



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

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## Committee on the Elimination of Discrimination against Women

Pre-session working group

Forty-third session

19 January-6 February 2009

### List of issues and questions with regard to the consideration of periodic reports

#### Libyan Arab Jamahiriya

The pre-session working group considered the second periodic report of the Libyan Arab Jamahiriya (CEDAW/C/LBY/2).

#### General

1. Please indicate what Government departments and institutions are involved in the implementation of the Convention. Please also indicate whether non-governmental organizations, in particular women's associations, are associated with this process.
2. Please provide updated information on the implementation of the Convention, as well as on the status of data collection in the country in general and to what extent such data collection takes place on a sex-disaggregated basis including in relation to rural, minorities and migrant populations. Please also indicate how the Government collects data with regard to various provisions of the Convention, and how such data is used in policy and programme development and in monitoring progress towards de facto equality of women and men.
3. Please clarify the scope of the State party's general reservation to the Convention on the basis of the norms of Islamic Law, and describe the impact of this reservation on the practical realization of the principle of equality between women and men, as required under article 2 (a) of the Convention. Please also indicate whether the State party is considering withdrawing its general reservation to the Convention, as recommended by the Committee in its previous concluding observations.



**Legal status of the Convention, legislative and institutional framework**

4. The report indicates that the Convention is part of domestic legislation and that its provisions may be invoked before national courts. Please provide information on whether provisions of the Convention have been invoked before domestic courts during the period under review, with examples of pertinent case law.

5. Please indicate whether a definition of discrimination against women, encompassing both direct and indirect discrimination, in line with article 1 and extending to acts of discrimination by public and private actors, in accordance with article 2, has been incorporated in domestic legislation.

6. Please provide information on whether an assessment of the work of the Assistant Secretary for Women's Affairs has been conducted since the establishment of the post in 1992, in particular with regard to his or her ability to conduct studies and state opinions on draft laws relating to women's issues, as well as his or her ability to receive and consider complaints concerning violations of women's rights. Please provide information on the number of complaints received since the establishment of the post, the nature of these complaints, as well as their outcome.

7. Please provide updated information on the measures taken, including legislation, to guarantee the development and advancement of women in the political, social, economic and cultural fields since the submission of the second periodic report.

8. Please provide information on steps taken to strengthen existing mechanisms to advance the status of women, with a view to eliminating all forms of discrimination, as recommended by the Committee in its previous concluding observations.

**Stereotypes and cultural practices**

9. The report notes that the State party has exerted considerable efforts to modify patterns of conduct and eliminate discriminatory practices through education of both women and men. The report however lacks information on traditional attitudes affecting the enjoyment by women of their rights. Please provide information on social and cultural patterns affecting the enjoyment by women of their civil, political, economic, social and cultural rights, as well as on steps taken towards the elimination of prejudices, customary and all other practices which may perpetuate the notion of inferiority or superiority of either of the sexes and stereotyped roles for men and women.

**Violence against women**

10. Please provide information on the detention of women and girls in "social rehabilitation services", including the Benghazi home for Juvenile Girls and the Social Welfare Home for Women in Tajoura. The report of the Special Rapporteur on violence against women its causes and consequences, indicates that women and girls detained in these facilities include women and girls who are accused or have been convicted of having transgressed Law No. 70 (1973) criminalizing extramarital sexual relations, as well as victims of rape who fear violence from their families (A/HRC/4/34/Add.1, paras. 376-391). Please also provide information on whether

the State party is considering repealing Law No. 70 (1973) and enacting laws criminalizing all forms of violence against women, including domestic violence.

### **Trafficking and exploitation of prostitution**

11. Please provide information on the prevalence of trafficking in women and girls for purposes of sexual and economic exploitation, including updated information on domestic legislation and its implementation, as well as on other mechanisms at the national level to prevent and punish trafficking in women and girls.

12. Kindly provide statistics, if available, on the number of women and girls engaged in prostitution. Please describe laws and measures adopted to prevent and punish the exploitation of prostitution, in line with article 6 of the Convention, as well as measures taken to provide rehabilitation and support for the social rehabilitation of women who wish to leave prostitution. Please also provide information on measures taken to provide specialized training on trafficking for members of the police, border guards, lawyers and the judiciary and give information on the effectiveness of these measures.

### **Participation in decision-making and representation at the international level**

13. The report provides information on the attendance of men and women at the Basic People's Congresses in 1995 and 1996, as well as on participation of Libyan women in leadership positions and at the international level. Please provide updated figures for the years 2006 and 2007. Please also provide information on measures which have been taken to increase the participation of women in political and public life, as well as their representation at the international level.

### **Nationality**

14. Please provide information on steps taken by the Higher Committee regarding the adoption of a rule that would allow a Libyan mother to transfer her nationality to her child. Please also indicate whether the current legislation allows Libyan women to transfer their nationality to their foreign husbands.

### **Education**

15. Please provide updated information on the percentage of primary, secondary and university graduates who are females. Please indicate the dropout rates for women at all levels of education, as well as the major causes of girls and women discontinuing their education. Please also provide data and information on the education levels and access to education of women and girls from rural areas, minorities, including women from the Berber communities and women of non-Libyan nationalities.

### **Employment**

16. Please provide information on whether the State party has put in place a policy aimed at accelerating de facto equality of women in the area of employment. If so, please indicate what steps have been taken to implement this policy.

17. Please provide information and statistics on women's labour force participation in the informal sector, including non-Libyan citizens. Please also describe the types of legal, social, or other services and protections available to

women in the informal sector and any measures to increase their availability and accessibility.

### **Health**

18. Please provide information on the measures taken by the State party to prevent the spread of HIV/AIDS, including through sex education in schools and awareness-raising campaigns. Please also indicate the percentage of women and girls affected by HIV/AIDS as compared to the male population.

19. Please provide information and data on the access to health services for women and girls from rural areas, minorities and women of non-Libyan nationalities, including migrant women, as well as on maternal mortality and morbidity rates for all women, including trends over time.

### **Rural women**

20. Please provide updated information on any special programmes which have been developed to meet the needs of rural women, in particular in the area of education and vocational training. Please indicate what percentage of rural girls and women are enrolled in primary, secondary and university levels and how these percentages compare with urban enrolment.

21. Please indicate what specific provisions exist to ensure adequate living conditions for rural women, in particular with regard to access to safe drinking water. Please also provide information on steps taken to facilitate access of Amazigh women to safe water in the regions of Nefoussa and Zouara.

### **Migrant women**

22. Please provide information on measures taken by the State party to guarantee the rights of migrant women, in particular those of African origin, to be protected from economic exploitation and violence.

### **Marriage and family relations**

23. Please provide information on steps taken to ensure equality between women and men in matters of personal status, in particular regarding marriage, divorce and inheritance.

24. Please indicate whether the State party is considering abolishing the practice of polygamy, in accordance with the Committee's general recommendation No. 21 (1994) on equality in marriage and family relations.

### **Amendment to article 20, paragraph 1**

25. Please indicate what progress has been made towards acceptance of the amendment to article 20, paragraph 1 of the Convention, pertaining to the Committee's meeting time.