

agriculture, education, housing and public utilities; and the effects of international sanctions in the period 1992 to 1994.

The Committee's concluding observations and comments (E/C.12/1/Add.15) welcomed Libya's assertion that the Covenant forms an integral part of domestic law and is binding on individuals and organizations, including official bodies; and that national legislation guarantees every citizen the right to health care and social and cultural welfare as well as the right to education, to work, to freedom of association, to form unions, federations and professional associations, and to seek legal redress for any infringement of rights recognized by law. The Committee noted Libya's assertion that legislation provides for the equal enjoyment by women and men of all economic, social and cultural rights and welcomed signs of progress for women towards equality, including the facts that women are members of the Congress, they have the right to be elected to posts and also participate in trade unions and professional associations. The Committee acknowledged significant progress related to social security and health care, family matters, especially in the areas of divorce and care for children and orphans, and the efforts made by the government in the fields of public housing and home ownership.

Among the factors and difficulties faced in implementing fully the Covenant, note was taken of the fluctuations in world prices for hydrocarbons which have resulted in unpredictable inflows of foreign exchange and cash flow problems affecting Libya's ability to pay its financial obligations regularly. Also noted was the fact that the services industry accounts for approximately 30 per cent of GDP and government efforts to promote agriculture have not been successful in terms of achieving self-sufficiency in food production. It was also noted that little progress has been made in the privatization of industry and that the government's attempts to restructure the economy and abolish state import and export enterprises have been confined to the consumer goods sector. The Committee referred to Libya's assertion that the Security Council's imposition of an aerial embargo has adversely affected the economy and impeded the full enjoyment of economic, social and cultural rights.

The Committee noted with concern that: despite legislation guaranteeing full equality between women and men, the government has argued against the enjoyment by women of certain family and civil rights on the basis of Sharia law; the gap between law and practice related to labour rights notably concerning trade union activity, the right to strike and the right to conduct free collective bargaining is quite significant; living and working conditions for foreign workers on the Great-Man-Made River project are appalling; foreign employees accused of infringing disciplinary rules may be punishable by penalties of imprisonment which can include compulsory labour; different rates of payment of pensions for foreign and Libyan workers are maintained and therefore are discriminatory; reports have been received that, during the second half of 1995, thousands of foreign workers were arbitrarily expelled from Libya and not given adequate compensation; there was no possibility for a legal or judicial remedy against those expulsions; the government had asserted that these foreign workers were the cause of many of Libya's social problems such as violent crime, immoral activities, black market transactions, drug trafficking,

trafficking in women, and the spread of communicable diseases; the government viewed HIV/AIDS as a problem essentially relating to foreigner workers; and that Libya has indicated that foreign workers who are working there with valid work permits and subsequently become HIV-positive are usually deported. The Committee also expressed concern over reports indicating that there was censorship against expressions of a literary and artistic nature in Libya and that the government's notion of "cultural security" was used to justify this censorship.

The Committee recommended that the government:

- ▶ eliminate all remaining aspects of discrimination against women;
- ▶ make energetic efforts to close the gap which still exists between the aims and purposes of Libyan legislation and the reality of its application in labour matters, and in particular with regard to union rights, the right to strike and the right to free collective bargaining;
- ▶ improve without delay the status and working conditions of foreign workers and ensure that these workers are treated with dignity and fully benefit from the rights set out in the Covenant;
- ▶ take measures to ensure better and more widespread education, especially in rural areas, as well as health care, social security and housing;
- ▶ cease deportation of foreign workers who are employed in Libya with valid work permits if they become HIV-positive while in the country;
- ▶ cease treating the HIV/AIDS problem as one essentially relating to foreigners; and,
- ▶ take energetic steps by way of a publicity campaign in the media to inform its population of the nature of HIV/AIDS, its modes of transmission, and what steps can be taken to avoid contracting it.

Civil and Political Rights

Acceded: 15 May 1970.

Libya's third periodic report (CCPR/C/102/Add.1) has been submitted but is not yet scheduled for consideration by the Committee; the fourth periodic report was due 4 February 1995.

Reservations and Declarations: General declaration.

Optional Protocol: Acceded: 16 May 1989.

Racial Discrimination

Acceded: 3 July 1968.

Libya's 11th through 14th periodic reports have been submitted as a single document (CERD/C/299/Add.13) which has not yet been scheduled for consideration by the Committee; the 15th periodic report was due 4 January 1998.

Reservations and Declarations: Article 22; general declaration.

Discrimination against Women

Acceded: 16 May 1989.

Libya's second periodic report was due 15 June 1994.

Reservations and Declarations: Article 2; paragraphs (c) and (d) of article 16.

Torture

Acceded: 16 May 1989.

Libya's third periodic report is due 15 June 1998.