



**Libya's Compliance with the Convention on the Elimination of All Forms of
Discrimination Against Women
Suggested List of Issues Prior to Reporting Relating to the Death Penalty**

Submitted by The Advocates for Human Rights

a non-governmental organization in special consultative status with ECOSOC since 1996
and

The World Coalition Against the Death Penalty

for the

**90th Pre-Sessional Working Group of the Committee on the Elimination of Discrimination
Against Women
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The Advocates for Human Rights (The Advocates) is a volunteer-based nongovernmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. Established in 1983, The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publications. The Advocates is committed to ensuring human rights protection for women around the world. The Advocates has published more than 25 reports on violence against women as a human rights issue, provided consultation and commentary of draft laws on domestic violence, and trained lawyers, police, prosecutors, judges, and other law enforcement personnel to effectively implement new and existing laws on domestic violence. In 1991, The Advocates adopted a formal commitment to oppose the death penalty worldwide and organized a death penalty project to provide pro bono assistance on post-conviction appeals, as well as education and advocacy to end capital punishment. The Advocates currently holds a seat on the Steering Committee of the World Coalition against the Death Penalty.

The World Coalition Against the Death Penalty, an alliance of more than 150 NGOs, bar associations, local authorities, and unions, was created in Rome on 13 May 2002. The aim of the World Coalition is to strengthen the international dimension of the fight against the death penalty. Its ultimate objective is to obtain the universal abolition of the death penalty. To achieve its goal, the World Coalition advocates for a definitive end to death sentences and executions in those countries where the death penalty is in force. In some countries, it is seeking to obtain a reduction in the use of capital punishment as a first step towards abolition.

EXECUTIVE SUMMARY

1. The Committee on the Elimination of Discrimination Against Women last reviewed Libya's compliance with the Convention on the Elimination of All Forms of Discrimination Against Women in 2009. At the time, the Committee expressed concern that the State party had not adopted comprehensive legislation to protect women against gender-based violence.¹

Libya fails to uphold its obligations under the Convention on the Elimination of All Forms of Discrimination Against Women

I. Death penalty

2. Libya retains the death penalty in more than 30 articles in its penal code, including various crimes that do not amount to “most serious” crimes under international human rights standards, such as establishing or participating in unlawful organizations, drug trafficking, apostasy, and treason.² Moreover, absent a “pardon” from the victim's family, the death penalty is mandatory for aggravated murder and other crimes resulting in death.³ Libya carried out its most recent judicial executions in 2010.⁴ Libyan courts under the jurisdiction of the Government of National Unity sentenced at least 18 people to death in 2022.⁵ Also in 2022, in areas of eastern Libya under the de facto control of the Libyan Arab Armed Forces armed group, secretive military courts issued death sentences.⁶ As of the end of 2022, at least 18 people were known to have been under sentence of death in Libya.
3. In 2023, Libyan authorities reportedly sentenced six people to death, including at least two women, for converting to Christianity and proselytizing.⁷ Article 207 of Libya's penal code prohibits circulation of views aiming to “alter fundamental constitutional principles, or the fundamental structures of the social order,” including possession of any materials or other items promoting their cause.⁸ Article 291 of the penal code, as amended by Law No. 20 of 2016, also criminalizes renouncing Islam in word or deed, as well as publicly insulting Islam,

¹ Committee on the Elimination of Discrimination Against Women, *Concluding observations of the Committee on the Elimination of Discrimination against Women: Libyan Arab Jamahiriya* (6 Feb. 2009), U.N. Doc. CWDAAW/C/LBY/CO/5, ¶ 23.

² The Advocates for Human Rights and the World Coalition Against the Death Penalty, *Libya's Compliance with The International Covenant on Civil and Political Rights: Suggested List of Issues Prior to Reporting Relating to the Death Penalty*, 17 Aug. 2020, ¶ 5, https://www.theadvocatesforhumanrights.org/Res/libya_death_penalty_loipr.pdf; Amnesty International, *Death Sentences and Executions 2022* (2023), at 14.

³ The Advocates for Human Rights and the World Coalition Against the Death Penalty, *Libya's Compliance with The International Covenant on Civil and Political Rights: Suggested List of Issues Prior to Reporting Relating to the Death Penalty*, 17 Aug. 2020, ¶ 6, https://www.theadvocatesforhumanrights.org/Res/libya_death_penalty_loipr.pdf.

⁴ *Libya Considers Enforcing Death Penalty*, Libya Review, July 22, 2023, <https://libyareview.com/36249/libya-considers-enforcing-death-penalty/>.

⁵ Amnesty International, *Death Sentences and Executions 2022* (2023), at 12.

⁶ Amnesty International, *Death Sentences and Executions 2022* (2023), at 28 & n.67.

⁷ Zeinab Mohammed Salih, *Six Libyans face death penalty for converting to Christianity*, The Guardian, May 3, 2023, <https://www.theguardian.com/global-development/2023/may/03/six-libyans-face-death-penalty-for-converting-to-christianity>.

⁸ Zeinab Mohammed Salih, *Six Libyans face death penalty for converting to Christianity*, The Guardian, May 3, 2023, <https://www.theguardian.com/global-development/2023/may/03/six-libyans-face-death-penalty-for-converting-to-christianity>.

rendering both offenses punishable by death.⁹ The country's Internal Security Agency reported that it had arrested the six people to "stop an organized gang action aiming to solicit and to make people leave Islam."¹⁰ One woman human rights defender in exile told a reporter that the authorities are increasingly using Article 207 "against civil society activists and international organisations" since 2022.¹¹ She reported receiving death threats for her work before fleeing the country.¹²

4. In July 2023, Libya announced plans to resume executions, allegedly "to combat the rising crime rate and murders in the country."¹³ The Attorney General, Al-Siddiq Al-Sour, formed a committee to study resumption of executions and "give the green light to impose the death penalty, and implement fair retribution in some cases."¹⁴

II. Suggested questions for the Government of Libya

5. The authors suggest the following questions and requests for information:
 - What steps has Libya taken to abolish the death penalty and replace it with a penalty that is fair, proportionate, and consistent with international human rights standards?
 - Under what circumstances is the death penalty a mandatory punishment?
 - Please describe the process of a victim's family "pardoning" a person sentenced to death for murder, including whether the accused must provide payment to the victim's family, how the amount of payment is determined, and how the State party ensures that any such payment requirements do not result in intersectional discrimination against women from poor and marginalized backgrounds, particularly women who have killed their spouse or other family member in response to persistent and severe gender-based violence.
 - Please provide information about all people sentenced to death, executed, or under sentence of death during the reporting period, disaggregated by sex or gender, as well as by age, nationality, racial or ethnic group, age of any dependent children, relationship to any victim or codefendant, crime of conviction, court of conviction, dates of arrest and conviction, current location or date of execution, and status of any appeals or requests for mercy. Please provide further details regarding any cases in which a woman was sentenced to death for allegedly killing her spouse or

⁹ George Sadek, *Libya: American and Libyan Citizens Arrested and Detained for Conducting Missionary Work and Apostasy*, Law Library of Congress, May 26, 2023, <https://www.loc.gov/item/global-legal-monitor/2023-05-25/libya-american-and-libyan-citizens-arrested-and-detained-for-conducting-missionary-work-and-apostasy/>.

¹⁰ Zeinab Mohammed Salih, *Six Libyans face death penalty for converting to Christianity*, The Guardian, May 3, 2023, <https://www.theguardian.com/global-development/2023/may/03/six-libyans-face-death-penalty-for-converting-to-christianity>.

¹¹ Zeinab Mohammed Salih, *Six Libyans face death penalty for converting to Christianity*, The Guardian, May 3, 2023, <https://www.theguardian.com/global-development/2023/may/03/six-libyans-face-death-penalty-for-converting-to-christianity>.

¹² Zeinab Mohammed Salih, *Six Libyans face death penalty for converting to Christianity*, The Guardian, May 3, 2023, <https://www.theguardian.com/global-development/2023/may/03/six-libyans-face-death-penalty-for-converting-to-christianity>.

¹³ *Libya Considers Enforcing Death Penalty*, Libya Review, July 22, 2023, <https://libyareview.com/36249/libya-considers-enforcing-death-penalty/>.

¹⁴ *Libya Considers Enforcing Death Penalty*, Libya Review, July 22, 2023, <https://libyareview.com/36249/libya-considers-enforcing-death-penalty/>.

intimate partner, including whether there were any credible allegations that the woman experienced gender-based violence in that relationship.

- Please provide information about any women who have been charged with death-eligible crimes or sentenced to death in conjunction with the State party's prosecution of members of the Islamic State.
- Please provide detailed information about the women reportedly sentenced to death in 2023 for proselytizing and converting to Christianity, including details about their alleged crimes and the status of their cases and their current sentences.
- Please describe all the safeguards in place to ensure that women charged with capital crimes receive a fair trial. How do authorities ensure that all women accused of capital crimes have access to free and effective legal representation by attorneys who specialize in death penalty cases, ensure access to counsel at all times, from the start of the investigation through any appeals, and ensure that the defense team has sufficient funding to conduct a thorough investigation and to secure relevant expert witnesses, particularly regarding gender-specific defenses?
- What training does the government provide to defense counsel who take on capital cases regarding gender-specific mitigation and how to raise discrimination against clients on the basis of their gender, when appropriate?
- What steps has the State party taken to codify gender-specific defenses and mitigation in capital cases, encompassing women's experiences of trauma, poverty, and gender-based violence?
- What measures has the government implemented to ensure that all judicial officers responsible for sentencing in capital cases receive comprehensive training on gender-based discrimination, domestic violence, and tactics of coercive control that may influence or prompt a woman to commit a death-eligible offense?
- What safeguards are in place to ensure that women do not face criminal prosecution for exercising their right to the free exercise of religion?
- What training do judges, prosecutors, and defense attorneys receive about gender-sensitivity as it relates to criminal procedure and sentencing outcomes?
- How does the prison service ensure compliance with the Bangkok Rules?
- What efforts has the State party undertaken to engage civil society in discussions around abolition of the death penalty and alternatives to the death penalty? Please describe any measures taken to eliminate intersecting forms of discrimination in the criminal legal system against women with disabilities, migrant and refugee women, women from disadvantaged socio-economic backgrounds, and women belonging to minority groups.
- What measures is the State party taking to ensure that civilians are not subject to the jurisdiction of military courts or tribunals, particularly when such civilians are charged with death-eligible offenses?