

For participants only

CRC/C/Q/LIBYA.1

October 1997

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD
Seventeenth Session
Pre-sessional Working Group
13-17 October 1997

IMPLEMENTATION OF THE CONVENTION OF THE RIGHTS OF THE CHILD

List of issues to be taken up in connection with
the consideration of the initial report of
the Libyan Arab Jamahiriya
(CRC/C/28/Add.6)

General measures of implementation
(arts. 4, 42 and 44)

1. With regard to information provided in paragraph 11 of the report and with reference to the Child Protection and Welfare Ordinance which has been submitted to the people's congresses, please indicate if it has entered into force.
2. Please provide information on the existing successes and obstacles in implementing legislation related to children as defined in paragraph 11 of the report.
3. Please provide information on existing or foreseen mechanisms to coordinate the activities between all Ministries involved in children's issues as well as between the local and central authorities.
4. Please indicate whether indicators have been developed and disaggregated data collected concerning the status of all children, including girl children, children with disabilities, children born out of wedlock and refugee children. What difficulties were encountered in the collection and use of these data and indicators for the design of policies and programmes for the effective implementation of the Convention?
5. Please provide further details on existing or foreseen mechanisms, both at central and local levels, for the monitoring of the implementation of the Convention. What consideration has been given by the Government to the establishment of an Ombudsperson for children's rights or similar independent monitoring body?
6. With regard to information provided in paragraph 13 of the report, please provide additional information on the Higher Committee for Child Welfare regarding its mandate, composition, budget, institutional framework and recent achievements.
7. Please provide further information on the ways in which the present

institutional arrangements relate to non-governmental organizations in the country.

8. With regard to information provided in paragraph 15 of the report, please indicate what measures have been taken, or are planned, to train professional groups such as: judges, lawyers, law enforcement officials, army officials, civil servants including at the local level, personnel working in institutions and other places of detention for children, health personnel including psychologists and social workers, about the Convention on the Rights of the Child. In addition, please further indicate what measures have been taken to raise the awareness of Government officials, legislators, non-governmental organizations, religious leaders, the mass media and the public at large including children themselves.

9. Please provide additional information on the implementation of article 4 of the Convention in regard to the allocation ~~A~~to the maximum extent of (...) available resources@for the rights of the child.

10. With regard to information provided in paragraph 13 of the report, please explain in detail what is understood by ~~A~~(...) fostering a cultural transformation which encourages society in the future to produce children that are mentally sound, spiritually well-balanced, physically and emotionally healthy and socially well-adjusted@ With regard to information provided in paragraph 14, please give further details and names in relation to the mentioned agencies/institutions and their programmes.

11. Please provide more details about the process of preparing the report, including the extent to which the non-governmental organizations were involved.

12. Please explain to what extent international cooperation is designed to foster the implementation of the Convention.

Definition of the Child
(Article 1)

13. With regard to information provided in paragraph 17 of the report, please further explain the reason for which the age of discernment has been set at seven-year-old.

14. With regard to information provided in paragraphs 27 to 35 of the report, please provide information on the minimum ages for legal and medical counseling without parental consent, voluntary enlistment into the armed forces, capital punishment and to give testimony before a court.

15. With regard to information provided in paragraph 38 of the report, please indicate the legal minimum age for marriage in domestic law.

General principles
(Arts. 2, 3, 6 and 12 of the Convention)

16. With regard to information provided in paragraph 47 of the report, please indicate to what extent the provisions of article 2 of the Convention are covered in national legislation with regard to all possible grounds for discrimination spelled out in that article, especially in relation to language, national, ethnic or social origin, property, disability and birth

status. Please also provide additional information on the measures foreseen or undertaken by the authorities to prevent and combat discrimination against the girl child.

17. Please describe the measures taken to prevent discrimination against children and their parents or guardians on the grounds of political or other opinion (art. 2.2 of the Convention).

18. How are the principles of the "Best interests of the child" and the "respect for the views of the child" (arts. 3 and 12 of the Convention) reflected in legislation, or actions undertaken by social welfare institutions, courts of law and administrative authorities? Please provide some examples of implementation of these principle by courts and/or administrative bodies. What concrete measures have been taken to sensitize public opinion to encourage children to exercise their participatory rights?

19. Please further indicate ways in which the principle of respect for the views of the child is reflected in practice in all matters affecting the child, including within the family, at school and in other institutions.

20. Please provide information on the existing safeguards to guarantee that children belonging to foreign workers families are not discriminated in the enjoyment of the rights recognized by the Convention.

Civil Rights and Freedoms
(Arts. 7-8, 13-14 and 37a)

21. Please provide information on the occurrence of maltreatment of children. Have specific programmes for the prevention of ill-treatment of children been developed at the central and local levels? What specific legal provisions exist to protect children from being ill-treated in their homes, schools and other institutions? Are there complaints procedures which can be used by children themselves against abuses? Have any cases of ill-treatment of children been submitted to the national courts? Please also indicate if corporal punishment within the family is prohibited by law (para. 71 of the report).

22. With regard to information provided in paragraph 70 of the report, please explain the compatibility between article 465 of the Code of Criminal Procedures, which apparently permits the use of corporal punishment if the convicted person is between 15 and 18 years old, with the principles and provisions and the Convention, especially articles 3 and 37 (a).

23. In the light of article 37 (a) of the Convention, please provide information on the legal and other measures foreseen or undertaken to prevent and prohibit acts of torture or other cruel, inhuman or degrading treatment or punishment of children. Please indicate the resources committed for implementing the provisions of article 39 of the Convention in this regard.

Family environment and alternative care
(Arts. 5, 18 paras. 1 and 2, 9-11, 27 para. 4,
20-21, 19 and 39 and 25 of the Convention)

24. Please supply information on the legal status of children born out of wedlock.

25. Please specify what provisions guarantee parental authority and

visiting rights when parents are living separately or in the case of divorced couples where each partner has established a new home.

26. Please indicate the present policy of the authorities in relation to the choice between institutional care and care in foster homes or similar arrangements.

27. Please provide information on the measures taken or foreseen to prevent and combat domestic violence. Has any recent study or survey been undertaken with regard to this phenomenon?

28. With regard to information provided in paragraph 97 of the report, please indicate existing or foreseen mechanisms to monitor institutions of alternative care.

29. Please also indicate the measures taken to prevent and monitor sexual abuse, in the family as well as in State institutions, schools and juvenile detention centers.

Basic Health and welfare
(Arts. 6, para 2, 23, 24, 26
and 18 para. 3 and 27 paras. 1-3)

30. With regard to information provided in paragraphs 102-108 of the report, please indicate if any surveys have been conducted regarding the number of children with disabilities and their particular problems. Please provide any available data focusing on child disability.

31. Please provide further information on policies and programmes for children with mental health problems. Please give additional information on the measures taken to provide easy access to basic services, including health and education, to children with disabilities living in rural or remote areas.

32. Please provide information on legal and other measures taken by the State party to prevent and combat traditional practices prejudicial to the health of children, in particular female genital mutilation.

33. Please provide information on recent trends and on measures taken by the State Party to prevent and combat HIV/AIDS and assist affected or infected children.

34. Please explain the measures taken or foreseen by the State Party to fully ensure the right to housing (art. 27. 3)

Education, leisure and cultural activities
(Arts. 28, 29 and 31)

35. Please indicate to what extent school curricula have been adjusted since the ratification of the Convention on the Rights of the Child, to give room for education about human rights, in particular children's rights.

36. Please specify if school teachers and managers have been provided education and training on the Convention.

37. Please provide information on the drop-out rates and repetition of classes if possible by gender, the measures undertaken to reduce them and the availability of alternative education programmes as well as programmes

for vocational training.

38. Please specify if corporal punishment is allowed in schools. Do monitoring mechanisms function for the consideration of such violations?

Special protection measures
(Arts. 22, 30, 32-40)

39. With regard to information provided in paragraph 150 of the report, please indicate the current number of refugee children living under the jurisdiction of the State Party. Please also indicate how the State Party is ensuring, through legal and other measures, that the basic rights of those children, such as access to health, education and social services, is guaranteed.

40. Please provide further information, in the light of articles 37, 40 and 39 of the Convention (see paras. 153-156), in particular on:

- a) the use of arrest, detention or imprisonment of a child as a measure of last resort and for the shortest period of time;
- b) the possibility to have a prompt access to legal and other appropriate assistance, as well as for challenging the legality of the deprivation of liberty before a court or other competent, independent and impartial authority, and of having a prompt decision thereon;
- c) the right of the child alleged as, accused of or recognized as having infringed the penal law to be treated in a manner consistent with the child's sense of dignity and worth, which reinforces the child's respect for human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society;
- d) alternative measures to institutional care made available to deal with such children in a manner appropriate to their well-being; and
- e) the establishment of laws and procedures specifically applicable to children alleged as, accused of or recognized as having infringed the penal law, in the light of article 40, para. 3 of the Convention.

41. With regard to the situation of children in prison, please provide additional information (see para. 154), in particular, on the following issues:

- the type of institutions that exist for the custody of young law offenders and what specific rules there are for their treatment;
- the opportunities for the contact with families;
- the separation of child detainees from adult ones;
- the way the conditions in such institutions are monitored;
- the guarantees to ensure the periodic review of placement;

- the complaint procedures in cases of ill-treatment;
- the education, health and other facilities in these institutions.

42. Please provide information on penalties and sanctions to guarantee the effective implementation of article 32 of the Convention, including information on the system of monitoring, such as inspection, and on procedures to apply such sanctions, as well as data or the number of inspection visits made, breaches of the regulations and sanctions imposed.

43. Please indicate if any comprehensive study has been undertaken on the existence and scale of sexual abuses within and outside the family environment.

44. With regard to information provided in paragraphs 161 to 163 of the report, please indicate if any cases of trafficking and/or sale of children have been recently discovered by the authorities of the State Party. If so, please provide details on the prosecution of the perpetrators of those crimes.

45. Please provide information on children belonging to minorities groups. What affirmative action has been taken or is foreseen by the State party to ensure that these children are not discriminated against in the enjoyment of their rights?