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Agenda item 10

Technical assistance and capacity-building

Algeria*, Australia*, Bahrain*, Bahrain (on behalf of the Arab Group)*, Benin, Chad*, Congo, Côte d'Ivoire, Ethiopia, France*, Gabon (on behalf of the African Group), Georgia*, Italy, Jordan*, Kenya, Lebanon*, Libya, Maldives, Mauritania, Morocco*, Portugal*, Qatar, Saudi Arabia*, Sierra Leone, Somalia*, Sudan*, Thailand, Uganda, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland*, United States of America, Yemen*: draft resolution

22/... Technical assistance for Libya in the field of human rights

The Human Rights Council,

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

Confirming that it is the primary responsibility of States to promote and protect all human rights and fundamental freedoms,

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

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

Recognizing the efforts made by the new Libya in building the basis for democracy, the rule of law and human rights,

Recalling General Assembly resolutions 60/251 of 15 March 2006 and General Assembly resolution 66/11 of 18 November 2011, on the restoration of the rights of membership of Libya in the Human Rights Council,

Referring to the communiqué of the International Ministerial Conference on Support to Libya in the Areas of Security, Justice and the Rule of Law, issued in Paris on 12 February 2013,

Recalling Human Rights Council resolution 5/1 of 18 June 2007 on building the institutions of the Council,

* Non-Member State of the Human Rights Council.

Recalling also Human Rights Council resolutions S-15/1 of 25 February 2011, 17/7 of 17 June 2011 and 18/9 of 29 September 2011,

Recalling further Human Rights Council resolution 19/39 of 23 March 2012 on assistance for Libya in the field of human rights,

1. *Takes note* of the statement of the United Nations High Commissioner for Human Rights on the assistance provided by the United Nations Support Mission in Libya, including technical assistance and other activities to build expertise and improve cooperation with the new Libya in relation to the promotion and protection of human rights;

2. *Welcomes* the renewal of the mandate of the United Nations Support Mission in Libya and acknowledges Libya's commitment to the process of transitional democracy and to affirming the rule of law and protection of human rights;

3. *Also welcomes:*

(a) The statement delivered by the Prime Minister of Libya on 25 February 2013 to the Human Rights Council during the high-level segment of its twenty-second session;

(b) The wish expressed by the Government of Libya to continue its cooperation with the High Commissioner and to renew the invitation for her to visit Libya;

(c) The election of the members of the General National Congress on 7 July 2012 in a democratic and transparent atmosphere, which was an essential step towards preparing the Constitution and the formation, on 31 October 2012, of a temporary Government that focused its priorities on respect for human rights and maintaining peace;

(d) The commitment of Libya to the rule of law and the establishment of legislative, executive and judicial branches of government in accordance with its international obligations, including the establishment of a committee on human rights within the General National Congress;

(e) The launch of the process for drawing up a national action plan on enhancing the protection of human rights in partnership with the High Commissioner with a view to building a State governed by the rule of law;

(f) The formation of a standing ministerial committee chaired by the Minister for Justice to receive complaints regarding human rights violations and to take the necessary action;

(g) The establishment of the National Council for General Freedoms and Human Rights on 28 December 2011 as an independent national human rights institution in conformity with the Paris Principles;

(h) Efforts to strengthen the role of and support for civil society and non-governmental organizations 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 the progress towards ratifying 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) The strengthened role of the judiciary and the reactivation of the constitutional jurisdiction of the Supreme Court, as a result of which Law No. 37 – which had been passed by the National Transitional Council in May 2012 – was declared unconstitutional;

(k) The issuance of new rules and regulations to guarantee freedom of speech, peaceful protest and assembly, as well as the formation of political parties;

4. *Urges* the Government of Libya to continue investigating all violations of human rights and to guarantee fair trials for the accused;

5. *Welcomes* the continued cooperation of the Government of Libya with the International Criminal Court;

6. *Invites* the legislative authorities of Libya to promulgate the amended law on the implementation of national reconciliation and transitional justice to consolidate social peace and harmony;

7. *Calls on* the international community to support the efforts of the Government of Libya to ensure protection of the human rights of migrants, refugees and internally displaced persons, and to provide a framework for the engagement of the Office of the United Nations High Commissioner for Refugees in Libya, and encourages the Government of Libya to consider signing and ratifying the Convention relating to the Status of Refugees;

8. *Welcomes* the efforts made by the Government of Libya to stabilize the security situation, and urges it to maintain this process through arms control and the reintegration into the community of the armed groups currently operating outside government control, and to continue its efforts to prevent cases of arbitrary arrest and the ill-treatment of detainees;

9. *Also welcomes* the commitment of the Government of Libya to bring all detainees and detention camps under government authority, as reflected in Ministerial Decree No. 219 of 18 February 2013, and strongly encourages the Government to continue these efforts to establish full control of such facilities in order to ensure that detainees are treated in accordance with international obligations, including those relating to due process, humane conditions of detention and fair trials;

10. *Urges* the Government of Libya to take further steps to protect freedom of religion and belief according to its international obligations, and to prevent attacks against persons belonging to religious or ethnic minorities, and prosecute the perpetrators of such attacks;

11. *Urges* the Libyan authorities to expedite the return of all persons displaced by the conflict since 2011, in accordance with the law on national reconciliation and transitional justice;

12. *Welcomes* the efforts made by the Government of Libya to empower women and girls, particularly in relation to the Constitution, the electoral system, the police and the judiciary;

13. *Takes note* of the final report of the International Commission of Inquiry on Libya,¹ and encourages the Government of Libya to fully implement the recommendations contained therein;

14. *Welcomes* the technical support provided by the High Commissioner, the relevant international organizations and the Friends of Libya to promote the process of building a State governed by the rule of law;

15. *Also welcomes* the outcome of the International Ministerial Conference held in Paris on 12 February 2013 to support Libya in its efforts to improve human rights and security, and requests international partners to provide their full support for the process;

¹ A/HRC/19/68.

16. *Requests* the Office of the United Nations High Commissioner for Human Rights to prepare a written report for submission to the Human Rights Council at its twenty-fifth session reflecting human rights regarding the technical support and capacity-building needs of Libya, with a view to strengthening the promotion and protection of, and respect for, human rights and fundamental freedoms and exploring ways of cooperation to overcome the challenges in the areas of security, respect for the rule of law, transitional justice and human rights.
