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Technical assistance and capacity-building

Bulgaria, Burkina Faso,* Germany, Iceland, Malta,** Netherlands, Qatar, Spain, Sweden,** Turkey**:** draft resolution

43/... Technical assistance and capacity-building to improve human rights in Libya

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights and relevant international human rights treaties,

Confirming the primary responsibility of States to promote and protect human rights,

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

Looking forward to a future for Libya based on justice, national reconciliation, respect for human rights and the rule of law,

Reaffirming its previous resolutions on Libya,

Recognizing the importance of the Libyan Political Agreement of Skhirat of 2015, which set out the principles for ensuring the rights of the Libyan people for a peaceful transition to a democratic political future,

Recognizing also the central role and shared responsibility of the United Nations to facilitate an inclusive intra-Libyan political and reconciliation process based on its core, the Libyan Political Agreement of Skhirat, which includes credible and sequenced steps towards the dismantling of arms and armed groups by all parties operating outside the legitimate and civilian executive authority of Libya, in accordance with article 34 of the Agreement and Security Council resolutions 2420 (2018) of 11 June 2018 and 2486 (2019) of 12 September 2019, leading to a comprehensive and lasting cessation of all hostilities,

Expressing full support for the conclusions of the Berlin Conference on Libya, held on 19 January 2020, as the action plan for the United Nations Support Mission in Libya and for the political road map presented on 20 September 2017 by the Special Representative of the Secretary-General for Libya and recalibrated on 8 November 2018 to support a Libyan

* On behalf of the States Members of the United Nations that are members of the Group of African States.

** State not a member of the Human Rights Council.



dialogue that will achieve a sustainable, stable, unified, representative and effective governance structure under the framework of the Libyan Political Agreement of Skhirat,

Anticipating the inclusive political process set out in the United Nations-led three-track action plan, and reiterating the importance of the full participation of youth and women in the political process, including in the national conference dialogue,

Appreciating the efforts made by Libya to combat terrorism and its negative effect on human rights in Libya, while reaffirming the need for the Libyan authorities to combat terrorism in Libya, in accordance with the Charter and international law,

Welcoming the efforts of the African Union, particularly its Peace and Security Council and its Commission on Human and Peoples' Rights, in working towards a peaceful and consensual solution to the Libyan crisis,

Expressing deep concern at the impact of the security, economic and humanitarian situation in Libya on its people, the continued mass displacement, and the violations and abuses of international human rights law and international humanitarian law committed in Libya, in particular their impact on the most vulnerable, including women and children,

Underlining the importance of restoring the rule of law throughout Libya, accompanied by the full restoration of State control, including through a holistic security strategy built on professional, accountable and unified security institutions,

Expressing concern at the human rights violations and abuses committed in Libya against irregular migrants, including in detention centres, and sharing the concern of the Government of National Accord at the accounts of abuses by criminal enterprises,

Commends the establishment of an emergency transit mechanism for evacuating migrants from Libya to the Niger and Rwanda with the support of the African Union and the Office of the United Nations High Commissioner for Refugees, in a shared effort to alleviate the challenges confronting migrants in Libya,

Reaffirming that those responsible for violations and abuses of human rights law and violations of international humanitarian law should be held accountable through effective judicial processes and access to justice,

Underlining the acute need for the coordination of national, regional and international efforts to tackle the root causes of irregular migration through the sharing of responsibility to prevent the exploitation of irregular migrants by smugglers, human traffickers and terrorist groups, and to facilitate the voluntary, safe and dignified return or repatriation of the said migrants to a third country, in accordance with national and international law,

1. *Welcomes* the continued cooperation of the Government of National Accord with the Human Rights Council, its committees and its mechanism, including in the context of the universal periodic review, and emphasizes the pressing need for the implementation of the recommendations accepted by Libya at its review during the second cycle;

2. *Deplores* the sequence of events that led to the outbreak of the latest round of armed conflict in the declared war on the capital on 4 April 2019, which led to the cancellation of the much-anticipated United Nations-led Libyan National Conference, scheduled to be held in Ghedames on 14 April 2019;

3. *Urges* States to do make every effort, in accordance with their obligations under international law, to prevent any political, material or financial support for terrorist groups, to deny terrorists safe haven, freedom of operation, movement and recruitment, and to prevent violations and abuses committed by terrorist groups within States' borders;

4. *Takes note* of the report of the Secretary-General on the United Nations Support Mission in Libya,¹ and calls upon all parties to respect international humanitarian law and international human rights law;

¹ S/2020/41.

5. *Welcomes* the reports presented by the United Nations High Commissioner for Human Rights to the Human Rights Council on the situation of human rights in Libya,² including the assessments of the effectiveness of the technical assistance and capacity-building measures received by Libya;

6. *Also welcomes* the three-step plan announced by the Special Representative of the Secretary-General for Libya, by which armed conflict and the proxy war will come to an end, helping to achieve stability in order to properly address the situation of human rights in Libya;

7. *Highly appreciates* the determined efforts made to stabilize the Libyan economy, at the talks commenced in Tunis, and to advance the military and political situation in Libya, at the talks being held in Geneva, within the framework of the three-step plan, and the initiative to unify the Libyan military at the talks held in Cairo;

8. *Welcomes*, on behalf of the United Nations country team, the commitment of the Special Representative of the Secretary-General for Libya and the humanitarian work conducted by the Office of the United Nations High Commissioner for Refugees, the International Organization for Migration, the World Health Organization and others to intensify the work on the ground of the United Nations to assist the Government of National Accord to improve the living conditions of all civilians, including irregular migrants and internally displaced persons;

9. *Looks forward* to strengthening the technical and humanitarian assistance programmes of the United Nations in Libya, to planning for a new round of voluntary funding for 2020 for the Libya Humanitarian Response Plan and the Stabilization Facility for Libya, and the strengthening of the strategic coordination of the United Nations Support Mission in Libya and other United Nations agencies, funds and programmes in Libya;

10. *Recalls* the visit by the Special Rapporteur on the human rights of internally displaced persons to Libya from 25 to 31 January 2018, and calls upon the Government of National Accord to continue to implement the recommendations made by the Special Rapporteur in her report³ to prioritize the creation of a national road map to establish a common strategy, and to help guide and ensure a coordinated action plan for an appropriate and effective response to the situation of displaced persons;

11. *Welcomes* the decision of the Government of National Accord to approve the request of the Working Group on Arbitrary Detention to visit Libya, and encourages the Working Group to conduct its visit as soon as feasibly possible;

12. *Also welcomes* the renewal of the invitation extended by the Government of National Accord to the United Nations High Commissioner for Human Rights to visit Libya, and to continue the existing cooperation between authorities of Libya and the Office of the High Commissioner;

13. *Further welcomes* the constructive cooperation between the Government of National Accord and the International Organization for Migration, including the invitation extended by the Government to the Director General of the Organization to address the situation of irregular migrants held in detention centres in Libya, giving priority to children and women, and the positive results achieved in coordination with the Government and with the support of Member States, including neighbouring States, and regional organizations;

14. *Takes note* of the report on the meeting of the African Union High-level Committee on Libya, held in Addis Ababa on 10 February 2019, and the hosting by the Congo of the eighth meeting of the African Union High-Level Committee in Brazzaville on 30 January 2020;

15. *Requests* the Government of National Accord and relevant United Nations and African Union bodies to take the measures necessary for the planning of free, transparent and

² A/HRC/40/46 and A/HRC/43/75.

³ A/HRC/38/39/Add.2.

fair legislative and presidential national elections as soon as the national security situation has stabilized, in support of the United Nations-led process;

16. *Recognizes* the need for greater efforts by States to trace, freeze and preserve hidden and stolen Libyan assets, and the importance of effective cooperation between the international community and the Government of National Accord for their recovery, taking into account the important contribution of these assets to improving security and development and the promotion and protection of human rights in Libya;

17. *Welcomes* the decision of the Presidency Council of the Government of National Accord to reconstitute a national committee on international humanitarian law, headed by the Ministry of Justice and with the membership of the relevant ministries, to raise awareness of human rights in security and military circles;

18. *Highlights* the efforts of the Presidency Council of the Government of National Accord to establish a joint committee to monitor the situation of human rights, and to improve conditions in detention centres, prisons and all related institutions, and in this regard calls upon States to provide the assistance and capacity-building required;

19. *Commends* the decision of the Presidency Council of the Government of National Accord on 19 April 2018 to establish a high-level committee to follow up on the affairs of Libyans displaced in and outside of the country;

20. *Also commends* all international and regional efforts made to reach a comprehensive solution, through dialogue, that paves the way to restoring stability in Libya, and the important role of the African Union and its High-Level Committee on Libya, the League of Arab States, the European Union and the Algiers meeting of ministers for foreign affairs of neighboring States;

21. *Welcomes* the conclusions of the international conference on Libya held on 19 January 2020 in Berlin, and urges those States that are unilaterally intervening in the internal affairs of Libya that may be held responsible to refrain from such interference in accordance with relevant Security Council resolutions, including the arms embargo;

22. *Also welcomes* in that regard Security Council resolution 2510 (2020) of 12 February 2020, in which the Council endorsed the Berlin conference conclusions,⁴ and calls upon all States concerned to comply with its provisions, especially with regard to the consolidation of the ceasefire and the arms embargo, which will have a direct positive impact on the situation of human rights in Libya;

23. *Calls upon* the international community to fully support the plan for Libya on “silencing the guns by 2020”, and the working group established to oversee its implementation, announced by President Al-Sarraj on the sidelines of the forty-third session of the Human Rights Council, aligned with the African Union campaign, Silencing the Guns in Africa by 2020, and Sustainable Development Goal 16 with regard to reducing the inflow of arms and illicit trafficking;

24. *Welcomes* the decision of the Presidency Council of the Government of National Accord to establish a committee responsible for security arrangements to secure the capital and its outskirts, and all Libyan territory, also welcomes the initiative of the Ministry of the Interior of Libya of establishing a joint security room, coordinated by the Government and the international community, and calls upon the United Nations and the international community to provide the technical support and capacity-building required for such a cooperative mechanism to achieve peace in Libya;

25. *Reaffirms* the condemnation by the United Nations of the airstrikes conducted throughout Libya, particularly those that targeted civilians, schools, medical facilities and civilian airports in a manner incompatible with international humanitarian law, and migrant detention centres and other facilities located in highly populated areas, killing and injuring civilians, including the most vulnerable, namely women, children and migrants, and causing

⁴ See S/2020/63, annex I.

massive displacement and exacerbating the security, economic and humanitarian situation in the country;

26. *Underscores* the importance of technical assistance and capacity-building measures by States members of international and regional organizations to assist Libya to secure its borders, to prevent cross-border criminal enterprises from using Libyan territory as a safe haven, and to investigate and prosecute acts of smuggling of irregular migrants and trafficking in persons through its territory, in accordance with national and international human rights law, and relevant international conventions to which Libya is a State party, and calls upon Member States and regional organizations to expand their partnership with the Government of National Accord and in support of the United Nations country team;

27. *Strongly condemns* the terrorist attacks that targeted the Ministry of Foreign Affairs, the National Oil Corporation and the High National Elections Commission, and other institutions throughout Libya committed by terrorist groups, and any other entities associated with them in Libya listed by the Security Council as criminal or terrorist groups;

28. *Recognizes* the ongoing human rights challenges in Libya, and strongly encourages States and international organizations to support Libya and to increase their efforts to protect and promote human rights and to prevent any violations or abuses, and in that regard encourages the Government of National Accord to continue its engagement with the United Nations Support Mission in Libya and the Office of the United Nations High Commissioner for Human Rights;

29. *Strongly condemns* all acts of violence in Libya, particularly those that constitute violations and abuses of human rights and violations of international humanitarian law that have been committed, in particular against civilians, including women and children, as well as reported violations and abuses, including but not limited to unlawful detentions, abductions, enforced disappearances, torture and unlawful killings, including alleged extrajudicial killings and alleged attacks, intimidation or harassment of and violence against journalists, media workers, members of civil society and human rights defenders, especially given their role in documenting protests and human rights violations and abuses, and restrictions on freedom of expression;

30. *Notes with concern* the humanitarian situation in Libya, while welcoming the efforts of the Government of National Accord to improve it, and calls for rapid, safe and unhindered humanitarian access for United Nations humanitarian agencies, their implementing partners and other humanitarian organizations, including across conflict lines and upon the request of Libyan authorities, in order to ensure that humanitarian assistance reaches people in need freely by the most direct routes;

31. *Expresses concern* at the number of detainees, including conflict-related detainees, encourages the Government of National Accord to address allegations of violations of human rights, and also expresses its concern at reports of torture, sexual and gender-based violence and harsh conditions in prisons and detention centres, and requests the Government to establish full and effective control over all prisons and detention centres in order to ensure that detainees are treated in accordance with its international human rights obligations, including, as applicable, those relating to fair trial guarantees and humane treatment in detention;

32. *Recognizes* the efforts of the Government of National Accord to address the plight of internally displaced persons, and encourages the Government to continue its efforts to improve that situation, including by implementing the agreement brokered by the Presidency Council, calls for the voluntary, safe and dignified return of all persons displaced by the conflict since 2011, in accordance with international human rights standards, and urges States and international organizations to increase their efforts to resolve the situation of internally displaced persons;

33. *Repeats* its call upon all parties in Libya to comply immediately with their applicable obligations under international human rights law and international humanitarian law and for strict respect of all human rights and fundamental freedoms, and urges all leaders to declare that violations and abuses of human rights or violations of international

humanitarian law by their fighters will not be tolerated and that individuals responsible for such acts will be removed from duty and will be held accountable;

34. *Urges* all Libyans to oppose polarization and hate speech in official and public discourse, which threaten democratic values, social stability and peace, weakens the social fabric and undermines stability, peace and security;

35. *Requests* the Government of National Accord, the international community, the United Nations and all parties to the conflict in Libya to facilitate the full, equal and effective participation of women in activities relating to the prevention and resolution of the armed conflict, the maintenance of peace and security and post-conflict peacebuilding, in accordance with relevant Security Council resolutions, and encourages the Presidency Council to ensure that the women's support and empowerment unit, established in November 2018, is fully operational;

36. *Underlines* the importance of, and the commitment of the Government of National Accord to, continued human rights monitoring, assessment and evaluation in order to determine effective human rights technical assistance and capacity-building measures;

37. *Calls upon* the Government of National Accord to increase its efforts to hold those responsible for violations or abuses of international human rights law and international humanitarian law accountable, and notes the cooperation between the Government and international criminal and accountability mechanisms and organizations in that regard;

38. *Calls upon* the Libyan legislative institution to carry out its responsibilities and support efforts made to consolidate the rule of law and to enact new legislation to protect human rights further in Libya, in accordance with international humanitarian law and international human rights law;

39. *Requests* the Office of the United Nations High Commissioner for Human Rights, while continuing its engagement with the United Nations Support Mission in Libya, to continue to monitor and report on human rights violations and abuses across Libya and to establish the facts and circumstances of such abuses and violations with a view to avoiding impunity and ensuring full individual accountability;

40. *Renews* its request to the Office of the High Commissioner to provide technical assistance and capacity-building to Libya to promote and protect human rights to prevent violations and abuses of human rights, and to ensure accountability for such violations and abuses;

41. *Encourages* the special procedures of the Human Rights Council to visit Libya and to report to the Council, also through public statements;

42. *Invites* the Office of the High Commissioner to work closely with the Government of National Accord, relevant United Nations bodies, the African Union and all other relevant regional and international organizations;

43. *Requests* the High Commissioner to immediately establish and dispatch a fact-finding mission to Libya, and to designate experts to implement, in an independent and impartial manner, for a period of one year, the following mandate:

(a) To establish the facts and circumstances of the situation of human rights throughout Libya, and to collect and review relevant information, to document alleged violations and abuses of international human rights law and international humanitarian law by all parties in Libya since the beginning of 2016, including any gendered dimensions of such violations and abuses, and to preserve evidence with a view to ensuring that perpetrators of violations or abuses of international human rights law and international humanitarian law are held accountable;

(b) To work in cooperation with the Libyan authorities, the League of Arab States, the African Union and the United Nations Support Mission in Libya;

44. *Urges* the Libyan authorities to grant the fact-finding mission and its members unhindered access to all Libyan territory without delay and to allow them to visit sites, and to meet and speak freely and privately, when they so request, with whomever they wish to meet or speak;

45. *Requests* the fact-finding mission to present an oral update on its work and findings to the Human Rights Council at its forty-fifth session during an interactive dialogue, with the participation of the Special Representative of the Secretary-General for Libya, and to present to the Council, during an interactive dialogue at its forty-sixth session, a comprehensive written report on the situation of human rights in Libya, including on efforts to prevent and ensure accountability for violations and abuses of human rights and recommendations for follow-up;

46. *Requests* the Secretary-General to provide the Office of the High Commissioner with the resources necessary for the full implementation of the present resolution;

47. *Decides* to remain seized of the matter.
