



# General Assembly

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## Human Rights Council

### Forty-eighth session

13 September–8 October 2021

Agenda item 10

### Technical assistance and capacity-building

#### Cameroon:\* draft resolution

### 48/... 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 dialogue under the auspices of the United Nations Support Mission in Libya, including the Libyan Political Agreement of Skhirat of 2015, which affirmed the importance of protecting and guaranteeing the rights of the Libyan people during a peaceful transition to a democratic political future,*

*Recognizing also the role of the United Nations and its shared responsibility in facilitating a comprehensive reconciliation political process between the Libyan parties, the essence of which was the consensus to hold presidential and parliamentary elections on 24 December 2021,*

*Expressing its full support for the outcomes of the first and second Berlin Conferences on Libya, held on 19 January 2020 and 23 June 2021, which can be used as an action plan to support the Libyan dialogue led by the United Nations Support Mission in Libya, to facilitate the achievement of a sustainable, stable, unified, representative and efficient governance structure,*

*Commending the comprehensive political process outlined in the three-track – political, economic and military – action plan led by the United Nations, and its tangible results on the ground, and reiterating the importance of the full, equal and meaningful*

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



participation of young persons and women in the political process, including in the national conference dialogue,

*Commending also* the establishment by the Presidential Council of the High Commission for National Reconciliation on 6 April 2021 in response to the urgent need to launch a comprehensive national reconciliation initiative to promote unity and social cohesion,

*Expressing appreciation* for the efforts made by Libya in combating terrorism and addressing its negative impact on the enjoyment of all human rights and fundamental freedoms, and reaffirming the need for the Libyan authorities to strengthen their efforts to combat terrorism, in accordance with the requirements of national laws, the Charter and international law,

*Welcoming* the efforts made by the African Union, in particular its Peace and Security Council and its Commission on Human and Peoples' Rights, to promote efforts to reach a peaceful and consensual solution to the Libyan crisis,

*Expressing deep concern* about the implications for the people of the security, economic and humanitarian situation in Libya, urges the Government of National Unity to strengthen its efforts to end the suffering of the Libyan people and of internally displaced persons, and to prevent violations and abuses of international human rights and violations of international humanitarian law committed in Libya, in particular their impact on those placed in the most vulnerable situations, including women, girls and children,

*Underlining* the importance of restoring the rule of law throughout Libya, together with the full restoration of State control, including through a holistic security strategy built on united, professional and accountable security institutions,

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

*Commending* the establishment of an emergency transit mechanism to evacuate migrants from Libya to the Niger and Rwanda with the support of the African Union and the United Nations High Commissioner for Refugees, in a joint effort to alleviate the challenges facing Libya as a transit country and to reduce the suffering of migrants,

*Underlining* the acute need for the coordination of national, regional, and international efforts to combat cross-border organized criminal networks and 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 safe and dignified return or repatriation of the said migrants to a third country, in accordance with national and international law,

*Emphasizing* the critical role that the United Nations network of organizations will play in coming together with concerned and affected Member States to address the issue of irregular migration and to solve its problems at its roots, in a way similar to what was done when addressing the coronavirus disease (COVID-19) pandemic,

*Appealing* to the international community to continue to support the Government of National Unity in combating the COVID-19 pandemic and to assess the true impact of the pandemic on the population, and to ensure the equitable and speedy distribution of the vaccine,

1. *Welcomes* the continued cooperation of the Government of National Unity with the Human Rights Council, its committees and its mechanisms, including in the context of the universal periodical review, and stresses the urgent need to implement the recommendations accepted by Libya at its third review;<sup>1</sup>

2. *Also welcomes* the work of the 5+5 Joint Military Committee and the results it has achieved on the ground after the signing of the ceasefire agreement in Geneva on 23 October 2020, and stresses the importance of supporting the full implementation of the

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<sup>1</sup> See A/HRC/46/17.

agreement, including through the full and immediate withdrawal of all mercenaries and foreign forces without delay, as urged by the Security Council in its resolution 2570 (2021) of 16 April 2021;

3. *Calls upon* States to, in accordance with their obligations under international law, refrain from unilateral interference in the internal affairs of Libya, and to support the efforts of the Government of National Unity in achieving security and stability and promoting human rights;

4. *Takes note* of United Nations reports, including the report of the Secretary-General on the work of the organization in 2021<sup>2</sup> and the reports on developments in Libya,<sup>3</sup> and in this context calls upon all parties to respect international humanitarian law and international human rights law;

5. *Reiterates* its welcome to the reports presented by the United Nations High Commissioner for Human Rights on the situation of human rights in Libya to the Human Rights Council at its fortieth and forty-third sessions,<sup>4</sup> including an assessment of the effectiveness of the technical assistance and capacity-building measures received by Libya;

6. *Welcomes* the efforts of the Government of National Unity to unify State institutions, and commends its efforts to ensure the continuity and stability of oil production and export operations, which confirms the importance of the ability of the Libyan people to enjoy their resources and to guarantee the right to development;

7. *Also welcomes* 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 interim Government of National Unity in improving the living conditions of all Libyans, including internally displaced persons and irregular migrants;

8. *Looks forward* to strengthening the technical and humanitarian assistance programmes of the United Nations in Libya, to implementing the round of voluntary funding for 2022 for the Libya 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;

9. *Calls upon* the Government of National Unity to give priority to drawing up a national road map for the development of a strategy to guide and ensure that appropriate and conclusive action plans are in place for an effective response to the situation of internal displacement, and welcomes the cooperation of the Libyan authorities with the Secretary-General's High-level Panel on Internal Displacement;

10. *Acknowledges* the efforts made by the Government of National Unity to address the plight of internally displaced persons, and encourages it to continue its efforts to improve their situation, and calls for the voluntary, safe and dignified return of all internally displaced persons in a manner consistent with relevant obligations under international human rights law;

11. *Commends* the appointment by the Government of National Unity of a minister of State for internally displaced persons and human rights, and calls in this regard upon States to provide the minister with the necessary assistance and capacity-building;

12. *Encourages* the constructive cooperation between the Libyan authorities and the International Organization for Migration in facilitating voluntary return programmes with the aim of addressing the conditions of irregular migrants in shelters in Libya, with priority given to children and women, and welcomes the positive results achieved in coordination with the Government of National Unity and the support of Member States, including neighbouring States, and of regional organizations;

<sup>2</sup> *Official Records of the General Assembly, Seventy-sixth Session, Supplement No. 1 (A/76/1).*

<sup>3</sup> S/2021/62, S/2021/451 and S/2021/752.

<sup>4</sup> A/HRC/40/46 and A/HRC/43/75.

13. *Commends* the tangible steps taken by the High National Elections Commission in preparation for the organization of legislative and presidential elections on 24 December 2021, also commends the support provided by the Government of National Unity to the Commission, and calls upon the international community to provide the Commission with more capacity-building and technical support;

14. *Requests* the Government of National Unity and relevant United Nations and African Union bodies to take the measures necessary for the holding of free and fair parliamentary and presidential elections, and to take all means to ensure acceptance of its results in order to establish the principle of peaceful transfer of power and the success of United Nations support for the process in order to enhance the right of the Libyan people to choose their representatives;

15. *Calls upon* States to make a greater effort to track down smuggled and hidden Libyan assets and to find ways to ensure their prompt recovery in order to mitigate the negative impact of non-repatriation, including on the enjoyment of human rights, in particular economic, social and cultural rights in the countries of origin, and recognizes the importance of effective cooperation between the international community and the Government of National Unity in ensuring the right of the Libyan State to manage its funds frozen abroad in accordance with Security Council resolutions, including in a legal framework, and of responding to requests for mutual legal assistance in preparation for their release and prompt recovery within a legal framework that allows for these assets to be used to improve stability, promote development, strengthen and protect human rights in Libya;

16. *Welcomes* the efforts of the Libyan authorities to prosecute crimes involving violations of international human rights law and international humanitarian law, and in this context stresses the importance of the international community providing technical assistance and capacity-building to the competent national authorities in cooperation with the fact-finding mission established by the United Nations High Commissioner for Human Rights pursuant to Human Rights Council resolution 43/39 of 22 June 2020;

17. *Commends* all international and regional efforts to reach a comprehensive solution, through dialogue, that paves the way for the restoration of stability in Libya, and in this regard also commends the important role played by the African Union, its High-level Committee on Libya, the League of Arab States and the European Union;

18. *Expresses its great appreciation* for the regional efforts made in the three-track – political, economic and military – meetings and their positive outcomes, in particular the meetings facilitated and held in Morocco, and also the efforts made by economic and military committees in Hurgada, Egypt, to unify the economic and military institutions, the preparatory meetings for the Libyan Political Dialogue Forum in Tunisia in November 2020, and the meetings of foreign ministers of the neighbouring countries of Libya, in Algeria;

19. *Demands* that countries refrain from unilateral interference in the internal affairs of Libya in accordance with the relevant Security Council resolutions;

20. *Urges* the international community to take measures to prevent private security and military companies from carrying out activities that destabilize efforts to support stability in Libya;

21. *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 Unity and in support of the United Nations country team;

22. *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 Unity to continue its engagement with

the United Nations Support Mission in Libya and the Office of the United Nations High Commissioner for Human Rights;

23. *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, especially given their role in documenting protests and human rights violations and abuses, and restrictions on freedom of expression;

24. *Encourages* the Government of National Unity to address allegations of human rights violations, expresses deep concern at reports of torture, gender-based violence, including sexual violence, and harsh conditions in prisons and shelters, and requests the Government to expedite the establishment of its full and effective control over all prisons and detention centres in order to ensure that detainees are treated in accordance with its international obligations in the area of human rights, including, as appropriate, obligations relating to fair trial guarantees and humane treatment of persons held in detention;

25. *Urges* the Government of National Unity to fulfil its obligations under international human rights law and international humanitarian law to have zero tolerance for perpetrators of human rights violations and to hold perpetrators accountable;

26. *Urges* all Libyans to confront hate speech in official and public discourse, which threatens democratic values, weakens the social fabric and undermines social stability, peace and security, and calls upon the international community to support the efforts made by the Government of National Unity to fight the spread of disinformation on social media platforms, a safe haven for malicious cyber activities, which spread false and misleading news and information designed to destabilize the country and the democratic process;

27. *Requests* the Government of National Unity, the international community and the United Nations to facilitate the full, effective, equal and meaningful participation of young persons, women and persons with disabilities in the legislative and presidential elections scheduled for 24 December 2021, without any exclusion of any segment of society;

28. *Calls upon* the Libyan legislative branch to assume its responsibilities and support the consolidation of the rule of law by enacting laws and legislation that would allow for the scheduled legislative and presidential elections to be held, and to further the promotion and protection of human rights;

29. *Welcomes* the extension of the mandate of the United Nations Support Mission in Libya by the Security Council, and requests the Office of the High Commissioner, while continuing to work with the Mission, to continue to monitor and report on human rights violations and abuses throughout Libya, and to identify facts and circumstances of these abuses and violations with a view to avoiding impunity and ensuring full individual accountability;

30. *Calls upon* the Government of National Unity and the international community to support victim-centred transitional justice efforts, as well as efforts to identify, protect and process mass graves to promote accountability and provide justice to families of missing and disappeared persons;

31. *Welcomes* the efforts made by the Government of National Unity to improve the humanitarian situation in Libya, and in this context calls for the strengthening of its cooperation with United Nations humanitarian agencies, implementing partners and other humanitarian organizations in order to ensure that humanitarian aid reaches those in need;

32. *Notes with appreciation* the Libya Stability Initiative announced by the Government of National Unity in June 2021, under Libyan leadership, with the support of the United Nations and friendly States to assist Libyans realize their aspirations and choose their future, for a new era of sustainable peace and cooperation between the peoples of the

region based on solid foundations for security and prosperity, and in accordance with relevant Security Council resolutions and the outcomes of the second Berlin Conference on Libya;

33. *Expresses great appreciation* for the continuation of the diplomatic missions of Turkey and Italy, and of other States, to work inside Libya despite the exceptional circumstances of the time, as well as for the States that recently reopened their diplomatic missions in Libya, and calls upon the international community to join these States and to reopen their diplomatic missions in Libya as soon as possible, in support of stability in Libya and furthering the international cooperation between Libya and its partners;

34. *Acknowledges* the decision by Tunisia, Egypt and Malta to open their airspace and to resume international commercial flights to and from Libya, which will help to alleviate the suffering and restrictions on movement of the Libyan people and contribute to the realization of the rights to freedom of movement and to leave any country, as stipulated by the Universal Declaration of Human Rights;

35. *Renews* its request to the Office of the High Commissioner to provide more comprehensive and sustainable technical assistance and capacity-building to the Libyan judicial authorities, to empower the Government of National Unity to protect and promote human rights, to prevent human rights violations and abuses and to ensure accountability, in accordance with the country's priorities;

36. *Encourages* the special procedures of the Human Rights Council to visit Libya and to report to the Council on the situation there, and also to report thereon by means of public statements;

37. *Invites* the High Commissioner to continue to work closely with the Government of National Unity, relevant United Nations bodies, the African Union and other relevant international and regional organizations;

38. *Commends* the efforts of the High Commissioner, pursuant to Human Rights Council resolution 43/39, to establish and dispatch a fact-finding mission to Libya, and to appoint experts to implement the mandate of that mission;

39. *Also commends* the cooperation of the Government of National Unity with the fact-finding mission and its members for facilitating their mandate and tasks;

40. *Decides* to extend the mandate of the fact-finding mission for nine months to allow for the implementation of its mandate, considering the exceptional circumstances that the mission has faced since its establishment owing to the coronavirus disease (COVID-19) pandemic and the liquidity crisis that the United Nations faced at the time;

41. *Requests* the fact-finding mission to present a follow-up report of its findings to the Human Rights Council at its forty-ninth session, with the participation of the Special Representative of the Secretary-General for Libya, to be followed by an interactive dialogue, and to present to the Council at its fiftieth session a comprehensive report on the situation of human rights in Libya, including on efforts to prevent, and ensure accountability for, violations and abuses of human rights, with recommendations for follow-up, to be followed by an interactive dialogue;

42. *Requests* the Libyan authorities to continue to grant the members of the fact-finding mission 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;

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

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

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