

ADVANCE QUESTIONS TO LIBYAN ARAB JAMAHIRIYA – Add.2

NORWAY

- As member of the Human Rights Council, Libya has committed itself to uphold the highest standards in the promotion and protection of human rights and fully cooperate with the Human Rights Council and its mechanisms. Does the Government of Libya intend to follow up on this commitment by accepting and facilitating visits requested by Special Procedures as soon as possible? When will the Government of Libya facilitate already accepted visits by the Working Group on Arbitrary Detention and the Special Rapporteur on freedom of expression?
- We note with concern the continuing reports of systematic use of torture and cruel, inhuman or degrading treatment or punishment and the lack of information regarding the prosecution of these cases (HR Committee). What are the reasons for not yet accepting the many requests for visit by the Special Rapporteur on torture? Will a visit be approved as part of the follow-up of the UPR process?
- We note with concern the reported extensive limitations on the right to freedom of expression and opinion, and the ban of groups, organizations or associations based on a political ideology contrary to the principles of the 1969 revolution (HR Committee), the severe restrictions on access to the Internet (CESCR), that there are no independent non-governmental human rights organizations in the country (UNDP), and that women continue to be underrepresented in political and public life (CEDAW). What steps may be taken by the Libyan authorities in these areas as a follow-up to the UPR process?
- We appreciate the cooperation with CEDAW and would like to know what steps the Government has taken to implement the recommendations given by CEDAW in 2009, including to put in place an institutional mechanism that recognizes the specificity of discrimination against women and is exclusively responsible for promoting de jure and de facto equality as well as adopting a national plan to bring about change in the widely accepted stereotypical roles of women and men.
- We acknowledge the role played by Libya in the preparations for the Durban Review Conference. With regard to Libya's own efforts to eliminate racism we would like to ask you what steps you have taken to implement the recommendations by CERD, including to adopt legislative and other measures to prohibit racial discrimination and to conduct studies with a view to effectively assessing the occurrence of racial discrimination in the country.
- The Human Rights Committee (HR Committee) has expressed concern that the death penalty in Libya can be applied to offences which cannot necessarily be characterized as the most serious crimes. What steps has the Government taken to implement the recommendation that the State take urgent steps to

reduce the number of crimes for which the death penalty can be imposed? Can the Government ensure that the most rigorous internationally-recognized standards for fair trial are respected? Does the Government intend to take steps to establish a moratorium on executions with the view to abolish death penalty?

SLOVENIA

- Does Libyan Arab Jamahiriya intend to build institutional mechanism on gender equality, to be responsible for promoting de jure and de facto gender equality?
- Is the State taking any legislative steps to eliminate the practice of male guardianship over women in order to allow them to exercise their rights under the Convention on the Elimination of All Forms of Discrimination against Women, or otherwise – to withdraw the States reservations to the articles 2 and 16 of the CEDAW?

SWEDEN

- Freedom of expression, including media freedom, is recognized in the Universal Declaration and in the International Covenant on Civil and Political Rights (ICCPR), to which Libya is a party. Civil society organisations have reported severe restrictions in law and in practice of the freedom of expression and of the press in Libya. Freedom of expression must be enjoyed within the generally defined “framework of the principles, values and objectives of society,” while life imprisonment can result from statements which "tarnish [Libya’s] reputation or undermine confidence in it abroad." Laws impede the formation, for example, of independent media. Censorship of the Internet has been reported, restricting freedom of expression and hindering the potential new communication technologies can have in strengthening enjoyment of the freedom.

What measures is the Government of Libya taking to ensure freedom of expression and of the media in accordance with its international obligations?

- The right of all persons to take part in the government of one’s country, directly or through freely chosen representatives is a human right, recognized in the Universal Declaration and in the International Covenant on Civil and Political Rights (ICCPR), to which Libya is a party. The Constitution of Libya stipulates, in its article 1, that sovereignty is vested in the people. At the same time, there are no provisions in Libyan law or the equivalent on elections, and no provisions on the right to vote and seek elective office, both of which form part of right of all persons to take part in the government of one’s country as stipulated in article 25 in the ICCPR. Political parties are illegal, in contravention not only of right of all persons to take part in the government of one’s country, but also of the freedom of association.

Could the government of Libya elaborate on what steps it is taking to ensure the right of all persons to take part in the government of one’s country, in

accordance with Libya's international obligations, including through the holding of genuine, free and periodic elections?