

Libya: Ahead of UPR, state institutions and peace initiatives paralyzed by armed and paramilitary groups

Cairo Institute for Human Rights Studies (CIHRS) - Libya Platform: Joint Statement

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Since 2015, 247 media workers, and over 100 human rights defenders were threatened by armed groups, and at least a dozen were arrested and five killed. Armed groups have also paralyzed the national judiciary.

Authorities have continued to enforce laws violating fundamental freedoms and systematically exploited the constitutional vacuum to reimpose or issue repressive legislation.

The pandemic paired with the conflict has intensified existing threats and restrictions on the physical integrity and fundamental freedoms of human rights defenders, notably freedom of assembly and movement. The rise of hate speech is also a persistent and worrying trend.

Recommendations to the Libyan State Authorities

1- Repeal the following laws and decrees:

- To protect freedom of expression, repeal the 1972 Press Law and Penal Code articles 178, 205, 208, 245, 438, 439.
- To protect freedom of association, repeal the 2011 Law regulating CSOs, and all related executive decrees.
- To protect freedom of expression and the right to a fair trial, repeal the 2014 Counter-terrorism Law.
- To protect freedom of peaceful assembly, repeal Law 65 of 2012 on this subject.
- To guarantee the right to a fair trial, repeal article 177 of the Code of Criminal Procedure; repeal Law 4 of 2017.
- To guarantee the right to a fair trial, to fight practices of arbitrary arrest and torture, and to protect freedom of expression, repeal Presidential Council Decree 555 of 2018.

2- End arbitrary and secret detention

- Survey and classify all detention sites outside of judiciary control and determine to which authority they are subordinated
- Locate and categorize all current detainees
- Establish a mechanism to monitor the location and legal status of detainees
- Establish a mechanism for effective oversight of detention centers
- Enable civil society to visit detention sites without restrictions.
- Release all those detained without legal basis;

3- Protection of refugees, migrants and asylum seekers:

- Take action to release all those detained for attempting to travel to Europe and to respect international obligations in this regard.
- Regulate the legal framework for the application of the right of asylum through a transparent mechanism in line with Libya's constitutional, regional and international obligations.
- Strengthen legal protection for migrants victims of human rights violations.
- Develop a legislative framework guaranteeing the legal status of those seeking residency permits to work.

4- Restructure security institutions

- Draft a bill on the structure of the Ministries of Interior and Defense, in order to set out a general and abstract roadmap for security sector reform.
- Propose a draft bill establishing a plan for disbandment, disarmament, rehabilitation and individual reintegration of members of existing militias and armed groups.

5- Empowering women and minorities and reducing discrimination.

- Amend legislation that discriminates against women; criminalize violence against women and end impunity for its perpetrators.
- Reaffirm commitment to the full and effective participation of women in the peace process.
- Publicly declare a commitment to implement all articles of CEDAW and UN Security Council Resolution 1325 by setting out a National Action Plan (NAP) to encourage women's participation in the transitional political phase.
- Protect civilians—in particular ethnic minorities—from killing, arbitrary arrest and discrimination, by urgently enacting laws that criminalize discrimination, protect minorities, and deter targeting on the basis of ethnic identity.