

Statement UPR Info Pre-session on Libya 2020

My name is Rawia Youssef Hamza. I welcome the honorable attendees, and I thank you for giving me this opportunity to speak here in my capacity as Executive Director of Tamkeen for Persons with Disabilities. Tamkeen for Persons with Disabilities was established in October 2017. Although the organization is quite recent, it is an extension and product of the work carried out by its current members in the field of the rights of people with disabilities since the beginning of the events of 2011. Tamkeen was established as we realised that the nascent state was facing a major challenge in the transition to a rights and sustainable development approach. To ensure this approach and bridge the gap between members of society, Tamkeen monitors the implementation of Libya's obligations to realise the rights of persons with disabilities, including the measures and legislation adopted to address the conditions and rights of people with disabilities. We promote effective and equal participation in society for persons with disabilities and develop programs to raise community awareness of their rights. We seek to adopt a realistic approach in developing solutions to the problems facing persons with disabilities in order to integrate them into society.

My intervention will address the conditions of persons with disabilities in Libya, specifically in the western region, Tripoli and its surroundings. However, the issues I will be highlighting apply to persons with disabilities across the country as they include issues in relation to the current legal framework in Libya.

In 2015, the member states of the Human Rights Council made three recommendations in relation to persons with disabilities. The Libyan state accepted these recommendations, among which the recommendation to ratify the

Convention on the Rights of Persons with Disabilities (CRPD). On 13 May 2018, ten years after signing the CRPD, Libya formally ratified it.

As this is progress, we welcome the efforts made to achieve it, whether from the civil society organizations that have worked hard and persevered to make this possible or from the Presidential Council of the Government of National Accord (GNA) that contributed to joining the Convention.

That being said, by ratifying the CRPD, Libya committed to undertake some measures to comply with the provisions of the CRPD. As stated in Article 4 of the CRPD, the Libyan state has to review domestic legislation, or issue new laws if necessary, to comply with international standards on the rights of persons with disabilities, ensure that the delivery of services covers persons with disabilities as well as create institutions and coordination mechanisms to support the implementation of the CRPD.

The truth is that these measures are the most immediate ones that should be taken after the ratification of the CRPD. While some measures have been taken, we have monitored a slow progress and a lack of commitment to adhere to the provisions of the CRPD by the GNA. The Presidential Council of the GNA has issued Decree No. 2 of 2018 requesting all ministries and public agencies to comply with the terms of the CRPD and to adhere to the relevant domestic legislation. This includes in particular Law No. 12 of 2010 and its article 87 which provides that employers have to commit to allocating a minimum of 5% of employment to persons with disabilities.

However, this is insufficient in view of the situation of the rights of persons with disabilities in Libya. In particular, we are concerned about the following issues that have yet to be addressed:

1. Accessibility: the suffering of persons with disabilities still persists in the difficulty of moving and reaching public places in order to exercise their daily needs. Most administrative and government buildings have not adapted premises allowing persons with disabilities to access them.
2. Right to education: there are still many obstacles facing persons with disabilities in all primary and secondary education institutions. The Libyan state has failed to create the appropriate environment for children with disabilities to access these institutions directly and effectively, although Article 8 of the Constitutional Declaration recognizes the right of all Libyans to education. The matter is all the more important given that children under the age of 18 account for 19.2% of the total number of persons with disabilities. The large proportion of young people with disabilities highlights the need for the state to work on this issue immediately.
3. Situation of risks and humanitarian emergencies: the Libyan state has failed to implement Article 11 of the CRPD, which relates to the protection of persons with disabilities in situations of armed conflict or natural disasters. The Libyan state has not taken any measures to ensure the protection and safety of persons with disabilities, including national emergency measures and protocols, or humanitarian relief in a manner that allows persons with disabilities affected by emergencies to obtain it. For example, it has failed to ensure that health facilities and latrines are available in emergency shelters and refugee camps and are accessible to persons with disabilities.

Therefore, unless the state takes the necessary steps to enact laws and legislations or amend any of the legislations that contradict the provisions of the CRPD, there will be no progress in the matter of realizing the rights of persons with disabilities.

Recommendations:

We urge Libya to:

1. Immediately implement Article 33 of the CRPD, as it is the main tool for implementation and monitoring at the national level, which is the formation, promotion or appointment of a framework within the country. Such mechanism should be independent, promote and protect the CRPD and monitor its implementation. It should also conduct some consultations with civil society and persons with disabilities in order for them to contribute to the monitoring process and participate fully in it.
2. Work to expedite the review of all laws and legislations that are inconsistent with the provisions of the CRPD and enact new laws that facilitate the process of achieving the rights of persons with disabilities in compliance with the CRPD; and
3. Expedite the implementation of measures to ensure the protection and safety of persons with disabilities in conflict, including national emergency measures and humanitarian relief.