



# General Assembly

Distr.: General  
26 February 2010

English only

---

## Human Rights Council

Thirteenth session

Agenda item 9

**Racism, racial discrimination, xenophobia and related forms  
of intolerance, follow-up and implementation of the  
Durban Declaration and Programme of Action**

### **Written statement\* submitted by the United Nations Watch (UN Watch), a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[16 February 2010]

---

\* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

## Libya must end racism against black African migrants and others

Libya must end its practices of racial discrimination against black Africans, particularly its racial persecution of two million black African migrant workers.

There is substantial evidence of Libya's pattern and practice of racial discrimination against migrant workers. In 1998, the United Nations Committee on the Elimination of Racial Discrimination (CERD) expressed concern about Libya's alleged "acts of discrimination against migrant workers on the basis of their national or ethnic origin."<sup>1</sup>

In 2000, the International Confederation of Free Trade Unions issued a condemnation of "racist attacks on migrant workers" in Libya.<sup>2</sup> Migrant workers from Ghana, Cameroon, Sudan, Niger, Burkina Faso, Chad and Nigeria were the victims of attacks by Libyans targeting black migrants, following a government-ordered crackdown on foreign employment, and state-sponsored news reports portraying African migrants as being involved in drug-trafficking or dealing in alcohol.

In 2004, the CERD addressed this particular situation of discrimination in Libya and pointed to the responsibility of Libyan state authorities. In general, the CERD expressed regret that Libya failed to provide detailed information on its resident non-citizens, despite earlier requests made by the Committee. It asked Libya to provide information relating to documented and undocumented migrant workers and members of their families. The Committee rejected Libya's categorical denial of the existence of any racial discrimination within its borders, asked the government to conduct studies to effectively track racial discrimination in the country, and review its assessment.

The Committee noted Libya's failure to meet its obligations under Article 6 of the 1969 International Convention on the Elimination of Racial Discrimination (ICERD) to assure everyone within its jurisdiction effective protection and remedies, through the competent national tribunals and other State institutions, against any acts of racial discrimination which violate human rights, as well as the right to seek from such tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination. The Committee recommended, *inter alia*, that Libya should sensitize its police and judicial authorities to the issue of racial discrimination. The Committee also took note of Libya's insufficient human rights education programmes in school curricula, in particular regarding the promotion of tolerance and respect for religious and ethnic minorities. This culture of indifference to discrimination helps explain the context in which certain victims in Libya are so easily scape-goated for no other reason than being foreigners and easy targets.

Specifically on migrant workers, the Committee expressed deep concern about reported acts of violence in 2000 against migrant workers which led to the death of many persons. The Committee noted with regret that "no updated response was provided by [Libya] on the action taken to sanction those responsible and prevent the occurrence of such violence in the future."<sup>3</sup> The Committee also expressed its concern that, according to some reports,

---

<sup>1</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination, Libyan Arab Jamahiriya, CERD/C/304/Add.52, 19 March 98.

<sup>2</sup> ICFTU Online (12 October 2000), available at <http://www.hartford-hwp.com/archives/32/045.html>.

<sup>3</sup> Concluding observations of the of the Committee on the Elimination of Racial Discrimination, Libyan Arab Jamahiriya, CERD/C/64/CO/4, 10 May 2004, para. 10.

“thousands of African migrant workers [were] expelled since 2000.”<sup>4</sup> The Committee felt it necessary to recommend to Libya to “ensure that foreign workers are not discriminated against in employment on the basis of their colour or their ethnic or national origin.”<sup>5</sup> The Committee expressed specific concern about evidence of “racially motivated acts against foreign workers.”<sup>6</sup>

Libya’s pattern and practice of discrimination against foreign workers has persisted. Human Rights Watch in September 2006 documented how Libya subjects migrant workers and other foreigners to serious human rights abuses, including beatings, and forced return to countries where they could face persecution or torture. From 2003 to 2005, more than 140,000 people were subject to return or deportation.<sup>7</sup>

On the basis precisely of this difficult reality, after the 2004 death sentences against the five Bulgarian nurses and the Palestinian doctor in the Benghazi hospital -- none of whom has yet been compensated for their false imprisonment and torture -- Bulgarian officials expressed fears that the verdict would possibly fuel discrimination against thousands of Bulgarian health professional working in Libya.<sup>8</sup>

In summary, there is substantial evidence of widespread discrimination of Libya against foreigners and migrant workers coming from many different countries.

Regarding Libya’s two million black African migrants, the New York Times reported as follows:

“It is a burden,” Ali Abd Alaziz Isawi, who served for two years as the minister of economy, trade and investment, said of the army of illegal immigrants living in Libya. “They are a burden on health care, they spread disease, crime. They are illegal.”<sup>9</sup>

The New York Times further reported that:

All over this capital city, illegal African immigrants line up along roadways, across bridges and at traffic circles hoping to be selected for menial day jobs that pay about \$8.” They call the areas where they congregate “the hustling grounds,” which are always crowded with desperate faces from early morning until well past sundown.

Many people in Tripoli said they resented the presence of so many illegal workers. “We don’t like them,” said Moustafa Saleh, 28, who is unemployed, echoing a popular sentiment. “They smuggle themselves through the desert, and the way they deal with us is not good.”

For the African migrants themselves, life in Libya is often a dead end. “They call us animals and slaves,” said Paul Oknonghou, 28, a Nigerian who lives with about a dozen other Nigerians in a house under construction that lacks glass in the window frames, running water, a bathroom or a kitchen. He said he and his friends considered themselves lucky that they did not have to sleep on the streets.

<sup>4</sup> Concluding observations of the of the Committee on the Elimination of Racial Discrimination, Libyan Arab Jamahiriya, CERD/C/64/CO/4, 10 May 2004, para. 11.

<sup>5</sup> Ibid.

<sup>6</sup> Concluding observations of the of the Committee on the Elimination of Racial Discrimination, Libyan Arab Jamahiriya, CERD/C/64/CO/4, 10 May 2004, para. 14.

<sup>7</sup> Human Rights Watch report, *Stemming the Flow: Abuses Against Migrants, Asylum Seekers and Refugees*, September 2006, available at <http://hrw.org/reports/2006/libya0906>.

<sup>8</sup> K. Ahmad, “US criticizes Bulgarian nurses’ conviction”, *The Lancet* (15 May 2004).

<sup>9</sup> Michael Slackman, “New Status in Africa Empowers an Ever-Eccentric Qaddafi,” *New York Times*, March 22, 2009, at <http://www.nytimes.com/2009/03/23/world/africa/23libya.html>.

Thomas Thtakore, 26, who is from Ghana, entered Libya illegally a year ago after a three-month journey across mountains and desert. “I have no help; I sleep under a bridge near the river,” He said. He said his younger brother died on the way. “If I stay here, I will die.”

Mr. Thtakore was about to be flown back to Ghana by the International Organization for Migration, a nongovernmental group that helps migrants return home. Since 2006, the group has helped about 3,000 travel home.

“If they find a job it can be good, but if they don’t, it can be a nightmare,” said Michele Bombassei, an official with the migration group, adding that most do not find jobs.

That hostile reality contrasts sharply with the image that Colonel Qaddafi likes to portray. His capital city is filled with billboards showing Libya as the one bright spot on the continent. In one billboard, Colonel Qaddafi appears as a savior as sun rays break over his shoulder and a crowd of black men and women reach toward him with outstretched arms.<sup>10</sup>

In this regard, it is noteworthy that in addition to its obligation to respect the non-discrimination prohibitions of the ICCPR, Libya has also made important international commitments to combat discrimination, for example as a signatory to the ICERD.

In a submission to the CERD, Libya spoke specifically about its treatment of migrant workers, who, it insisted, “enjoy all rights accorded to their Libyan counterparts.”<sup>11</sup> Indeed, said Libya, “[i]t is possible to state categorically that there is no racial discrimination of any kind in Libya. The fact that all Libyan citizens share a common origin, religion and language has undoubtedly been a determining factor in the absence of racial discrimination in the country.”<sup>12</sup> Since Libyan society is “free from racial discrimination, it has not felt the need to enact special legislation to combat the phenomenon.”<sup>13</sup> Nevertheless, “the fact that the Convention has been ratified by the Jamahiriya means that it has become part of domestic law and consequently it is binding on all national institutions.”<sup>14</sup>

Significantly, Libya often holds itself out as a world leader in combating racism and discrimination. In August 2007, Libya undertook to lead the worldwide struggle against racism when it was elected by the United Nations Human Rights Council to chair the Preparatory Committee for the Durban Review Conference. Upon being named Chairperson on August 27, 2007, Libyan ambassador Najjat al-Hajjaji thanked “all member states of the UN for the confidence you have placed in my country,” Libya, to chair the racism review conference.<sup>15</sup>

In the context of the battle against discrimination, the Libyan representative specifically called attention to “[p]ersecution of migrants, asylum seekers, refugees, those of particular

---

<sup>10</sup> Ibid.

<sup>11</sup> Reports submitted under Article 9 of the Convention: 17th Periodic Report of States Parties due in 2002, CERD/C/431/Add.5, 18 June 2003.

<sup>12</sup> Ibid.

<sup>13</sup> Ibid.

<sup>14</sup> Ibid.

<sup>15</sup> “Libya elected to chair World Conference on Racism” (28 August 2007), at UN Watch blog, available at <http://blog.unwatch.org/?p=264>.

ethnic groups.”<sup>16</sup> She expressed pride that the Durban process allowed “victims of racism to speak loud” about their suffering; for enabling “those who have been excluded and ostracized to break the bonds of silence”; and that “we have been able to diagnose face of racism today. To agree to practical steps.”<sup>17</sup>

However, she omitted to mention Libya’s own actions since the adoption of the 2001 Durban Declaration, which, as documented extensively by the CERD and human rights NGO’s, includes precisely the persecution of migrants, asylum seekers, refugees, and those of particular ethnic groups -- such as black African migrants, or the Bulgarian nurses and the Palestinian doctor -- on the basis of racist or xenophobic discrimination.<sup>18</sup>

---

---

<sup>16</sup> “Libya elected to chair World Conference on Racism” (28 August 2007), at UN Watch blog, available at <http://blog.unwatch.org/?p=264>.

<sup>17</sup> “Libya elected to chair World Conference on Racism” (28 August 2007), at UN Watch blog, available at <http://blog.unwatch.org/?p=264>.

<sup>18</sup> “Libya elected to chair World Conference on Racism” (28 August 2007), at UN Watch blog, available at <http://blog.unwatch.org/?p=264>.