

DRAFT RESOLUTION
Human Rights Council
22nd Session
Item 10

Technical Assistance provided to Libya in the field of Human Rights

The Human Rights Council,

PP1 Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and the other relevant international human rights treaties,

PP2 Confirming that it is the primary responsibility of States to promote and protect all Human Rights and fundamental Freedoms,

PP3 Recognizing the challenges facing Libya in laying down foundations for transitional justice and national reconciliation,

PP4 Reaffirming its strong commitments to the sovereignty, independence, unity and territorial integrity of Libya,

PP5 Recognizing efforts exerted by the new Libya in building the basis of democracy, respect of law and human rights,

PP6 Recalling the General Assembly decisions number 250/60 dated 15th March 2006 and 11/66 dated 18th November 2011 regarding restoring Libya's membership to the Human Rights Council,

PP7 Referring to the statement of the International Ministerial Conference for supporting Libya security, justice and respect of law, issued in Paris 12th February 2013

PP8 Referring to the Human Rights Council resolution 5/1 dated 18th June 2007 in relation to building the Council's foundations,

PP9 Referring to the Human Rights Council decision DA15/1 dated 15th February 2011, 17/7 dated 7th July 2011 and 18/9 dated 9th September 2011,

PP10 Referring to the Human Rights Council resolution 19/39 dated 23rd March 2012 regarding assistance provided to Libya in the field of Human Rights;

OP1. Takes note of the statement of the High Commissioner for Human Rights regarding the support provided by United Nations/ human rights mission to Libya, including technical assistance and other activities to build expertise and prospect of cooperation with the new Libya in relation to promoting and protecting Human Rights,

OP2. Welcomes the renewal of the United Nations Technical Support Unit to Libya in the field of Human Rights and acknowledges Libya's commitment to extend its mandate for the process of transitional democracy and affirming the supremacy of law and protection of human rights,

OP3. Welcomes:

- (a) The Libyan Prime Minister's statement delivered on the 25th February 2013, to the High Level Segment of the 22nd session of the Human Rights Council;
- (b) The wish of the Libyan Government to continue the cooperation with the Human Rights' High Commissioner, and to renew the invitation to welcome her to Libya;
- (c) Election of the Members of the General National Congress on the 7th July 2012 in a democratic and transparent atmosphere signalling an essential step in preparing the constitution, forming the temporary government on the 31st October 2012 that focused its priorities on the respect of human rights and maintaining peace;

- (d) Libya's commitments to the supremacy of law and its building Legislative, Executive and Judicial powers in accordance with its International obligations, including establishing a Committee on human rights within the General National Congress;
- (e) Launching the process for a National Action Plan on enhancing and protection of Human Rights in partnership with the High Commissioner of Human Rights to build a state of institutions under the rule of law;
- (f) The formation of a permanent Ministerial committee, chaired by the Minister of Justice, that receives complaints regarding Human Rights violations, and takes the necessary actions;
- (g) The establishment of the National Council for General Freedoms and Human Rights on the 28th of December 2011 as an independent national human rights institution in conformity with the Paris Principles;
- (h) Increasing the role of -and the support to- Civil society and Non Governmental Organisations in enhancing, affirming and raising awareness of Human Rights;
- (i) The ratification of the Convention on the Rights of Persons with Disabilities and its Optional Protocol, as well as proceeding towards the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance and the Optional Protocol to the Convention against Torture and other cruel, inhuman or degrading treatment or punishment;
- (j) Strengthening the role of judiciary and reactivating the constitutional jurisdiction of the Supreme Court leading to declaring law number 37 - that was passed by the National Transitional Council in May 2012 - as unconstitutional;
- (k) Issuing new rules and regulations to guarantee freedom of speech, peaceful protests, and assembly as well as the formation of political parties;

OP4. Urges the Libyan Government to continue investigating all violations of human rights and setting trials of the accused with the guarantee of providing fair trials;

OP5. Welcomes the Libyan Government's continued cooperation with the International Criminal Court.

OP6. Invites the legislative authorities in Libya to issue the adjusted law related to the implementation of the national reconciliation and transitional justice to consolidate social peace and harmony;

OP7. Calls on the international community to support the Libyan Government's efforts to ensure protection of the human rights of migrants, refugees and internally displaced persons, and to provide a framework for the engagement of UNHCR in Libya, and encourages the Government of Libya to consider signing and ratifying the Convention relating to the Status of Refugees

OP8. Welcomes efforts exerted by the Libyan Government in stabilizing security, and urges the Libyan Government to maintain this process through arms control and reintegrating armed groups, currently operating outside government control, back into the community; and to continue its efforts to prevent cases of arbitrary arrest and mistreatment of detainees.

OP9. Also welcomes the Libyan Government's commitment to transfer all detainees and detention camps under the Government authority, as reflected in its Ministerial Decree No 219 of 18 February 2013, and strongly encourages the continuation of these efforts to establish full control of such facilities in order to ensure detainees are treated according to international obligations including due process, humane conditions of detention and fair trials;

- OP10.** Urges the Libyan Government to take further steps to protect freedom of religion and belief according to its international obligations, and to prevent and prosecute attacks against persons belonging to religious or ethnic minorities;
- OP11.** Urges the Libyan authorities to expediate the return of all persons displaced by the conflict since 2011, according the national reconciliation and transitional justice Law;
- OP12.** Welcomes the Libyan Government efforts to empower women and girls, particularly as they relate to the constitution, the electoral system, the police and the judiciary; (based on UNSC res 1325, OP8c);
- OP13.** Takes note of the final report of the International Commission of Inquiry on Libya (A/HRC/19/68) and encourages the Libyan Government to fully implement its recommendations;
- OP14.** Welcomes the technical support provided by the High Commissioner, relevant International Organisations, and the friends of Libya to promote the process of the transitional phase;
- OP15.** Also welcomes the results of the International Ministerial Conference held in Paris 12th February 2013 in support of Libya's work plans to improve human rights and security, and requests International Partners to provide their full support for the process;
- OP16.** Requests the office of the High Commissioner for Human Rights to prepare a written report, to the 25th Session of Human Rights Council to be held in March 2014, reflecting human rights regarding the technical support and capacity building needs in Libya to strengthen the promotion, and protection of, and respect for human rights and fundamental freedoms and explore ways of cooperation to overcome the challenges for security, respect for the rule of Law, transitional justice and human rights.