



Thirty-Ninth Ordinary Session

11 - 25 May 2006, Banjul, The Gambia

Consideration of Reports Submitted by States Parties under the Terms of Article 62 of the African Charter on Human and Peoples' Rights

Concluding Observations and Recommendations on the Periodic Report of the Great Socialist People's Libyan Arab Jamahiriya

I - Introduction

1. The Great Socialist People's Libyan Arab Jamahiriya (Libya) is a State Party to the African Charter on Human and Peoples' Rights (the African Charter) having ratified the same on 19 July 1986.
2. The present Concluding Observations follow from the examination of the Periodic Report of Libya by the African Commission on Human and Peoples' Rights (the African Commission or the Commission).
3. The Periodic Report covers the period between 2002 to 2005, was submitted to the Secretariat of the African Commission on Human and Peoples' Rights (the Secretariat) on 24 November 2005 and was considered at the 39th Ordinary Session of the African Commission held in Banjul, The Gambia, from 11 to 25 May 2006.
4. The Periodic Report was presented by a Delegation led by H. E. Hosny El-Wahashi El-Sadik, Secretary of Legal and Human Rights Affairs at the Peoples' General Congress of Libya.
5. The present Concluding Observations give an account of the positive aspects identified in the Report, the areas of concern, the factors restricting the enjoyment of human and peoples' rights as stipulated by the African

Charter, and the recommendations made by the African Commission in that regard.

6. The African Commission notes with satisfaction that the presentation of Libya's Report took place in a public session, in an atmosphere of frank and constructive exchanges between the Delegation of Libya and the African Commission.

II- Positive Aspects

The African Commission:

7. Congratulates Libya for presenting its Periodic Report in accordance with the Article 62 of the African Charter.
8. Welcomes that the Report is prepared and presented in line with the guidelines of the African Commission in this regard.
9. Appreciates the efforts made by the Government of Libya in order to give effect to the rights and freedoms provided and guaranteed by the African Charter. The African Commission notes that Libya:
 - a) Is a party to several regional and international human rights instruments and seeks to comply with them;
 - b) Has adopted legislative and other measures for the promotion and protection of human rights;
 - c) Has taken certain steps to ensure women's participation in the management of public affairs;
 - d) Has introduced reforms to make the Judiciary efficient;
 - e) Has consistently pioneered efforts with the African Union and for the advent of a more united Africa;
 - f) Has taken some steps in order to improve the living conditions of the Libyan people by educating children and fighting for the eradication of poverty.

III- Factors Restricting the Enjoyment of the Rights Guaranteed in the African Charter

10. Certain cultural traditions in Libya contribute to the violation of human rights and have rendered the fight against such practices ineffective.
11. Despite the efforts made in this regard, the measures taken to increase the school enrolment rate, particularly the enrolment of girls, and maintaining them in school, has been insufficient.

IV- Areas of Concern

While recognising the efforts of Libya to promote and protect human rights and to create awareness on the principles and provisions of the African Charter, the African Commission remains concerned that:

12. The judicial system does not fully guarantee the right to fair trial and legal assistance and the prisons lack the requisite facilities;
13. The nomadic population, who need special infrastructure for their education, do not get the right assistance;
14. The exercise by women of their rights remains very limited despite the existence of a national legal framework that puts men and women on the same footing. Despite the presence of women in certain decision making bodies, the empowerment of women remains generally low in Libya.
15. Harmful traditional practices and gender based violence remain major concerns although they are considered criminal acts by the law.
16. Freedom of expression is highly restricted.

V- Recommendations

The African Commission recommends that the Government of Libya should:

17. Intensify efforts for effective implementation of the African Charter;
18. Ensure that gender equality and gender perspective are integrated in all programmes, structures and activities and consider the empowerment of women as a priority;
19. Put in place and enforce legislative measures to fight against gender based violence;

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20. Take measures to implement the Robben Island Guidelines, disseminate them among State security agents and the citizenry and investigate serious allegations of torture;
21. Intensify efforts to interact more with members of its civil society organisations, in particular those working in the field of human rights and encourage them to apply for observer status with the African Commission;
22. Fully guarantee the right to freedom of expression and association and peaceful assembly to Non-Governmental Organisations;
23. Take steps to ensure the respect for the rights to freedom of movement and residence;
24. Ensure that measures taken to combating terrorism are in conformity with human rights standards set forth by the African Charter and other relevant human rights instruments ratified by Libya;
25. Put in place adequate facilities for the nomadic population;
26. Observe the moratorium in the carrying out of the death penalty, as per the Resolution of the African Commission adopted at its 26th Ordinary Session;
27. Finalize the judicial reforms in order to ensure that the rights to fair trial and legal assistance are fully enjoyed by the population as per the African Commission's Principles and Guidelines on the Right to Fair Trial and Legal Assistance;
28. Finalize the legislative reforms in Human Rights based on Declaration 1999 that were initiated recently and inform the African Commission on the result of the said reform in due course;
29. Take appropriate steps to timely send to the Secretariat the written responses to the questions that were put by Members of the African Commission to the Delegation;
30. Inform the African Commission, in its next Periodic Report in 2008, of the steps it has taken to address the areas of concern, as well as how it has implemented the recommendations in this Concluding Observations.

Adopted at the 39th Ordinary Session of the African Commission on Human and Peoples' Rights held from 11 to 25 May 2006 in Banjul, The Gambia.

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