
COMMITTEE ON THE RIGHTS OF THE CHILD

Seventeenth session

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION**

**Concluding observations of the Committee on the
Rights of the Child: Libyan Arab Jamahiriya**

11. The Committee regrets that the Great Green Document on Human Rights, promulgated by the General People's Congress, does not include express prohibition of discrimination on the basis of language, national, ethnic or social origin, property, disability, and birth status. The Committee is especially concerned over discrimination against children of migrant workers and non-citizens, and children born out of wedlock. The Committee is also concerned that although the Great Green Document on Human Rights prohibits discrimination on the basis of sex, there are still disparities in legislation and practice, in particular with regard to inheritance rights. The Committee is further concerned that in the light of Libyan legislation regarding citizenship, decisions related to the acquisition of nationality are only based on the status of the father.

12. In the light of articles 2 and 3 of the Convention, the Committee is concerned at the continued use of the term 'illegitimate children', to refer to children born out of wedlock, in administrative instructions and regulations by the State party, which could lead to discriminatory practices against these children.

UNITED NATIONS

COMMITTEE ON RIGHTS OF CHILD CONTINUES CONSIDERATION OF REPORT PRESENTED BY THE LIBYAN ARAB JAMAHIRIYA

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With regards to nationality, the delegation said that legislation did not give Libyan nationality in accordance with birth. A person who was born in Libya and lived there a certain number of years could be naturalized. If the father was Libyan in a mixed marriage, the children were automatically given Libyan nationality. But that was not the situation if the mother was Libyan. The High Committee for Child Welfare had a programme with the British Government to arrange for visits between children of failed mixed marriages and their parents.

The delegation said that Libya was an Eastern and Islamic society. Parents in both rural and urban areas were changing and no longer preferred sons to daughters. From the legal point of view, there was no difference between boys and girls.

The Libyan delegation acknowledged that the term "illegitimate" was used to describe children born out of wedlock. It said it would transmit the Committee's concerns on this subject to the Libyan authorities, and stressed that all "illegitimate" children received their full rights.

Committee experts asked what were the future implications for a girl who was raped and whether arrangements existed to rehabilitate such victims. Concerning the family environment, incest and domestic violence, the experts said that simply having legislation which banned these crimes did not stop such occurrences. They asked how such incidents were treated in Libya and what actions were taken by the society to deal with them. An expert also noted that there was legal discrimination against Libyan women who married foreigners because they could not give their children Libyan nationality like Libyan men.

The delegation said that as far as nationality was concerned, there were different rules worldwide affecting this issue. In Libya, nationality was granted if the father was Libyan. If the mother was Libyan and the father was a foreigner, in accordance with international law, the nationality of the children would be that of the father.

COMMITTEE ON THE RIGHTS OF THE CHILD
CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Second periodic reports of States parties due in 2000

LIBYAN ARAB JAMAHIRIYA *
[Original: Arabic]

A. Name and nationality (art. 7)

1. Articles 18, 19, 20, 21, 22, 23, 24, 25, 26, 27 and 29 of the Civil Status Act No. 36 of 1968 emphasize that births having occurred inside the Libyan Arab Jamahiriya or abroad must be notified within a maximum of 10 days of the date of birth. Civil register offices and Libyan consulates abroad are both responsible for promptly recording such births. The details required for registration purposes include the day, date, time and place of birth, the gender, first name and surname of the child, the first name, surname, nationality, religion, age and place of residence of the child's parents, the name, address and age of the person notifying the birth and his relationship to the newborn child. In remote areas, births are registered with the secretary of the district people's committee, who in turn must notify the civil register office to which the committee is attached within 10 days of the date of being notified of the birth and forward the original registration to that office. If the birth takes place during the pilgrimage, the head of the pilgrimage group must notify the birth to the nearest Libyan consulate.
2. Foundlings are registered once they have been given a name consisting of three elements and their age has been estimated. The name is then displayed on the announcements board in the civil register office for a period of seven days. If no one comes forward to object to the name, it is approved and the infant is finally registered.
3. This provision applies to illegitimate children and the provisions concerning registration apply to foreigners on Libyan territory.
4. As for practical steps, in addition to the legislative rules mentioned, a central Department of Civil Status has been established and has branches and offices attached to it in main residential areas, amounting to a total of 216 offices throughout the urban, rural and remote areas of the Jamahiriya. There are, for instance, 11 offices in Tripoli, 12 in Jabal al-Akhdar, 8 in Misrata and 6 in Marzaq.
5. The branches and offices of the Department of Civil Status issue citizens with booklets known as family record books in which the details of the holder and his spouse and children, including first name, surname, place and date of birth, are entered. Entry in the civil

register is a prerequisite for anyone wishing to obtain an official document such as a personal identity card, passport, driving licence or other document used by citizens in their daily lives. The said Act No. 36 imposes penalties in the form of monetary fines on any person who fails to carry out the requirement to notify births within the periods specified in the Act.

6. The measures adopted to raise awareness of the need to register births, mobilize public opinion and provide adequate training for civil registry employees take the following forms:

(a) Increasing information awareness by means of newspapers, magazines and symposiums;

(b) Imposing registration as a requirement for every person who applies for public office, for a licence to practice an occupation or trade or for an official document issued by the State, such as a passport, identity card or similar.

7. The branches and offices of the Department of Civil Status are responsible for organizing special courses designed to enhance the capabilities of civil registry employees. University experts are also assigned to work in the Department, the branches and offices of which use sophisticated computer equipment for the central storage of all information.

8. Registration details include first name and surname, the day, date, hour and place of birth and the gender of the child (male or female). There are no restrictions on the registration of children, regardless of whether they are legitimate, illegitimate or foundlings, other than that foundlings are named by a committee formed specially for that purpose.

9. The Green Book affirms an important social principle, namely that a child should be reared by his or her mother and brought up in a family with a mother, father and siblings. The mother is the natural provider of care and dispensing with the maternal role of the natural mother, or, in other words, substituting residential nurseries for the mother is the beginning of the end of human society. The family is the child's cradle, foundation and social umbrella.

10. The Great Green Document on Human Rights in the Age of the Masses also emphasizes this principle by stating the following:

(a) Jamahiri society is united in solidarity and guarantees child and maternal welfare;

(b) It is a sacred right for the child to be raised in a cohesive family which has both a mother and a father;

(c) It is unjust to deprive children of their mother and mothers of their children.

11. In Libyan law, the acts of concealing or exchanging an infant, making false statements to the birth registration authorities, destroying or altering the identity papers of a child or placing a legitimate child in a home for foundlings with the intention of removing the child from his relatives are treated as punishable offences which carry penalties ranging from imprisonment to detention or a fine. Prompt measures are also taken at birth to ensure that the child is handed over to his mother immediately after the birth.

12. The child acquires the nationality of his Libyan father from the moment of his birth. Any child born of a Libyan woman and a father who is stateless or of unknown nationality is regarded as Libyan, as is any child born of two parents of unknown nationality. Any person born in the Libyan Arab Jamahiriya is considered to be of unknown kinship, unless it is proved otherwise.

B. Preservation of identity (art. 8)

13. The measures adopted to preserve the identity of the child are as follows: the child is registered at birth in the civil register intended for that purpose within a period of not more than 10 days of the date of birth. Registration includes the child's first name, the father's first name and surname, the date and time of birth and other information relating to the child, which is recorded on specially prepared forms. The information provided is then entered in the family register and the birth is also recorded in the family's own record book.

14. These procedures are deemed to offer a special safeguard in regard to preserving the identity of the child. As a deterrent, the law imposes penalties on any person who alters information concerning the identity of a newborn child.