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17 May 2021

Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of the State of Libya and welcome the constructive engagement of your Government during the 36th session of the UPR Working Group in November 2020.

As the final outcome report on the review of Libya has been recently adopted by the Human Rights Council at its 46th session, I would like to take this opportunity to follow up on a number of areas raised in the two reports that my Office had prepared for the review of Libya – the Compilation of United Nations information and the Summary of Stakeholders' submissions – which I consider in need of particular attention over the next four and a half years, until the next cycle of the UPR. In identifying those areas, I have considered the statements and/or recommendations made by 109 delegations and the presentation made and responses provided by the delegation of Libya. I have also considered the actions taken by the Government of Libya to implement the 161 recommendations supported during the second cycle of the UPR. The aforementioned areas cover a range of issues, which appear in the annex to this letter.

I would like to highlight the encouraging steps taken by the State of Libya, including the ratification of the Convention on the Rights of Persons with Disabilities. I welcome the Presidential Council's decision to accede to the Convention for the International Convention for the Protection of All Persons from Enforced Disappearance, the Ottawa Convention for the Prohibition of Mines against Persons, and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. I am encouraged that the Ministry of Justice has launched a comprehensive program aimed at improving detention conditions and providing health care to inmates, in an effort to comply with international standards.

I also welcome the establishment of a governmental body aimed to support and empower women in the Presidential Council and all ministries, and the increase in women's representation in the public sector and university education. I also take duly note that the Government stated its commitment to dismantle the human trafficking networks and hold the perpetrators to account, in accordance with the International Sanctions Committee of the Security Council's recommendations, including the imposition of travel bans and freezing of assets.

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H. E. Ms. Najla MANGOUCHE
Minister of Foreign Affairs
State of Libya



I encourage Libya to develop a comprehensive national human rights action plan in order to achieve concrete results in the areas highlighted in the annex to this letter and to facilitate preparations for the fourth cycle of the UPR. My advice to all Member States is to develop and implement national action plans in close consultation and cooperation with all stakeholders, in particular the National Council for Public Freedom and Human Rights and all civil society organizations and, where necessary, with the support of international organizations, including my Office and other United Nations entities, under the leadership of the United Nations Resident Coordinator.

I also encourage Libya to continue further to strengthen its national mechanism for comprehensive reporting and follow-up in relation to recommendations received from all international and regional human rights mechanisms and to treaty obligations, while linking these to the Sustainable Development Goals. To this end, I strongly recommend the use of the OHCHR practical guide on this topic, which is available at:
http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf

Please note that I am sharing my advice with all Member States as they go through the third cycle of the UPR with a view to assisting them with the implementation of the recommendations, following the review. One important measure that can positively contribute to follow-up action is voluntary mid-term reporting. Therefore, I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the UPR outcome report. In this regard, I encourage Libya to consider submitting a mid-term report on follow-up to the third cycle of the review, by 2023.

As stated by the Secretary-General in his 2017 report on the work of the Organization (A/72/1, paragraph 98): *“The Human Rights Council’s universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council’s recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals.”*

I look forward to discussing with you ways in which my Office may assist Libya in relation to the areas identified in this letter and its annex.

Please, accept, Excellency, the assurances of my highest consideration.

A handwritten signature in blue ink, reading "Michelle Bachelet".

Michelle Bachelet
High Commissioner for Human Rights

cc: H. E. Ms. Halima Ibrahim Abdel-Rahman
Minister of Justice
State of Libya

Ms. Georgette GAGNON
Assistant Secretary-General, United Nations Resident and Humanitarian Coordinator for
Libya
State of Libya



Annex

Scope of international obligations and cooperation with international human rights mechanisms and bodies

- Ratifying the core United Nations human rights treaties to which it is not yet party, including the International Convention for the Protection of All Persons from Enforced Disappearance, the Optional Protocol of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, the ILO Migration for Employment Convention (Revised), 1949 (No. 97), the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), and the 1951 Convention relating to the Status of Refugees and its Protocol.

Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

Development, the environment, and business and human rights

- Intensifying efforts to provide economic, social and cultural rights, particularly to rural areas.

Human rights and counter-terrorism

- Protecting human rights in the context of countering terrorism and addressing its negative impacts on human rights and fundamental freedoms.
- Reviewing terrorism laws and bringing them in line with international human rights standards.

B. Civil and political rights

Right to life, liberty and security of person

- Improving conditions of detention and protecting the human rights of detainees, in line with international standards.
- Ending the practice of arbitrary arrest and detention and abiding by due process of law.
- Continuing efforts to promote peace and security to facilitate the enjoyment of human rights of its people.

Administration of justice, including impunity, and the rule of law

- Carrying out impartial and transparent investigations into all allegations of violations of international human rights and humanitarian law, including cases of excessive use of force, enforced disappearance, arbitrary detention, torture and ill-treatment, and unlawful killing, forced displacement, and hold perpetrators to account.
- Guaranteeing due process and protection to detained persons and ensuring the unconditional release of people who have been arbitrarily detained or otherwise unlawfully detained.
- Continuing efforts to support transitional justice and reconciliation mechanisms and providing full access to and cooperation with the United Nations entities operating in Libya.



Fundamental freedoms

- Protecting journalists and human rights defenders from acts of violence and intimidation, creating a safe environment for all civil society stakeholders, and immediately releasing those unlawfully arrested.
- Lifting all existing restrictions to civil society organisations and adopting legislation to regulate the work of civil society, which respects freedom of association and peaceful assembly.

Prohibition of all forms of slavery

- Adopting legislation and national plans of action to dismantle human trafficking networks and protecting migrants and refugees, women and girls.

C. Economic, social and cultural rights

Right to health

- Improving access to basic health-care to everyone.
- Continuing to collaborate with relevant international organisations, including the World Health Organization, to combat the COVID-19 pandemic.

Right to education

- Continuing efforts to ensure universal access to education, particularly for vulnerable groups.
- Taking all necessary measures to protect the educational environment, including by restoring educational institutions that have been destroyed.

D. Rights of specific persons or groups

Women

- Taking specific measures to guarantee greater participation of women in political and economic life, including through the establishment of quotas, and ensuring women's participation in decision-making and peace processes.
- Strengthening efforts to combat all forms of sexual and gender-based violence both in law and in practice, including by criminalising domestic and sexual violence and intensifying public awareness initiatives.
- Amending laws and legislation to ensure gender equality, including amending domestic laws, especially those that discriminate against Libyan women married to foreign nationals.

Children

- Setting up mechanisms for the rehabilitating of children caught up in armed conflict.
- Protecting children and girls from gender-based violence and discrimination.
- Strengthening legal measures aimed at protecting the rights of the child, regardless of origin or nationality.



Persons with disabilities

- Implementing measures to protect the safety of persons with disabilities in conflict, including through rehabilitation, integration and provision of necessary medical care.

Migrants, refugees, asylum seekers and internally displaced persons

- Protecting migrants and asylum seekers from refoulement and preventing access to the detention centres hosting migrants and asylum seekers by armed or criminal groups.
- Taking measures aimed at closing and transitioning away from detention centres for migrants and refugees.
- Adopting policies to enhance the economic and social conditions of migrants, asylum seekers and internally displaced persons in Libya, including through the provision of food security and access to medical care.
- Reforming national legislation on internally displaced persons to ensure compliance with international obligations and the Guiding Principles on Internal Displacement, and facilitating the voluntary return of internally displaced persons.

