



## Stakeholder Report to the United Nations Human Rights Council Universal Periodic Review- Libya

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### Minority Rights

Submitted by The Libyan Association for Tebu Culture (LATC)

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#### Key concerns

- The rights of minorities have been neglected by the Libyan state.
- Domestic legislation to provide certain protections and guarantees for ethnic and linguistic minorities has not been adequately implemented.
- Minorities are discriminated against and are treated unequally, especially when dealing with public bodies.
- The Libyan state has failed to provide minorities special protection of political participation, language, citizenship and freedom of movement as well as the promotion of national reconciliation.

#### Introduction

1. This stakeholder report is a submission by the Libyan Association for Tebu Culture (**LATC**). LATC is the first Tebu organization to be established in Libya with the aim of promoting and developing Tebu culture and language and advocating for cultural and political rights of the Tebu people.
2. The rights of Libya's Tebu minority continued to be neglected by the Libyan state over the past four years. Unfortunately, Tebu rights, and minority rights more generally, were not the subject of any recommendations in Libya's last Universal Periodic Review (**UPR**) in 2010. This is surprising because the challenges facing minorities in Libya did exist at the time of Libya's last UPR.
3. Libya is a party to the International Covenant on Civil and Political Rights (**ICCPR**), which ensures specific protections for minority groups. Nonetheless, nothing was stated about Libya's breach of Article 27 of the ICCPR in Libya's last UPR, for neglecting to protect the right of ethnic, religious or linguistic minorities "to enjoy their own culture, to profess and practice their own religion, or to use their own language."
4. In the period of review since Libya's last UPR, despite greater advocacy by the Tebu community, discrimination continues to be prevalent. This is due to the existing legislative frameworks as well as the lack of enforcement of new provisions related to the protection of minority groups adopted in the last three years.

5. This report will highlight key obstacles which have been facing Libya's Tebu minority over the past three years and the Libyan state's failure in addressing these obstacles.

### **Political Participation**

6. The Libyan state is maintaining the pro-Arab status quo and not making sufficient efforts to include Libya's ethnic minorities in the political process. No steps have been taken to ensure the meaningful representation or participation of the Tebu population over the past three years. This includes participation in the General National Congress (**GNC**) elections, the Constitutional Drafting Assembly (**CDA**) elections and the House of Representatives elections.

#### *Electoral processes and inclusiveness*

7. In the 2012 GNC elections, seat allocation was distributed on a geographic and population density basis. The Tebu populated city of Ghatroun has a population of approximately 32,000. If the districting rules applied as they did in other areas, Ghatroun would have obtained three seats. However, Ghatroun only received one seat in the elections. This is discriminatory to Tebu representation.
8. The Tebu population was also underrepresented in the 2014 CDA elections. Both Libya's Constitutional Declaration and Law 17 of 2013, the CDA electoral law, recognized the need to include Libya's "cultural components": the Amazigh, Tuaregh, and Tebu. While the Amazigh and Tebu were not formally excluded from participation, the lack of a political agreement between the Tebu and the Libyan legislature regarding what would constitute meaningful participation in the elections has led to the underrepresentation of the Tebu.
9. Awareness-raising for the Tebu population on the electoral process during the GNC, the CDA and House of Representatives elections was also weak. Libyan authorities did not conduct any outreach to the Tebu population in the south of the country during the three electoral periods, which took place in Libya over the last three years. Despite the fact that LATC prepared electoral and voting guidelines in the Tebu Language for the High National Election Commission (**HNEC**) to distribute for the GNC, CDA and House of Representatives elections, HNEC did not print or distribute such material to help inform the Tebu on the election process. It is the responsibility of the Libyan authorities to raise electoral awareness, but it has failed repeatedly over the past three years to engage with the Tebu minority at the grassroots level prior to the elections. This contradicts Article 6 of the Constitutional Declaration of 3 August 2011, which provides that "All Libyans [...] shall enjoy equal civil and political rights [and] shall have the same opportunities, [...] without discrimination." It also contravenes Libya's international obligations, such as that outlined in Article 25(2) of the ICCPR, to ensure that citizens are able "to take part in the conduct of public affairs, directly or through freely chosen representatives."

10. The way that minority groups are addressed in the legislative framework is a further obstacle to guaranteeing better legislative protections. Law 17 and all official communications by the state do not refer to these groups as “ethnic minorities” but refer to them as “cultural components.” This serves to undermine the legal strength of claims of minorities because, linguistically, it removes them from scope of Libya’s international obligations and legal documents.

### *Citizenship rights*

11. The struggle to access Libyan citizenship for many of the Tebu population has resulted in continuing the on going cycle of discrimination.

12. Many Tebu do not have Libyan citizenship. Historically, in the 1970s, the International Court of Justice, in the matter of the fighting over the Auzo strip between Chad and Libya<sup>1</sup>, ruled in 1994 that Libya must return the Auzo strip to Chad. Libya issued decision 13 of 1998, revoking the Libyan citizenship of all persons born in Aouzo. Although this decision was overturned in 2010, its consequences remain an obstacle for many of the Tebu population.

13. The Tebu continue to face citizenship problems. The Tebu population faces difficulties in applying for citizenship, registering children in schools and using health services in Arab dominated towns. For example, in the town of Kufra, state institutions such as civil registries are dominated by the Arab majority who discriminate against the Tebu minority by not processing their citizenship applications or by creating unnecessary obstacles due to historic rivalries between them. Whereas in Tebu dominated towns such as Sebha and Ghatroun the citizenship application process is relatively easier. The state has failed to take effective steps to ensure the positive implementation of anti-discriminatory measures for minorities. The inability for the Tebu community to access public institutions such as schools and hospitals means that Libya has breached its obligation under Article 8 of the Constitutional Declaration, to guarantee the right to education and access to medical care for every Libyan citizen.

14. Furthermore, during the CDA and House of Representatives elections in 2014, the electoral laws for both elections specified the need for a National ID Number (NIN) to register to vote. The NIN is a unique number given to every citizen which can be used by government ministries to identify citizens’ civil records, criminal records and all other relevant information. This was another obstacle for the political participation of the Tebu, due to the lack of Libyan citizenship for some individuals, needed to register for a NIN.

15. There is still a low number of Tebu represented in senior positions in the state, such as ministers or diplomats. Posts held by the Tebu over the last four years

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<sup>1</sup> *Territorial Dispute (Libyan Aruh Jamuhiriyu/Chad)*, Judgment, 1.C.J. Reports 1994, p. 6

have been in junior positions, such as Deputy Assistant of Martyrs' Families and the Missing and Deputy Health Minister.

### **Cultural and Linguistic rights**

16. The Libyan state has neglected cultural rights of the Tebu such as preserving the language and traditions of the Tebu population.
17. The Constitutional Declaration does not include specific provisions protecting the Tebu language as one of the official languages of the state. Article 1, on the recognition of language, only recognises Arabic as the official language and provides that “the State shall guarantee the cultural rights for all components of Libyan society and its languages shall be deemed national ones.”
18. The ambiguity of such provisions is also found in Law 18 of 2013 related to the rights of cultural and linguistic components. Article 1 of the Law states that the “language of the Amazigh, Tuaregh and Tebu, are part of the linguistic and cultural components of Libyan society.” The interpretation of “part of the linguistic and cultural components of Libyan society” can be interpreted differently. This makes it difficult to determine the legal status of these languages and what the state’s role in relation to these languages would be. Other provisions under Law 18 have been insufficiently implemented by the state.
19. Article 2 of Law 18 states that “all ethno-linguistic components have the right to learn their language as a voluntary option in schools in their original communities or others.” Article 3 follows by stating that “the Ministry of Education is responsible for providing school books and teaching staff and other necessary resources to put this law in effect.” To assist the Ministry of Education to implement this law, the LATC prepared the curriculum to teach the Tebu language. However, the curriculum has yet to be printed by the Ministry of Education, failing its responsibility outlined in the law. The organization sent a letter to the Ministry of Education regarding this matter on 8 January 2014; however, we have not received a response.
20. The Ministry of Education did not allow the LACT to conduct activities in relation to teaching the Tebu language in state schools outside school hours. Further, financial support for initiatives to build centres for training teachers to teach the Tebu curriculum has been limited. This demonstrates that the Libyan state has failed to meet its obligation under Law 18 to teach the Tebu language as an option in state schools. Such failures hamper the active promotion of linguistic rights of the Tebu, which is essential for their right to language.
21. There is also a lack of engagement by Libyan authorities to promote the Tebu language through the media. The Association for the Promotion of Media, a branch of the Ministry of Culture and Civil Society has not responded to the written request by the LACT to support publishing Tebu newspapers and magazines. It did not respond to the request to cover the printing costs of “Ziladi”

Tebu magazine, even though it supports the publishing of Arabic and Amazigh magazines. No reason was given for this negative response.

22. Article 4 of Law 18 of 2013 provides that the Ministry of Culture and Civil Society with the coordination of local councils would organise annual or seasonal festivals for the celebration of cultural heritage of the country's ethnic and linguistic components. Article 5 states that the High Education Ministry and Scientific Research is responsible for creating centres or councils for scientific or historical research that is responsible for the protection of cultural and linguistic identity of the Tebu, Amazigh and Tuaregh. Although this is the case, the Libyan state has failed to implement its obligation under the law. On 13 December 2012, the LACT requested from the Ministry of Culture and Civil Society to approve the creation of a centre for Tebu cultural studies, support the printing of Tebu books, fund the project related to documenting Tebu verbal culture and support cultural events and exhibitions around Tebu culture. No reply to the request was received, despite the Libyan state's positive obligation to do this under Articles 4 and 5 of Law 18.
23. Rubyana Local Council, in Rubyana, a town with a Tebu majority, was dissolved by Libyan authorities. Law 18 of 2013 provides under Article 4 the need for local councils in minority areas to coordinate with the Ministry of Culture and Civil Society to promote minority culture and heritage. By dissolving Rubyana Local Council, which was responsible for this coordination, the Libyan state failed to adhere to its national obligations to promote the cultural rights of the Tebu.