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COMMITTEE ON ECONOMIC, SOCIAL  
AND CULTURAL RIGHTS  
Pre-sessional working group  
29 November-3 December 2004

**IMPLEMENTATION OF THE INTERNATIONAL COVENANT  
ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

**List of issues to be taken up in connection with the consideration of  
the second periodic report of the LIBYAN ARAB JAMAHIRIYA  
concerning the rights referred to in articles 1-15 of the International  
Covenant on Economic, Social and Cultural Rights (E/1990/6/Add.38)**

## **I. GENERAL FRAMEWORK WITHIN WHICH THE COVENANT IS IMPLEMENTED**

1. Please indicate whether the State party plans to adopt and implement a national human rights action plan in accordance with the Vienna Declaration and Programme of Action of 1993.
2. Please specify to what extent domestic courts have applied the principle established in Act No. 6 of 1982, according to which international treaties ratified by the Libyan Arab Jamahiriya become legally binding and take precedence over domestic law.
3. Please indicate whether the State party intends to establish a national human rights institution in conformity with the Paris Principles (General Assembly resolution 48/134, annex), mandated with the promotion and protection of all human rights, including economic, social and cultural rights.
4. Please indicate whether the State party intends to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

## **II. ISSUES RELATING TO THE GENERAL PROVISIONS OF THE COVENANT (arts. 1-5)**

### **Article 2.2. Non-discrimination**

5. Please indicate how the right of persons belonging to national minorities and foreign migrant workers to be treated on a non-discriminatory basis, notably in employment, housing, health services and education, is protected in the State party in the absence of comprehensive legislation against discrimination.

### **Article 3. Equality between men and women**

6. Please provide further explanations on gender equality in the State party and specify the role of the courts in the enforcement of the right to equality between men and women in the enjoyment of economic, social and cultural rights.
7. Please indicate the extent to which traditional attitudes affect the enjoyment of economic, social and cultural rights by women.

## **III. ISSUES RELATING TO SPECIFIC PROVISIONS OF THE COVENANT (arts. 6-15)**

### **Article 6. The right to work**

8. Please indicate how the right to work, as defined in article 6 of the Covenant, is being respected in the State party with regard to foreign migrant workers and refugees.
9. In view of the system employed in the State party of regarding workers as partners, please indicate how the remuneration of workers is determined in the State party.

10. Please indicate the extent of unemployment in the State party and how unemployed persons are being assisted in finding employment, with regard to Libyan citizens, migrant workers and refugees.

11. Please explain how the job centres, referred to in the report (Part III, section on article 6), assist unemployed persons in finding employment.

#### **Article 8. Trade union rights**

12. Please explain how the right of everyone to form or join trade unions is protected in the State party.

13. Please indicate how the right to strike is protected in the State party and whether this right has in fact been exercised.

#### **Article 9. The right to social security**

14. The report states that every citizen has the right to social protection and social security. Please explain how this right is being enforced and indicate whether it also applies to foreign migrant workers.

15. Please indicate whether the social benefits outlined in the report also apply to self-employed persons and those working in handicrafts and agriculture.

16. Please indicate how social benefits have evolved over the past five years relative to the evolution of the cost of living.

#### **Article 10. Protection of family, mothers and children**

17. Please give more details of the acts which are criminalized as “offences against the family” under chapter 2 of title III of the Penal Code.

18. Please indicate the incidence of divorce in the State party, and whether the rights of divorced women and of their children are effectively protected.

19. The report states that the Social Security Fund takes care of and protects children that are deprived of family protection (Part III, section on article 9). Please indicate the nature and methods of quality control of the institutions within which that care is provided.

#### **Article 11. The right to an adequate standard of living**

20. Please indicate the number of people living below the poverty line, as defined by the State party.

21. Please indicate how the monetary income of the population has changed relative to changes in the cost of living in the State party.

22. Please indicate how the food product price index has changed relative to changes in the per capita monetary income of the poorer segment of the population over the past 10 years.

23. Please provide further information on the housing situation, especially of foreign migrant workers and the rural population, and indicate what effective measures have been taken in that area.

### **Article 12. The right to physical and mental health**

24. Please indicate how the life expectancy of men and women has changed and provide infant and maternal mortality rates.

25. The data listed in the report indicate that there were 1.3 medical doctors and 4.3 nurses per 1,000 persons (year 2001). Please indicate what measures are being taken in order to improve those low ratios.

26. Please provide information on health services in rural areas and on the health situation of the rural population.

27. Please indicate the extent of the spread of HIV/AIDS in the State party, particularly in the light of the relatively large migrant population.

### **Articles 13 and 14. The right to education**

28. Please provide information on the percentages of children attending schools at the primary and secondary levels, and please indicate whether basic education is free and compulsory.

29. Please indicate the rate of dropout at the basic (or compulsory) school level during the past five years.

30. Please indicate the proportion of youth (19 to 23 years of age) enrolled in universities, within the country and abroad, and indicate whether income is a factor that can restrict admission to university education.

31. Please provide information on measures undertaken by the State party to introduce human rights education in the education system and to disseminate the text of the Covenant to the public at large.

### **Article 15. Cultural rights**

32. Please indicate the measures being taken to preserve the cultural heritage of Libyan society, apart from that preserved and presented at Tripoli Museum and, in particular, of the ethnic minorities, namely, the Amazigh, Touareg and Tebou.

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