

LIBYAN ARAB JAMAHIRIYA

CERD 26th No. 18 (A/8418) (1971)

28. From its 56th to its 58th meetings, the Committee proceeded to determine formally its view as a Committee (as distinct from the views expressed at previous meetings, which were those of the individual members) as to which reports were “satisfactory”, in the sense that they furnished all or most of the required information, and which reports were “unsatisfactory” or “incomplete” and therefore needed to be supplemented by further information. The initial report (and supplementary report, if any) of each State Party was put before the Committee separately by the Chairman. Where there was no consensus, the question whether a State Party’s report (or reports) was “satisfactory” or whether, failing that, the Committee wished to request additional information from that State Party, was decided by vote.

29. The Committee expressed itself as satisfied with the completeness of the reports submitted by the following 15 States Parties, from which no additional information was requested: ... Libyan Arab Republic ...

CERD 28TH No. 18 (A/9018) (1973)

257. The initial report of the Libyan Arab Republic, submitted on 7 August 1970, was considered by the Committee at its third session and deemed satisfactory. The second periodic report, dated 2 August 1972, was considered at the seventh session (144th meeting).

258. Some members noted that, although the initial report had been considered satisfactory, the second periodic report contained additional information, including the relevant provisions of the Constitutional Declaration of 1969 and the Penal Code.

259. Some members noted that the information contained in the report under consideration was not organized in accordance with the guidelines laid down by the Committee and expressed the hope that future reports would conform to those guidelines.

260. Some members inquired about the status of the relations of the reporting State with the racist régimes in southern Africa. Noting that article 30, paragraph (a), of the Constitutional Declaration stated that “no one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence under the law”, some members wondered whether racial discrimination had been declared a punishable offence in the laws of the reporting State, and in particular whether the acts mentioned in article 4, paragraphs (a) and (b), of the Convention had been so declared.

261. The representative of the Libyan Arab Republic informed the Committee that, in accordance with the relevant resolutions of the United Nations and the Organization of African Unity, his Government had imposed an embargo on all vessels destined for South Africa, Southern Rhodesia and the Portuguese-controlled Territories and had closed its air space to aircraft bound for the same destination. Furthermore, convinced that any doctrine perpetuating the occupation or usurpation of the land of others was a kind of racial discrimination founded on a mythical superiority of race or nationality, his Government was lending moral and material assistance to all liberation movements in every part of the world, particularly in Africa. Referring to the inquiries about specific legislation describing acts of racial discrimination as such as punishable offences, he assured the Committee that, if it felt that such legislation was necessary, he would so inform his Government, which was in the process of drafting a permanent Constitution.

262. The Committee decided to consider the report satisfactory and expressed the hope that the Government of the Libyan Arab Republic would continue to co-operate with the Committee as it had done in the past.

CERD 30TH No. 18 (A/10018) (1975)

103. Discussion of the third periodic report of the Libyan Arab Republic revolved principally around the extent to which the legislation in force, as reported, satisfied the requirements of paragraphs (a) and (b) of article 4 of the Convention. It was felt by members that the information at hand showed that parts of the requirements of both paragraphs were met by the provisions of the articles of the criminal code cited in the report; but, in view of the fact that those articles were paraphrased instead of being textually reproduced in full, and also in view of apparent ambiguities in the translation from the original text, which was in the Arabic language, members were unable to determine precisely the extent to which the relevant provisions of the criminal code corresponded to the provisions of article 4 of the Convention. It was noted that information on the ethnic composition of the population, as well as information on the implementation of articles 6 and 7 of the Convention, was lacking. It was recalled, however, that the two preceding reports had contained extensive information in accordance with article 9, paragraph 1, of the Convention, and that the information envisaged in general recommendation III (concerning relations with racist régimes) had been previously given to the Committee.

104. The representative of the Libyan Arab Republic replied to a specific question concerning the term used in the original Arabic text for “citizen”. He assured the Committee that the full text of the articles cited in the third periodic report would be provided in the next report or earlier, and that he would convey to his Government the other observations made by members of the Committee during the discussion.

CERD A/31/18 + Corr.1 (1976)

228. The fourth periodic report of the Libyan Arab Republic, which informed the Committee that no legislative, administrative, or judicial measures had been taken concerning the problem of racial discrimination, was considered together with the introductory statement made by the representative of the Government of the reporting State. In that statement, the representative of the Government of the Libyan Arab Republic informed the Committee that, in response to its request at an earlier session, the complete text of those articles of the Constitutional Declaration which were relevant to the provisions of article 4 of the Convention had been sent by his Government to the United Nations Secretariat in March 1976, but that, for reasons which had not yet been determined, they had not been delivered to the Secretary of the Committee.

229. It was observed that - inasmuch as no new measures giving effect to the provisions of the Convention had been adopted by the Libyan Government since it submitted its third periodic report - the observations made during the consideration of that report by the Committee remained valid. The requests made on that occasion for additional information and for the texts of relevant legislative provisions were reiterated.

230. The representative of the Government of the Libyan Arab Republic assured the Committee that the competent authorities in his country would take due account of the comments made by members of the Committee during the current discussion and would provide in the next report the additional information requested. In the meantime, the efforts to locate the documents which had been sent by his Government to the United Nations Secretariat, but had not yet reached the Committee, would be continued.

CERD A/34/18 (1979)

278. The fifth periodic report of the Libyan Arab Jamahiriya (CERD/C/20/Add.29) was considered by the Committee without the participation of a representative of the reporting State.

279. Some members observed that the fifth periodic report of the Libyan Arab Jamahiriya lacked substance and did not measure up to the expectations of the Committee. It was regretted that information on the main point of the report, the Constitutional Declaration of 11 December 1969, and in particular, the role of the Revolutionary Command Council (annex II of the report) had not been supplied to the Committee.

280. At the suggestion of the Chairman, the Committee requested the secretariat to invite the Government of the reporting State to submit another report containing information of direct relevance to the Committee's work, for consideration at the next session.

CERD A/44/18 (1989)

434. The sixth, seventh, eighth, ninth and tenth periodic report of the Libyan Arab Jamahiriya, including supplementary information requested by the Committee at its nineteenth session and combined in a single document (CERD/C/172/Add.2), were considered by the Committee at its 852nd meeting, held on 22 August 1989 (CERD/C/SR.852).

435. The representative of the State party, introducing the report, said that the Libyan authorities continued to give support to the liberation movements in South Africa and in the occupied territories. Libyan legislation guaranteed equal treatment before the courts, in the health field and with regard to the right to leave the country and to return to it. With regard to the last point, the requirement for exit visas had recently been withdrawn. The right to education, health care and social protection were fully guaranteed and women enjoyed all political, economic and social rights. With regard to article 7 of the Convention, he said that a conference on Racial Discrimination had been held at Tripoli from 23 to 26 November 1985 and that the Libyan Arab Jamahiriya was also contributing to the Trust Fund for the Programme for the Decade for Action to Combat Racism and Racial Discrimination.

436. The members of the Committee expressed their satisfaction with the report of the State party and the introductory statement by its representatives. They welcomed in particular the resumption of dialogue with the Libyan Arab Jamahiriya and expressed the hope that it would continue without interruption in the future. It was pointed out, however, that the report had not been drafted in conformity with the Committee's guidelines, that it did not deal with a number of questions raised earlier by members of the Committee and that it gave no detailed information on the actual situation in the country. In that respect, the hope was expressed that the next report would provide such details, in particular demographic data that would provide an overview of the situation.

437. With regard to implementation of article 3 of the Convention, it was regretted that, despite the exemplary part played by the Libyan Arab Jamahiriya in that field, no information on the measures taken to combat apartheid or on trading or other relations with South Africa appeared in the report.

438. Members asked for information on the steps taken by the authorities regarding implementation of articles 4 and 6 of the Convention. In particular, they asked what remedies were available to anyone complaining of racist acts and whether the provisions of the Criminal Code were in conformity with the provisions of article 4 of the Convention.

439. The members of the Committee also wished for more information on the application of article 5 of the Convention, and asked in particular what were the security reasons mentioned in the report that prevented a person from leaving the country.

440. With regard to article 7 of the Convention, members asked for detailed information concerning public education to combat racial discrimination and the measures taken to maintain harmonious relations among different population groups.

441. In his reply, the representative of the State party said that the Libyan population was a

homogenous one, having a single origin and a single religion, namely, Islam; the problem of racial discrimination therefore did not arise. A few Christians were living in the country; they were respected and had the right to worship as they pleased. Furthermore the nationals of many countries were making a valuable contribution to the implementation of the country's development plans. Nationals of Arab countries did not require a visa to enter or to work in the Libyan Arab Jamahiriya.

442. With regard to implementation of article 3 of the Convention, the Libyan Arab Jamahiriya had no direct or indirect relations with South Africa and its airspace was closed to that country.

443. In conclusion, the representative of the State party said that although he had been unable to answer all the questions asked, they would be considered with every attention and would be answered in future reports.

CERD A/53/18 (1998)

235. The Committee considered the eleventh, twelfth, thirteenth and fourteenth periodic reports of the Libyan Arab Jamahiriya, submitted in a single document (CERD/C/299/Add.13), at its 1264th and 1265th meetings, on 13 and 16 March 1998, and, at its 1272nd meeting, on 19 March 1998, adopted the following concluding observations.

A. Introduction

236. The Committee expresses its appreciation for the opportunity to resume its dialogue with the State party. The Committee notes that it considered the previous periodic report of the Libyan Arab Jamahiriya on 22 August 1989. The report under consideration is in accordance with the Committee's guidelines and contains information on how the State party implements the Convention. The report also contains answers to some of the questions raised by the Committee members in 1989. However, the report provides information on legislative, judicial and administrative developments only up to 5 January 1994.

237. The Committee recalls in this connection that States parties are under an obligation to take legislative, judicial and administrative measures to combat racial discrimination as a preventive measure so as to avoid any possible manifestation or recurrence of the phenomenon.

B. Positive aspects

238. It is noted with appreciation that the State party has incorporated the Convention as an integral part of its domestic legislation, and that in case of legal conflict, the Convention takes precedence over domestic law.

239. The Libyan Constitutional Declaration and the other relevant documents contain provisions guaranteeing equality of all citizens before the law.

240. Satisfaction is expressed at the way in which the State party has consistently conducted its fight against apartheid.

241. The State party has made serious efforts to give effect to a number of the provisions of article 5, particularly those concerning certain economic and social rights.

C. Principal subjects of concern

242. Both the statements of the representative of the Libyan Arab Jamahiriya and the report, especially its second part, maintain categorically that there is no racial discrimination and no complaints concerning racial discrimination in the State party. There is no specific legislation to prohibit racial discrimination.

243. The State party has not provided any information on the demographic composition of the Libyan population, although the Committee requested it when it considered the State party's tenth

periodic report in 1989.

244. The State party has not been fully implementing the provisions of article 4 of the Convention and it has not provided sufficient information on the practical implementation of the provisions of article 4.

245. It is also regretted that insufficient information has been provided on the implementation of article 6 of the Convention, particularly on available remedies, as well as the practice of the tribunals.

246. The declaration by the State party that there are no ethnic minorities in its territory does not take into account the existence, in particular, of Berbers, Tuaregs, black Africans and the like, who are reported to experience acts of discrimination because of their ethnic origin.

247. Concern is expressed about allegations of acts of discrimination against migrant workers on the basis of their national or ethnic origin.

D. Suggestions and recommendations

248. The Committee recommends that the State party provide in its next report detailed information on the demographic composition of its population, including non-Libyans living in the State party, as well as information on the status and working conditions of foreign workers and on measures taken by the State party to prevent any acts of discrimination against them.

249. The Committee recommends that specific legislation be enacted by the State party to implement the provisions of article 4 of the Convention. The State party is also encouraged to adopt appropriate policies to promote the rights of ethnic minorities and to ensure their equality in accordance with the provisions of the Convention.

250. A particular effort should be made by the State party to train law enforcement officials in the light of the provisions of the Convention.

251. The Committee recommends that the State party continue to take appropriate measures to increase the awareness of the population about the provisions of the Convention, particularly those contained in its article 7, and to widely disseminate the concluding observations adopted by the Committee on the report.

252. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention.

253. It is noted that the State party has not made the declaration provided for in article 14 of the Convention, and some members of the Committee request that the possibility of such a declaration be considered.

254. The Committee recommends that the State party's next periodic report be an updating one. It

should address all the points raised in the present observations and reply to unanswered questions raised by members of the Committee.