one of the greatest challenges faced by the country. Illegal immigration had a negative impact on the State budget, development, health, environmental programmes and social stability. The Libyan Arab Jamahiriya looked forward to coordination and cooperation with concerned countries, particularly European countries of destination for migrants, to set up comprehensive programmes to address the economic and social roots of this phenomenon by helping immigrants to settle in their own countries, providing them with work opportunities and assisting their countries in development plans.

14. The Libyan Arab Jamahiriya believed that human rights education was a duty that should be fulfilled in the school system and the family system and by relevant civil society organizations.

15. The delegation provided responses to some of the questions asked in advance, indicating that it hoped that delegations would respect the religious, social and cultural specificities of the Libyan people.

16. The Libyan Arab Jamahiriya noted that laws safeguarded freedom of expression through principles enshrined in the Great Green Document. Article 5 promoted the right of expression of every person. This right had been enshrined in the Code on the Promotion of Freedom, which, in its article 8, stated that "each citizen has the right to express his opinions and ideas openly in People's Congresses and in all mass media, no citizen is questioned on the exercise of this right unless this has been abused in a way that prejudices the People's Authority or is used for personal interest, and it is prohibited to advocate ideas and opinions in a clandestine manner or to seek to disseminate them through force, temptation or terrorism". Additionally, it was a basic law with which all contradictory or conflicting legislation should be compatible and was to be amended accordingly. In the context of freedom of expression, each citizen, male or female, who had reached the age of 18 was entitled to membership in the Basic People's Congresses and, by virtue of that membership, had the right to express his or her opinion on any matter. Further, in view of the growth of information networks, restrictions imposed on freedom of expression had become an obsolete issue and such freedom could be prevented. With regarding to revoking legislation that restricted freedom of expression, the Libyan Arab Jamahiriya indicated that such legislation does not exist and that Libyan basic law explicitly mentioned freedom of expression.

17. Freedom of religion was also guaranteed, in accordance with basic laws and the Green Document, which stipulated that religion was a private spiritual and individual value and constituted a direct relationship with the Creator (God).

18. Regarding measures taken to prevent torture and ill treatment in detention centres or prisons, the Libyan Arab Jamahiriya indicated that the practice of torture and ill treatment was forbidden in article 434 of the Penal Code, which stated that public officials who had ordered the torture of a person or had committed an act of torture were sentenced to 3 to 10 years' imprisonment. Article 17 of the Promotion of Freedom Act stipulated that society forbade penalties that undermined the dignity of a person and inflicted physical harm or material injury. The legislation adequately addressed this issue; therefore, new measures were unnecessary in this context.

19. People who had been harmed could file a complaint with the general prosecutor. The public prosecutor's office periodically inspected police and prison centres during unannounced visits. From 1 January 2009 until 30 June 2010, the prosecutor had dealt with 7 cases involving torture and 66 cases involving the withholding of liberty. This showed that these were individual cases and that the issue did not constitute a national phenomenon.

20. Regarding extending invitations to special procedures, the Libyan Arab Jamahiriya reaffirmed its cooperation with these procedures, provided that mandate holders abided by the Code of Conduct governing their work, that they respected the mandate entrusted to them by the Council and that they did not interfere in the internal affairs of the State. The Libyan Arab Jamahiriya had extended invitations to the Special Rapporteur on the right to education and the Special Rapporteur on the sale of children, prostitution and pornography.

21. With regard to the extent of consultation with civil society in the preparation of the national report, as indicated earlier, the Libyan Arab Jamahiriya noted that a Committee had been established to include all human rights authorities in addressing this matter.

22. Concerning the question of the presence of independent national human rights institutions, numerous human rights organizations had been established under Act No. 19/2001, including, most notably, the Wa'itasimo foundation, the Kadafi International Charity and the Development Foundation.

23. Regarding the amendment introduced in the Civil and Press Codes, a new bill that would regulate mass media in a comprehensive manner was envisaged. Some media representatives, particularly journalists, had suggested that the bill should be further examined by relevant media unions, owners of newspapers and independent broadcasts so that it could achieve its intended goal. In the Civil Code, the texts concerning commercial activities and branches had been regulated under Act No. 23 of 2010. Concerning civil issues, a partial amendment to the matter that required legal improvements was currently under consideration by the General People's Committee.

24. Concerning progress in the investigations into the disturbances of the Abu Salim prison, the investigations were being carried out by a judge of the High Court assigned to do so by the General Assembly of the Supreme Court. Work was still in progress, and the National Human Rights Committee was awaiting the results of the investigations. Persons and their relatives involved in this issue had entered into negotiations, in accordance with social traditions, and some had been provided with financial reparations for damages, remaining cases had been brought before the courts.

25. With regard to the release of all political prisoners, those who had abandoned the use of terrorist acts had been released.

26. Regarding the granting of nationality to children born by Libyan women married to foreigners, Code No. 24 of 2010, granting such children the right to acquire Libyan nationality, was currently in the process of being published.

27. With respect to the country's strategy for dealing with illegal immigration, it was based on two points: first, urging concerted international efforts, and secondly, legislative action provided for in Law No. 19/2010 on illegal immigration, imposing rigid penalties on those who had transferred or prepared false documents for illegal immigrants.

28. Regarding the steps taken to implement the 2009 recommendations of the Committee on the Elimination of Discrimination against Women, the Libyan Arab Jamahiriya was scheduled to provide responses to the observations in the periodic report due in 2014. Some steps had been taken already, such as the establishment of a joint committee, including the Secretariat of Women Affairs of the General People's Congress, the National Planning Council and the General People's Committee for Social Affairs, to develop a working strategy for promoting the political, economic and social empowerment of women. An agreement had been reached between the representative of the United Nations Development Programme in the Libyan Arab Jamahiriya and the Women's Affairs Secretariat with a view to cooperation with the United Nations country team.

## **B. Interactive dialogue and responses by the State under review**

29. Algeria noted the efforts of the Libyan Arab Jamahiriya to promote human rights, which reflected the country's commitment to complying with Human Rights Council resolutions and cooperating with the international community. Algeria welcomed the national institutional framework that had been set up, in particular the National Human Rights Committee. It noted that the country had made some progress in the area of education, as well as social and economic progress since the lifting of economic sanctions. It also noted the challenge of increased illegal immigration. Algeria made recommendations.

30. Qatar praised the legal framework for the protection of human rights and freedoms, including, inter alia, its criminal code and criminal procedure law, which provided legal guarantees for the implementation of those rights. Qatar expressed appreciation for the improvements made in the areas of education and health care, the rights of women, children and the elderly, and the situation of people with special needs. Qatar inquired about measures to tackle illegal immigration. Qatar made a recommendation.

31. The Sudan inquired if the Libyan Arab Jamahiriya could provide it with information about the initiative to distribute wealth to low-income families and whether the country considered this to be the best means to improve the standard of living of families with limited resources. It noted the country's positive experience in achieving a high school enrolment rate and improvements in the education of women. The Sudan made recommendations.

32. The Syrian Arab Republic praised the Libyan Arab Jamahiriya for its serious commitment to and interaction with the Human Rights Council and its mechanisms. It commended the country for its democratic regime based on promoting the people's authority through the holding of public conferences, which enhanced development and respect for human rights, while respecting cultural and religious traditions. It asked about the social care system for the elderly and the living conditions at their special homes. The Syrian Arab Republic made a recommendation.

33. The Democratic People's Republic of Korea praised the Libyan Arab Jamahiriya for its achievements in the protection of human rights, especially in the field of economic and social rights, including income augmentation, social care, a free education system, increased delivery of health-care services, care for people with disabilities, and efforts to empower women. It noted the functioning of the constitutional and legislative framework and national entities. The Democratic People's Republic of Korea made recommendations.

34. Bahrain noted that the Libyan Arab Jamahiriya had adopted various policies aimed at improving human rights, in particular the right to education and the rights of persons with disabilities. Bahrain commended the free education system and praised programmes such as electronic examinations and teacher training. It commended the country for its efforts regarding persons with disabilities, particularly all the services and rehabilitation programmes provided. Bahrain made a recommendation.

35. Palestine commended the Libyan Arab Jamahiriya for the consultations held with civil society in the preparation of the national report, which demonstrated its commitment to the improved enjoyment of human rights. Palestine praised the country for the Great Green Document on Human Rights. It noted the establishment of the national independent institution entrusted with promoting and protecting human rights, which had many of the competencies set out in the Paris Principles. It also noted the interaction of the Libyan Arab Jamahiriya with human rights mechanisms.

36. Iraq commended the Libyan Arab Jamahiriya for being a party to most international and regional human rights instruments, which took precedence over its national legislation. It welcomed the efforts to present a comprehensive overview of the human rights situation in the country based on the unity among democracy, development and human rights. It also commended the Libyan Arab Jamahiriya for its cooperation with the international community. Iraq made recommendations.

37. Saudi Arabia commended the Libyan Arab Jamahiriya's achievements in its constitutional, legislative and institutional frameworks, which showed the importance that the country attached to human rights, and for the fact that international treaties took precedence over its national legislation. It noted that the Libyan Arab Jamahiriya had become party to many human rights conventions and had equipped itself with a number of

institutions, national, governmental and non-governmental, tasked with promoting and protecting human rights. Saudi Arabia made a recommendation.

38. Tunisia welcomed the national report, as well as the efforts of the National Committee, such as the website created to gather contributions. Tunisia noted progress made by the Libyan Arab Jamahiriya, such as the adoption of the Great Green Charter, which was very comprehensive and enshrined fundamental freedoms and rights as enshrined in international human rights instruments. Tunisia made a recommendation.

39. The Bolivarian Republic of Venezuela acknowledged the efforts of the Libyan Arab Jamahiriya to promote economic, social and cultural rights, especially those of children. It highlighted progress achieved in ensuring free and compulsory education. It inquired about the functions of the Higher Committee for Child Welfare and the date on which it would become operational. The Bolivarian Republic of Venezuela made recommendations.

40. Jordan welcomed the Libyan Arab Jamahiriya's achievements in the promotion and protection of human rights, including the establishment of institutions, particularly in the judiciary system. Jordan praised progress in the fields of health, education and labour, as well as the increased attention to the rights of women. Jordan noted the participation of women in public life, including decision-making, and emphasized the fact that women held one third of all judicial posts. Jordan made recommendations.

41. Cuba commended the Libyan Arab Jamahiriya for the progress made in the achievement of one of the Millennium Development Goals, namely, universal primary education. It noted that the country had also made a firm commitment to providing health care. Cuba asked about the mechanism for providing care for persons with physical and mental disabilities. Cuba made recommendations.

42. Oman commended the Libyan Arab Jamahiriya for its diligent efforts in the field of human rights and for making them its priority. It referred to the legal framework for the protection of human rights, and its clear commitment in that regard, which was reflected in the ratification of most human rights instruments, and its cooperation with United Nations mechanisms. The country's report focused on both achievements and challenges, which demonstrated its sincerity in addressing human rights issues. Oman made a recommendation.

43. Egypt commended the Libyan Arab Jamahiriya for progress in building a comprehensive national human rights framework of institutions and in drafting legislation and supporting its human resources in that area. It commended the separation of the Ministries of Justice and the Interior and the development of a new criminal code, and it praised the cooperation with international organizations in combating human trafficking and corruption, and the improvement made in the conditions related to illegal migration. It asked about efforts to improve the status and the education of women. Egypt made recommendations.

44. Malta fully recognized the difficulties faced by the Libyan Arab Jamahiriya and welcomed the action taken at the national, bilateral and regional levels to suppress the illegal activities that gave rise to migration. Malta welcomed the cooperation of the Libyan Arab Jamahiriya with the International Organization for Migration. It referred to the recent visit by European Union Commissioners, which had laid the basis for future collaboration in the area of illegal migration. Malta made a recommendation.

45. Bangladesh referred to the progress made in the enjoyment of economic and social rights, including in the areas of education, health care, poverty reduction and social welfare. Bangladesh noted with appreciation the measures taken to promote transparency. It referred to the challenges faced by the Libyan Arab Jamahiriya, such as the enhancement of the empowerment of women and migration. Bangladesh made recommendations.



46. Malaysia commended the Libyan Arab Jamahiriya for being party to a significant number of international and regional human rights instruments. Nevertheless, the Libyan Arab Jamahiriya could benefit from deeper engagement with the international human rights machinery. Malaysia inquired about the current extent of the application of the death penalty and about the impact of migration flows into the country and steps taken to address migration-related challenges. Malaysia made a recommendation.

47. The Islamic Republic of Iran noted that the Libyan Arab Jamahiriya had implemented a number of international human rights instruments and had cooperated with relevant treaty bodies. It noted with appreciation the establishment of the National Human Rights Committee as an independent national human rights institution, and the provision of an enabling environment for non-governmental organizations. The Islamic Republic of Iran encouraged the Libyan Arab Jamahiriya to strengthen its efforts at the national and international levels to fulfil its commitments under international human rights law. It made recommendations.

48. Morocco welcomed the achievements in promoting social protection, especially for women, children and persons with special needs. It welcomed the efforts to protect the rights of children. It asked whether there was a national committee for the protection of children and, if so, what programmes it provided. It welcomed the establishment of a national committee for the protection of persons with special needs. Morocco also praised the Libyan Arab Jamahiriya for its promotion of human rights education, particularly for security personnel. Morocco made a recommendation.

49. Pakistan praised the Libyan Arab Jamahiriya for measures taken both in terms of legislation and in practice, noting with appreciation that it was a party to most of the core human rights treaties. Pakistan praised the Libyan Arab Jamahiriya's commitment to human rights, in particular the right to health, education and food, even when the country had faced sanctions in the 1990s. Pakistan was encouraged by efforts to address the root causes of illegal migration, and noted the good practice of settling political disputes and developing infrastructure in source countries. Pakistan made recommendations.

50. The delegation responded on the issue of illegal immigration. Given that illegal immigration was an international phenomenon and not applicable only to the Libyan Arab Jamahiriya, the country noted that it had become a country of transit and destination for millions of immigrants. The high number of immigrants had caused many difficulties, as already reported to the countries concerned. The best solution would be to adopt a comprehensive strategy for addressing this humanitarian problem. That could be achieved only with the full participation of all countries that faced the phenomenon.

51. Conferences had been held in Morocco and in the Libyan Arab Jamahiriya to deal with this matter. Europeans considered the issue to be one of security; however, a solution would require development programmes and economic considerations. The proposal had been made that a development fund of €5 billion be established. Such a fund could carry out development and investment projects in various countries of origin, and could be supervised by both the European Union and the African Union. The proposal had been adopted at the Europe-Africa Summit held in Lisbon; however, it had not been implemented. The Europeans continued to emphasize that a security solution would be the best response, and the Libyan Arab Jamahiriya disagreed. The Libyan Arab Jamahiriya had consulted with various European delegations, including the delegation from the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union, which supervised European border areas.

52. On the question of cooperation with the United Nations Office on Drugs and Crime, the Libyan Arab Jamahiriya noted that there was an agreement between it and the Office.

The Libyan Arab Jamahiriya had also developed training programmes in Tripoli, for judicial and police personnel.

53. On the initiative to distribute wealth to low-income families, those programmes were related to distributing money through investments for every needy family. Over the past four years, 229,595 families had benefited from the programme.

54. Regarding services for persons with special needs, the Libyan Arab Jamahiriya indicated that such persons received monthly allowances and were exempt from all fees and taxes, including for electricity, water and transportation. They also had residences and housing units, medical supplies, vehicles especially designed for them, and paid domestic help and home services.

55. The delegation reaffirmed that the judiciary system in the Libyan Arab Jamahiriya was independent.

56. Concerning human rights training for personnel and law enforcement officials, a formal programme had been organized by the State. Personnel were trained through official curricula in all law schools, colleges and universities, including the armed forces college. In addition, all associations and human rights organizations conducted workshops and training courses and disseminated information and raised awareness regarding human rights issues. Workshops and technical capacity had been provided to two courts, which were being modernized.

57. Regarding discrimination against women, the policy of the Libyan Arab Jamahiriya was based on equality and non-discrimination.

58. In respect of the issue of capital punishment, the Libyan Arab Jamahiriya indicated that the death penalty was applied in aggravating crimes. Some examples of such crimes included bearing weapons for a foreign country against the Libyan Arab Jamahiriya, war crimes and facilitating enemies entering the Libyan Arab Jamahiriya and passing information to its enemies. Homicide was also punishable under Shariah law (Qasas). Since 1990, the death penalty had been applied in only 201 cases.

59. In response to the question relating to the Convention on the Rights of Persons with Disabilities, the Libyan Arab Jamahiriya noted that it had signed the Convention and was currently carrying out all procedures related to ratification.

60. Mexico thanked the delegation for the presentation of the national report and the answers that it had provided. It expressed appreciation for the political will of the Libyan Arab Jamahiriya to address the human rights challenges facing it. Mexico hoped that the universal periodic review of the Libyan Arab Jamahiriya would make a positive contribution to national efforts to overcome challenges to guaranteeing the full enjoyment of human rights. Mexico made recommendations.

61. Poland welcomed the Libyan Arab Jamahiriya's achievements in recent years, including its efforts to combat corruption and trafficking. It expressed concern about cases involving the forced deportation of refugees and asylum seekers to countries where they could be subject to torture or ill treatment. Poland asked about steps to be taken to improve the situation of migrants. Poland made recommendations.

62. Switzerland recalled that the right to freedom of expression was a fundamental right, in particular article 19 of the International Covenant on Civil and Political Rights and article 9 of the African Charter. Switzerland noted that hundreds of peoples were under administrative detention in the country, despite having been acquitted by the court or having already served their sentence. Courts continued to pronounce death sentences and inflict corporal punishment, including whipping and amputation. Switzerland made recommendations.

63. Australia welcomed the Libyan Arab Jamahiriya's progress in human rights and its willingness to facilitate visits by Human Rights Watch and Amnesty International, which demonstrated the country's commitment to engaging with the international community on human rights. Australia remained concerned over restrictions on freedom of assembly and expression; the detention of political prisoners; limited rights to fair trial under the new State Security court; enforced disappearances; deaths in custody; discrimination towards minorities; lack of legal protections against domestic violence; and the application of the death penalty. Australia made recommendations.

64. Canada welcomed improvements made by the Libyan Arab Jamahiriya in terms of respect for human rights, especially the recent legislation that granted women married to foreigners the right to pass on their Libyan nationality to their children, as well as the acknowledgement of the deaths of hundreds of Abu Salim prisoners in 1996 and the first in-country release of a report by an international non-governmental organization in 2009. Canada made recommendations.

65. Myanmar commended the Libyan Arab Jamahiriya for its economic and social progress, and recognized efforts in domestic legislation aimed at guaranteeing equal rights. Myanmar noted that the country had acceded to many international human rights instruments and established a national Human Rights Committee. Myanmar praised efforts to realize basic education for all and a free health-care system. Myanmar made recommendations.

66. Viet Nam congratulated the delegation on the quality of the national report. It noted with satisfaction the commitment of the Libyan Arab Jamahiriya to the protection and promotion of the human rights of its people, particularly the country's accession to the main international human rights conventions. It welcomed achievements made in the exercise of human rights. Viet Nam made recommendations.

67. Thailand welcomed the national report, which presented both progress and challenges. Thailand highlighted efforts made with regard to education, persons with special needs and vulnerable groups. Thailand shared the concerns of the Libyan Arab Jamahiriya regarding its approach to illegal migration, and welcomed steps taken to tackle its root causes. Thailand made recommendations.

68. Brazil noted the Libyan Arab Jamahiriya's economic and social progress and acknowledged the promotion of the rights of persons with disabilities, the free health care and the high enrolment in primary education. Brazil noted the successful cooperation with international organizations in areas such as migrant rights, judicial reform and the fight against corruption. Brazil noted that reports of torture were recurrent and that legislation on racial discrimination was lacking. Brazil made recommendations.

69. Slovakia commended the Libyan Arab Jamahiriya for the progress towards the achievement of the Millennium Development Goals. It was encouraged by the country's cooperation with international organizations in areas such as counter-trafficking, and acknowledged the high standards for children's protection. However, Slovakia noted that there were certain areas of concern. It made recommendations.

70. Kuwait expressed appreciation for the Libyan Arab Jamahiriya's initiative to improve per capita income and to ensure social justice and the fair distribution of wealth. It praised the measures taken with regard to low-income families. Kuwait called upon the Libyan Arab Jamahiriya to continue its efforts to integrate people with disabilities into society while recognizing their positive role. Kuwait asked about the functions of two national entities that addressed disability issues. Kuwait made a recommendation.

71. The Czech Republic remained concerned that the death penalty could be applied even to offences that could not necessarily be characterized as the most serious crimes. It

also remained concerned that corporal punishment, including amputation and flogging, was prescribed by law. The Czech Republic made recommendations.

72. The United States of America supported the Libyan Arab Jamahiriya's increased engagement with the international community. It called on the country to comply with its human rights treaty obligations. It expressed concern about reports of the torture of prisoners and about the status of freedom of expression and association, including in its legislation, which often resulted in the arrest of people for political reasons. The United States made recommendations.

73. The Republic of Korea noted that the participation of women was one of the challenges identified in the Libyan Arab Jamahiriya's national report, and encouraged the country to enhance the empowerment of women. It asked about measures taken in that regard. It encouraged the Libyan Arab Jamahiriya to continue strengthening its efforts to promote the human rights of persons with special needs, and to reinforce its cooperation with international human rights mechanisms. The Republic of Korea made a recommendation.

74. Israel noted that The Libyan Arab Jamahiriya should live up to the membership standards set forth in General Assembly resolution 60/251 and serve as a model in the protection of human rights; while, in reality, its membership in the Council served to cover the ongoing systemic suppression, in law and in practice, of fundamental rights and freedoms. Israel made recommendations.

75. Sri Lanka welcomed the voluntary pledges undertaken by the Government of the Libyan Arab Jamahiriya towards the promotion and protection of human rights, working through regional mechanisms by way of its membership in the League of Arab States and the African Union. Sri Lanka also recognized the challenges that needed to be overcome.

76. Japan welcomed the progress made by the Libyan Arab Jamahiriya with respect to education and health. It also noted positively the release of political prisoners and the improvement of prison conditions. Japan remained concerned about reports of arbitrary arrest and execution, as well as of cases of impunity. It regretted restrictions on freedom of expression and asked about measures taken to address the problem. Japan made a recommendation.

77. The United Arab Emirates admired the Libyan Arab Jamahiriya's ratification of the majority of the human rights treaties. It noted with great satisfaction progress made towards the establishment of a compulsory and free-of-charge education system, which had contributed to the realization of social justice and sustainable human development. Education was extended to all groups, including persons with special needs. It made a recommendation.

78. The United Kingdom of Great Britain and Northern Ireland welcomed visits by Amnesty and Human Rights Watch to the Libyan Arab Jamahiriya. It encouraged the country to consider further visits and to issue a standing invitation to the United Nations special procedures. It remained concerned about the enjoyment of the freedoms of expression and association, and asked for further details in that regard, including on the development of a new press law. The United Kingdom encouraged improvements in Libyan prison standards. It made recommendations.

79. Azerbaijan commended The Libyan Arab Jamahiriya for the progress made regarding economic and social rights, such as the achievements in poverty reduction, the assistance to low-income families, the eradication of diseases, the decline in maternal and child mortality, the eradication of illiteracy and the provision of universal education. Azerbaijan welcomed the advances in the field of gender equality. It stated that

international cooperation was crucial in addressing irregular migration, which remained a challenge for the Libyan Arab Jamahiriya. Azerbaijan made recommendations.

80. Yemen welcomed measures taken by the Libyan Arab Jamahiriya in the field of human rights, in particular towards political participation and the effective participation of women in social and political life. It praised the country's role in supporting development in developing countries. Yemen inquired whether there was a body responsible for women and requested a concise review of its role. Yemen made a recommendation.

81. Turkey welcomed the criminal justice reform project that the Libyan Arab Jamahiriya had been pursuing in collaboration with international organizations. It commended the importance attached to cooperation with human rights civil society organizations and the increasing number of such organizations in the country. It noted partnerships with relevant specialized United Nations organizations in promoting anti-corruption measures and counter-trafficking. It also noted the country's consent to the establishment of private media as an indication of the Libyan Arab Jamahiriya's will to reinforce freedom of expression. Turkey wished to see a sustainable increase in the Libyan Arab Jamahiriya's determination to improve human rights.

82. France referred to the situation of refugees; allegations concerning arbitrary detention, torture, ill treatment and enforced disappearance; the death penalty, which remained in force for a large number of crimes; the absence of non-governmental organizations with expertise in the field of human rights; and the severe restrictions on freedom of expression and association. France made recommendations.

83. Belarus noted with satisfaction that the Libyan Arab Jamahiriya was a party to almost all the international human rights treaties and had been cooperating with treaty bodies. Belarus welcomed the country's determination to raise the living standards of its population, and noted successes in health, education, employment and the social protection of vulnerable groups. It noted the role of the social research centre and ongoing poverty alleviation policies, and lauded measures to benefit persons with disabilities. Belarus made recommendations.

84. Chad noted with satisfaction the consultation process undertaken in the preparation of the national report, which demonstrated the importance that the Libyan Arab Jamahiriya attached to the universal periodic review and to the promotion and protection of human rights. It noted that the Libyan Arab Jamahiriya was party to most core international human rights instruments. Chad made a recommendation.

85. The delegation clarified issues relating to the deportation of migrants and asylum seekers. There were those who entered the Libyan Arab Jamahiriya illegally or without documents, and others, belonging to criminal organizations, who attempted to cross through by sea and land, where the Libyan Arab Jamahiriya tried to provide them with basic needs. Furthermore, The Libyan Arab Jamahiriya regarded migrants as guests, not refugees. They were allowed to stay and to the Libyan Arab Jamahiriya tried to resolve the situation between them and their countries of origin. Although the Libyan Arab Jamahiriya had not acceded to the Geneva Convention of 1951, a joint committee had been established to consider the Convention and to engage in dialogue with the Office of the United Nations High Commissioner for Refugees in order to arrive at a formula whereby UNHCR could perform its tasks officially in the Libyan Arab Jamahiriya. UNHCR, without any authorization, had granted refugee status to some immigrants, and they had received money to be granted such status. The procedure had to be stopped. The country had contacted the Office of the High Commissioner, and consultations to settle the issue were now under way.

86. Concerning the arrest of the journalists, all those who had published news that was untrue had been released. Investigations would be conducted.

87. In response to questions regarding restrictions on freedom of expression, opinion and the press, the Libyan Arab Jamahiriya reaffirmed that any citizen could freely express his or her views. The country had many independent newspapers that had criticized the Administration, and there were other privately owned media. A draft law on this issue was under way but had not yet been enacted, and the 1972 press law would soon be amended to resolve the pending issues.

88. Regarding corporal punishment, the relevant penalties or sanctions had not been applied for more than 40 years, except in two cases regarding *haraba*, which was the most serious crime of terrorism. The Penal Code was under review, and such punishment would be repealed.

89. Regarding the point raised about the people's court and the security court, there were two different courts. The people's court no longer existed, and the state security court was an ordinary court governed by the penal code. The court was composed of judges appointed by the Court of Appeal. None of the court's members had special privileges different from the privileges of other judges. Any complaint could be brought regarding these members of the court, and this court was under the supervision of the Supreme Court. As its decisions could be appealed before the Supreme Court, it was not an exceptional court.

90. The Libyan Arab Jamahiriya was a party to the Convention against Torture, and the Convention took precedence over national legislation. National legislation also provided for the protection of victims of torture and the right to file a complaint. Various laws in the penal code imposed severe sanctions on any perpetrators of torture or arbitrary detention. Perpetrators found guilty were punished with severe sanctions, and some were sentenced for up to two years of imprisonment.

91. Finally, the delegation thanked all delegations who had submitted recommendations and took note of them. The Libyan Arab Jamahiriya invited all non-governmental organizations and other relevant stakeholders in the Council to visit the Libyan Arab Jamahiriya so they could see in person the status of human rights on the ground. Justice was achieved in accordance with divine law, and the Libyan Arab Jamahiriya must refer to what was stated in the holy Koran, noting that we were all equal and could improve ourselves only through our convictions.

92. The Libyan Arab Jamahiriya indicated that it looked forward to a constructive and effective dialogue with all States.

## **II. Conclusions and/or recommendations**

93. The recommendations formulated during the interactive dialogue and listed below have been examined by the Libyan Arab Jamahiriya and enjoy its support:

93.1. Take necessary measures to accede to CRPD (Oman);

93.2. Adopt and implement a definition of torture consistent with its obligations under the International Covenant on Civil and Political Rights and the Convention against Torture and Other Cruel, Inhuman, Degrading Treatment or Punishment (United States);

93.3. Adopt domestic legislation to absolutely abolish practices of torture on its territory (United States);

93.4. Step up efforts to consolidate the rule of law and national human rights protection institutions (Viet Nam);

- 93.5. Continue to make further efforts in the promotion and protection of human rights in accordance with the needs and requirements of Libyan society (United Arab Emirates);
- 93.6. Continue its efforts to address the adverse effects of the sanctions imposed during the 1990s (Sudan)<sup>2</sup>;
- 93.7. Continue to implement its voluntary commitments to promote human rights through its membership in the Human Rights Council, the African Union and the League of Arab States in order to prevent double standards in dealing with specific countries and to promote dialogue between nations, instead of resorting to force or the imposition of coercive measures or using human rights as a reason to interfere in the internal affairs of States (Sudan);
- 93.8. Continue its efforts in promoting and protecting human rights and other fundamental freedoms of the Libyan people (Jordan);
- 93.9. Continue its efforts in promoting human rights education and national human rights protection mechanisms (Egypt);
- 93.10. Continue its positive efforts to increase the culture of the human rights of the Libyan people (Cuba);
- 93.11. Continue its efforts to achieve the Millennium Development Goals (Azerbaijan);
- 93.12. Take appropriate measures to ensure that all children enjoy all human rights, without discrimination (Islamic Republic of Iran);
- 93.13. Consider giving more role to the private sector in developing the national education and health-care systems (Islamic Republic of Iran);
- 93.14. Explore the possibility of adopting a national strategy to combat discrimination against women (Malaysia);
- 93.15. Continue to improve policies and programmes to advance the status of women and girls, and to protect children (Myanmar);
- 93.16. Continue its cooperation with the United Nations special procedures (Azerbaijan);
- 93.17. Consider inviting the Special Rapporteur on the right to education and the Special Rapporteur on the sale of children, child prostitution and child pornography, within a framework of mutual cooperation, as a constructive step towards the consolidation of greater protection for this vulnerable group (Bolivarian Republic of Venezuela);<sup>3</sup>
- 93.18. Continue its active cooperation with the United Nations mechanisms and submit its periodic reports to treaty bodies, as appropriate (Cuba);
- 93.19. Continue its efforts in cooperating with OHCHR since becoming a member in the Human Rights Council (Morocco);

<sup>2</sup> Recommendation as read during the interactive dialogue: "Continue efforts to face the adverse effects of the sanctions imposed between 1992 and 1993" (Sudan).

<sup>3</sup> Recommendation as read during the interactive dialogue: "Consider inviting the Special Rapporteur on the right to education, and the Special Rapporteur on trafficking in persons, especially in women and children; within a framework of mutual cooperation, as a constructive step towards the consolidation of a greater protection to this vulnerable group" (Bolivarian Republic of Venezuela).

- 93.20. Adopt policies and legislation aimed at promoting women's rights and combating gender-based discrimination, particularly domestic violence (Brazil);
- 93.21. Continue to scale up its efforts to empower women, mainly rural women (Democratic People's Republic of Korea);
- 93.22. Continue its efforts in promoting human rights and gender equality, and ensure that women can be involved in the labour market (Tunisia);
- 93.23. Continue the measures to promote women rights, including the advancement of women's empowerment (Azerbaijan);
- 93.24. Continue its efforts to promote women's role in social and public life, and protect them from violence (Islamic Republic of Iran);
- 93.25. Continue the implementation of measures designed to enhance the role of women in social and political life (Belarus);
- 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);
- 93.27. Continue its special efforts to empower women in various areas, in particular in the labour market (Egypt);
- 93.28. Step up efforts to enhance the participation of women in all spheres of socio-economic life, in line with the progress made in education (Bangladesh);
- 93.29. Continue their efforts in enhancing the role of persons with disabilities in society (Jordan);
- 93.30. Continue its efforts towards people with special needs, and ensure that they are exempted from paying some expenses (Morocco);
- 93.31. Speed up the adoption of the draft law on exempting disabled children from transportation costs within and outside cities (Yemen);
- 93.32. Continue to implement its decision No. 908 of 2007 regarding the coverage of certain costs for persons with special needs (Kuwait);
- 93.33. Continue to take practical measures to ensure the effective participation of women in economic, social and political fields (Pakistan);
- 93.34. Consider issuing a moratorium on the execution of death penalty sentences (Mexico);<sup>4</sup>
- 93.35. Take the necessary steps to ensure that security forces are subject to legal oversight and are operating in compliance with international human rights standards (Canada);
- 93.36. Take comprehensive measures to eliminate 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);

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<sup>4</sup> Recommendation as read during the interactive dialogue : "Consider to issue a moratorium on executions of death penalty sentences; with a view to the abolition of capital punishment; review provisions to reduce the number of offenses which carry the death penalty, particularly those relating to the establishment of groups, organizations or associations" (Mexico).



- 93.37. Enact legislation that prohibits all forms of human trafficking, increase law enforcement efforts, and implement standard procedures to identify victims and provide them with protection (United States);
- 93.38. Increase efforts to combat human trafficking, in particular by considering the development of comprehensive national legislation and an action plan to eradicate human trafficking and protect victims (Belarus);
- 93.39. Continue developing training methods and educating police, prison guards and the judiciary in areas of human rights (Egypt);
- 93.40. Immediately release all individuals detained without a legal basis, including those that have completed their terms and those acquitted by courts (Slovakia);
- 93.41. Comply with international obligations, and ensure full and unhampered enjoyment of freedom of expression (Czech Republic);
- 93.42. Abrogate all provisions criminalizing freedom of expression (Switzerland);
- 93.43. Provide for free, independent media in accordance with the Libyan Arab Jamahiriya's international obligations (Slovakia);
- 93.44. Promote freedom for trade unions to ensure fair treatment in the event of labour disputes, especially when they involve migrant workers, and ensure that all domestic labour laws fully comply with the Covenant on Economic, Social and Cultural Rights (Thailand);
- 93.45. Pursue its efforts aimed at improving the standard of living of its population, taking into consideration the equitable distribution of the fruit of those efforts among all segments and groups in society and among various regions (Algeria);
- 93.46. Continue to work to improve the human and material situation that resulted from the economic sanctions during the 1990s (Qatar);
- 93.47. Continue to combat poverty, with due regard for socio-economic and regional disparities (Myanmar);
- 93.48. Take additional steps to reduce infant mortality (Belarus);
- 93.49. Continue to make progress in education and health care, with a particular focus on women and girls, in order to achieve quality education and a quality health-care system (Myanmar);
- 93.50. Continue its efforts to increase job opportunities for educated women in the Libyan Arab Jamahiriya (Sudan);
- 93.51. Call on the Libyan Arab Jamahiriya to share with other countries, including mine, the Sudan, its experience in achieving an adequate standard of living for low-income families, especially by providing such families with an investment portfolio (Sudan);
- 93.52. Take appropriate measures aimed at full access to an improved water source for the population (Islamic Republic Iran);
- 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);

- 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);
- 93.55. Continue its efforts to further strengthen the education sector (Democratic People's Republic of Korea);
- 93.56. Enhance and improve education, in particular by continuing to work towards the improvement of education through information technology (Bahrain);
- 93.57. Continue its efforts in improving the right to education, especially education for people with special needs (Saudi Arabia);
- 93.58. Continue human rights education and awareness-raising programmes undertaken by governmental and non-governmental organizations to disseminate a culture of human rights (Saudi Arabia);
- 93.59. Continue strengthening its successful education policy, in conditions that ensure access to education with full equality (Bolivarian Republic of Venezuela);
- 93.60. Pursue its efforts, in the African context and through cooperation with concerned European countries, to find collective solutions to address the issue of illegal migration (Algeria);
- 93.61. Continue on the path of dialogue with its immediate neighbours and with the European Union, with a view to ensuring that together they continue to meet the challenges of migration in the humane and constructive spirit to which they are all committed (Malta);
- 93.62. Continue to pursue its several financing mechanisms to address the root causes of undocumented migration in Africa, and extend the scope of such programmes beyond Africa, with assistance from the international community (Bangladesh);
- 93.63. Ensure that there are no practices that discriminate on the basis of ethnic or national origin regarding the expulsion of immigrants (Poland);
- 93.64. Continue granting the necessary humanitarian assistance to migrants in the Libyan Arab Jamahiriya (Viet Nam);
- 93.65. Take necessary measures to guarantee that migrant workers are treated on a non-discriminatory basis (Thailand);
- 93.66. Continue ongoing efforts to assist countries, with their consent, in resolving political disputes as well as in improving their developmental infrastructure (Pakistan).
94. The Libyan Arab Jamahiriya considers that recommendations Nos. 93.2, 93.3, 93.31 and 93.40 above have already been implemented or are in the process of implementation.
95. The following recommendations will be examined by the Libyan Arab Jamahiriya, which will provide responses in due course, but no later than the 16<sup>th</sup> session of the Human Rights Council, in March 2011. The responses of the Libyan Arab Jamahiriya to these recommendations will be included in the outcome report adopted by the Council at its 16<sup>th</sup> session.
- 95.1. Accede to international human rights conventions not yet acceded to (Egypt);

- 95.2. Accede to OP-CAT (Iraq) (United Kingdom);
- 95.3. Accede to CRPD (Iraq);
- 95.4. Consider becoming a party to the 1951 Convention relating to the Status of Refugees and the Protocol thereto (Chad);
- 95.5. Issue legislation regarding the status of refugees in order to deal with the refugee situation in the country (Iraq);
- 95.6. Strive to take the following steps in order to implement the international human rights conventions to which it is a party: (a) the adoption of a single written constitution; and (b) an amendment to the penal code to include provisions on the prohibition of the use of torture (Japan);
- 95.7. Encourage the national human rights institution to seek accreditation from the international coordinating committee (Algeria);
- 95.8. In line with the recommendations of the Committee on the Elimination of Discrimination against Women, adopt a national plan to eliminate stereotypes regarding the role of women in society, and speed up the reform process to guarantee equality between men and women, including with regard to the transfer of nationality, the custody of children, divorce and inheritance (Mexico);
- 95.9. Issue a standing invitation to all special procedures mandate holders (Brazil);
- 95.10. Invite to its territory, as a priority, the Working Group on arbitrary detention and the Special Rapporteur on torture, in particular to investigate arbitrary detention and the holding in detention of persons who have served their sentences, as well as torture and ill treatment, and put an end to such practices (France);
- 95.11. Allow the Working Group on Arbitrary Detention to visit the country and to be guaranteed access to all places of detention (Switzerland);
- 95.12. Allow a visit by the Working Group on Arbitrary Detention, granting it full access to all detention centres (Slovakia);
- 95.13. Review provisions to reduce the number of offences that carry the death penalty, particularly those relating to the establishment of groups, organizations or associations (Mexico);<sup>5</sup>
- 95.14. Establish a moratorium on executions with a view to abolishing the death penalty (Brazil);
- 95.15. Take relevant steps aimed at abolishing the death penalty (Czech Republic);
- 95.16. Impose a moratorium on capital punishment and commute existing death sentences to imprisonment terms, with a view to abolishing capital punishment entirely (Slovakia);

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<sup>5</sup> Recommendation as read during the interactive dialogue: "Consider to issue a moratorium on executions of death penalty sentences; with a view to the abolition of capital punishment; review provisions to reduce the number of offenses which carry the death penalty, particularly those relating to the establishment of groups, organizations or associations" (Mexico).

- 95.17. Conform to the provisions of article 6 of the International Covenant on Civil and Political Rights, and move towards a moratorium on executions with a view to considering the definite abolition of the death penalty (France);
- 95.18. 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);
- 95.19. Abolish the death penalty and, in any event, establish a moratorium as an interim measure towards full abolition (Australia);
- 95.20. Adopt a moratorium on executions with a view to fully abolishing the death penalty (Switzerland);
- 95.21. Ensure independent access by international humanitarian agencies to assess the well-being of prisoners detained without trial, or in continued detention following the acquittal or commuting of their sentences (Australia);
- 95.22. Investigate, in line with international standards, all allegations of enforced disappearance, torture and ill treatment committed by security forces, and bring perpetrators to justice (United Kingdom);
- 95.23. Revoke provisions of the national law enabling the use of corporal punishment (Czech Republic);
- 95.24. Abolish corporal punishment, both in law and in practice (Switzerland);
- 95.25. Release publicly the findings of the Libyan Government's investigation into the Abu Salim prison killings of 1996 (Australia);
- 95.26. With a view to fostering equality in law and practice, repeal all discriminatory legislation with regard to marriage, divorce and inheritance (Canada);
- 95.27. Ensure respect for the right to a private life, as guaranteed by the International Covenant on Economic, Social and Cultural Rights, to which the Libyan Arab Jamahiriya is a State party, by reviewing its national law criminalizing consensual sexual relations out of wedlock (Czech Republic);
- 95.28. Repeal laws restricting the formation of a free and independent press, including Law No. 76 of 1972, Law No. 120 of 1972 and Law No. 75 of 1973 (United States);
- 95.29. Enhance freedom of expression, association and assembly (Brazil);
96. The recommendations below did not enjoy the support of the Libyan Arab Jamahiriya:
- 96.1. Accede to OP-ICESCR and CED (Iraq);
- 96.2. Investigate all alleged enforced disappearances, and accede to the International Convention for the Protection of All Persons from Enforced Disappearance (France);
- 96.3. Make declarations under article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination and article 22 of the Convention against Torture, to recognize the individual complaints mechanisms under those treaties (Republic of Korea);

- 96.4. Consider becoming a party to the 1967 Protocol to the United Nations Convention relating to the Status of Refugees; adopt asylum legislation; sign a memorandum of understanding with the United Nations High Commissioner for Refugees (UNHCR), formalizing the presence of UNHCR in the Libyan Arab Jamahiriya and allowing UNHCR greater access to detained asylum-seekers and migrants (United States);
- 96.5. Accede to international refugee protection instruments, adopt national asylum legislation and appropriate administrative structures, and reach a formal agreement with UNHCR to establish the agency's presence and operations in the country (Canada);
- 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);
- 96.7. Ensure equality, under the law and in practice, of women, and amend all discriminatory legal provisions concerning marriage (including polygamy), male guardianship, child custody, divorce and inheritance, as recommended by the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child (Israel);
- 96.8. Review the assessment regarding the absence of any racial discrimination within the country, as recommended by the Committee on the Elimination of Racial Discrimination, and adopt legislation that prohibits racial discrimination, especially against Black Africans, as well as guarantee that migrant workers are treated on a non-discriminatory basis, as recommended by the Committee on Economic, Social and Cultural Rights (Israel);
- 96.9. Abolish capital punishment (Mexico);<sup>6</sup>
- 96.10. Reinforce measures to ensure the full investigation of allegations of torture, disappearances and arbitrary detention, and that it fully prosecutes and appropriately punishes persons responsible (Canada);
- 96.11. 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);
- 96.12. Respect obligations under ICCPR by freeing persons currently under administrative detention and by putting an end to arbitrary detention and torture (Switzerland);
- 96.13. Consistent with the requirements of fair trial provided for in Libyan constitutional instruments and relevant international conventions it has signed and ratified, abolish all special courts and related institutions, including the State Security Court and Prosecution Office, and abrogate all laws, provisions and powers related to the People's Court (Canada);

<sup>6</sup> Recommendation as read during the interactive dialogue: "Consider to issue a moratorium on executions of death penalty sentences; with a view to the abolition of capital punishment; review provisions to reduce the number of offences which carry the death penalty, particularly those relating to the establishment of groups, organizations or associations" (Mexico).

- 96.14. Ensure the independence of the judiciary and international standards of fair trial, including the right to be speedily tried, the right to be informed of the charges, the right to an adequate defence, the right to legal counsel of one's own choosing, and the right of appeal in front of a higher tribunal (Israel);
- 96.15. Abolish legal provisions that criminalize the dissemination of information considered to tarnish the Libyan Arab Jamahiriya's reputation abroad, including article 178 of the Libyan Penal Code (United States);
- 96.16. Review legislation and repeal provisions under which up to life imprisonment can be imposed for tarnishing the country's reputation or undermining confidence in it abroad (Czech Republic);
- 96.17. Take measures to protect freedom of expression and association, by pursuing its reforms of the law on the press and of the Penal Code to bring them into conformity with its fundamental law and international standards, by putting an end to the restrictions on Internet access, and by allowing the free establishment of associations (France);
- 96.18. Promote the creation of an adequate environment for the full enjoyment of freedom of association, including the creation of labour unions and organizations independent from government; and initiate a review of the relevant provisions to ensure that the restrictions on freedom of association are only those provided for in the Covenant on Civil and Political Rights (Mexico);
- 96.19. Consider greater provision for the protection of freedom of association, freedom of speech and rights to judicial appeal, including by aligning all articles of the Penal Code and other relevant laws with international standards (Australia);
- 96.20. Repeal laws which criminalize expression of the rights of freedom of expression, of association and of assembly, and ensure that individuals detained for the peaceful exercise of these rights are released (Canada);
- 96.21. Repeal Law No. 71 of 1972 and relevant articles of the Penal Code that criminalize free association, and ensure that individuals seeking to establish associations are spared from any harassment or prosecution (Slovakia);
- 96.22. Adopt measures aimed at establishing the necessary legal and administrative institutions to guarantee the rights of migrants and asylum seekers, particularly the right to due process and respect for the principle of non-refoulement (Mexico);
- 96.23. Adopt legislative and administrative regulations that allow immigrants to file an appeal against forced removal, with suspensive effects, in cases in which they could be subject to torture or other ill treatment in their countries of origin (Poland);
- 96.24. Fully apply the Convention governing the specific aspects of refugee problems in Africa and respect international refugee law; conclude, as soon as possible, a headquarters agreement with the United Nations High Commissioner for Refugees (France);
- 96.25. Uphold the principle of non-refoulement regarding refugees and asylum seekers, and protect the human rights of all migrants, irrespective of their immigration status (Brazil).

97. All conclusions and/or recommendations contained in the present report reflect the positions of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.

## Annex

### Composition of the delegation

The delegation of the Libyan Arab Jamahiriya was headed by His Excellency Abdulati I. Alobidi, Vice-Minister for European Affairs at the Ministry of Foreign Affairs, and was composed of the following members:

- Mr. Mohamed N.M. Tleba, Head of the National Institute for Human Rights;
  - Mr. Elmahdi S.M. Elmajerbi, Director of the International Organizations, Ministry of Foreign Affairs;
  - H.E. Mr. Ibrahim Aldredi, Ambassador, Chargé d'affaires a.i., Permanent Mission of the Libyan Arab Jamahiriya at Geneva;
  - Mr. Sharif Ali Alazhari, Director of the Legal Department, Ministry of Justice;
  - Mr. Murad Hamima, Deputy Director of the United Nations Department, Ministry of Foreign Affairs;
  - Mrs. Hasnia Markus, Delegate, Permanent Mission of the Libyan Arab Jamahiriya at Geneva;
  - Mr. Adel Shaltut, Delegate, Permanent Mission of the Libyan Arab Jamahiriya at Geneva;
  - Mr. Abdel Hafid Mohamed Derbi, Delegate;
  - Mrs. Fadila Mokhtar Barka, Delegate;
  - Mr. Abdelfatah M. Ibrahim, Delegate;
  - Abdelsalam, Delegate;
  - Mr. Abdussalam M. Esmael Oun, Delegate;
  - Mr. Kahlid Ramadam A. Elkhemry, Delegate.
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