



Stakeholder report
United Nations Human Rights Council
Universal Periodic Review
Libya

Rights of People with Disabilities Joint Submission - Submitted by TAMKEEN organization for people with disabilities and The Libyan National Organization for Handicaps Development

Key concerns

- Over the past four years, the Libyan has failed to protect the rights of persons with disabilities.
- The Libyan state ratified the Convention on the Rights of People with Disabilities in 2018. However, it failed to take any measures to guarantee the implementation of its provisions particularly article 11 related to the protection and safety of persons with disabilities during the armed conflict.
- Libyan laws remain inconsistent with international laws and standards and fail to provide the necessary protection and rights for the people with disabilities.
- The Libyan state adopted new laws and regulations that violate the rights of people with disabilities and discriminate against them.
- Persons with disabilities in Libya still lack access to education, healthcare, and political participation.

Introduction

1. This report is presented by the Libyan National Organization for Handicaps Development (LNOHD), and TAMKEEN organization for people with disabilities.
2. During the last Universal Periodic Review on Libya (2015), member states made 202 recommendations, of which Libya accepted 171 and noted 41. Three recommendations were made to ratify the convention of the Rights of People with Disabilities and to protect their rights in law and practice.
3. Although Libya ratified the Convention on the Rights of People with Disabilities, the Libyan state has not implement any of the articles from the convention particularly article 11 related to the protection of people with disabilities during armed conflict.¹
4. The latest available statistics dating back to June 2012 indicates that there are 91,322 persons residing in Libya and registered with the Social Security Fund as persons with disabilities. 34% of these persons are between 15 and 35 years of age.

Discrimination in Law and Practice

5. The Constitutional Declaration issued on 3 August 2011² does not provide any guarantees for the protection of the rights of people with disabilities. Article 6, however, indicates that Libyans are all equal before the law, and article 8 indicates that Libya guarantees equal opportunity, and ensures adequate living standards and the rights to education, employment, healthcare, and social security to all its citizens.
6. Law no 5 of 1987 regarding persons with disabilities (**Law 5**) is still in force. Article 2 of law 5 defines a person with disabilities as a “person who suffers from a permanent disability that prevents him/her from employment part-time.” It also adds that disabilities can be “mental, psychological, sensory, physical, congenital, or acquired”, which is not consistent with the definition of persons with disabilities in international law.
7. Law 5 undermines the role of the state in protecting the people with disabilities and ensuring that they enjoy their rights. Article 7 of the law provides that persons with disabilities shall live and be dependent on their families and shall be admitted to special institutions only when necessary and according to certain criteria. The Libyan state in this article fails to meet its obligations and instead delegates them on to the family. This is breach of article 19 of the convention that ensures that the state shall ensure that

¹ Recommendations no 137-1, 137-8, 137-182

² 2011 Constitutional Declaration can be accessed at <https://security-legislation.ly/node/32001>

persons with disabilities have access to employment, education and other services and ensure that people with disabilities can live independently.

8. Although the Libyan state has sought to legislate for the rights of those with disabilities through Law no 4 of 2013 related to permanently disabled people, this law is discriminatory. This law provides support and certain protections for persons who became disabled during the armed conflict in 2011. However, it only applies to those who became disabled due to fighting against Gaddafi regime between 15 February 2011 and 23 October 2011 in article 2. This law discriminates against disabled people based on their political affiliation. Furthermore, the law is also discriminatory by privileging those disabled during the armed conflict over other disabled people in Libya. It also contravenes article 5 of the Convention on the Rights of Persons with Disabilities, which ensures equality and non-discrimination among people with disabilities.
9. The cabinet of the Government of National Accord issued Decree no 161 of 2013 that allotted one seat in each municipal council to persons with disabilities. It defined people with disabilities as those who fought during the 17 February uprising, which discriminates and persecutes people with disabilities on the basis of their political affiliation. Persons with disabilities are thus denied equal opportunities to participate and compete in the political life.

Violations to the Right to Education

10. The Libyan state did not take any steps to implement article 24 of the Convention of the Rights of People with Disabilities related to the improvement of the level of education of people with disabilities.
11. Article 8 of the Libyan constitutional declaration recognizes the right to education for all Libyans. However, Libya failed to provide state-funded education, special educators, or required equipment for students with disabilities. Further, persons under the age of 18 represents 19.2% of the total number of persons with disabilities, which stresses the immediate need for Libya to address these issues considering the large proportion of young persons with disabilities.
12. Very few public schools in Libya are equipped to accommodate students with disabilities. In many cases, students with disabilities are unable to access school buildings, which is a real obstacle in their right to education. The United Nations International Children Emergency Fund (UNICEF) in collaboration with the Libyan Ministry of Education, assessed Libyan public schools in 2012. The assessment concluded that only 1% of Libyan public schools have toilets suitable for children with disabilities, less than 5% of the schools contain classroom suitable for students with disabilities, and 50% of public schools

reported the need for additional books and audiovisual material to improve educational standards.

13. Libya has breached its international obligations under the Convention of the Rights of the Child and specifically articles 29 and 31 related to the right of every child to rest, leisure and play and to develop their abilities and talents. In Libyan schools, there are no sports activities or entertainment facilities for children with disabilities between the ages of 3 and 6. Further, there are no trained professionals in the field of special education to conduct such activities. This is alarming considering that sports activities are essential for the healthy development of children, especially those with physical disabilities.
14. Available special education institutions cannot accommodate the number of registered persons with disabilities. There are nine special institutions located in Tripoli, Benghazi, Tobruk, Al-Jamil, Zwara, Sabha, Barak al-Shati', and Misrata. These institutions are specialized with teaching visually impaired children. There are an additional five special educational schools located in Tripoli, Benghazi, Misrata, al-Zawya, and Sabha concerned with teaching hearing impaired children. The number of students registered with these institutions is 12,528 students, who cannot be accommodated by 14 institutions.

Blocking the Right to Work

15. The failure of Libya to guarantee educational opportunities for persons with disabilities undermines their chances of finding work. The low educational standards available for persons with disabilities in addition to the restrictions imposed by national laws lead to additional forms of discrimination and exclusion. Inability to obtain work due to lack of qualification may lead individuals with disabilities to rely on the limited services of the social security fund provided by the state, which is a breach of the right to dignified life.

Article 4 of law 5 provides for the right to "adequate employment". The vague wording of this article has resulted in using it as a discriminatory tool against people with disabilities. The Libyan state often assesses people with disabilities based on their physical ability rather than being evaluated on the basis of their qualifications, experience, and interests.

Violation of the Right to Equal Participation in Political and Public Affairs

16. Recommendation no. 137-182 from the last UPR cycle encouraged Libya "to continue its efforts in promoting the role of persons with disabilities in the community." The Libyan state accepted this recommendation; however, it did not implement it. Persons with disabilities in Libya are still restricted to

participate in democratic processes due to the absence of the services and facilities that enables them to participate in political life.

17. In 2012, during the elections of the General National Congress (GNC), polling stations were not equipped to receive persons with disabilities. The Constitutional Drafting Assembly (CDA) elections witnessed a slight improvement as 195 polling stations around the country were prepared to received people with disabilities. However, during the 2014 elections of the House of Representatives, this number dropped to 165 polling stations equipped for persons with disabilities. Some needs were not met during these elections. For example, needs for visually impaired voters were not addressed.
18. Persons with disabilities were not supported to get involved in national political life. For example, they were not supported to engage in media coverage or awareness campaigns organized to encourage participation in the electoral process. This is a violation to the right of equal participation in political and public affairs. This is a violation of article 29(B) of the Convention on the Rights of Persons with Disabilities, which ensured this right.