



Stakeholder report
United Nations Human Rights Council
Universal Periodic Review
Libya

Minority Rights Submission - Submitted by The Libyan Association for Tebu Culture (LATC)

Key Concerns

- The rights of minorities and indigenous people have been neglected by the Libyan state.
- Domestic legislation falls short of protecting the fundamental rights of minority groups and indigenous people.
- The Libyan state has not respected its obligations under international laws and standards particularly article 27 of the International Covenant on Civil and Political Rights related to minorities' rights.
- Minorities are discriminated against and are treated unequally in law and practice, especially when dealing with public bodies.
- The Libyan state has failed to provide minorities with special protection of political participation, language, citizenship and freedom of movement.
- The Libyan state has not protected minority groups and indigenous people during the armed conflict and has violated its obligations under international humanitarian law.

Introduction

1. This stakeholder report is a submission by the Libyan Association for The Tebu Culture (**LATC**). LATC is a Tebu organization 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. During the last UPR cycle, the Libyan State [accepted](#) all the recommendations related to the rights of minority groups and ingenious people. However, the Libyan State has not implemented these recommendations and the discrimination and persecution of minority groups and ingenious people continues in law and practice with total impunity.

3. The Libyan Constitutional Declaration of 2011 (the **Constitutional Declaration**) in its article 6 provides that Libyans are equal before the law and shall enjoy the same civil and political rights and have the same opportunities in all areas without distinction on the grounds of religion, belief, language, wealth, gender, citizenship, political opinions, social status, or tribal, regional or familial adherence. It further ensured freedom of opinion, individual and collective expression, research, communication, press, media, printing and editing, movement, assembly, demonstration and peaceful sit-in in accordance with the statute. However, based on the information in this report, the Libyan State has violated its own laws and the Constitutional Declaration as well as International law and standards. The Libyan State has discriminated against the Tebu people and did not take measures to protect the Tebu people and other minority groups and indigenous people.

Recognition of minority groups and indigenous people in National Laws

4. [Article 1](#) of the 2011 Constitutional Declaration and [Law no. 18 of 2013](#) related to Cultural and Linguistic Components¹ (**Law 18 of 2013**) refers to Tebu, Twareg, and Amazig as “cultural and linguistic components”. The law does not refer to them as minority groups or indigenous people as stated in international laws and standards. This is a breach of Article 27 of the International Covenant of Civil and Political Rights ([ICCPR](#)), to which Libya is a state party and the 1992 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. Tebu, Twareg and Amazig should be referred to in the national laws as minority groups and/or indigenous people. Using different names and definitions under national laws for minority groups and indigenous people is a violation of international law and solely aims to strip minorities and indigenous people of their rights as set out in international law.

Political Participation

5. The Constitutional Drafting Assembly (the **CDA**), mandated with preparing a draft constitution, undermined the rights of minority groups in its process in drafting the constitution. The Constitutional Declaration states that the CDA must take its decisions with a two thirds plus one majority **“and it is necessary to come to an agreement with the distinct linguistic and cultural components of Libyan society in provisions that concern them.”**² However, in late 2015, the CDA stated that all its decisions will be taken with two thirds plus one including for the decisions that concerns minority groups and **it is not necessary to come to an agreement with the linguistic and cultural components in decisions that concerns them.**
6. Following this, the Tebu and Tuareg representatives pulled out and established a joint commission on 30 January 2016 (the **Joint Commission**) and declared that they will not recognise the constitution unless it was approved by all the members of the CDA who represent all the Libyan people including minority groups and indigenous people. The United Nations held a reconciliation [conference](#) in March 2016 in Salala, Oman in an attempt to solve the issue. However, it ended with the Twareg re-joining the CDA while the Tebu continued their boycott.

¹ [Law no. 18 of 2013](#) related to Cultural and Linguistic Components

² Preamble of the 2011 Constitutional Declaration.

7. The Tebu people are not represented in governments and ministries and other jobs with official capacity, which is a violation of the 2011 Constitutional Declaration that ensures that minority groups and indigenous people are part of Libyan society and shall be represented in official and sovereign bodies. They also remain under-represented in the legislative bodies of the two governments. Posts held by the Tebu over the last four years have been in junior positions, such as Deputy Assistant of Martyrs' Families and the Missing and Deputy Health Minister.

Linguistic rights in law and practice

8. The Constitutional Declaration Law 18 of 2013 do not consider minorities and indigenous people's language as official languages. Article 1 of the Constitutional Declaration clearly states that the only official language of the country is the Arabic language. Law no 18 of 2013 stated that Tebu, Twareg and Amazig languages are discretionary languages.
9. The Constitutional Declaration and Law 18 of 2013 also fail to recognize the rights of Tebu, Twareg, Amazig and other minority groups' and indigenous people's languages to be used in printed and audio-visual media materials. Further, in practice, the Libyan state does not support printed or audio-visual media materials in Tebu language. For example, The Ministry of Culture did not support the release of public newspapers in Tebu language such as the Zala (Fazan voice) newspaper. However, on the other side the ministry supported the printing of media materials in Arabic language. Further, until the writing of this report, The Libyan state did not promote the Tebu language to be used on radio, TV, newspapers, magazines and other media materials, which is a violation of Article 27 of the ICCPR.
10. Law 18 of 2013 provided that minorities' and indigenous people's languages will be integrated into official school curricula as optional languages. In February 2019, six years after the adoption of the law, the Ministry of Education of the GNA approved the inclusion of Tebu and Tuareg languages in the 2019 school curricula. However, in May 2019, the Ministry of Education stated that all the books (5,000 books) that were printed in the Tebu language were destroyed in indiscriminate shelling on the warehouses in which they were stored in Tripoli.
11. Article 3 of Law 18 of 2013 provides that the Ministry of Education shall provide the teachers with the necessary capabilities to teach minority groups' and indigenous people's languages. However, as of 25 September 2019, the Ministry of Education has not establish a means by which to train teachers in the Tebu language despite the many requests by the Tebu community.
12. The Tebu language remained banned in public places such as on executive, legislative and judicial premises and other local council premises despite the many claims and requests from the Tebu community to include their language as official language at least in the areas inhabited by the Tebu people.

Citizenship rights

13. The struggle to access Libyan citizenship for many of the Tebu population has resulted in continuing the ongoing cycle of discrimination.
14. 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 [ruled](#) in

1994 that Libya must return the Auzou strip to Chad.³ Libya issued decision 13 of 1998, revoking the Libyan citizenship of all persons born in Aouzou. Although this decision was overturned in 2010, its consequences remain an obstacle for many of the Tebu population.

15. 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 Sabha and Ghatroun the citizenship application process is relatively easier.
16. More recently, the Ministry of Interior of the interim government in east Libya issued decision number 161/13-3 to the Passport and Immigration Control Office ordering them to refrain from issuing national documentation including birth certificates and passports for Tebu born in the regions of Aouzou, Gatroun, and Murzug.

Economic, social and cultural rights

17. The places that are largely inhabited by the Tebu people such as Rebiana and Gatroun in South Libya are severely under developed. The Libyan State does not invest in the infrastructure and the fundamental facilities such as schools and hospitals in the areas inhabited by minority groups and indigenous people.
18. Article 5 of Law 18 of 2013 ensured that the Libyan state “will work to protect, consolidate, develop, and propagate the cultural and linguistic heritage of these components”. However, the Libyan State did not support the cultural and traditional activities of the Tebu people including by considering their occasions public holidays. For example, the Libyan state gives the Tamazighat new year as public holiday, while this is not applicable for Tebu and other minority groups and indigenous people in Libya.
19. 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, due to lack of citizenship papers, means that Libya has breached its obligation under Article 8 of the Constitutional Declaration.

Protection of Minorities and indigenous people during the armed conflict

20. The Libyan State did not protect civilians from the Tebu people during the armed conflict. For example, on 4 August 2019, The Libyan Arab Armed Forces (the **LAAF**) carried out air strikes on Murzug town that killed at least 43 civilians from Tebu people. The LAAF alleged that it carried out air strikes targeting Chadian Rebels, which was not true and the victims were Libyans from the Tebu people.
21. Since the LAAF entered Murzug in January and February 2019, many violations took place and the tensions between the Tebu and Arab tribes escalated. This was fuelled by LAAF implicitly

³ International Court of Justice Ruling 1994, <https://www.icj-cij.org/files/case-related/83/083-19940203-JUD-01-00-EN.pdf>

supporting the Arab tribes and the GNA government supporting the Tebu tribes on the other side.

22. Between 2016 and 2017, many violations related to the right of freedom of movement took place in Tripoli and on the highway connecting Benghazi (North East) with Sabha (South). In one case documented by us, at least ten students were arrested in checkpoints in these areas because they spoke the Tebu language or because their identity cards were issued from towns largely inhabited by Tebu or because of their dark skin colour. They were released after tribal leaders intervened and negotiated their release.