



**International Convention on
the Elimination
of all Forms of
Racial Discrimination**

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Sixty-fourth session
23 February-12 March 2004

**CONSIDERATION OF REPORTS SUBMITTED BY STATES
PARTIES UNDER ARTICLE 9 OF THE CONVENTION**

**Concluding observations of the Committee on the
Elimination of Racial Discrimination**

LIBYAN ARAB JAMAHIRIYA

1. The Committee considered the fifteenth to seventeenth periodic reports of the Libyan Arab Jamahiriya, respectively due from 1998 to 2002, submitted as one document (CERD/C/431/Add.5), at its 1626th and 1627th meetings (CERD/C/SR.1626 and 1627), held on 2 and 3 March 2004. At its 1639th meeting (CERD/C/SR.1639), held on 11 March 2003, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the reports submitted by the State party and the opportunity to resume its dialogue with the Libyan Arab Jamahiriya, in a context more favourable than in 1998. The Committee was encouraged by the attendance of a delegation and expresses its appreciation for its efforts to respond to the questions asked.

3. The Committee appreciates the efforts made by the State party to comply with the reporting guidelines of the Committee, but regrets the lack of information regarding the practical implementation of the Convention and the lack of answers on issues raised in the previous concluding observations.

B. Positive aspects

4. The Committee notes with appreciation that steps towards the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families have been taken.
5. The Committee also notes with appreciation the steps taken by the State party to ratify the amendments to article 8, paragraph 6, of the Convention.

C. Concerns and recommendations

6. The Committee takes note again of the discrepancy between the assessment of the State party, according to which Libyan society is ethnically homogenous, and information indicating that Amazigh, Tuareg and Black African populations live in the country.

The Committee draws the attention of the State party to its general recommendation IV (1973) as well as to paragraph 8 of its Reporting guidelines, and reiterates its recommendation that information on the ethnic composition of the population be provided in its next periodic report.

7. The Committee regrets that no detailed information was provided by the State party on non-citizens residing in the Libyan Arab Jamahiriya, despite the request made in its previous concluding observations.

The Committee wishes to receive information in the next periodic report relating to documented and undocumented migrant workers and members of their families, as well as refugees, in particular regarding their country of origin, their status and their living conditions. It invites the State party to ratify the 1951 Convention relating to the Status of Refugees and its 1967 Protocol.

8. The Committee notes that the State party, in its periodic report, categorically maintains that racial discrimination does not exist in the Libyan Arab Jamahiriya. It understands that, in the view of the State party, although incidents of racial discrimination may occur, there is no systematic racial discrimination on the part of the State party.

The Committee recommends that the State party conduct studies with a view to effectively assessing and evaluating the occurrence of racial discrimination in the country, and review its assessment.

9. The Committee further notes the absence of comprehensive legislation to prevent and prohibit racial discrimination, in particular under article 4 of the Convention. It wishes to underline that, although the Convention prevails over the State party's domestic law, article 4 cannot be directly implemented, as it calls for the enactment of specific provisions setting out sanctions to be applied to offences strictly defined under the law.

The Committee recommends to the State party that it enact legislation responding to all requirements of article 4 of the Convention.

10. The Committee is deeply concerned about reported acts of violence, stemming from anti-Black sentiment in the population, which were perpetrated in September 2000 against African migrant workers and led to the death of many persons. The Committee regrets that no updated response was provided by the State party on the action taken to sanction those responsible and prevent the occurrence of such violence in the future.

The Committee requests that the State party submit detailed information about the number of persons who died and their nationality, the results of the inquiry made by the authorities, the prosecution of persons in relation to these events, and sentences, if any, that were pronounced. The Committee also wishes to receive information about the results of the measures previously announced by the State party in response to these events, in particular the creation of a committee to look into the events and to study all manifestations of xenophobia, as well as measures for the regularization of undocumented migrants.

11. The Committee is concerned that, according to some information, thousands of African migrant workers have been expelled since 2000.

The Committee wishes to receive more detailed information about the rules for return, deportation or expulsion of migrants. It recommends that the State party ensure that the removal of non-citizens does not discriminate amongst them on the basis of ethnic or national origin.

12. The Committee is concerned that, according to some information, deaths of African migrants regrettably occur during transit to settle in the Libyan Arab Jamahiriya or through the Jamahiriya towards Europe.

The Committee recommends that the State party provide information about this issue in its next periodic report, including on the measures it has adopted in this regard.

13. The Committee regrets that information provided on the implementation of article 5 of the Convention is incomplete.

The Committee recommends that the State party focus more precisely on the issue of non-discrimination when reporting on the enjoyment of the rights under article 5 of the Convention, and provide practical information on the enjoyment of these rights by migrants, Blacks, Tuaregs and Amazighs within the jurisdiction of the State party.

14. The Committee is concerned at information that anti-Black sentiment and racially motivated acts against foreign workers have an adverse impact on their employment situation and terms and conditions of employment.

The Committee recommends that the State party ensure that foreign workers are not discriminated against in employment on the basis of their colour or their ethnic or national origin.

15. The Committee notes that, according to some information, there is no recognition of Amazigh language and culture in the Libyan Arab Jamahiriya and Amazighs are impeded from preserving and expressing their cultural and linguistic identity.

The Committee stresses the obligation of the State party, under article 5 of the Convention, to respect the right of Amazighs to enjoy their own culture and to use their own language, in private and public, freely and without discrimination. It invites the State party to enhance the enjoyment of the right of association for the protection and promotion of Amazigh culture, and to take measures especially in the field of education in order to encourage knowledge of the history, language and culture of Amazighs.

16. Noting that the State party has not provided information on the practical implementation of article 6 of the Convention, the Committee recommends that the State party raise the awareness of the population on their rights under the Convention, including their right to an effective remedy, and to sensitize the police and judicial authorities to the issue of racial discrimination.

17. The Committee takes note of the reportedly insufficient human rights education programmes in school curricula, in particular regarding the promotion of tolerance and respect for religious and ethnic minorities.

The Committee encourages the State party to strengthen its efforts in this area, and to submit detailed information on this issue in its next periodic report.

18. The Committee further notes that the State party has not made the optional declaration provided for in article 14 of the Convention, and recommends that it consider the possibility of making such a declaration.

19. The Committee recommends that the State party take into account the relevant parts of the Durban Declaration and Programme of Action when implementing the Convention in the domestic legal order, in particular in respect of articles 2 to 7 of the Convention, and that it include in its next periodic report information on action plans or other measures they have taken to implement the Durban Declaration and Programme of Action at national level.

20. The Committee invites the State party to take advantage of the technical assistance available under the advisory services and technical assistance programme of the Office of the United Nations High Commissioner for Human Rights for the purpose of drafting comprehensive legislation aimed at preventing and prohibiting racial discrimination.

21. The Committee recommends that the State party's reports be made readily available to the public from the time they are submitted and that the observations of the Committee on these reports be similarly publicized.

22. The Committee recommends that the State party submit its eighteenth periodic report jointly with its nineteenth periodic report, due on 4 January 2006, and that the report be comprehensive and address all points raised in the present concluding observations.