



**Convention on the Elimination  
of All Forms of Discrimination  
against Women**

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**Committee on the Elimination of Discrimination  
against Women**

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**Responses to the list of issues and questions with regard to  
the consideration of the second periodic report**

**Libyan Arab Jamahiriya\***

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\* The present report is being issued without formal editing.



**Great Socialist People's Libyan Arab Jamahiriya  
Secretariat of the General People's Congress  
Women's Affairs**

**National Report concerning the Convention on the Elimination of  
All Forms of Discrimination against Women**

**Responses to the list of issues and questions with regard to the  
consideration of the second periodic report**

**General**

**1. Please indicate what Government departments and institutions are involved in the implementation of the Convention. Please also indicate whether non-governmental organizations, in particular women's associations, are associated with this process.**

By acceding to the Convention, the Libyan Arab Jamahiriya made a commitment to its implementation. The country has therefore held seminars and conferences to improve women's awareness of their rights as set forth in the Convention. There is nothing to prevent those rights from being invoked in court.

It is worth mentioning that most of the legislation in force is consistent with the terms of the Convention. Where there is any contradiction between the two, the Civil Code, article 23, states that the Convention must be implemented.

**2. Please provide updated information on the implementation of the Convention, as well as on the status of data collection in the country in general and to what extent such data collection takes place on a sex-disaggregated basis including in relation to rural, minorities and migrant populations. Please also indicate how the Government collects data with regard to various provisions of the Convention, and how such data is used in policy and programme development and in monitoring progress towards de facto equality of women and men.**

Each sector has its own statistics and documentation centre, which is responsible for collecting data. In addition to those, Law No. 4 of 1990 established the national information and documentation system,<sup>1</sup> which collects data, carries out studies, disaggregates figures by topic and gender and calculates indicators for policymaking purposes. No differentiation is made between urban and rural areas.

**3. Please clarify the scope of the State party's general reservation to the Convention on the basis of the norms of Islamic Law, and describe the impact of this reservation on the practical realization of the principle of equality between women and men, as required under article 2 (a) of the Convention. Please also indicate whether the State party is considering withdrawing its general reservation to the Convention, as recommended by the Committee in its previous concluding observations.**

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<sup>1</sup> See annex I.

On the accession of the Libyan Arab Jamahiriya to the Convention, the latter became domestic legislation binding on the judiciary. Any interested party may invoke its provisions before the Libyan judiciary.

The Libyan Arab Jamahiriya entered a general reservation to the Convention to the effect that accession cannot conflict with the laws on personal status derived from the Islamic sharia. On 5 July 1995, the country notified the Secretary-General of the United Nations of its decision to reformulate that general reservation in order to make it more specific. The new text provides as follows:

The Libyan Arab Jamahiriya declares its accession to the Convention on the Elimination of All Forms of Discrimination against Women, that was adopted by the General Assembly on 18 December 1979, with the following reservations:

Article 2 of the Convention shall be implemented with due regard for the peremptory norms of the Islamic sharia relating to determination of the inheritance portions of the estate of a deceased person, whether male or female.

The implementation of article 16, paragraph 1 (c) and (d) of the Convention shall be without prejudice to any of the rights guaranteed to women by the Islamic sharia.

It is worth mentioning that the country's accession to the Convention was facilitated partly by the perfect harmony and lack of conflict between that document and national Libyan legislation. Indeed, the two are in complete agreement in most cases, both in letter and in spirit, as becomes clear when one compares the provisions of the Convention with the corresponding portions of national legislation. It can be argued that as a result of its tolerant Islamic beliefs, Libyan society has continuously implemented the Convention, and has done so since before the country's accession, indeed since before the Convention entered into force; the provisions of the Convention were already contained in national legislation.

1. National legislation recognizes women's rights in respect of international representation, social security and the rights and responsibilities set forth in articles 8, 11 and 16.1 (h) of the Convention.
2. National legislation recognizes the right of women to choose their work and spouse and enter into marriage only with their full consent; to choose a profession and an occupation; and to freely dispose of and manage their property.
3. National legislation grants women several advantages, including paid maternity leave, childcare facilities at the workplace and health-care services, in accordance with articles 11.2 (b), 11.2 (c) and 12.2 of the Convention.
4. Libyan legislation also establishes legal and administrative protection for women; a proper understanding of maternity as a social function; and the provision of healthcare and care at childbirth. It protects women from dismissal during maternity leave, and takes measures to eliminate discrimination against women in rural areas. It specifies a minimum age for marriage and makes the registration of marriages compulsory. In so doing, the country's legislation complies with articles 2 (c), 5 (b), 6, 9, 1, 11.1, 11.2, 11.2 (a), 14.2 and 16.2 of the Convention.
5. National legislation prohibits all forms of discrimination against women and prevents the authorities from practising such discrimination. It specifies the practices that are not considered to be discriminatory, sets forth measures to eliminate prejudice against women, and prohibits discrimination in the workplace. In so doing, the

legislation complies with article 12, and in particular the second and fourth sections of that article, as well as with articles 4, 5 (a) and 11.1 (a) of the Convention.

6. The principle of equality is embodied in constitutional documents. National legislation establishes equality between men and women in fundamental and general freedoms; technical education and vocational training; school equipment, examinations and curricula; literacy programmes; physical education; and employment opportunities. It prohibits economic and social discrimination against women; accords to women a legal capacity identical to that of men; and abolishes any restrictions to that capacity. It establishes equal rights with regard to movement, residence, domicile, guardianship, wardship and trusteeship. Legislation defers to religion in the following cases:

- Rights deriving from the marriage contract (article 16.1 (a) of the Convention);
- The issue of equal rights and responsibilities during marriage and at its dissolution (article 16.1 (c) of the Convention).

During the discussion of the first report submitted by the Libyan Arab Jamahiriya, the Committee commented on the country's reservation to the Convention, and referred to action to develop or modify the sharia from the point of view of the Committee. We should like to state that the noble Islamic sharia is valid in every time and place, and is attuned to developments in every area.

We should also like to reiterate our reservation regarding anything that contradicts the clear and definitive text of the Qur'an.

### **Legal status of the Convention, legislative and institutional framework**

**4. The report indicates that the Convention is part of domestic legislation and that its provisions may be invoked before national courts. Please provide information on whether provisions of the Convention have been invoked before domestic courts during the period under review, with examples of pertinent case law.**

On the country's accession to the Convention, the latter became binding domestic legislation. In accordance with the Civil Code, article 23, any concerned party may therefore invoke the principles enshrined in the Convention in any case that comes to court. However, because Libyan legislation, which is also binding for domestic courts, is consistent with the principles of the Convention, there have not been cases in which the provisions of the Convention have been invoked.

**5. Please indicate whether a definition of discrimination against women, encompassing both direct and indirect discrimination, in line with article 1 and extending to acts of discrimination by public and private actors, in accordance with article 2, has been incorporated in domestic legislation.**

Libyan legislation distinguishes between men and women only in the areas in which the Libyan Arab Jamahiriya has formulated a reservation to the Convention.

Libyan legislation does not include a definition of discrimination against women. All legislation in force in the Libyan Arab Jamahiriya asserts the equality of men and women. There is no law to prevent women from practising any of their

political, cultural, economic or social rights. Women have the right to benefit from all services and to assume administrative and managerial posts, not to mention judicial and legal positions. Women account for some 40 per cent of court officials, prosecutors and lawyers. They enjoy the same privileges as men, which they do not lose with marriage; and they keep a separate civil capacity, name, and financial status. They exercise their rights, and are not prevented from working in any area.

All legislation enacted in the Libyan Arab Jamahiriya complies with the principle of equality between men and women, and has done so since before the country's accession to the Convention. Such legislation includes the following:

- The equality of men and women was enshrined in the national Constitution by the Constitutional Proclamation of 11 December 1969, article 5 of which provides that all citizens are equal before the Law.<sup>2</sup> That principle is described in detail in Law No. 20 of 1991 concerning the strengthening of freedom, article 1 of which states that the citizens of the Jamahiriya, male and female, are free and equal in their rights, which may not be prejudiced.<sup>3</sup> Effective implementation of that principle is ensured by the Legal Centre for Female Defendants. Women and men are equal before the law both in rights and obligations, and may not be oppressed or deprived of their rights. That point was reaffirmed by the statement issued on 16 March 1997 by the Second Women's Liberation Conference, that was held in the city of Sabha, to the effect that women in the Libyan Arab Jamahiriya enjoy the same rights as men, without differentiation.<sup>4</sup>
- If any citizen of the Libyan Arab Jamahiriya is denied any of the rights enjoyed by all citizens as inalienable, he or she is entitled to have recourse to the courts. Such rights are inalienable for all human beings: the Civil Code, article 29, provides that one becomes a legal person on being born alive and ceases to be so with death. The Civil Code therefore does not restrict legal capacity to either gender. Any human being, male or female, is a natural person with legal capacity and the right to resort to any court, unless legal capacity is removed owing to insanity or mental disability or incapacity. The person's guardian, whether male or female, may then exercise their rights on their behalf.
- The legal system grants women in the Libyan Arab Jamahiriya legal protection on an equal footing with men. A number of other measures have been taken, some of which are exceptional ones intended to remove cultural obstacles. The Libyan Arab Jamahiriya was one of the first Islamic States to allow women to assume all judicial offices, grant them recourse to any court, and recruit them to the police force, security services and army. A significant role is also played at the Sha'biya level by the secretaries for women's affairs and social affairs of the Basic People's Congresses and, at the national level, at the General People's Congress.
- If any instance of discrimination takes place in the State's administrative service, the woman has a right to bring her case to the administrative court in order to annul the discriminatory decision and obtain compensation from the

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<sup>2</sup> Official Gazette, special issue of 1969.

<sup>3</sup> Official Gazette, special issue 22 (1991).

<sup>4</sup> See annex 2.

party at fault. Men and women alike may also appeal to other supervisory bodies, foremost among which is the Office of Popular Supervision and Monitoring, which is responsible for implementing all laws.

- With a view to amending and eliminating any discrimination against women, the Libyan Arab Jamahiriya promulgated Law No. 10 of 1984 concerning marriage and divorce regulations and the effects thereof. The Law asserts women's rights with regard to marital status. It repeals any discrimination in personal status, granting women the right to divorce their husbands. Article 37 revokes all rulings based on the principle of *nushuz* (recalcitrance), which shall be considered null and void. The Charter on the Rights and Responsibilities of Women, article 13, states that when a woman dies, her heirs are entitled to security rights. That provision has been implemented.

**6. Please provide information on whether an assessment of the work of the Assistant Secretary for Women's Affairs has been conducted since the establishment of the post in 1992, in particular with regard to his or her ability to conduct studies and state opinions on draft laws relating to women's issues, as well as his or her ability to receive and consider complaints concerning violations of women's rights. Please provide information on the number of complaints received since the establishment of the post, the nature of these complaints, as well as their outcome.**

The Basic People's Congresses assess the performance and ability of the Assistant Secretary on an annual basis. When the congresses meet at the end of each year, they discuss an agenda item on accountability. If the Assistant Secretary's performance has been good or outstanding, he or she continues in the job. Otherwise, he or she is removed from duty, held accountable for poor performance, censured and referred to the supervisory bodies responsible for disciplinary procedures. As regards draft laws on women's issues, the role of the Secretariat for Women's Affairs is limited to forming technical committees of legal experts to draft an explanatory note for submission to the Basic People's Committees, which consider the draft law and take action.

**7. Please provide updated information on the measures taken, including legislation, to guarantee the development and advancement of women in the political, social, economic and cultural fields since the submission of the second periodic report.**

**8. Please provide information on steps taken to strengthen existing mechanisms to advance the status of women, with a view to eliminating all forms of discrimination, as recommended by the Committee in its previous concluding observations.**

The Libyan Arab Jamahiriya has taken numerous executive and legislative measures in the above respects, all of which enhance and further the political, social and economic role of women, ensuring that they can effectively enjoy their rights and liberties on an equal footing with men.

At the political level, the Libyan Arab Jamahiriya has pioneered women's increased participation in decision making: women are members of the Basic People's Congresses, which are the foundation of popular power in the Libyan Arab Jamahiriya. The Congresses include all members of society, male and female, without distinction.

Membership of the Basic People's Congresses is open to all citizens, male and female, who have reached the age of 18. To the same degree as men, Libyan women exercise direct popular power. Since the dawn of the Great 1 September Revolution, women have been an integral part of society in the Jamahiriya, making an influential and effective contribution through their membership of the Basic People's Congresses.

At the economic level, all the legislation, procedures and administrative measures in force completely prohibit any form of discrimination in economic life. Women enjoy the same rights as men in gaining access to credit and loans, managing their property, assuming positions at any level, and enjoying education or training of any sort and at any level.

Because of the State policy of enhancing and improving the prospects for and capacities of Libyan women, the proportion of women in the national workforce has risen from 14 per cent in 1984 to over 27 per cent in 2001. The female enrolment rate in education and training, which was below 50 per cent in the 1970s, rose by 2001 to over 74 per cent of girls of school age, namely between 6 and 24. In 2003, over 51 per cent of those enrolled in education or training were women.

At the social level, the modern legislation referred to above has restored to women their rightful and proper status and position in the family, in society and in their relationship with their life partner, which is based on equality and mutual respect.

At the legislative level, the equality of men and women was established by the Constitutional Proclamation of 11 December 1969. As was stated above, article 5 provides that all citizens are equal before the law.<sup>2</sup> The same principle was reaffirmed in the Great Green Charter for Human Rights in the Age of the Masses, article 21, which provides that both men and women in the society of the Jamahiriya are equal in all that is human, and any differentiation in rights between men and women is a gross and unwarranted injustice.<sup>5</sup> Similarly, Law No. 20 of 1991, concerning the enhancement of freedom, states in article 1 that the citizens of the Jamahiriya, male and female, are free and equal in their rights, which may not be prejudiced.<sup>3</sup> Women's rights are therefore guaranteed, and their status is the same as that of men. Once they have reached full legal age, in accordance with the Civil Code, women enjoy freedom of opinion, expression, residence, movement and training, as well as the freedom to choose a spouse and an occupation that suits them.

Legislative measures include Law No. 106 of 1975 concerning women's organizations, and Law No. 20 of 2002 on the same subject. The latter provided that the General Union of Women's Associations must work towards the social and cultural advancement of women and encourage women to occupy prominent positions. By virtue of Law No. 7 of 1989, the Libyan Arab Jamahiriya ratified the Convention on the Political Rights of Women.<sup>6</sup> The Women's Charter was enacted on 25 July 2008, a date that is celebrated as an annual national holiday in honour of Libyan women.

By amending anything in those laws that may in one form or another imply gender discrimination, lawmakers in the Libyan Arab Jamahiriya have sought to

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<sup>5</sup> Official Gazette, special issue of 1988.

<sup>6</sup> Official Gazette, issue 20 (1989).

achieve true and effective gender equality, removing any obstacles that may make certain areas the preserve of men alone.

There can be no doubt that the law has adopted a specific approach to women in the areas of work, training, protection and motherhood. It has always done so in order to benefit the family and to promote a proper social upbringing for children. However, Libyan society correctly understands that such an approach cannot in any sense constitute discrimination against men. At the same time, there is no discrepancy or lack of balance in the legal criteria for equal opportunities.

Because Libyan society values gender equality, many laws include provisions that discriminate in favour of women, which are seen as temporary measures aimed at integrating women into the relevant areas. For instance, the legislation sets forth special treatment for women out of regard for their nature, as opposed to discrimination in their favour. One example is the special treatment granted to female prisoners and, in particular, pregnant women, in accordance with Law No. 5 of 2005 concerning correctional and rehabilitation institutions. It is also illegal to employ women in such strenuous work as hard labour. Women's rights are similarly reflected in the special leave available for pregnancy and maternity. Such facilities help women to protect their reproductive function. The priority entitlement of women to certain jobs is intended to encourage them to engage in public life, in view of the nature of those jobs and women's particular aptitude for them.

As an example of the drive towards equal and balanced criteria, Law No. 8 of 1989 reformed judicial organization, granting women priority in assuming positions in the judiciary and public prosecution. As a result, a growing number of women have entered those professions. Statistics for the judicial year 2002-2003 show that there were 575 women in the judiciary, accounting for some 25 per cent of members of the judiciary across the country. That principle is reaffirmed in Law No. 6 of 2006 concerning judicial organization.

## **Stereotypes and cultural practices**

**9. The report notes that the State party has exerted considerable efforts to modify patterns of conduct and eliminate discriminatory practices through education of both women and men. The report however lacks information on traditional attitudes affecting the enjoyment by women of their rights. Please provide information on social and cultural patterns affecting the enjoyment by women of their civil, political, economic, social and cultural rights, as well as on steps taken towards the elimination of prejudices, customary and all other practices which may perpetuate the notion of inferiority or superiority of either of the sexes and stereotyped roles for men and women.**

As regards patterns of conduct and traditional attitudes affecting women's enjoyment of their rights, the Libyan Arab Jamahiriya has taken a range of measures to modify certain social patterns and customs that are considered harmful to society and impede the march of social development. Some examples follow.

The promulgation of legislation, including Law No. 106 of 1975 concerning women's organizations. Part I establishes Libyan Arab women's revolutionary groups. Article 2 defines the aims of those groups, which include asserting cultural customs that serve society; encouraging women to work in domains suited to their



nature; and struggling to liberate women from exploitation in jobs not appropriate to their femininity. Part II establishes women's associations. Article 11 states that women's associations aim to develop women's awareness of the country's sociocultural reality, and to create the conditions for a social revolution, which would encourage women to fulfil their social role and their family, work and productivity duties.

The various customs that formerly prevailed include the notion of female inferiority and the authority exercised by a woman's guardian in determining her future with regard to marriage, education and so on. However, women have made great strides in education and employment, particularly in the judiciary. As a result, numerous laws have been passed in their favour. For instance, Law No. 10 of 1984, concerning marriage and divorce regulations and the effects thereof, provides as follows:

1. The minimum legal age for marriage is 20 years (article 6 (b)), an age that was subsequently lowered to 18;
2. A guardian may not force a woman to marry against her will (article 8 (a));
3. A man may marry another woman where there are strong reasons for doing so, and if one of the following conditions is met:
  - (a) The first wife must give her agreement before the competent district court;
  - (b) The district court must issue a ruling consenting to the marriage in cases that the first wife contests.

Should those conditions not be met, the marriage is annulled. The first wife may then file a suit at the nearest court, whether verbally or in writing, for the divorce of the second wife (article 13).

4. Courts are to be established to examine personal status cases to which a woman is a party. There are currently 10 such courts in Benghazi and Tripoli, at locations separate from the regular courts. The plan is to establish them in every city, in order to allow a rapid resolution of cases concerning women, respect their particularities and ensure that women are not exposed to criminal circles or unrelated cases.
5. The Law provides for women to participate in political and administrative decision-making through the Basic People's Congresses, and for the role played by women's associations in promoting and preserving women's rights to be consolidated, in contrast to the old system, which pushed women into the background and kept them to a restricted sphere of action.
6. The Law allows women to lead their families and act as head of the family. Women may obtain a family record booklet in their own name, whereas they used to live in the shadow of their closest male relative.

The result has been the current situation, in which women can enjoy every right and level of education, occupy positions, engage in all economic activities, manage their own wealth, and exercise their political and social rights, thereby definitively eliminating the old system.

## Violence against women

10. Please provide information on the detention of women and girls in “social rehabilitation services”, including the Benghazi home for Juvenile Girls and the Social Welfare Home for Women in Tajoura. The report of the Special Rapporteur on violence against women, its causes and consequences, indicates that women and girls detained in these facilities include women and girls who are accused or have been convicted of having transgressed Law No. 70 (1973) criminalizing extramarital sexual relations, as well as victims of rape who fear violence from their families (A/HRC/4/34/Add.1, paras. 376-391). Please also provide information on whether the State party is considering repealing Law No. 70 (1973) and enacting laws criminalizing all forms of violence against women, including domestic violence.

With regard to the detention of women and girls in rehabilitation centres, we reject the use of term “detainees” to denote the residents of social institutions. On the principle that society acts as a guardian for those who have none, a range of social institutions were founded in order to take care of disabled persons, minors and women. Such institutions work to provide social security in the form of a life of dignity and health and social care free of charge, in accordance with the values of the Islamic sharia and the Third Universal Theory. They depend on the Social Security Fund, and consist of the following:

1. Childcare centres;
2. Care centres for boys and for girls;
3. Care centres (homes) for women.

In accordance with the legislation that regulates such centres, social welfare homes accommodate women who no longer have the means for a life of dignity and have no protection, no family to live with and no shelter. Social welfare homes also house women who have been charged with a criminal offence and must be placed in custody. That is done out of consideration for the women’s circumstances and the nature of the crime, which may make it socially inappropriate to place them in a reform and rehabilitation institution (prison). The intention is to avoid harming the women’s social standing from the point of view of the customs and practices prevalent in society. The Law guarantees that the residents of such institutions shall enjoy health care and social care, physical fitness programmes, education, suitable housing, healthy food and all that is necessary for a life of dignity.

There are two categories of women in those homes.

The first category consists of women who enter a social welfare home of their own free will in order to find shelter after an argument with their family. Some are accused of moral improprieties, or have lost the means for a life of dignity and family protection after being separated from their family or husband, whom they have a right to leave at any time. Social welfare homes are intended to preserve the woman’s dignity and protect her from exploitation by others. The legislation regulating such centres guarantees that interested residents can enjoy rehabilitation and education completion programmes, and provides for reconciliation efforts with the women’s families.

The second category consists of women who are placed in judicial custody in a separate section in accordance with the preventive custody guidelines contained in the Code of Criminal Procedure, as a result of being charged with such crimes as manslaughter in road accidents.

There are two categories of home for female minors.

The first category is intended for minors who have been placed in preventive custody pursuant to a prosecution decision in implementation of a directive of the Juvenile Court, in accordance with the Penal Code and the Code of Criminal Procedure.

The second category is intended for minors in one of two situations. In some cases, the Juvenile Court has issued a decision to send them to a social welfare home because of a charge of vagrancy, in accordance with the terms of the Young Vagrants Act. In other cases, the minors have completed their sentence or the terms established by the court, and are housed in a separate section of the social welfare home because their families refuse to take them back. That is done in order to protect them from exploitation, crime or revenge attacks. In the social welfare home, they are given the necessary education and training, and an opportunity to reintegrate into society.

As regards the question of whether laws have been issued to criminalize all forms of violence against women, including domestic violence, the Penal Code of the Libyan Arab Jamahiriya contains an entire chapter on family crimes, including ill-treatment of family members (Penal Code, article 398).

## **Trafficking and exploitation of prostitution**

**11. Please provide information on the prevalence of trafficking in women and girls for purposes of sexual and economic exploitation, including updated information on domestic legislation and its implementation, as well as on other mechanisms at the national level to prevent and punish trafficking in women and girls.**

**12. Kindly provide statistics, if available, on the number of women and girls engaged in prostitution. Please describe laws and measures adopted to prevent and punish the exploitation of prostitution, in line with article 6 of the Convention, as well as measures taken to provide rehabilitation and support for the social rehabilitation of women who wish to leave prostitution. Please also provide information on measures taken to provide specialized training on trafficking for members of the police, border guards, lawyers and the judiciary and give information on the effectiveness of these measures.**

The practice of exploiting or trafficking women for prostitution is prohibited by the Islamic faith of Libyan Arab society and rejected by social custom. The Islamic sharia treats women justly and forbids any violation of their modesty or dignity, in order to preserve their humanity, ensure the birth of a generation of healthy children and avoid the spread of sexually transmitted diseases.

It should be noted that articles 415, 416, 417 *bis* (a) and 417 *bis* (b) of the Libyan Penal Code criminalize all forms of trafficking in women, the exploitation of

women for prostitution and incitement thereto. The Penal Code stipulates severe penalties, and treats some such cases as felonies.

The Penal Code, article 418, on the international trafficking of women, stipulates that anyone who compels a woman by force or threat to travel abroad, in the knowledge that she will be exploited there for prostitution, shall be sentenced to imprisonment for a term of not more than 10 years and a fine of between 100 and 500 Libyan pounds. The same penalty applies to anyone who induces by any means a minor or a mentally disabled adult woman to travel abroad, in the knowledge that she will be exploited for prostitution. If the act is accompanied by violence or threat, the punishment is increased by one half. The punishment is doubled in the cases provided for in the last paragraph of article 415, and where the act is committed against two or more persons, even if their destinations are different.

Article 419 provides that anyone who facilitates one of the crimes specified in the preceding article, in the knowledge that the intention is to exploit the victims for prostitution, shall be sentenced to imprisonment for a term of between three and five years and a fine of between 100 and 500 Libyan pounds. If the person is an accomplice to the crime, the last paragraph of the preceding article shall apply.

The Law provides that Libyan nationals guilty of trafficking in women shall be sentenced. Article 420 states that Libyan nationals who have committed one of the crimes specified in the previous two paragraphs shall be sentenced even if the crime was committed abroad.

The Libyan Arab Jamahiriya has acceded to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children.

### **Participation in decision-making and representation at the international level**

**13. The report provides information on the attendance of men and women at the Basic People's Congresses in 1995 and 1996, as well as on participation of Libyan women in leadership positions and at the international level. Please provide updated figures for the years 2006 and 2007. Please also provide information on measures which have been taken to increase the participation of women in political and public life, as well as their representation at the international level.**

In the Libyan Arab Jamahiriya, women's participation in political life takes place within the framework of the established political system. In a traditional democracy, women have a right to membership of parliament; in a direct democracy, they have a right to membership of the General People's Congress. The latter is composed of the secretaries of the Basic People's Congresses for residential districts throughout the Jamahiriya. Those congresses do not follow the conventional rules for elections, voting and secret balloting. Instead, they hold an open ballot known as "popular choice". According to the attendance records of the General People's Congress, women's participation has risen to 32 per cent.

Women take part in the formulation of State policy, participate in executive administrative committees (people's committees), assume public positions and perform all official and popular duties. For example, the Secretariat of the General People's Congress includes a Secretary for Women's Affairs, a position held by a

woman pursuant to resolution no. 1 (1994) of the General People's Congress. All people's committees also include a secretary for women's affairs and a secretary for social affairs. Women also occupy other positions, including the following: assistant secretary of the General People's Congress, secretary of the General People's Committee for Information and Culture, secretary of the General People's Committee for Education, and secretary of the General Environmental Authority. They have reached senior ranks in the armed forces and security forces, and occupy prominent positions in some diplomatic missions.

As regards the right of women to participate in all non-governmental organizations and associations concerned with the public and political life of the country, Law No. 7 of 1989 ratifies the Convention on the Political Rights of Women. Law No. 106 of 1975 concerning women's organizations covers three types of organization:

1. Libyan Arab women's revolutionary groups;
2. Women's associations;
3. The General Women's Union, which researches and formulates broad action plans regarding women's issues.

In addition, Libyan women take part in the Basic People's Congresses in the area of social affairs. There are 454 female secretaries for social affairs in the Basic People's Congresses and 33 secretaries for social affairs at the Sha'biya or provincial level. In both the Basic People's Congresses and in the Sha'biya People's Congresses, the main responsibilities of the secretary for social affairs include examining the problems and difficulties facing women; finding solutions; identifying the obstacles to the activation of women's role in society; and formulating plans and programmes to qualify women professionally and intellectually and integrate them in development projects.

Women have, without suffering discrimination, acted as members and heads of several cultural, scientific, social and other associations. Libyan women have chaired the Human Rights Commission and headed the delegation of the Libyan Arab Jamahiriya to the League of Arab States. A secretariat for social affairs was established in 2006 and run by a woman. Women have also assumed the position of secretary for women's affairs at the Secretariat of the General People's Conference.

The training and free education granted to young Libyan women have given them opportunities and enabled them to obtain posts at all levels. Education and training opportunities for young women have expanded in every area and at every level. Women currently have greater opportunities for work in various economic and social sectors, including the Diplomatic Corps, and may represent their country at regional and international conferences and seminars. That would previously have been impossible because of inherited social and cultural obstacles which limited women's travel and mobility. The awareness and will of the political leadership have created opportunities and given women the confidence to represent their country at international gatherings.

The Libyan Arab Jamahiriya has seen a major expansion in university education institutions, which are now located throughout the country. In the 1970s, the General People's Committee for Foreign Liaison and International Cooperation (Ministry of Foreign Affairs) established a College of International Relations which

trains male and female recruits to the Diplomatic Corps without discrimination. The number of women holding diplomatic posts, which was previously negligible, has therefore risen noticeably over the past three decades. Many Libyan women hold diplomatic posts in Libyan embassies in Arab countries and other friendly countries, and in regional and international organizations.

Law No. 2 of 2002 concerning the Diplomatic and Consular Corps provides as follows:

A person appointed as member of the Corps must meet the requirements for holding a public post in the Government and:

- (a) Hold Libyan nationality;
- (b) Enjoy full civil capacity;
- (c) Be of good character and conduct;
- (d) Never have been convicted of a felony or misdemeanour resulting in a breach of honour or trust, even if he has been rehabilitated;
- (e) Never have been dismissed from a public post on disciplinary grounds;
- (f) Be in adequate health;
- (g) Hold a university diploma in law, political science, economics, business or literature.

That Law sets forth broad requirements, which may be met by both men and women. As a result, many women have joined the Diplomatic Corps, and some hold the post of bureau secretary (ambassador). Table 1 below shows the number of Libyan women employed in the Diplomatic Corps during the period 1998-2003.<sup>7</sup> As the table shows, the highest grade in the Diplomatic Corps is assistant secretary. Women comprise a significant percentage of employees at that grade, demonstrating growing public awareness of the importance of women's diplomatic work, and the greater freedom of travel and mobility that women enjoy. In many ways, social trends have begun to change in favour of women.

Table 1  
**Number of women working in the Diplomatic Corps, 1998-2003**

<i>Grade</i>	<i>No. men</i>	<i>No. women</i>
8 (Assistant secretary)	132	57
9 (Secretary)	56	29
10 (Assistant advisor)	223	33
11 (Political advisor)	200	4
12 (Assistant expert)	233	6
13 (Expert)	89	2

<sup>7</sup> Source: Secretariat of the General People's Committee for Foreign Liaison and International Cooperation.

Women have taken part in a series of sessions of the United Nations General Assembly. Table 2 below shows the number of Libyan women taking part in the 53rd to 63rd sessions (1998-2008).<sup>7</sup>

Table 2  
**Number of Libyan women taking part in United Nations General Assembly**

<i>Date of session</i>	<i>Number of session</i>	<i>No. men</i>	<i>No. women</i>
1998	53	16	1
1999	54	18	1
2000	55	16	2
2001	56	8	—
2002	57	—	—
2003	58	6	3
2004	59	12	2
2005	60	14	2
2006	61	17	3
2007	62	16	1
2008	63	8	2

In addition to the foregoing, Libyan women have taken part in numerous sessions of the Commission on the Status of Women in New York and in 2003 a Libyan woman chaired the United Nations International Human Rights Commission. They have also participated in many Arab, African and international meetings and conferences. Libyan women have assumed a number of diplomatic positions overseas, including those of the representative of the Libyan Arab Jamahiriya to the United Nations Office at Geneva and ambassador to Austria, Malta and the Netherlands. A woman currently holds the office of ambassador in Serbia, while many other women occupy various diplomatic positions in our embassies abroad.

## **Nationality**

**14. Please provide information on steps taken by the Higher Committee regarding the adoption of a rule that would allow a Libyan mother to transfer her nationality to her child. Please also indicate whether the current legislation allows Libyan women to transfer their nationality to their foreign husbands.**

With respect to steps taken to allow Libyan women to transfer their nationality to their children, as decided by the Higher Committee, the Nationality Law does not differentiate between men and women under any circumstances with respect to the acquisition of nationality, because a woman has guarantees independently of her husband. She therefore retains her nationality after marriage, her family name and her financial independence.

In Law No. 18 of 1980 concerning nationality, pursuant to which (Libyan) Arab nationality is granted in accordance with the conditions and under the circumstances specified by the executive regulations, article 1 provides that citizens of the Libyan Arab Jamahiriya have Arab nationality, while article 6 provides that an

Arab woman who marries a foreign national shall retain her Arab nationality, unless she elects to acquire her husband's nationality, in which case the relevant law shall apply. Should the marriage end, she shall reassume her Arab nationality, providing she forfeits her foreign nationality and duly informs the Secretary of the General People's Committee for Justice.

With respect to stateless women, Law No. 7 of 1989 ratifies the following conventions, to which the Libyan Arab Jamahiriya is therefore bound:

1. Convention on the Reduction of Statelessness.
2. Convention relating to the Status of Stateless Persons.
3. Convention on the Nationality of Married Women.

The children of a Libyan woman married to a foreign man do not enjoy their mother's nationality because, in accordance with norms and religious and genealogical concepts, children trace their ancestry to their father and acquire his nationality.

The Charter on the Rights and Duties of Women in Libyan Arab Society that was issued by the Second Women's Liberation Conference that was held on 16 March 1997 states in article 20 that the children of a Libyan woman married to a foreign man enjoy all the same rights as Libyans, and in article 21, that Libyan women affirm the right of the children of a Libyan Arab woman married to an Arab to enjoy the same rights as Libyans and bear the same responsibilities. A nationality bill has been drafted that gives men and women equal rights in respect of nationality, without discrimination.

It is worth noting that Law No. 18 of 1980 concerning the provisions of the nationality law and its executive regulations guaranteed the rights of the children of Arabs married to citizens other than those of the Libyan Arab Jamahiriya to obtain nationality, in accordance with the conditions and precepts provided for in article 3 of the executive regulations, which accords that right to a child that has reached majority. Minor children do not have that right because, in accordance with religious and genealogical concepts, children trace their ancestry to their father and acquire his nationality.

Pursuant to Law No. 18 of 1980, article 2, and article 1 of the executive regulations, the non-Libyan husband of a Libyan woman may acquire Arab nationality, in accordance with the relevant conditions and precepts, if he is of Arab origin or a national of an Arab country. That right is not accorded to any husband of a Libyan woman who is not of Arab origin.

It should be noted that the Libyan Arab Jamahiriya is in the process of amending Law No. 15 of 1984 concerning marriage to non-Libyans, with a view to guaranteeing to Libyan women that any children they have by a non-Libyan man will have the right to acquire citizenship.

## **Education**

**15. Please provide updated information on the percentage of primary, secondary and university graduates who are females. Please indicate the dropout rates for women at all levels of education, as well as the major causes**



**of girls and women discontinuing their education. Please also provide data and information on the education levels and access to education of women and girls from rural areas, minorities, including women from the Berber communities and women of non-Libyan nationalities.**

According to the Secretariat of the General People's Committee for Higher Education, there were 9,133 students in institutions of higher learning during the 2006-2007 academic year, of whom 2,916 were male and 6,217 female. The number of students in universities during the same period was 231,762, of whom 96,532 were male and 135,230 female. For further information, please refer to the table in the annex which shows the numbers of students and faculty at institutions of higher learning and universities for the academic year 2006-2007. Also attached are statistics from a CD-ROM prepared by the National Information Office which break down the figures for all regions of the country.

## **Employment**

**16. Please provide information on whether the State party has put in place a policy aimed at accelerating de facto equality of women in the area of employment. If so, please indicate what steps have been taken to implement this policy.**

**17. Please provide information and statistics on women's labour force participation in the informal sector, including non-Libyan citizens. Please also describe the types of legal, social, or other services and protections available to women in the informal sector and any measures to increase their availability and accessibility.**

The Libyan Arab Jamahiriya has adopted a number of legislative and executive measures to eliminate employment discrimination against women and guarantee them equal employment opportunities. They include the following:

(a) The Constitutional Proclamation of 11 December 1969, article 5, provides that all citizens are equal before the law. Article 4 provides that in the Libyan Arab Jamahiriya work is a right, obligation and privilege of every able-bodied citizen. One article of the Great Green Document on Human Rights in the Age of the Masses states that work is a right and a duty for every individual to the best of his ability, individually or collectively with others, and that every individual has the right to choose the work best suited to him.

(b) The right to equal employment opportunities is contingent on fulfilment of qualifications for employment as provided for by the Labour Act, the Civil Service Act and employment regulations. Those include such qualifications as minimum age, medical fitness and good character and conduct. No distinction is made in that regard between men and women.

(c) Article 2 of General People's Congress Decision No. 2 of 1988 concerning women's employment regulations provides that work is a duty owed to society by able-bodied women. Women have the right to engage in occupations and jobs in any economic or social activity in society. They have the right to all professional and vocational training opportunities that such occupations or jobs might require. They have the right to choose a job consistent with their skills or

wishes. They may choose part-time or full-time work. All that is regulated by legal provisions contained in the above-mentioned Decision.<sup>8</sup>

(d) There is discrimination between men and women with respect to wages and benefits, and there is a right to equal pay for equal work, a right to equal treatment and evaluation of work, and an equal right to raises and promotions. That is regulated by a single law and a single set of regulations that are applied equally to all without discrimination.

(e) The right to social insurance in case of retirement, illness, old age or incapacity is guaranteed to all contributors to the social security system in accordance with Law No. 13 of 1980 concerning social security, specifically, article 1 thereof. Retirement age is set at 60 for women and 62 for men, given their respective natures.

(f) With regard to safety in the workplace, the Libyan Arab Jamahiriya has promulgated the following legislation:

1. Law No. 65 of 1974 ratifying the Arab labour convention on the health and protection of workers and the protection of women;
2. Law No. 93 of 1976 on industrial safety and the protection of workers;
3. A Revolutionary Command Council Decision ratifying the International Labour Organization Convention concerning the Employment of Women before and after Childbirth.

The Labour Law (No. 58 of 1970) seeks to provide protection to working women and create suitable conditions for women given their childbearing responsibilities and other family duties. The Law provides for the following privileges, that are intended to protect working women:

- Women may not be employed in strenuous or hazardous jobs.
- Women's working hours are limited. Women cannot be employed more than 48 hours a week, including overtime. Working hours during maternity are regulated by General People's Congress Decision No. 164 of 1988, article 5, on the regulation of employment for Libyan Arab women, which provides for the part-time employment of women in the administrative, service and production sectors for four-hour daily shifts that fall during official working hours. Employers must coordinate the scheduling of shifts with women who work part-time. Working hours should not exceed four hours in a single day or 24 hours in a week, and may not be at night.
- Women may not be employed at night, between 2000 hours and 0700 hours, except in jobs and under conditions specified by the competent authorities.
- Working women who are nursing have the right to two half-hour periods per day for an 18-month period in order to nurse their infants. Those periods are to be counted as part of their working hours.
- Employers who employ 50 or more workers must provide day care facilities for the children of women employees.

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<sup>8</sup> See annex, table 1, showing the distribution of the population over the age of 15 years (Libyan and non-Libyan nationals) working in every Sha'biya.

- Women employees have a right to a fully paid maternity leave of three months. Women may not work in the 30 days subsequent to delivery. (That has been changed to 14 weeks in the new labour relations law.)
- Women may not be terminated from employment during maternity leave. That has been reaffirmed by the new labour relations law, which prohibits termination of a woman employee on grounds of pregnancy or childbirth.

The Civil Service Law (No. 55 of 1976) addresses the question of job security. It specifies conditions for retirement for women working in public institutions, companies and administrative agencies. The retirement age for women employees is 60. Retirement may take place at the age of 55 either at the woman employee's own request or if the post in question is covered by a decision issued by the competent authorities. A pension must be paid for the rest of the employee's life.

## Health

**18. Please provide information on the measures taken by the State party to prevent the spread of HIV/AIDS, including through sex education in schools and awareness-raising campaigns. Please also indicate the percentage of women and girls affected by HIV/AIDS as compared to the male population.**

**19. Please provide information and data on the access to health services for women and girls from rural areas, minorities and women of non-Libyan nationalities, including migrant women, as well as on maternal mortality and morbidity rates for all women, including trends over time.**

The Libyan Arab Jamahiriya has taken effective health-care steps and measures and adopted a number of laws, starting with the Health Law (No. 106 of 1973),<sup>9</sup> article 1 of which provides that health care is a right guaranteed to all citizens by the State, and that the Ministry of Health shall work to improve the level and quality of health and medical services to meet the needs of citizens and keep pace with scientific developments in accordance with the country's development plans. The Ministry shall also supply medical clinics with the requisite technical staff. General People's Congress Decision No. 24 of 1995 provides for the adoption of a national strategy to provide health care for all (see annex). Regulations on medical treatment were issued on 9 June 1975 by decision of the Council of Ministers, in implementation of article 1 of the Health Law, which provides that free medical treatment is the right of all citizens on an equal basis, and shall be provided by health clinics in the Jamahiriya.<sup>10</sup>

Law No. 37 of 1975 ratified several International Labour Organization (ILO) conventions, including Conventions C102 concerning Minimum Standards of Social Security and C103 concerning Maternity Protection.<sup>11</sup>

The Social Security Law (No. 13 of 1980), which was amended by Law No. 8 of 1985, provides in article 25 for several short-term benefits for contributors who are self-employed, including short-term cash payments to make up for estimated

<sup>9</sup> Official Gazette, issue 6 (1974).

<sup>10</sup> Official Gazette, issue 19 (1976).

<sup>11</sup> Official Gazette, issue 25 (1976).

income lost as a result of temporary incapacity caused by illness, on-the-job injury or childbirth, including 100 per cent of estimated lost income for three full months prior to and after giving birth. Article 27 of the same law provides for lump-sum payments to which contributors are entitled in certain circumstances, which include a birth benefit. Table No. 3 below shows the value of the birth benefit for the years 2001-2006.<sup>12</sup>

Table No. 3

**Value of the birth benefit in Libyan dinars for the years 2001-2006**

<i>Type of assistance</i>	<i>Year</i>						<i>Total</i>
	<i>2001</i>	<i>2002</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	
Birth benefit	429 613	369 114	417 790	455 800	440 951	310 625	2 006 103

Average life expectancy for Libyan women has risen steadily over the past three decades. The 1995 Census indicates that life expectancy at birth for females was 66, compared with approximately 48 at the end of the 1960s, and close to 72 by the year 2000. By the same token, the maternal mortality rate has declined sharply, from 77 per 1,000 in 1983 to 40 per 1,000 in 2000.

The following figures may be taken as evidence that health services are provided fairly to all:

- 80.8 per cent of women of reproductive age receive medical care.
- 92.5 per cent of women of reproductive age receive general medical care.
- 99.6 per cent of births take place in hospitals under medical supervision.

There is no significant difference between urban and rural areas with respect to the foregoing figures.

Furthermore, the first report of the Libyan National Family Health Survey of 2008, conducted as part of the Pan-Arab Project for Family Health that is being implemented by the League of Arab States with the cooperation of all Arab States, showed that 93.9 per cent of women were aware of HIV/AIDS, and that of those, 95.9 per cent had learned of it through visual media. It also showed that 53.3 per cent of clinics have educational material on HIV/AIDS available.

**Rural women**

**20. Please provide updated information on any special programmes which have been developed to meet the needs of rural women, in particular in the area of education and vocational training. Please indicate what percentage of rural girls and women are enrolled in primary, secondary and university levels and how these percentages compare with urban enrolment.**

**21. Please indicate what specific provisions exist to ensure adequate living conditions for rural women, in particular with regard to access to safe drinking**

<sup>12</sup> Source: Social Security Fund.

**water. Please also provide information on steps taken to facilitate access of Amazigh women to safe water in the regions of Nefoussa and Zouara.**

In keeping with the Libyan Arab Jamahiriya's comprehensive development policies, it has placed particular importance on the development of rural areas through rural development centres. Such centres originally focused on rural development, but with the proliferation of educational and vocational institutions and the corresponding increase in the numbers of educated women graduates in rural areas, the development centres have been transformed into comprehensive vocational, economic and administrative training centres under the supervision of the Secretariat of the General People's Committee for Manpower, Training and Employment.

The Libyan Arab Jamahiriya has taken significant measures to eliminate discrimination against women. It has been assisted in that endeavour by the Basic People's Congresses throughout the country, which have given rural women the right to take part in development planning and implementation at all levels.

Rural women have the same access to education and vocational training as urban women. Surveys show that participation by rural women in the agricultural sector has become extremely rare. Not only have labour and production methods and techniques in the agricultural sector developed, but school enrolment has increased, with many rural girls moving on to secondary and higher education. Rural society is, increasingly, assuming urban characteristics.

We stress that there is no discrimination between rural women and men, or between rural and urban women, in access to education, training, health or social insurance services provided to State employees, or the social solidarity that cares for the weaker members of society.

There are no discriminatory barriers or restrictions on women obtaining agricultural loans, acquiring agricultural land, or engaging in any lawful disposal thereof, whether through sale, purchase, inheritance, gift, allocation by the State, compensation, or membership in agricultural and other cooperatives. Nor are there any barriers to rural women taking part in social activities, as is attested by their participation in all spheres of life and their presence in all fields of employment. They also take part in women's associations and various other civic associations.

## **Marriage and family relations**

**22. Please provide information on steps taken to ensure equality between women and men in matters of personal status, in particular regarding marriage, divorce and inheritance.**

**23. Please indicate whether the State party is considering abolishing the practice of polygamy, in accordance with the Committee's general recommendation No. 21 (1994) on equality in marriage and family relations.**

Marriage contracts in the Libyan Arab Jamahiriya are regulated by the Islamic sharia. The Constitutional Proclamation of 11 December 1969 provides in article 2 that Islam shall be the religion of the State. The Declaration of the Establishment of the People's Authority of 2 March 1977 provides in paragraph 2 that the Holy Qur'an shall be the law of society in the Great Socialist People's Libyan Arab Jamahiriya. The Great Green Charter on Human Rights in the Age of the Masses,

principle 21, provides that marriage is an equal partnership between two equal parties, and that no one may marry another person without that person's consent. Law No. 20 of 1991 on the enhancement of freedom, article 25, provides that every male and female citizen has the right to form a family on the basis of a marriage contract agreed by both parties.

Law No. 10 of 1984 regulating marriage, divorce and the effects thereof, article 8, provides that no man or woman shall be compelled to marry against his or her will. The fact that women's marriages are contracted with the consent of guardians is consistent with that, because a marriage contract is a legal instrument governed by the Islamic sharia, and cannot compel a woman to marry against her will. If a woman's guardian insists upon or refuses to agree to a marriage with no reasonable legal grounds, the woman has the right to appeal to the courts, and can be granted permission to contract marriage without her guardian's approval. Under the same law, a woman may, just like a man, seek a divorce on grounds of abandonment or other type of injury.

In the Libyan Arab Jamahiriya, men and women do not have the same rights and responsibilities during marriage and at its dissolution. The rights of a husband differ from those of a wife in accordance with Law No. 10 of 1984. Article 17 of that law provides that a woman has the right to expect her husband to do the following:

- (a) To provide maintenance and associated expenses within the limits of the husband's means in accordance with the provisions of that law;
- (b) To permit her to dispose freely of her own wealth as she sees fit;
- (c) To refrain from causing her physical or psychological harm.

Article 18 provides that a man has the right to expect his wife to do the following:

- (a) To provide maintenance and associated expenses if the wife has means and the husband does not, in accordance with the provisions of that law;
- (b) To attend to his comfort and physical and psychological well-being;
- (c) To supervise, organize and maintain the marital home;
- (d) To nurse, raise and protect their children, unless medically unfit to do so;
- (e) To refrain from causing him physical or psychological harm.

Article 35 of the Law provides for the following rights and responsibilities in case of divorce:

- (a) Divorce shall be by the agreement of both parties in each other's presence or in the presence of duly authorized representatives;
- (b) A divorce by mutual consent shall be certified by the competent court;
- (c) If the two parties do not agree to a divorce, each of them has the right to sue for divorce before the appropriate court in accordance with the legal provisions in force.

The law specifies the following other cases in which divorce may be granted without the consent of both parties:

1. Divorce at the request of either spouse based on a claim of injury caused by the other (article 39);
2. Divorce at the request of the wife if she was unaware of the husband's lack of means prior to the marriage, once he has been granted a reasonable period of time in which to improve his situation (article 40);
3. Divorce at the request of either spouse if some deficiency in the other prevents consummation of the marriage, regardless of whether that deficiency pre-dated or was subsequent to the conclusion of the contract (article 42);
4. Divorce at the request of the wife if the husband absents himself without a reasonable excuse, after he has been granted a reasonable period of time to return to his wife (article 43);
5. Divorce at the request of the wife if the husband abandons his wife for four or more months without cause (article 43).

Law No. 10 of 1984 on marriage, divorce and their effects contains provisions on eligibility for marriage, registration of contracts and the minimum age of marriage. Article six of that law provides as follows:

- (a) To be eligible for marriage a person must be of sound mind and have attained the legal age of majority.
- (b) To be eligible for marriage a person must be at least 20 years of age.
- (c) A court may, with the consent of the guardian, approve a marriage before that age if it determines that there is a compelling interest or need.
- (d) A person who marries in accordance with the preceding two provisions becomes eligible to litigate in respect of any matter relating to marriage and its effects.

Therefore, the law sets a minimum age for marriage.

Islam neither prohibits nor permits polygamy categorically. It pursues a middle way by placing limitations and conditions thereon. Law No. 9 of 1993 amended certain provisions of Law No. 10 of 1984 to make them consistent in spirit with the legislator's restrictions on polygamy. There must be a compelling reason or need, such as prevention of harm, for permitting marriage to a second person. Article 1 of the aforementioned law on polygamy therefore includes provisions that require either the first wife's consent before the competent court or a court ruling on an objection lodged by the first wife. If neither of those two conditions is met, the law considers the second marriage null and void and grants the first wife the right to demand that the second wife be divorced. It should be noted that the Libyan Arab Jamahiriya is in the process of amending some of its laws, including Law No. 10 of 1984, with a view to instituting even greater restrictions on polygamy in order to ensure that it occurs only when there is a compelling need.

## Annex 1

### **Law No. 4 of 1990 concerning the national information and documentation system**

This law provides that the Libyan Arab Jamahiriya shall have a national information and documentation system that provides access to all statistical data and documents. An institution was therefore established as the official body responsible for collecting and storing data and for analysing it using the newest technology. The data issued by the institution are of the greatest importance to decision makers, researchers and students in the fields of planning and development, and a valuable depository for the community.

#### **The law on the establishment of the general institute for information**

The institute was established pursuant to General People's Congress decree No. 149 of 1993, which provided in paragraph 1 that a general institution should be established and called the National Institute for Information and Documentation. The institute was to have a legal personality and to be independent, under the authority of the General People's Congress. Its headquarters were to be in Tripoli, Libyan Arab Jamahiriya, and it could establish branches or offices.

That decree was amended by decree No. 7 of Libyan year 1373 (A.D. 2005), pursuant to which the National Institute for Information, Documentation and Communications was established. Pursuant to decree No. 116 of Libyan year 1374 (A.D. 2006), the name of the Institute was amended to National Institute for Information.

The responsibilities of the Institute:

- To implement and follow up the main decisions and conferences of the people in the fields of information and documentation.
- To collect and store data and documents, using scientific precepts, methods and means, and make them available to the public and private user.
- To establish national databases and resources in the fields of human resources, technology and other matters that reflect the experience and expertise of the Jamahiriya.
- To prepare and manage a reference database for documents with a unique file number, to be regularly updated.
- To develop and organize databases and information that will assist in decision-making and facilitate study, research and planning in economic, social, scientific and other fields.
- To prepare the national data guide.
- To organize the flow of data and information between the various information centres in the Jamahiriya and elsewhere.
- To propose and determine schedules for and ways of conducting social activities and determine schedules for and ways of disseminating their outcomes that will ensure their integrity, accuracy and suitability, make them more generally employed and reliable.



- To carry out the population census and other statistical operations and qualitative censuses; to take the measures necessary for those censuses in coordination with the relevant authorities.
- To prepare the *Human Development Report*, in accordance with the Millennium Development Goals and indicators.
- To document the literature of the revolution and collect and classify the related information and documentation.
- To prepare an atlas of development in the country, on the basis of economic and social sector indicators.
- To spread statistical awareness and improve the quality of statistics throughout the country.
- To contribute to the development of e-administration in keeping with the international system.

## Annex 2

### **Statement on women's rights and responsibilities in Libyan Arab society**

First issued in Sabha on 16 March 1997

O Mankind, be conscious of your duty to your Lord, who created you from a single soul, created of like nature his mate and from the two created and spread many men and women, and be mindful of your duty to Allah whose name you appeal to one another and to (the ties of) the womb. Verily, Allah watches over you.

Quran. An-nisaa' 4:1

While the female masses in Libyan Arab society live their lives in accordance with the Holy Quran, the sharia and the Green Book, they declare that the natural basis for the equality that has become firmly rooted in society in the Jamahiriya is clearly the right to self-determination, given that the ultimate goal in life for the human being is to be free and happy.

The female masses in Libyan Arab society believe that discrimination between men and women is a gross injustice and that freedom is sacrosanct and cannot be withheld. That belief is based on the precept that human freedom is inalienable, the pronouncement of Colonel Muammar Al-Qadhafi, leader of the glorious 1 September revolution, and the recommendations made at the conference on the liberation of women that was held in Sirt on 8 March 1996 under the slogan "Motherhood, productivity, struggle", the aim of which was to equip women with freedom, knowledge and principles and outline their present and future lives, guided by holy Islamic principles. A further aim was to achieve the public interest by establishing dogmatic and scientific bases to enable women to take control of events both now and in the future and to exercise their authority, make choices, advance, oversee and direct, and eradicate all forms of injustice.

On the basis of the foregoing, Libyan women declare the true beginning of the exercise of their independence and their control over their social, legal, political and economic capacities, and release a liberation statement on the basis of the following principles:

1. Pursuant to the Great Green Document on Human Rights, women in the Libyan Arab Jamahiriya enjoy the same rights as men, without differentiation.
2. Women in the Libyan Arab Jamahiriya stress the absolute right to exercise authority in their own person at people's conferences and in people's committees, not through a representative. Democracy is the rule of the people, not the expression of the people.
3. In accordance with their capacities, expertise and efficiency, women have the right to occupy leadership positions, thereby ensuring the true participation in society of both men and women.
4. Women, with their intelligence, vision and standing, can be worthy pioneers in all social institutions and update the administrative and executive infrastructure that implements and follows up programmes and activities related to women's issues.

5. Education and its type, and work and its type are issues that must be left up to the capacities and desires of women.
6. The role of women in struggle must be emphasized, with particular emphasis on their role in jihad.
7. Women in the Libyan Arab Jamahiriya are obliged to undertake the duty of national defence: death for the homeland cannot be delegated.
8. Women constitute the foundations of the family, which is the nucleus of society. They therefore bear the burden of bringing up children that are capable of shouldering social, political and scientific responsibilities.
9. A married woman has the right to choose the situation that is most appropriate to her should her husband take another wife. That must not infringe her legal rights.
10. A married woman has the absolute right to her dowry. The sharia insists that it must be paid to her without delay: the husband must pay it as soon as it is due.
11. A woman's right to enjoy independent wealth is legally guaranteed and must be respected. She has the right to buy, sell, own, pawn and deal as she wishes with her property in any legal manner, as provided for by the Islamic sharia.
12. The woman is a human being who has senses and feelings that are no different from those of a man. She must therefore enjoy equality and the same rights as a man, pursuant to the penal code that was issued by the Basic People's Conferences.
13. Libyan women disdain treachery and view rape as a violation of dignity and chastity and an affront to the honour which is the foundation stone for constructing a virtuous society. Anything else is a shameful crime against which society must be protected by the punishment of the perpetrator.
14. The marriage contract is a document drawn up on the basis of equality and mutual satisfaction. Its termination must be agreed by the contractual parties or by legal order.
15. The Islamic sharia, on the basis of the Prophet's practice, gives married women the right to terminate the marital relationship. Any limitations to that right are contrary to the sharia. If a woman exercises that right, she continues to have the right to care for her children, otherwise the natural role in life of women is abused.
16. A woman who is caring for children has the right to look after her children and grandchildren provided she fulfils the relevant legal conditions.
17. A divorced woman has the right, while caring for children, to obtain a family record booklet.
18. Women in the Libyan Arab Jamahiriya affirm the need to establish special family courts, in order to expedite the resolution of such issues and carry out the relevant judgements.
19. Old age, disability, industrial accident and work-related disability benefits are guaranteed to both men and women equally. Both have equal right to security benefits when they have no means of support and in the case of disaster and emergency. The beneficiaries of a deceased woman enjoy the same rights as those of a deceased man.

20. On the basis that freedom is an inalienable human right for both men and women and in order to assert the humanity of the person in Libyan society, women assert their right to movement and to residence without condition or restriction.

21. The children of Libyan women married to other Arabs have the same rights and responsibilities as the children of Libyan men.

22. Libyan women are committed to the contents of this statement, which may not be departed from. Any act in contradiction of those principles and rights is a crime, and every woman may have recourse to the law should any of the rights and freedoms contained therein be infringed. The female masses undertake to issue a document guaranteeing the rights of women in Libyan society everywhere.

Issued in Sabha on 16 March 1997

Table 1

**Distribution of the population over the age of 15 years (Libyan and non-Libyan nationals) working in every Sha'biya**

<i>Sha'biya (Administrative district)</i>	<i>Employed persons over the age of 15 years</i>					
	<i>Libyans</i>			<i>Non-Libyans</i>		
	<i>Male</i>	<i>Female</i>	<i>Total</i>	<i>Male</i>	<i>Female</i>	<i>Total</i>
Al Batnan	30 865	16 448	<b>47 313</b>	3 337	332	<b>3 669</b>
Darnah						
Al-Jabal Al-Akhdar						
Al-Marj						
Benghazi						
Al-Waha						
Al-Kufrah						
Sirt						
Misratah						
Al-Marqab						
Tripoli						
Al-Jifarah						
Zawiyah						
Al-Nuqat Al-Khams						
Al-Jabal Al-Gharbi						
Nalut						
Sabha						
Wadi Al-Hayat						
Marzuq						
Ghat	4 166	2 851	<b>7 017</b>	807	41	<b>848</b>

Table 2  
**Number of students in institutes of higher education in 2006-2007**

<i>Institute</i>	<i>Number of students</i>		
	<i>Male</i>	<i>Female</i>	<i>Total</i>
Tripoli Health Institute	17	261	<b>278</b>
Benghazi Health Institute			
Zahrah Health Institute			
Al-Bayda Health Institute			
Surman Health Institute			
Gharyan Health Institute			
Misratak Health Institute			
Tobruk Health Institute			
Ajdabiya Health Institute			
Marzuq Health Institute			
Sabratak Health Institute			
Al-Qarabulli Health Institute			
Sirt Health Institute			
Hun Health Institute			
Bani Walid Health Institute			
Sabha Health Institute			
Al-Jamil Health Institute			
Wadi Al-Hayat Health Institute			
Al-Marj Health Institute			
Al-Shati Health Institute			
Yafran Health Institute			
Al-Kufrah Health Institute			
Khums Health Institute			
Tiji Health Institute			
Jalu Health Institute			
The Higher Institute for Medical Sciences			
Hun Higher Institute for Engineering			
Bani Walid Higher Institute for Electronics			
Higher Institute for Civil Aviation and Meteorology			
Misratak Higher Institute for Medical Technology			
Al-Bayda Higher Institute for Sharia Law			
Darnah Higher Institute for Medical Technology			
Misratak Higher Institute for Technology			
<b>Total</b>	<b>2 916</b>	<b>6 217</b>	<b>9 133</b>

Table 3  
**Number of Libyan students and classes in basic education levels in 2006-2007**

Year	Class				Libyans		
	Male	Female	Mixed	Total	Male	Female	Total
1	131	123	5 119	<b>5 373</b>	54 369	51 936	<b>106 305</b>
2							
3							
4							
5							
6							
7							
8							
9							
<b>Total</b>	<b>3 427</b>	<b>3 541</b>	<b>40 408</b>	<b>47 376</b>	<b>533 280</b>	<b>510 373</b>	<b>1 043 653</b>

Table 4  
**Number of non-Libyan students and classes in basic education levels in 2006-2007**

Year	Class				Non-Libyans		
	Male	Female	Mixed	Total	Male	Female	Total
1	131	123	5 119	<b>5 373</b>	2 271	1 869	<b>4 140</b>
2							
3							
4							
5							
6							
7							
8							
9							
<b>Total</b>	<b>3 427</b>	<b>3 541</b>	<b>40 408</b>	<b>47 376</b>	<b>19 261</b>	<b>16 640</b>	<b>35 901</b>

Source: National Centre for Planning and Education.

**Table 5**  
**Number of primary and middle schools by Sha'biya, 2006-2007**

<i>Sha'biya</i>	<i>Primary</i>	<i>Middle</i>	<i>Primary and middle</i>	<i>Total</i>
Tripoli	256	81	31	<b>368</b>
Benghazi				
Misratah				
Sabha				
Al-Nuqat Al-Khams				
Al-Batnan				
Al-Jabal Al-Akhdar				
Al-Waha				
Al-Marqab				
Darnah				
Al-Jufrah				
Al-Kufrah				
Wadi Al-Hayat				
Jifarah				
Marzuq				
Sirt				
Wadi Al-Shati				
Zawiyah				
Al-Marj				
Nalut				
Al-Jabal Al-Gharbi				
Ghat				
<b>Total</b>	<b>3 154</b>	<b>807</b>	<b>337</b>	<b>4 298</b>

*Source:* National Centre for Planning and Education.

Table 6  
**Number of students in the first, second and third years of specialized secondary education by department, 2006-2007**

<i>Department</i>	<i>Overall total</i>	
	<i>Male</i>	<i>Female</i>
Basic sciences	1 941	21 260
Social sciences		
Economics		
Engineering		
English language		
Arabic language		
Life sciences		
Sharia		
<b>Total</b>	<b>105 346</b>	<b>136 928</b>

*Source:* National Centre for Planning and Education.