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Libya has continued to make progress towards democracy, with the appointment of the new Prime Minister, Dr Ali Zeidan, elected by the General National Congress (GNC) on 14 October, and the swearing in of a new government on 14 November. Libya now has its first democratically elected Prime Minister and government in over 40 years. However, a number of human rights concerns remain, and the lack of government control of security continues to present a major challenge to the protection of human rights.

The Libyan government has made public commitments to upholding human rights in the new Libya. During an address to the UN General Assembly in September, the President of the GNC, Dr Mohammed Magarief, gave assurances that Libya would respect human rights and its international obligations and highlighted specific measures that it would put in place. The Prime Minister, Dr Ali Zeidan, a former human rights activist who co-founded and served as the spokesperson for the Libyan League for Human Rights from 1989 to 2002, said that the new Libya would be based on "the rule of law, human rights and democracy".

Security poses the greatest challenge in the immediate future. Libya faces significant difficulties as it seeks to overcome nearly half a century of dictatorship and to integrate former revolutionary fighters into state structures. Some armed groups have been incorporated into state bodies, but many are still operating independently. There have been a number of serious security incidents, most notably the September attack on the US Consulate in Benghazi, which resulted in the deaths of the US Ambassador and other US officials. In June, an attack against the British Ambassador's convoy in Benghazi led to the decision to suspend the UK Office's operations in Benghazi. Immediate and vociferous protests by large numbers of Libyans against these attacks, however, is evidence that there is a strong desire to embed respect for human rights, and an effective and accountable security apparatus, in their country.

The judiciary is functioning to a limited extent but there continue to be reports of arbitrary arrest and mistreatment of detainees, particularly in areas outside government control. Other key concerns are women's and minority rights, freedom of religion or belief and freedom of expression, in particular media freedom.

Our strategy in 2012 focused on supporting the Libyan authorities in establishing central control of the judicial sector (essential to addressing some of the outstanding human rights issues), creating a democratic framework to promote basic freedoms and rights and tackling legacy issues, including establishing a fair process to deal with detainees and former Qadhafi supporters.

The UK continues to work through the EU and the United Nations Support Mission in Libya (UNSMIL) to provide coordinated assistance to the Libyan authorities through the tri-departmental Conflict Pool (FCO/DFID/MOD) and the FCO-DFID Arab Partnership Fund. The past year saw an extensive package of support, including strategic advice on restoring public security and promoting the rule of law, support to the Judicial Police through a prison reform project, the provision of forensics equipment and training for the Judicial Police, a substantial contribution to the UN elections fund and training of domestic electoral observers, focusing on women and youth groups. These projects increased the participation of citizens in the democratic process and election-monitoring training programmes. We are exploring what additional support we can provide in 2013.

Elections

Libyans went to the polls on 7 July for the first time in 47 years – a significant moment in the country's political transition. International observers concluded that the elections were conducted in a transparent and fair manner. They were largely peaceful, despite some attempted disruption. Of those who had registered, 62% turned out to vote. Almost half were women, and 33 women were elected to the 200-seat GNC. The proposed cabinet was approved in November 2012. The next milestones include the drafting of a new constitution and the holding of further elections in 2014.

Judiciary

The Libyan judicial system is not yet fully functioning, despite efforts made by the interim government to rebuild institutions. Many of the police officers, prison guards, lawyers and judges who left during the revolution have not returned. Court cases are often adjourned rather than dealt with immediately by judges, or do not progress as quickly as they should. Amnesty International has reported that many lawyers operating in Libya are refusing to represent individuals accused of committing crimes during the revolution due to concerns about personal safety.

Despite a weak and under-resourced post-conflict system, there were some positive improvements in dealing with non-conflict-related crimes. Most individuals have access to lawyers, either state or privately funded, and straightforward civil cases are processed within reasonable timeframes. However, conflict-related detainees are not processed through the court system because of the political sensitivities surrounding their cases. In addition, those detainees with strong links to militia groups are not being prosecuted because lawyers and judges are fearful of reprisals by members of the militia group.

Former regime figures

A number of members of the former Qadhafi regime are detained in Libya awaiting trial on a range of charges. They include Saif al-Islam Qadhafi, son of Qadhafi, Abdullah al-Senussi, Qadhafi's former Intelligence Chief and al-Mahmoudi al-Baghdadi, Qadhafi's last Prime Minister. Saif al-Islam and al-Senussi are also subject to International Criminal Court (ICC) arrest warrants for alleged crimes against humanity. For most Libyans, their detention marks an important step in bringing closure to the Qadhafi era and building a new democratic Libya. It is important that all detainees are held in accordance with Libyan law, by a legitimate authority, and have access to legal representation and medical care. The way in which high-profile former regime figures are treated presents an opportunity for Libya to demonstrate its commitment to ensuring fair trials, to

cooperating fully with the ICC and to meeting international standards in the protection of human rights.

Detainees

Approximately half of Libya's detention facilities are under some form of government control, but most are in practice run by militias. The Minister of Justice, with the support of the UN, aims to bring all detention facilities under the control of the Judicial Police. It is not possible yet to verify the precise number of conflict-related detainees across the country, but the UN believes that there are up to 8,000 people in this category currently being held in Libya, in substandard conditions and at risk of torture. There has been consistent reporting from international NGOs about conditions in detention centres, particularly those outside government control, and the mistreatment of detainees. Human Rights Watch, Amnesty International and Médecins Sans Frontières have all had direct access to detention facilities, and have raised concerns about the conditions, the treatment of individuals in them and in particular the treatment of migrants in detention. Overcrowding, lack of food and medical supplies and allegations of mistreatment and torture have been reported. Amnesty International has produced detailed reports of abuse of detainees. Médecins Sans Frontières suspended its work in Misratan detention facilities in January after dealing with patients who had been tortured or abused. The United Nations Support Mission in Libya reported that three detainees had died as a result of abuse in Misrata in May.

The UK has raised concerns over detainees with the Prime Minister and Justice Minister, including the need to ensure that people are kept in conditions which meet international human rights standards. The International Centre for Prison Studies (ICPS), whose work the UK is funding, has provided support to the Ministry of Justice and Libyan Judicial Police.

Freedom of expression and assembly

Since the revolution, freedom of expression and assembly have improved significantly. Hundreds of new media outlets have emerged, including new TV and radio stations. Social media usage has increased dramatically, and there is greater access to information on the Internet. The GNC President, Dr Mohammed Magarief, has publicly confirmed that no censorship will be imposed on the media and they will be granted complete freedom to perform their duties. The GNC has created a Ministry of Information, although its mandate is unclear.

Journalists in Libya often lack experience and skills, and are keen to receive training. There have been some reports that media outlets are linked to particular political parties and produce biased reports. In addition, there has been an increase in the number of reports of some media outlets and journalists being threatened for criticising militia groups or government activity. The UK has provided media training to build capacity.

Under the Qadhafi regime, demonstrations were permitted only in support of the regime. Protests against the regime were put down, often violently. The new government, by law, allows people to gather and demonstrate against them. There have been numerous demonstrations outside, and inside, the GNC Hall. Demonstrations have also occurred in cities and towns across Libya.

Minority rights

The majority of Libya's population is Arab, but there are significant minority groups including the Tuareg, Amazigh and Tebu. Under the Qadhafi regime, minority groups were often marginalised and were not afforded the same rights as other Libyans. The new government has made a commitment to ensuring that all Libya's citizens have the same rights and are treated equally.

The main concern for Libya's minority groups is to ensure that their rights are protected under the new constitution. Several groups are requesting that their language is officially accepted and recognised. As Libya undergoes the process of drafting a new constitution it will be important that

the minority groups' voices are heard. The UK has raised the importance of minority rights with senior government officials, and will work with minority groups as part of our wider support for civil society.

Freedom of religion or belief

At least 97% of the Libyan population are Muslim. The Libyan government has committed to ensuring that the new constitution reflects the rights of all minorities, including religious groups. However, there have been a number of reports of Libyans receiving threats or being unlawfully detained for behaviour considered to be at odds with Islamic tradition. In November, reports emerged that 12 men, believed to be homosexual, had been detained and threatened with execution by an armed group wanting to enforce a strict form of Islam. The destruction of a number of ancient Sufi shrines on the grounds that they were "un-Islamic" and the attack against the Egyptian Coptic Orthodox Church in Misrata, resulting in two deaths, highlight the need for the government to honour its commitment to protect the rights of all of its citizens.

Death penalty

Libya still retains the death penalty, although there have been no executions since liberation. In November, there were reports that a military court in Benghazi issued the death penalty against a number of individuals in absentia for crimes committed during the revolution. The UK has raised its opposition to the death penalty with the Libyan government.

Women's rights

In the July elections, 33 women were elected to the GNC – 32 on the party list system and one as an independent candidate. This represented 16.5% of the total number of seats.

There were allegations of widespread sexual and gender-based violence during the revolution. In March, the UN Commission of Inquiry (COI) reported that this fell into two main categories, women who were beaten and raped by armed men in their homes or elsewhere and sexual violence and torture of both men and women in detention centres, who belonged to militia groups or were supportive of such militia groups.

In 2012, the UK continued its work to promote women's rights in Libya. We have allocated over £2 million to projects to enable women to achieve greater social, economic and political inclusion and influence.

Migrants

There have been a number of reports of ill-treatment and torture of migrants, particularly those from sub-Saharan Africa, in detention centres. Under the Qadhafi regime, migrants from sub-Saharan Africa were encouraged to settle in Libya and were given identity cards allowing them to live and work there legally. During the revolution many were supportive of the Qadhafi regime. Since the revolution many who were given identity documents by the regime now have difficulty in obtaining official documents demonstrating they have the authority to reside in Libya. This will have an immediate impact on their ability to access government services, including education and medical facilities.

There has also been an increase in the number of migrants entering Libya who are fleeing war-torn countries or have faced persecution and threats to their lives. Libya is not a signatory to the 1951 Geneva Convention relating to the Status of Refugees, nor its 1967 Protocol, nor has it developed its own national asylum legislation.

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