



**International Convention on the
Protection of the Rights of
All Migrant Workers and
Members of Their Families**

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**Committee on the Protection of the Rights of All
Migrant Workers and Members of Their Families**

**Initial report submitted by Libya under article 73
of the Convention pursuant to the simplified
reporting procedure, due in 2005****

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* Reissued for technical reasons on 28 May 2019.
** The present document is being issued without formal editing.



Replies to the issues raised by the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families

A. General information

1. As soon as a convention has been ratified, it enters into force and forms part of domestic law. It takes precedence over ordinary law and is ranked lower than the Constitution (Supreme Court ruling on an appeal).

(a) Progress in drafting the Constitution

2. The committee of the elected constitutional authority completed the draft Constitution and submitted it to the House of Representatives. A referendum on the Constitution will be held once the House of Representatives adopts the Referendum Act. The High National Election Commission is currently preparing for this event.

3. The draft Constitution complies with international human rights standards and contains a chapter on civil liberties and human rights.

4. The protection of rights and freedoms is enshrined in the Constitution as a general principle governing the performance of public authorities.

5. The Constitution safeguards the right to equality and equality of opportunity, prohibits discrimination, and guarantees the enjoyment of rights and freedoms by all individuals without discrimination.

6. According to the Constitution, international treaties that Libya has ratified or acceded to shall form part of domestic law, take precedence over ordinary law and have lower status than the Constitution.

(c) Act No. 6 of 1987 in no way breaches the obligations of Libya under the Convention, since all States have an incontestable right to determine the conditions and regulations governing the entry of foreign nationals into their territory, the requirements for obtaining entry visas and the regulations governing residence in the country.

(d) No data are available.

7. The office of Minister of State for Migrants and Displaced Persons was established in response to this recommendation. The Minister is responsible for issues relating to persons who fled or migrated from their homes within the country and abroad. The office of Deputy Minister of the Interior for Migrant Affairs was also established.

8. Statistical data on migrant workers residing in Libya during the past three years (2016, 2017 and 2018) are annexed to this document. The data are disaggregated by the nationality of the workers, the nature of their work and accompanying families.

9. The National Council for Civil Liberties and Human Rights was established as a national institution that complies with the Paris Principles by the Transitional National Council pursuant to Act No. 5 of 2011. The Council enjoys full independence from the executive branch. Its mandate includes oversight and monitoring of human rights violations, including those perpetrated against foreigners or migrant workers.

10. Steps taken to promote and publicize the Convention:

- The Training Department of the Ministry of Labour includes labour conventions and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families in the annual education plans of employment agency officials and in the programmes of training centres.
- The Ministry of Labour has also developed a national strategy aimed at providing guidance and instructions for newcomers to the labour market and raising awareness

of their rights and pertinent conventions, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

- With regard to law enforcement agencies, awareness-raising of human rights in general and the rights of specific groups, such as migrant workers, forms part of approved academic and training courses in law faculties, police colleges and the Judicial Institute. Officials attend continuous training courses on respect for human rights.

13. Measures are taken to provide training for government staff who deal with migration issues.

14. Members of the Department for Combating Illegal Migration attend the following courses:

- Training courses on the rules governing the treatment of migrants in accordance with human rights norms;
- First aid courses;
- Training courses on the gravity of the crime of human trafficking and on means of combating such crimes;
- Training courses on migration data management.

15. Interaction with international organizations and international civil society organizations:

- The State cooperates with the International Organization for Migration (IOM) and other international organizations, including the United Nations Support Mission in Libya (UNSMIL) and the International Committee of the Red Cross (ICRC).

B. Information relating to the Convention

General principles

16. In accordance with the structure of the judicial system, courts are geographically distributed, thereby ensuring their proximity to all persons seeking justice. All citizens and foreign nationals, including migrant workers, have access to the courts, and judicial services are free of charge. The labour courts belong to a special category and they are required by law to operate expeditiously and ensure the speedy adjudication of labour cases. Labour Relations Act No. 12 of 2010 establishes additional mechanisms for resolving labour disputes and ensuring that workers can exercise their rights without discrimination on the ground of nationality.

Part II of the Convention

National legislation and measures to guarantee the rights of migrant workers without discrimination

17. All Libyan laws guarantee the right of migrant workers to exercise their rights without discrimination, especially those enshrined in International Labour Organization (ILO) conventions and in the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Labour Relations Act No. 12 of 2010 prohibits discrimination and forced labour.

18. Discrimination on any ground is a punishable offence under Libyan legislation. The prohibition of discrimination was reinforced by Act No. 10 of 2013 on the Criminalization of Torture, Enforced Disappearance and Discrimination.

Part III

19. No specific data are available. However, there are general statistics concerning children who are separated from or unaccompanied by their families. Their countries' embassies are contacted in order to facilitate the children's return to their countries and families.

20. There is a fact-finding commission on alleged violations by staff of the Department for Combating Illegal Migration that are under investigation. The Public Prosecution Service also prosecutes certain persons who are suspected of breaking the law.

21. Libya does not intend to decriminalize cases of illegal entry into and residence in the country owing to the risk that such action would pose for the country and its stability and its possible exploitation by terrorists and organized criminal gangs in order to enter the country illegally. With regard to due process safeguards, Libyan law guarantees a fair trial for all persons without exception or discrimination. The courts appoint a lawyer for persons who cannot afford to appoint a lawyer themselves, and the relevant embassies are contacted in the case of foreign suspects.

22. No information is available.

23. There are no cases of arbitrary detention of migrant workers. Detention centres for illegal migrants actually serve as shelters for persons stranded in Libya. They are not detained against their will and their respective embassies and the International Organization for Migration are contacted to ensure their voluntary repatriation.

- There are special women's shelters for irregular migrants.
- Pregnant women are not detained and their presence is due to the fact that they have no residence.
- Most irregular detention centres have already been closed, and the few remaining centres will be closed as soon as the law enforcement agencies manage to control the locations in which the centres operate.
- All necessary medical and therapeutic services are provided to illegal immigrants, either at a location on the coast when they are rescued at sea or in shelters, in coordination with international organizations and non-governmental organizations (NGOs) such as the International Organization for Migration, Doctors Without Borders and the Red Crescent.
- With a view to improving the conditions in shelters for irregular migrants, the Tajoura shelter and the Batin al-Jabal Centre were upgraded in cooperation with a number of international organizations.
- Access to shelters has been facilitated for international and local organizations so that they can inspect the conditions and monitor respect for human rights in the shelters.

Article 23

24. Libyan consulates look after the affairs of Libyan communities residing abroad, including workers.

25. The right of migrant workers to exercise their rights on an equal basis with citizens is guaranteed by domestic legislation and international treaties to which Libya has acceded and which have entered into force. Article 182 of the Labour Code prohibits all forms of discrimination. In fact, many regulatory decrees grant additional privileges to foreign workers, especially skilled workers in the health and oil sectors, as a type of affirmative action aimed at encouraging them to work in Libya.

26. The law guarantees access for residents in Libya to basic and secondary education and their enrolment in schools. Syrian, Iraqi and Palestinian children have access to free

education in accordance with Arab League agreements and bilateral agreements with the countries concerned that guarantee free education.

27. Basic therapeutic and health-care services are guaranteed to all persons free of charge.

Part IV

Article 41

28. The High Electoral Commission is taking steps to ensure that Libyan citizens residing abroad can exercise their voting rights, especially in countries where there is a large Libyan community.

29. Agreements have been concluded with some Arab countries, including Tunisia, which guarantee freedom of movement of workers between the two countries and ensure that the duration of employment of foreign workers is taken into account by the social security service.

Part VI

30. No response is currently available to this question.

31. (a) Libyan legislation criminalizes human trafficking, and Libya plans to enact a law regulating the criminalization of human trafficking and prescribing more severe penalties for human traffickers. The competent committee has completed the drafting process and the bill has been submitted to the legislative authority for enactment.

(b) The Public Prosecutor's Office is investigating a number of suspected perpetrators of human trafficking, cross-border smuggling and other offences.

(c) The State is committed to providing shelters for stranded victims of smuggling and human trafficking as well as humanitarian assistance to facilitate their voluntary repatriation and contact with their embassies.

(d) Libya has adopted a policy aimed at providing training and capacity-building for all law enforcement personnel.

(e to g) No data are available.

32. Libya has concluded agreements with neighbouring countries on strengthening border security and combating smugglers and gangs of traffickers.

33. The law permits persons who have entered the country illegally to regularize their situation provided that certain legal requirements are met. The Ministry of Labour, operating through employment agencies, enables workers in an irregular situation to access domestic service jobs and manual occupations.

34. The regulations governing the employment of foreign workers in Libya require employers to cover the cost of repatriating the bodies of workers who die in Libya and to provide compensation for workers' death or injuries suffered during their employment.

35. The legislation in force in Libya provides the following protection for workers and members of their families:

(a) The new draft Labour Code guarantees greater protection for migrant workers and will be referred to the legislature for enactment.

(b) The Minister of Labour is taking steps to ensure that employers meet their obligation to protect the rights of all employees, including migrant workers. The Ministry of Justice has boosted the role of labour inspectors and granted them the status of law enforcement officers with a view to guaranteeing respect for workers' rights, ideal working conditions, and safety and security measures.

(c) Libya has ratified the Domestic Workers Convention, 2011 (No. 189).

36. Statistics on the number of foreign workers, disaggregated in terms of their nationality, jobs and accompanying family members, are annexed to this document.
