



## Convention on the Rights of the Child

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### COMMITTEE ON THE RIGHTS OF THE CHILD

Thirty-third session

### SUMMARY RECORD OF THE 876th MEETING

Held at the Palais Wilson, Geneva,  
on Tuesday, 27 May 2003, at 3 p.m.

Chairperson: Mr. DOEK

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 6) (continued)

Second periodic report of the Libyan Arab Jamahiriya (continued) (CRC/C/93/Add.1; CRC/C/Q/LBY/2; CRC/C/RESP/31; HRI/CORE/1/Add.77)

1. At the invitation of the Chairperson, Mr. Al Magadami, Mr. Al Rwedh, Mr. Al Shelli, Mr. Mohsen, Ms. Saghaier Abdulhamid, Ms. Shawish and Mr. Sherif (Libyan Arab Jamahiriya) took places at the Committee table.
2. Ms. SAGHAIER ABDULHAMID (Libyan Arab Jamahiriya) said that the Higher Committee for Children was responsible for coordinating and supervising all child-related activities and for pinpointing difficulties encountered in implementing the Convention. A general coordinator and a team of highly qualified assistant coordinators were responsible for overseeing the administration of the Higher Committee. A number of volunteers, including parents, academics and experts seconded from various government departments, were also involved in its work. The Higher Committee received funding from the State and from other child rights protection bodies. It was free to manage its own budget and could decide, if it saw fit, to give priority to individual cases.
3. In order to improve the quality and quantity of information on the situation of the Libyan child, the Higher Committee had established a centre for information on children. Efforts were being made to gather information from a wide range of sources about all issues pertaining to childhood. For example, a comprehensive family health survey was being conducted in cooperation with the League of Arab States to supplement the study carried out in 1995 on infant and maternal health. In addition, a field survey would be conducted in July 2003 under the supervision of the United Nations Children's Fund (UNICEF).
4. The Higher Committee had undertaken a review of all child-related legislation with a view to introducing the amendments needed to bring it into conformity with the Convention. It intended to prepare a comprehensive law to protect children's rights. Unfortunately, the Higher Committee had not yet achieved its goals for the implementation of the Convention.
5. Under Libyan law, severe penalties were imposed on those found guilty of sexually or physically abusing children. If a child was abused at school, his or her parents could file an official complaint. Although child abuse was not so widespread as to warrant priority attention, the Higher Committee had recruited a number of experts to investigate the problem. If necessary, a telephone hotline could be established for child victims.
6. The political system in the Libyan Arab Jamahiriya was based on direct popular democracy in which all citizens played a role. The Basic People's Congresses were the sovereign decision-making authority. There was no discrimination among congress members on grounds of gender or ethnic origin.

7. The Libyan Arab Jamahiriya continued to offer assistance to large numbers of refugees, particularly those from the Sahel region. It received assistance from the Office of the United Nations High Commissioner for Refugees (UNHCR). Although the overwhelming majority of refugees were single men, there were some refugee families. The children of such families were entitled to enrol at Arab schools.

8. Primary education was compulsory and free of charge in all State schools where Arabic was the language of instruction. However, all Libyan citizens as well as the non-Libyans residing in the Libyan Arab Jamahiriya could receive instruction in a foreign language at a private educational establishment of their choice. Health care was also provided free of charge.

9. Mr. SHERIF (Libyan Arab Jamahiriya) said that there were very few reported cases of corporal punishment, since most cases were dealt with by the family. During his long career in the medical profession, he had witnessed only one such case, which suggested that children were provided with adequate protection. However, it was possible that children simply did not come forward to report cases, in view of the stigma attached to the issue. A number of studies would be conducted to investigate the real extent of the problem.

10. As a member of the Berber ethnic minority, he had never experienced any form of discrimination.

11. Mr. AL SHELLI (Libyan Arab Jamahiriya) said that, according to Shariah principles, divorce was permitted only as a last resort. In preliminary divorce proceedings, both parties were required to appear before a judge. The judge had a duty to encourage the reconciliation of the couple, particularly if children were involved. If it became clear that reconciliation was impossible, the judge would grant the divorce. The Shariah also applied in matters of custody and maintenance. In other words, in cases of separation, a mother would be granted custody of her child. After the child's mother, priority was given first to her mother and then to the child's father. However, in certain cases, judges had the authority to rule otherwise. There was very strict and clear legislation governing maintenance payments and visiting rights.

12. His delegation appreciated the suggestions made by the Committee with regard to the use of certain terminology relating to children. He agreed that the term "illegitimate" should not be used to describe a child born out of wedlock. In that regard, he observed that a simple declaration on behalf of the father was all that was needed in order for a child to be recognized as his own.

13. Mr. MOHSEN (Libyan Arab Jamahiriya) said that girls generally integrated more easily into family life, which facilitated the task of finding foster homes for them. Consequently, there were more boys than girls in social welfare institutions.

14. Whenever the authorities became aware of a problem that required the implementation of special protection measures, the necessary remedial steps were taken. However, it was recognized that greater emphasis needed to be placed on prevention. In the light of the number of recent incidents involving domestic violence, the Government had requested observers and researchers to monitor the situation and address the root causes of the problem. Although cases of child abuse at school were rare, any teacher found guilty of abusing a child was liable to

severe punishment. Every school had a social worker who had been trained to recognize cases of child abuse. As far as he knew, it was unheard of for a police officer to ask a child why he or she was not in school.

15. It was believed to be in the best interest of a child to place him or her with a foster family from the same religious or cultural background in order to facilitate the child's integration into the family.

16. Ms. SAGHAIER ABDULHAMID (Libyan Arab Jamahiriya) said that her Government had always relied on the strategies adopted by international organizations and other bodies when it developed policies in the field of children's rights. However, it recognized the importance of having a single, overarching strategy to deal with child-related issues, and the Higher Committee for Children was preparing a national plan of action in that regard.

17. Efforts were being made to raise awareness of the provisions of the Convention among people from all walks of life. Local radio stations were particularly effective since they addressed the specific needs of each area. An extensive campaign had been conducted over a three-year period to make teachers and social workers aware of ways of dealing with drug abuse in schools. It was hoped that teachers and social workers would train others and pass on their knowledge to children.

18. She was grateful for the Committee's efforts to raise awareness of the Convention in her country. A number of experts from UNICEF had participated in awareness-raising campaigns throughout the country, together with volunteers from other organizations, including the Scout Movement and the Libyan Red Crescent.

19. Regrettably, insufficient efforts had been made to train judges and legal professionals about the Convention with a view to applying it more widely in the courts. Although the Government had taken preliminary steps to develop a training programme, it had proved difficult to coordinate the programme around the judges' busy schedules. Nevertheless, it was unlikely that judges were unaware of the provisions of the Convention, since it had been widely disseminated among professionals working in all areas relating to children.

20. Mr. KOTRANE requested further information about the requirements imposed on the children's legal guardians. According to the report (CRC/C/93/Add.1), the legislation regulating the situation of minors and those of equivalent status specified that a child's legal guardian had to be of the same religion as the minor. He wondered whether, in the case of a separation, a non-Muslim mother would be granted custody of her child.

21. Failure to report cases could explain the apparent lack of child abuse in the country. It was important to adopt a preventive approach to the problem by establishing mechanisms that ensured that cases of child abuse were reported.

22. Ms. ALUOCH said that, since the Convention had been incorporated into Libyan law in 1992, judges should base their court decisions on its provisions. The State party should provide judges and magistrates with human rights training as soon as possible.

23. Mr. FILALI wished to know whether a father who had recognized his child had to be married before he could register the child. He wondered whether a foreign mother who had been given custody of her child, whose father was Libyan, would have custody only on Libyan soil or whether she would also have the right to custody in her country of origin.
24. Ms. SAGHAIER ABDULHAMID (Libyan Arab Jamahiriya) said that, according to Libyan law, the mother had the right to a house, alimony and custody of the child as long as she remained on Libyan soil.
25. Mr. AL RWEDH (Libyan Arab Jamahiriya) said that human rights were taught in law schools. Judges selected for juvenile courts had to be well informed, friendly and capable of dealing with children. In order to prevent children from being terrified, they were questioned at juvenile or welfare centres rather than in courts. No distinctions were made between mothers of different nationalities. It was enough for the father to recognize a child in order for the child to be registered and granted a range of rights, including the right to inheritance.
26. Ms. VUCKOVIC-SAHOVIC asked whether human rights and the rights of the child were compulsory subjects in law schools in Tripoli.
27. Mr. AL RWEDH said that human rights was a compulsory subject and was studied in depth. Instruction in human rights was provided by professors of general law.
28. Ms. KHATTAB said that there was a considerable difference between providing instruction in the rights of the child than teaching the much broader subject of human rights. She wished to know how much weight was given to a mother's declaration if the father refused to recognize a child's paternity.
29. Mr. AL RWEDH (Libyan Arab Jamahiriya) said that if a woman had been subjected to prejudice, or had sustained injuries during her marriage, she was entitled to request a divorce. It was difficult for a father not to recognize a child, since a number of measures could be taken to establish paternity.
30. Ms. SAGHAIER ABDULHAMID (Libyan Arab Jamahiriya) said that the State guaranteed special protection to all children who had no parents. Child protection centres had been set up for street children. Such children were placed in foster homes and given an opportunity to get to know the family and to become a part of it. However, a child could inherit from his or her foster family only if the foster father included the child in his will. Efforts were being made to place all children in foster homes. When that was impossible, children were adopted by the State until they completed their studies. Once the studies had been completed, the State helped them find housing and employment, and provided them with identity cards and passports.
31. When a child's mother was a foreign national residing in the Libyan Arab Jamahiriya, the child enjoyed all the rights that it would have had if his or her mother was Libyan. However, if the mother decided to leave the country, other laws applied. The Higher Committee for Children had adopted a bill on family reunification to deal with situations when Libyan mothers were residing outside the country. Every year, mothers sent letters to the Superior Committee for the Protection of Children requesting to be reunited with their children. Although a Libyan mother

residing abroad could usually travel to the Libyan Arab Jamahiriya to visit her child, the father could sometimes prevent her from doing so. The Higher Committee for Children was responsible for making efforts to reunite families.

32. Mr. AL-SHEDDI asked whether children with AIDS were treated abroad because society refused to recognize the disease or because there was no possibility for treatment in the Libyan Arab Jamahiriya.

33. He wished to know what measures the Government was taking to provide for children of refugees and whether they were granted temporary residence. He would be interested in knowing how the rights of such children were ensured and whether any children were granted permanent residence. It would be useful to have information on the results of the study concerning the State party's accession to the Convention on the Status of Refugees.

34. Mr. KRAPPMANN requested information on the results of the UNICEF study on the quality of the Libyan education system. According to the second periodic report, the Government wanted students to be better prepared for the twenty-first century, and he wished to know what changes in the education system that might entail.

35. According to the report, 60 per cent of those who completed basic education went on to secondary education. He wished to know whether there was a system of vocational training for the 40 per cent who had decided not to continue their education. He enquired whether all juveniles between 15 and 18 years of age were engaged in part-time work and, if not, he would like to know what they were doing. He asked whether youth unemployment was a problem in the Libyan Arab Jamahiriya and, if so, he wished to know what was being done to reduce such unemployment.

36. Ms. AL-THANI expressed concern that the child mortality rate had not declined since the year 2000. The delegation should provide accurate, up-to-date figures on infant and child mortality. She would appreciate information on what measures were being taken to improve immunization and medical services.

37. It would be useful to know whether young people were informed of measures to prevent HIV/AIDS and whether any programmes had been launched in schools with a view to raising children's awareness of the pandemic. She wished to know whether all cases of AIDS were treated abroad.

38. She asked what was being done to combat drug abuse among adolescents. She would also welcome information on the adolescent suicide rate.

39. Finally, she asked whether disabled children played a role in decision-making in matters of concern to them and whether they had any influence on the drafting of laws introduced for their benefit.

40. Ms. KHATTAB wished to know what conclusions the study on child employment had reached. She requested further information on the measures that were being taken to combat drug abuse. In that connection, she wondered whether there was any regional cooperation to prevent that phenomenon.

41. Ms. ALUOCH asked whether, under the Prisons Act 1975, the children of single mothers who were in prison were always placed in a residential nursery or care home. She wondered whether there were any time or age limits on such placements?
42. Mr. CITARELLA asked whether juvenile courts had been established and, if so, whether they had been set up throughout the country or only in the capital. He enquired whether it was true that a single magistrate was to be appointed to each court. He wished to know who had competence in criminal cases involving minors with reduced liability and why appeals for civil rights could not be heard by the juvenile courts. He asked why courts were obliged to hear witnesses without the accused being present, when the accused person was a minor. Finally, he wished to know whether flogging was still a form of punishment in the Libyan Arab Jamahiriya?
43. Mr. LIWSKI asked what percentage of the State budget was allocated to health care, particularly to primary health care. He also wished to know if the Government had a strategy for reducing maternal mortality. He requested information on the teenage pregnancy rate and on any government measures that had been taken in that regard. He wished to know whether the Government promoted breastfeeding.
44. Ms. VUCKOVIC-SAHOVIC asked whether there were any government mental health programmes for young people, apart from counselling programmes in the field of drug abuse. She wished to know whether child psychiatry and developmental psychology were taught at university.
45. Mr. FILALI asked whether the Higher Committee for Children instituted legal proceedings when a child's rights had been violated. He wondered whether the authorities were contemplating the provision of special training in child psychology for judges.
46. He requested information on the curricula at juvenile rehabilitation and reform centres. He wondered whether national and international humanitarian organizations, including NGOs, had access to those centres.
47. Since criminal cases involving juveniles were heard in camera, he wished to know why the verdict had to be pronounced in open court.
48. Ms. Yanghee LEE requested information on the number of disabled children and asked whether they were entitled to full-time education. If so, how many attended school? She had been surprised to see that about 70 per cent of disabled persons were males, and she wondered whether the same high percentage applied to children. If that was the case, she enquired whether the State had considered taking specific measures to reduce the number of disabled males.
49. Ms. ORTIZ asked what the Government had done to institutionalize and protect children's rights. The delegation should comment on the apparent discrepancy between the second periodic report, in which problems such as the ill-treatment of children seemed to be non-existent, and independent studies and denunciations.
50. Mr. KOTRANE requested additional information about the qualitative aims of education and teacher training. With regard to the protection of minors from exploitation and abuse, he asked what practical measures had been taken to encourage children to report such cases.

51. Ms. CHUTIKUL asked whether the Government valued and encouraged early childhood development and education. She asked whether there were any pre-school childcare centres. The delegation should provide an explanation for the small percentage of children attending kindergartens. She wondered whether parents were given training or counselling in early childhood development.

52. She requested information on the findings of the evaluation of specialized secondary schools. She asked whether there was a vocational counselling programme for children and whether psychologists helped children to deal with problems related to the high level of specialization at secondary schools. She wished to know what measures the Government was taking to address the school dropout rate and what were the main areas of education to be given priority over the next five years by the Higher Committee for Children.

53. The CHAIRPERSON asked whether, under the Mobilization Act 1991, Libyan citizens aged 17 would have to engage in combat or merely be required to perform other tasks.

54. He wondered whether the delegation could comment on the allegations that had been made concerning the exploitation of Sudanese and Senegalese girls who had been brought into the Libyan Arab Jamahiriya illegally.

The meeting was suspended at 4.55 p.m. and resumed at 5.10 p.m.

55. Ms. SAGHAIER ABDULHAMID (Libyan Arab Jamahiriya) said that the issue of the children of refugees had recently been discussed by the Higher Committee for Children. The Libyan Arab Jamahiriya had ratified the Organization of African Unity (OAU) Convention governing the Specific Aspects of Refugee Problems in Africa. That Convention was regarded as more comprehensive than the 1951 Convention relating to the Status of Refugees and its Protocol. The Libyan Arab Jamahiriya had also signed a number of bilateral agreements to assist displaced persons.

56. In cooperation with UNHCR, Libyan humanitarian organizations, such as the Libyan Relief Fund and the Gaddafi Foundation, had lent many countries around the world, including Afghanistan, considerable financial and practical assistance in addressing the problems of refugee children. Together with the Libyan Red Crescent, Libyan organizations also helped to address the problems facing children of refugees living in the Libyan Arab Jamahiriya. Such children could attend ordinary or special schools. The number of refugees in the Libyan Arab Jamahiriya was not a cause for concern, as many of them were in the country temporarily, for economic reasons. She was unable to give accurate statistics on refugee children, and pointed out that not even UNHCR had reliable data.

57. Mr. MOHSEN (Libyan Arab Jamahiriya) said that the Libyan authorities were aware of the need for the continuous evaluation of the quality of education. Various government committees had been set up with a view to raising educational standards. With assistance from the United Nations Educational, Scientific and Cultural Organization (UNESCO), the Government had studied the secondary education system over a period of many years. Specialization in secondary education concerned only schoolchildren aged 15 and above, and was intended to give them adequate preparation for their university studies. Fifteen-year-olds



took intelligence tests on the basis of which they were given guidance for their subsequent studies. While some students went to vocational secondary schools to learn practical skills, they could still attend university if they wished. Psychological guidance was available to all students when learning difficulties arose.

58. The Libyan Arab Jamahiriya took strict measures to control the entry of drugs into the country. The authorities believed that young drug abusers should be treated rather than punished. State rehabilitation centres offered young drug abusers medical care and psychological counselling. All the country's media had been mobilized in an intensive awareness-raising campaign for children, their families, teachers and social workers.

59. Within the Mental Health Department, there was a special child psychiatry unit. During their training, teachers were given extensive instruction in mental health and child psychiatry. The suicide rate in the Libyan Arab Jamahiriya was negligible. The incidence of anxiety and depression was relatively low as compared with other countries, and the problem could be satisfactorily addressed through psychological counselling. Attempts to integrate disabled children into the school system had focused initially on children suffering from Down's Syndrome and would eventually include other groups of disabled children. Regarding early education, pre-school teachers were given specialized training in child development and psychology in recognition of the impact of early childhood pedagogy on the child's future success in school.

60. Most child workers in the Libyan Arab Jamahiriya were engaged in peddling. There were no cases of children performing dangerous work. Studies had been conducted on child abuse and family violence, and measures were being taken to protect children; however, reports regarding the extent of the problem could not be confirmed.

61. The HIV/AIDS incident had been a man-made disaster. The perpetrators were in prison and the matter was being investigated. The families that had been victimized had been sent out of the country not for treatment, but rather for peace of mind. Equivalent standards of HIV/AIDS treatment were available in Tripoli and Benghazi, and efforts to prevent the spread of the virus were currently at the surveillance stage.

62. Health indicators, including those for infant mortality, under-5 mortality and immunization, had been based on a 1995 study; more information would be made available when the findings of the Family Health Research Project were published. Citizens were free to choose whatever treatment facility or care provider they wished at every level of the health-care system.

63. Mr. SHERIF (Libyan Arab Jamahiriya) said that there had been symposiums and television documentaries to familiarize the population with the problem of HIV/AIDS and drug addiction among adolescents. No statistics were available for tobacco abuse, which was on the rise. Alcohol abuse was not a problem in the Libyan Arab Jamahiriya, and undernutrition or malnutrition were virtually non-existent. A number of disabilities could be traced to consanguineous marriages. With regard to meningitis, a vaccine had been introduced in 2002, and it was hoped that its use would lead to the complete eradication of the disease in the Libyan Arab Jamahiriya.

64. The Government administered numerous health programmes that included mental health. The only two hospitals in the country that provided psychiatric treatment were in Tripoli and Benghazi. While there were no precise statistics on health expenditures, figures on the cost of vaccines and medicines could be furnished upon request.

65. Ms. SAGHAIER ABDULHAMID (Libyan Arab Jamahiriya) said that, while there were few women in prisons, there had been cases of female prisoners who were either pregnant or breastfeeding a child. A provision existed according to which judges could defer a woman's sentence for up to one year if she was pregnant or breastfeeding; however, that provision had not been applied. While some young mothers in prison with children had been sent to special homes, a more permanent solution was needed.

66. Mr. AL RWEDH (Libyan Arab Jamahiriya) said that the Government wished to solve the problem of juvenile drug abuse without resorting to punishment; however, it would punish drug traffickers. The Government was addressing the problem of child labour through social programmes for the disadvantaged which, however, would take time to produce results. Labour legislation prohibited the employment of children under 15, although it allowed them to take part in training programmes. Children could not work for more than six hours a day, and it was up to their parents or guardians to ensure that they did not engage in inappropriate forms of work. A symposium held in Tripoli had produced recommendations that would be incorporated into the country's labour legislation.

67. Children involved in criminal proceedings did not have to be present when witnesses testified but could be represented by counsel. If children were not given an opportunity to understand the significance of witnesses' testimony against them, the proceedings could be considered flawed. According to article 365 of the Code of Criminal Procedure, the child's legal guardian could lodge an appeal following criminal sentencing. Criminal cases involving children were required to be processed expeditiously.

68. Homes for juvenile delinquents were comfortable and provided educational and recreational facilities. Those wishing to pursue their studies could prepare for and take academic examinations. For the past five years, a provision had been in force to allow mothers in prison to visit their children every two weeks.

69. The CHAIRPERSON enquired whether the juvenile court was a single magistrature and whether it heard cases for children between the ages of 7 and 14. He also asked whether the penalty of flogging was still practised in the Libyan Arab Jamahiriya.

70. Mr. AL RWEDH (Libyan Arab Jamahiriya) said that the practice of flogging did not exist and, even if it did, it would be rejected by Libyan society as an abominable practice.

71. Ms. SAGHAIER ABDULHAMID (Libyan Arab Jamahiriya) said that nationwide studies were being conducted to determine the extent and causes of child labour. The Government was opposed to child labour and preferred that children remain in school. A national plan would be formulated on the basis of the outcome of the studies.

72. With regard to the mobilization of children to provide military service in the event of war, she said that in such a situation all resources would be activated to protect the country.

73. The CHAIRPERSON enquired whether the Libyan Arab Jamahiriya had any objection to ratifying the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts. The Committee had received reports of trafficking in children, and it requested the delegation to confirm or deny those reports.

74. Mr. AL RWEDH (Libyan Arab Jamahiriya) said that trafficking in children did not exist in the Libyan Arab Jamahiriya.

75. Mr. KOTRANE asked whether the Libyan Government intended to ratify the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and the International Labour Organization (ILO) Worst Forms of Child Labour Convention, 1999 (No. 182).

76. Mr. MOHSEN (Libyan Arab Jamahiriya) said that the Ministry of Foreign Affairs had studied the matter and would be ratifying the protocols in forthcoming weeks.

77. Mr. AL-SHEDDI, speaking on behalf of the Committee, thanked the delegation for its thorough and informative presentation. The Committee looked forward to receiving an update on efforts to strengthen the Higher Committee for Children, including the development of a database on children's issues. He hoped that the delegation would find the Committee's recommendations useful.

78. Ms. SAGHAIER ABDULHAMID (Libyan Arab Jamahiriya ) thanked the Committee for its efforts on behalf of children all over the world. She hoped the Libyan Government would continue to make progress in ensuring a better life for all Libyan children.

The meeting rose at 6.05 p.m.