**ADVANCE QUESTIONS TO LIBYA (FIRST BATCH)**

**GERMANY**

* How will the Government of National Accord ensure comprehensive access and full cooperation of all relevant actors with the Fact Finding Mission established by the Human Rights Council?
* What efforts has the Government of National Accord undertaken in order to ensure accountability and a judicial follow-up after the finding of mass graves in the city of Tarhouna? How will it support the investigations of the ICC in this regard?
* How will the Government of National Accord ensure that Civil Society Organizations are able to work freely and without oppression?
* What measures has the Government of National Accord implemented in order to facilitate the return and full enjoyment of civil, political as well as economic, social and cultural rights by internally displaced persons?

**BELGIUM**

* Does the government of Libya intend to ratify the Rome Statute of the International Criminal Court and the International Convention for the Protection of all Persons from Enforced Disappearance in the near future? Does the government of Libya plan to ratify the Convention on the Status of Refugees of 1951 and its Optional Protocol?
* How is the government of Libya ensuring that judges and lawyers can exercise their functions in complete independence and are protected from any form of reprisals? What steps are taken to ensure full respect for all fair trial and due process guarantees enshrined in Article 14 of the International Covenant on Civil and Political Rights?
* Too often children were victims of the armed conflict as a result of indiscriminate bombardments and mines. Underage combatants have been sighted in the ranks of units affiliated with all parties to the conflict, without confirmed numbers being available. Which steps is Libya taking to effectively implement the Optional Protocol to the Convention on the Rights of the Child on Children And Armed Conflict?
* In June 2020, Libya saw the creation of two special courts in Tripoli and Benghazi to combat violence against women. This signifies an important step forward. When will the government of Libya develop a comprehensive set of legislation against all forms of violence against women, including domestic violence?
* Which steps are taken to guarantee freedom of expression, freedom of assembly and freedom of media in line with Libya’s international obligations under the International Covenant on Civil and Political Rights? Are allegations of restrictions on these liberties, for example by arbitrary arrests of journalists, bloggers and people who participated in peaceful demonstrations, being independently investigated?

**PORTUGAL on behalf of the Group of Friends on NMIRF’s**

* Could the State-under-review describe its national mechanism or process responsible for coordinating the implementation of accepted UPR recommendations and the monitoring of progress and impact?
* Has the State-under-review established a dedicated ‘national mechanism for implementation, reporting and follow-up’ (NMIRF) covering UPR recommendations, but also recommendations/observations generated by the UN human rights Treaty Bodies, the Special Procedures and relevant regional mechanisms, which, *inter alia*, clusters all the above, manages them in national databases, coordinates implementation actions across government, monitors progress and impact, and then streamline reporting procedures back to the UN? If so, could the State-under-review briefly share its experience on creating such mechanism, including challenges faced and lessons learnt, as well as any plans or needs to strengthen the NMIRF in the future?

**CANADA**

* Could the Government of Libya elaborate on progress made under its national plan entitled, “Together to end violence against women”, as referenced in its August 2020 National Report?
* What steps are being taken by the Government of Libya to address findings of human rights violations by the joint commission established under Presidential Council Decree No. 735 (2019)?
* To what extent does the joint commission established under Presidential Council Decree No. 735 (2019) monitor and document the violations of human rights of internally displaced persons (IDPs) in Libya?

**UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND**

* What steps has the Government of Libya taken towards improving the rights of women, ensuring their full, equal and effective participation in conflict resolution and decision-making (as set out in recommendation 137.89[[1]](#footnote-1), accepted by the Government during the 2015 Universal Periodic Review); and, specifically, how many women have participated in this way, and what have the key successes of their participation been?
* What steps has the Government of Libya taken, before and during the current conflict, towards ensuring that human rights violations or abuses are investigated and the perpetrators brought to justice, in line with recommendation 137.151[[2]](#footnote-2), accepted by the Government during the 2015 Universal Periodic Review? For example, mass graves continue to be discovered and we understand that the General Authority on the Search for and Identification of Missing Persons in Libya lacks the training and consumable items required to process DNA samples recovered from mass graves.
* Noting that between May 2019-May 2020, the UN Support Mission in Libya documented at least nine cases in east and west Libya in which journalists and bloggers have been subjected to abduction, enforced disappearance, arbitrary detention and torture, what steps has the Government of Libya taken to improve freedom of the media?
* Recognising that peace and stability are the most powerful means of improving the human rights situation in Libya, what steps has the Government of Libya taken to engage meaningfully with the UN-led political process, including the 5+5 Joint Military Commission and the Libya Political Dialogue Forum and ensure there is tangible progress towards a ceasefire and a new political settlement?
* Noting the concern of the UN Support Mission in Libya that over 5000 migrants and asylum seekers have been intercepted at sea between January and July 2020 and returned to Libya, and are frequently subjected to arbitrary detention, human rights violations and abuses[[3]](#footnote-3), and noting the increased numbers of migrants and asylum seekers detained in the last month, what steps has the Government of Libya taken to end exploitation of migrants and refugees in official and unofficial detention centres?

**NETHERLANDS**

* What steps have been taken to end arbitrary detentions, to ensure humane treatment of all persons detained by changing or enacting legal provisions and bring perpetrators to justice, in line with international law and standards?
* What has been done to ensure full and unrestricted access for UN agencies to all places where refugees and migrants are being held or have disembarked?
* What steps are the Libyan authorities taking to ensure full cooperation of all relevant actors with the Human Rights Council’s Fact Finding Mission, to allow them full access to Libyan territory in order to document violations of international humanitarian law and human rights?
* What has been done to strengthen and adequately facilitate efforts to protect mass graves and investigate all allegations of enforced disappearance and to bring those responsible to justice?
* What steps are the Libyan authorities taking to allow civil society organizations to operate freely and without repercussions?
* What steps are the Libyan authorities taking to ensure basic rights of detainees e.g. the right to legal counsel from the moment of arrest, throughout pre-trial proceedings and during trial and have the right to access family and medical care at all times; preserve the accused’s right to re-trial following trials *in absentia*; ensure the right to appeal questions of fact and the right to review upon discovery of new facts; and revoke military tribunals’ jurisdiction over civilians and gross human rights violations;
* Is Libya planning to accede to and fully align its national legislation with the Rome Statute of the International Criminal Court (ICC), including by incorporating provisions to cooperate promptly and fully with the International Criminal Court and to investigate and prosecute genocide, crimes against humanity and war crimes effectively before its national courts?
* What steps does the government of Libya take to protect the rights of ethnic, political and religious and belief minorities, including migrants and refugees, in practice and in law in Libya?
* Could the Libyan government provide information on the steps that you plan to take to protect those speaking out in public and who have as a result of that been targeted for harassment, hate speech, abduction and assassination?
* The Netherlands is fully aware of the difficult circumstances in Libya. However, we took notice of the limited implementation of the recommendations made in the previous UPR cycle. What will the Libyan authorities do in order to deliver on the recommendations made in this UPR cycle and how can the international community assist?

**URUGUAY**

* As stated in the national report, Uruguay welcomes the priority that the Government of Libya assigns to addressing irregular migration, the ongoing efforts to improve the situation of reception centres and guarantee the human rights of migrants.
* In that context, and following the recommendation presented by Uruguay during the second cycle of the UPR, we would appreciate to receive updated information on the national deliberations towards the signature of the 1951 Convention on the status of Refugees and its 1967 Protocol.

1. 137.89 Improve the rights of women, ensuring their full, equal and effective participation in conflict resolution and decision-making, including the Constitution drafting process, and tackling sexual violence, bringing perpetrators to justice (United Kingdom of Great Britain and Northern Ireland); [Recommendation ‘accepted’ by Libya] [↑](#footnote-ref-1)
2. 137.151 Ensure all human rights violations, including assassination of journalists and human rights defenders, are investigated and the perpetrators brought to justice (United Kingdom of Great Britain and Northern Ireland); [Recommendation ‘accepted’ by Libya] [↑](#footnote-ref-2)
3. https://unsmil.unmissions.org/one-year-anniversary-bloody-attack-tajoura-detention-centre-un-renews-its-call-closure-migration [↑](#footnote-ref-3)