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COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS
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**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLES 16 AND 17 OF THE COVENANT**

LIBYAN ARAB JAMAHIRIYA

**Concluding observations of the Committee on
Economic, Social and Cultural Rights**

1. The Committee on Economic, Social and Cultural Rights considered the second periodic report of the Libyan Arab Jamahiriya on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/1990/6/Add.38) at its 44th to 46th meetings, held on 16 and 17 November 2005 (E/C.12/2005/SR.44-46), and adopted, at its 58th meeting held on 25 November 2005, the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the second periodic report of the State party. It regrets, however, that the report, the written replies to the list of issues and the oral answers provided by the State party's delegation did not contain sufficient and precise information on fundamental issues relating to the Covenant. Many of the questions asked by the Committee remained unanswered.

B. Positive aspects

3. The Committee welcomes the State party's accession to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.
4. The Committee notes with satisfaction that the State party hosted a technical assistance mission of the International Labour Organization in July 2005, with the aim of fostering the fulfilment of its obligations under several ILO social security conventions.
5. The Committee notes with satisfaction the delegation's statement that women may now travel abroad freely.
6. The Committee notes with satisfaction that the State party has the highest literacy and educational enrolment rates in North Africa, and welcomes the high rates of female students in schooling.

C. Factors and difficulties impeding the implementation of the Covenant

7. The Committee notes the absence of any significant factors or difficulties impeding the effective implementation of the Covenant in the State party.

D. Principal subjects of concern

8. The Committee is concerned that its previous concluding observations have not been taken into consideration by the State party.
9. The Committee regrets that the State party was unable to provide case law relating to the implementation of the Covenant, despite the fact that international treaties ratified by the State party become legally binding and take precedence over domestic law.
10. The Committee notes with concern that the State party has not yet established an independent national human rights institution in accordance with the Paris Principles (General Assembly resolution 48/134, annex).
11. The Committee notes with concern that independent non-governmental organizations dealing with issues relevant under the Covenant do not operate freely in the State party.
12. The Committee is concerned about the absence of legislative measures to prohibit racial discrimination, and regrets that the State party did not provide sufficient information on measures adopted to guarantee that migrant workers are treated on a non-discriminatory basis, namely in the fields of employment, housing, health services and education. It notes with concern numerous reports about the existence of racial prejudices against Black Africans, which on some occasions has led to acts of violence against them.
13. The Committee is concerned that the State party does not have a law on asylum-seekers and refugees, and that in the absence of a legal protection framework, the effective guarantee of refugees and asylum-seekers' rights, in particular their economic, social and cultural rights, are seriously undermined.

14. The Committee regrets that no specific information was provided on traditional attitudes affecting the enjoyment by women of their economic, social and cultural rights.

15. The Committee regrets that it did not receive sufficient information in relation to the level of unemployment in the State party, the level of minimum wage and the determination procedure of such minimum wage, and on procedures designed to assist unemployed persons, including citizens and migrant workers, in finding employment.

16. The Committee regrets that it did not receive clear information about the legislation applicable to the right of everyone to form and join trade unions and other rights spelled out in article 8 of the Covenant, in particular the right to strike. It notes with concern that the Government must approve all collective agreements to ensure that they are in line with the nation's economic interests, that there is no freedom for trade unions in the State party, and that labour disputes must be referred to a compulsory arbitration procedure.

17. The Committee regrets that insufficient information was provided by the State party on poverty, the housing situation of the population, including migrant workers, homelessness and forced evictions.

18. The Committee notes with concern that 28 per cent of the population do not have sustainable access to an improved water source. It is also concerned that improvements achieved in the North of the country in terms of access to safe water have not yet been made available to the Amazigh population, in particular in the regions of Nefoussa and Zouara.

19. The Committee is deeply concerned about reports that HIV/AIDS has increased since 2000, and that an estimated 90 per cent of recent adult infections are the result of injection drug use.

20. The Committee regrets that the State party did not provide sufficient information on measures adopted to introduce human rights education in schools curricula, at primary and secondary levels, and to disseminate the text of the Covenant to the public at large.

21. The Committee is concerned about reports that freedom of access to the Internet is severely restricted in the State party.

22. The Committee is concerned that the Amazigh population is not recognized as a minority in the State party and that the Amazigh language does not have any legal recognition and status, despite information that the Amazigh population amounts to a large percentage of the population.

23. The Committee is concerned that the teaching of Amazigh language in school is prohibited, as well as the use of this language in public, including in the media and in the relationship with the administration. Amazigh cultural associations and institutions are furthermore reported to not be allowed to operate freely in the country.

24. The Committee expresses deep concern about domestic law prohibiting the use of languages other than Arabic in many fields, or the registration of non-Arabic names for newborn children.

E. Suggestions and recommendations

25. The Committee urges the State party to give full consideration to its previous concluding observations.

26. The Committee invites the State party to include information concerning case law on the application of the Covenant in its next report. The Committee recommends that the State party strengthen its efforts to improve training programmes on human rights and on the Covenant, in particular for the judiciary, and other actors responsible for the implementation of the Covenant.

27. The Committee recommends that the State party consider establishing an independent national human rights institution, in accordance with the Paris Principles, with a mandate covering all human rights, including economic, social and cultural rights.

28. The Committee strongly recommends that the State party ensure that independent non-governmental organizations for the promotion of human rights, including the rights recognized under the Covenant, freely operate in the State party, in conformity with the United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms.

29. The Committee recommends that the State party adopt legislative and other measures to prohibit racial discrimination, especially against Black Africans. The Committee requests the State party in its next report to submit updated comparative annual data disaggregated by sex, nationality, national and ethnic origin and rural/urban regions in the fields of all the provisions in the Covenant, paying particular attention to the disadvantaged and marginalized individuals and groups.

30. The Committee encourages the State party to consider ratifying the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol. The Committee also recommends that the State party adopt a law establishing national asylum procedures and protecting the economic, social and cultural rights of refugees and asylum-seekers.

31. The Committee recommends that the State party provide the Committee with detailed information on traditional attitudes affecting the enjoyment of economic, social and cultural rights by women, and on steps adopted to overcome these obstacles. In this regard, the attention of the State party is drawn to the Committee's general comment No. 16 (2005) on article 3, and the obligation of States parties to take steps aimed directly towards the elimination of prejudices, customary and all other practices that perpetuate the notion of inferiority or superiority of either of the sexes, and stereotyped roles for men and women. The Committee strongly recommends that the State party undertake a thorough study on the extent of domestic violence in the country, and that it provide information on this issue in its next report.

32. The Committee recommends that the State party provide, in its next report, detailed information, disaggregated by sex, age, nationality, national and ethnic origin, about the level of unemployment in the country. The State party should also provide information on the level of

minimum wage and the determination procedure of such minimum wage, and on procedures designed to assist unemployed persons in finding employment and to provide more opportunities for employment, with regard to citizens and migrant workers.

33. The Committee recommends that the State party clarify the status of its laws in matters relating to the right of everyone to form and join trade unions and other rights spelled out in article 8, and ensure that they fully comply with article 8 of the Covenant. The State party is requested to provide the Committee with detailed information on this issue, including the text of relevant laws, in the next report.

34. The Committee recommends that the State party provide detailed information in its next report on the extent of poverty in the State party, the housing situation of the population, including migrant workers, and on forced evictions.

35. The Committee recommends, in line with general comment No. 15 (2002) on the right to water, that the State party increase its efforts to ensure the right of everyone to sufficient, safe, acceptable and physically accessible and affordable water for personal and domestic uses, without any discrimination. The Committee recommends that the State party take steps to implement the right of the Amazigh population to access safe water in the regions of Nefoussa and Zouara, and to report back to the Committee on this issue in its next report.

36. The Committee, in line with its general comment No. 14 (2000) on the right to the highest attainable standard of health, encourages the State party to take urgent measures to stop the spread of HIV/AIDS, including through sex education in schools and awareness-raising campaigns. The State party should provide detailed information about its policy in relation to HIV/AIDS certificates.

37. The Committee recommends that the State party provide, in its next report, detailed statistical data on the implementation of the right to education for all, disaggregated by sex, nationality, national and ethnic origin, as well as urban/rural areas.

38. The State party should adopt concrete measures to ensure that human rights education is included in educational curriculum at all levels of education, and that information on human rights is disseminated effectively amongst the population.

39. The Committee urges the State party to respect and protect freedom of information and expression in the State party, including on the Internet, to enable all persons under its jurisdiction to take part in cultural life and enjoy the benefits of scientific progress and its applications.

40. The State party should provide the Committee with detailed information about the ethnic, linguistic and religious composition of the population. The Committee recommends that the State party recognize the existence of the Amazigh minority, and envisage granting legal status to the Amazigh language, with a view to ensure the implementation of the rights recognized under article 15 of the Covenant.

41. Amazigh associations and institutions should be authorized to freely operate. The Committee further recommends, given the reported considerable number of persons belonging to the Amazigh community, that the State party consider adopting measures ensuring that Amazigh

persons have adequate opportunities to learn their mother tongue or to have instruction in their mother tongue, that their access to media be facilitated, and that they be granted the right to use their language in their relationship with the administration.

42. The Committee strongly recommends that the State party abolish Law 24 of 1991 as well as the Names Correction Committee. It should ensure the full respect of every person to use his or her own language, in private and in public, orally and in writing, freely and without interference or any form of discrimination. The State party should, in particular, recognize the right of every person to use his or her surname and first names in his or her own language.

43. The Committee recommends that the State party create favourable conditions to enable all groups, including minorities and ethnic groups, to express and develop their culture, language, traditions and customs. The State party should also take measures in the field of education and information, to encourage knowledge of the history, traditions, language and culture of the various groups, including the Amazigh community, existing within its territory.

44. The Committee requests the State party to include in its third periodic report detailed information on any measures taken and progress made, particularly with regard to the suggestions and recommendations made by the Committee in the present concluding observations.

45. The Committee requests the State party to widely disseminate the present concluding observations among all levels of society, and in particular, members of the judiciary and law enforcement officials. It also encourages the State party to engage non-governmental organizations and other members of civil society in the process of discussions at the national level prior to the submission of the next report.

46. The Committee requests the State party to submit its third periodic report before 30 June 2007.
