



**Convention on the Elimination  
of All Forms of Discrimination  
against Women**

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**Committee on the Elimination of Discrimination  
against Women**  
Forty-third session

**Summary record of the 879th meeting**

Held at the Palais des Nations, Geneva, on Thursday, 29 January 2009, at 3 p.m.

*Chairperson:* Ms. Zou Xiaoqiao (Vice-Chairperson)

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*In the absence of Ms. Gabr; Ms. Zou Xiaoqiao, Vice-Chairperson, took the Chair.*

*The meeting was called to order at 3 p.m.*

**Consideration of reports submitted by States parties under article 18 of the Convention (continued)**

*Second periodic report and combined third, fourth and fifth periodic reports of the Libyan Arab Jamahiriya (CEDAW/C/LBY/2 and 5; CEDAW/C/LBY/Q/2 and Add.1)*

1. *At the invitation of the Chairperson, the members of the delegation of the Libyan Arab Jamahiriya took places at the Committee table.*

*Articles 7 to 9 (continued)*

2. **Ms. Huda Ben Amer** (Libyan Arab Jamahiriya) said that, in her country, decisions were made by the basic people's congresses. There was one in every community and every citizen, man or woman, was a member of one. Some rural areas where women were excluded had women-only congresses that discussed the same agenda as the local basic people's congress did. Women constituted almost one third of congress attendees, and almost two thirds of those involved in social affairs. Each of the 424 basic people's congresses had a Secretary of Women's Affairs, who attended meetings of the General People's Congress, a kind of national parliament, along with other local congress officials. Women were also represented at senior levels in many institutions, including universities, of which a majority of graduates were women.

3. **Ms. Anbar** (Libyan Arab Jamahiriya) said there was no discrimination whatsoever against women in the diplomatic corps. In recent years, the most outstanding graduates of the Institute for Diplomatic Studies had been women. Many of them had been sent for further training abroad. Women were present in all Libyan diplomatic missions with the exception of a few in conflict zones. Employment and advancement in the Libyan diplomatic corps were based solely on competence.

*Articles 10 to 14*

4. **Ms. Halperin-Kaddari** requested additional information on girls and women in the education system, in particular data disaggregated by subject

area; on women's employment throughout the education sector; and on education in rural areas, which reportedly suffered from low enrolment and dropout rates. She also wished to know whether it was true that young girls in rehabilitation centres were taught only religion and sewing. Lastly, the delegation should clarify the status of children born to a Libyan woman and a non-Libyan man, and, in particular, whether they enjoyed the same access to free education as children born to a Libyan woman and a Libyan man did.

5. **Ms. Murillo de la Vega** said that, while differentiated treatment for the purpose of protection as opposed to for the purpose of suppressing rights was understandable, in modern countries tradition must be adapted to accommodate new rights. Two examples that were hard to understand were the differentiated treatment of men and women in the handling of rape cases and the presentation of a good reputation and conduct certificate as a prerequisite for employment. Noting that more comprehensive data on women's employment, disaggregated by sector, would help in planning public policy, she asked whether the difference in the retirement ages of 62 for men and 60 for women would be eliminated. Lastly, women's participation in the basic people's congresses would not promote equality if they were segregated from men.

6. **Ms. Rasekh** asked how the Health Act guaranteeing free medical services to all citizens and other such instruments were affecting women's health. The information presented to the Committee seemed to have been lifted from previous reports and shed little light on specific issues such as maternal mortality, HIV/AIDS, rural access to health care and mental health. The latter was a particular concern in traditional societies where women were not at liberty to speak out against oppression.

7. **Ms. Gabr** asked how the lifting of economic sanctions had affected the provision of social services, in particular social security; what percentage of women received benefits and what type of services were provided; whether women who so desired could work beyond retirement age; and whether credit, in particular microcredit, was available to women on the same terms as it was to men. Lastly, the reporting State should provide more details about women's participation in sporting and cultural activities and

about its efforts to raise awareness of the Optional Protocol.

8. **Ms. Murillo de la Vega** requested additional information on rural women, particularly in relation to their participation in political life, the provision of social services, access to water and transportation, and the availability of credit.

9. **Ms. Huda Ben Amer** (Libyan Arab Jamahiriya) said that, since only 15 per cent of the population lived in rural areas, development programmes were generally designed with the urban population in mind. That said, an effort was made not to neglect rural communities' concerns. She did not see the problem with some areas having women-only congresses if the only alternative was for women not to participate in political life at all.

10. **Ms. Wafa** (Libyan Arab Jamahiriya) said that, in traditional communities, girls were not permitted to travel long distances to school. Because schools had been spread out across the country, only three per cent of girls had to travel more than five km to school. As a result, primary education was virtually universal for both boys and girls in urban and rural areas alike. Furthermore, women constituted a majority of university students and graduates. In 2003, the number of women specializing in the sciences had overtaken the number of men specializing in the sciences and women had constituted a majority of law students. Gender disparity in education had therefore been eliminated for some time. Almost a third of university faculty were women and a woman had been dean of the country's largest university. All the statistics mentioned had been taken from the national information and documentation system.

11. **Ms. Huda Ben Amer** (Libyan Arab Jamahiriya) said that, contrary to what the Committee might have been told, the Benghazi Home for Juvenile Girls was extremely well equipped and provided an education of the highest quality to the girls it housed. The only problem was that conditions were so good that many women were disappointed when they returned to the real world. She invited any member so wishing to visit the Home.

12. On the issue of rape, she said that rapists were punished as criminals. The requirement that a rapist must marry his victim, even if just for one month, was intended to ensure that any child born as a result of the crime had established parentage. It was also important to note that many women who committed adultery did

so in an attempt to force their families to accept a husband of whom they did not approve.

13. **Ms. Elayeb** (Libyan Arab Jamahiriya) said that the good reputation and conduct certificate was intended to weed out persons who had committed acts in the past that might result in their being deprived of their rights in the future. The law requiring school fees to be paid for children born to a Libyan woman and a foreign man, meanwhile, had been changed. Today, such children also enjoyed the benefits of a free education.

14. **Ms. Ahmed** (Libyan Arab Jamahiriya) said that women who so desired could work until the age of 65, provided they had prior approval from their employer. In her view, the difference between the retirement age for men and that for women was not that great. It should also be noted that men in hazardous or unhealthy occupations were allowed to retire at 60.

15. **Ms. Safia Ben Amer** (Libyan Arab Jamahiriya) said that, with the adoption of the Social Security Act, lump sum payments had been replaced by lifetime pensions, which reverted to the pensioner's family in case of death. The Act contained specific provisions on the elderly, the temporarily or permanently disabled, widows, orphans and disaster victims. It also allowed women with newborn children to work at full salary for only four hours a day, including two nursing breaks.

16. **Ms. El Mahali** (Libyan Arab Jamahiriya) said that, with the lifting of sanctions, the Government had encouraged women, in particular rural women, to participate in the economy on an equal footing with men. Access to loans had been facilitated and tax incentives to enter the tourism industry introduced. Today, women were prominent in education, the media and the arts. There was also a long tradition in Middle Eastern and Muslim culture of women working as independent businesswomen. Today, many foreign companies were partnering with Libyan women in joint ventures.

17. **Ms. Wafa** (Libyan Arab Jamahiriya) said that high-quality health care was available free of charge to all Libyan citizens, including women. Virtually all births took place in a hospital and over 90 per cent of mothers received prenatal and post-natal care. Maternal mortality was low and female life expectancy was high and rising. Access to emergency care was available even in rural areas, with free ambulance transport, if necessary, to advanced facilities elsewhere in the

country and even abroad. Moreover, mental health services were available to all free of charge, special centres had been set up to treat and study sexually transmitted diseases, and clean water, electricity and natural gas were almost universally available in both urban and rural areas.

18. Like many other countries, the Libyan Arab Jamahiriya suffered from the scourge of HIV/AIDS. Treatment and medicines were provided to HIV/AIDS sufferers free of charge at special centres and civil society associations conducted awareness programmes in schools and workplaces to ensure that HIV/AIDS victims were not deprived of their rights or victimized because of the social stigma associated with the disease. An HIV/AIDS awareness week was observed each year and HIV/AIDS-related issues were covered extensively and openly by the media. The Government was working with the World Health Organization to combat HIV transmission through infected needles. Such programmes were staffed by HIV-positive women.

19. **Ms. Huda Ben Amer** (Libyan Arab Jamahiriya) said that just over a third of the Libyan workforce was female. In the education workforce, women outnumbered men by a factor of three. More detailed information on the distribution of men and women in the workforce and at universities could be provided if the Committee so desired.

*Articles 15 and 16*

20. **Ms. Halperin-Kaddari** asked the delegation to clarify the property and inheritance rights of married and unmarried women and, in particular, the property distribution regime following a divorce. She would be particularly interested to know what options divorced women had other than taking refuge in rehabilitation centres; whether there was a concept of guardianship for male minors; and whether a mother had guardianship rights in cases where the father was deemed incompetent. She also requested more details about child custody provisions following a divorce. Lastly, was abortion legal and were contraceptives available in the Jamahiriya?

21. **Ms. Ameline** expressed the hope that the current discussion would result in national laws evolving beyond traditional religious positions in those areas where the Committee considered them to fall short.

22. **Ms. Huda Ben Amer** (Libyan Arab Jamahiriya) said that, if a couple going through a divorce had children, the woman usually kept the marital home. If the couple had no children, the woman returned to her family and her status reverted to whatever it had been at the time of the marriage. A woman with no children and no parents or brothers had the option of going to a social care centre where she would be cared for and receive an allowance.

23. Marriage was a spiritual union, not a legal transaction. It was up to individual couples to decide how many children they had. Libyan women were well educated and well aware of their rights and free family planning advice was widely available. That said, the Libyan Arab Jamahiriya was a vast and underpopulated country and married couples were encouraged to do their bit to increase the population.

24. **Ms. Elayeb** (Libyan Arab Jamahiriya) said that all Libyan citizens were equal before the law and had equal rights. Women did not lose that equality upon marriage. Rather, women retained their independent legal and financial status even after marriage. In accordance with the sharia, a woman could not marry without her guardian's consent. A woman whose guardian refused to give consent could petition the courts to have another guardian appointed. The minimum marriageable age was 20. Men and women under 20 could not marry without the consent of the courts.

25. In the event of a divorce, a woman who was granted custody of the couple's children, was entitled to the marital home and all its contents, regardless of which spouse had been the original owner. If the couple had no children and the woman returned to her family, the property was divided between the spouses on the basis of who had owned it prior to their marriage. A woman who had no guardian and nowhere to go was entitled to stay in the marital home until such time as she remarried or died.

26. The issue of custody, meanwhile, was resolved by mutual consent or by a court decision. Custody was granted to the mother unless she was incapacitated, in which case it was granted to the father or a relative. Children with no relatives were the responsibility of society. A woman who was granted custody of the couple's children could travel with them anywhere in the country. If she wished to take them abroad and their father objected, the courts decided. However, if

custody reverted to the father — as happened when the children's mother remarried and her mother declined custody — the father was permitted by law to take the couple's children abroad without asking permission from, or even informing, their mother. Efforts to change that discriminatory aspect of the law were ongoing.

27. **Ms. Huda Ben Amer** (Libyan Arab Jamahiriya) said that a number of workshops had been organized to raise awareness of the Optional Protocol and an expert group formed to review Libyan legislation had made considerable progress. The current meeting had renewed her delegation's commitment to international dialogue and to attending all future such meetings and submitting periodic reports.

28. The situation with respect to abortion in the Jamahiriya was different from that in more sexually liberated societies. Abortion simply on the grounds that the pregnancy was unwanted was not permitted. When the health of either the mother or the child was at risk, the issue was left to the discretion of doctors.

29. **Ms. Elayeb** (Libyan Arab Jamahiriya) said that, under Libyan law, abortion was considered a crime unless there was an imminent threat to the mother's health.

30. **Ms. Huda Ben Amer** (Libyan Arab Jamahiriya) said that all forms of contraception were available in all parts of the Jamahiriya free of charge. A symposium on the Convention and its relationship to national law would take place in the near future. Her Government was open to engaging in dialogue on all issues and respectful of all points of view. There was no extremism, religious or otherwise, in the Jamahiriya, and, despite any impressions people might have to the contrary, Islam was not an instrument of women's oppression. She looked forward to hearing about — and conveyed the willingness of the Jamahiriya to host — future meetings of the Committee.

31. **Ms. Awori** said that involvement by non-governmental organizations (NGOs) in the preparation and presentation of country reports lent greater credibility to the process.

32. **Ms. Murillo de la Vega** asked about remuneration discrepancies between men and women in the informal sector.

33. **Ms. Popescu** said she was curious to hear more about national strategies and plans under the Beijing Platform for Action.

34. **Ms. Neubauer** said that, despite the delegation's assertions to the contrary, legal and de facto discrimination against women clearly existed in a number of areas. For example the law requiring a rapist to marry his victim and the requirement that a female victim of violence must undergo a virginity test were in conflict with the Convention. Further, the information provided concerning the number of women working in government or university administration was extremely vague. She urged the delegation to provide more precise quantitative and qualitative indicators in that regard.

35. **Ms. Šimonović** said she had been surprised to hear various delegation members repeat the claim that discrimination against women did not exist in the Libyan Arab Jamahiriya. Discrimination existed in all countries. Only when its existence was recognized could it be identified and corrected.

36. **Ms. Rasekh** asked what was being done to increase the involvement of men, without which change would not come.

37. **Ms. Gabr** said it was unclear whether the minimum age of marriage was 18 or 20. The reporting State should also clarify whether its reservation to article 2 of the Convention applied only to inheritance; why its reservation to article 16 of the Convention was restricted to paragraph 1, subparagraphs (c) and (d); and whether it planned to approve the amendment to article 20, paragraph 1, of the Convention.

38. **Ms. Elayeb** (Libyan Arab Jamahiriya) said that, while a rapist was required by law to marry his victim, his victim was not required by law to consent to the marriage. Moreover, a virginity test was conducted only when the act had occurred with the girl's consent. The minimum marriageable age was 18 for men and women. The reservation to article 16, paragraph 1, subparagraphs (c) and (d), of the Convention related to polygamy and the reservation to article 2 of the Convention applied only to inheritance, on which there were clear and incontrovertible provisions in the sharia.

39. **Ms. Huda Ben Amer** (Libyan Arab Jamahiriya) said that the committee responsible for drafting the report had included a number of NGO representatives.

There was no remuneration discrepancies between women and men. Men and women were treated equally with the sole exception of positive discrimination in favour of women owing to their reproductive role. She regretted the lack of statistics in the report. The additional statistics requested would be supplied as soon as possible. In July 2009, there would be a meeting on the country's 10-year strategy under the Beijing Platform for Action to which it might be possible to invite some Committee members. With regard to the request for a definition of discrimination, she stressed there was no discrimination between men and women in the Libyan Arab Jamahiriya except with regard to God-given reproductive functions. Lastly, the Jamahiriya would soon be amending a number of laws in line with the recommendation of a team of experts appointed by the branch of the Secretariat of the General People's Congress responsible for women's affairs.

40. **The Chairperson** said she had received some additional information on women's participation in social life. The information would be distributed to the Committee.

*The meeting rose at 5.30 p.m.*