

**In the name of God, most gracious, most merciful**

**Ladies & Gentlemen of the Esteemed Committee Members**

My country's delegation would like to express first its gratitude to Committee Members for their approval to review the report, third, fourth and fifth group, Great Jamahiriya. It hopes every success to the functions of this session.

**Ladies & Gentlemen of Committee Members**

As a respect sign of my country to all international protocols and covenants which it had joined and ratified. And in reassuring its keenness on the importance of the international cooperation in this field, as these international agreements constitute one of most basis of the national vision of women status in the Libyan Arab Society which rests on equality basis between women and men in all human rights.

On the strength that Holy Kor'an is the law of the Society in GSPLAJ, and that all Libyan national are Muslims. Consequently, all law and positive laws and legislations in force originating from Holy Kor'an give particular consideration to the respect of Human rights and equality between human kind, male or female. Therefore, all the national legislations came in line with provisions of that agreement and it agree with it in most cases in letter and in spirit. Moreover, national legislations ban any discrimination between man & woman.

Protection of human rights is one of the most important duties of the State, considering that establishment of justice and perseverance of freedoms is the core of its tasks. On the light of this, the constitutional declaration (1969) & Declaration of establishment of people's authority (1977), the Great Green

Instrument for Human Rights (1988), Freedom consolidation law (1991), Woman Covenant (2008), all came to reassure full equalization in rights among all Libyans, male or female without discrimination.

In adherence from GSPAJ to implement clauses of this agreement, the first report of Libyan Arab Jamahiriya was prepared and it was discussed on 18/02/1991 by the Committee on the elimination Discrimination against women (EDAW). Based on the Committee's request, additions to the report were provided on Oct. 1993, but as for this report it comprises the third, forth and fifth reports. We confirm therein on the following two points:

- 1- The Libyan Jamahiriya tried to cover all the observations stated by the judicial committee on all forms of discrimination against women, with regard to the first report.
- 2- The Libyan Jamahiriya in its endeavors to achieve justice and equality between Libyan people, it is doing its level best together with International community to strengthen and protect Human Rights through its ratification on all agreements in the Human Rights' field.

Therefore, this report shall include two parts viz.:

- First Part: Deals in brief with the geographical, demographic characteristics of the Libyan Arab Jamahiriya, in addition to the organizational structure of the People's Authority, the existing Administrative division and the legal frame to implement this agreement.
- Second Part: Dealing in scope of the protocol with the clauses of the agreement, upon its comparison with the applicable laws in Libya.

This is in addition to Annexes and enclosures: including statistics, laws and resolutions relevant to 2<sup>nd</sup> part.

- This report was prepared under the supervision of Women Affairs at the Secretariat of General People's Congress and by a technical committee comprising a group of specialists representing various sectors; including non-governmental sector. This committee was keen that responses to the clauses of this agreement must contain all available information regarding procedures and precautions already taken by the Libyan Arab Jamahiriya in the fields of Women rights.

## **Part One**

- **Geographical location and Demographic Characteristics , political regime, Administrative and judicial system in the Libyan Arab Jamahiriya**

### **Geographical and Demographic Characteristics**

#### **Location and Area:**

The Great Socialist People's Libyan Arab Jamahiriya (GSPLAJ) is located in the northern middle of African continent. It overlooks on the Mediterranean Sea with a coast totaling around (1900 km). The area is around (1 775 500) square thousand kilometers. It constitutes the fourth country on the level of the African continent in terms of area.

#### **Population:**

The preliminary results of the 2006 Public population census showed that the resident population totals to (5 673 031) person, male of them (2 695 145) person, and female (2 628 846) person, i.e. the female constitute ratio of 49.38% of the total.

#### **Political Regime:**

The political regime in the Libyan Arab Jamahiriya is based on direct democracy which means the People's Authority (i.e.: the Direct popular governance), where the people exercise their authority through People's Congresses.

#### **Organizational Structure of the People's Authority:**

Since the Declaration of People's Authority in 1977, the political system (regime) in the Libyan Arab Jamahiriya has adopted the Direct Popular Authority style which is practiced without deputization or representation inside the Basic People's Congresses. Law No.1/2007, concerning mechanism of Congresses and People's Committees, has tackled in detail as follows:

- 1- Basic People's Congresses.
- 2- People's Congresses of the Sha'biats (Provinces).
- 3- The General People's Congress: i.e. Assemblage where People's Congresses, People's Committees, Unions, syndicates and professional trades meet.

#### **Existing Administrative System:**

Since the Declaration of People's Authority in 1977, all the public utilities were administered by People's Committees directly selected by People's Congresses and working under their control and supervision. People's Committees are specialized departments, which their role is limited to implementation of laws, resolutions and policies issued by People's Congresses, and administrating of utilities and projects.

They consist of People's Committees, Popular Committees of the Sectors in People's Congresses in Sha'biats (Provinces), the General People's Congresses for the Sectors and the General Peoples Committee (Prime ministry).

#### **The Judiciary Structure and Courts' system:**

The Judiciary system constitute of gradual systemization of four classes, starting from Supreme Court , the apex of the Judicial structure and it is graded to appeal courts, 1<sup>st</sup> instance courts,

and ends with partial courts. The judicial system in Libya is governed by various legislations already mentioned in the report.

The Judicial Authority, represented in the courts' panels, headed by the Libyan Supreme Court has the control right towards constitutionality of the laws (the legal legitimacy).

Hence, the principle of independency of the Judicial Authority in the Jamahiri Society is an idea strongly connects with the power of political State's System, which is relying on thoughts and principles of the Third Universal Theory chalking rule style in the Libyan Arab Jamahiriya. It shows as well the optimal method in managing all the State's bodies that confirm on the extensive participation of the society in the Authority (Power) and direct democracy through Basic People's Congresses. One of the manifestations of this system is respect of Human Rights and exploiting all the wealth in the service of the citizen and equality in work and education opportunities, prohibiting of discrimination between both sexes, preventing of racial or religious discrimination and reactivation of law role and its equal application between humans. Also, prevention of all forms of dictatorship in Power in terms that it is a means to serve human being and not to humiliate him. Therefore, all the legislations in the Jamahiri Society ensure all rights and freedoms for the human within the legitimate legal operatives. Under the umbrella of the Jamahiri Society the whole State with its various slices is subjugated to law, in implementation to equality principle stemming from the Grand Green Document for Human Rights in the Masses era, brought by Great first September Revolution, reassuring in its ninth clause (9) that the Jamahiri Society ensure right of litigation and independent judiciary. Every person is entitled in a just and impartial trial. In addition, law No. 20/1991 concerning consolidation of

freedom has stipulated in its clause 30: Every person has the right to resort to judiciary. The court shall ensure for him all the necessary guarantees including help of an advocate whom he chooses according to his conditions. The international covenants, in general, state of the principle of independence of the Judiciary Authority as already indicated that the principle of independence of the Judiciary Authority in the World proclamation of Human Rights, means that it is essential that the law takes care of protection of Human Rights.

We abstract from all the afore stated that the Libyan Arab Jamahiriya after it has complete issuance of all its rights' references starting with from the Grand Green Document for Human Rights in the Masses era, Freedom consolidation law, and law for protection of Children's rights, it has taken the initiative to revise and amend its laws in force so as to conform with the rightful documents referred herein earlier. One of the outcomes was cancellation of the Exceptional People's Court under law No. 7/2005.

**The Legal framework to implement Agreement on the elimination of Discrimination against women (EDAW) in the legislations in force:**

Since the Libyan Arab Jamahiriya has joint this agreement, it has abided to, being an internal binding legislation to the national judge. Any one who has interest can defend against and adhere to its provisions before the Libyan Judiciary.

The Libyan Arab Jamahiriya has expressed general reservation, that is: (this joining should not conflict with the personal status law originating from Islamic Shari'a (Islamic law). The Libyan Arab Jamahiriya has informed the UN Secretary General on 05/07/1995 of its resolution pertaining to amendment of its

intimated general reservation upon joining to the Agreement, making it more specified to read as follows:

The Libyan Arab Jamahiriya hereby announces its joining to the Agreement of all forms of Discrimination against Women ratified by UN General Assembly on 18/12/1979 with the following reservations:

- Article 2 of the Agreement to be applied while considering the decisive provisions of the Islamic Law related to fixation of heirs' share in the inheritance of the demised person, male or female.
- Both Paras (c&d) of Article 16 of the Agreement to be enforced without prejudice to any rights ensured by the Islamic law for the women.

It is worthy mentioning that what made it easy for the Libyan Arab Jamahiriya to join this Agreement is that its legislations do fully tally with contents of the provisions of this Agreement and do not conflict with, even it agree with in most cases in letter and in spirit.

**Second Part: Aspects of conformity/approval between texts of the agreement on the elimination of Discrimination against Women (EDAW)**

The report in this part has dealt with study of the Libyan Legislations to show extent of conformity of the provisions with the provisions stated in the Agreement. It has demonstrated that the contents of the Libyan legislations is much outmatching what is included in the agreement because discrimination is a matter which is not admitted by pure Islamic Religion neither any of the legislative fundamentals or the philosophy on which the Third Universal Theory is based

upon and which is contained in the three chapters of the Green Book as all the applicable laws in the Libyan Arab Jamahiriya reaffirm equality between male and female and there is no legislation prevents her from exercising any right whether within the political, cultural, economic or social fields.

The embodying of equality principle between men and women in the National Constitution has been mentioned in the as a general text in the constitutional declaration issued on 11/12/1969 as the fifth Article of same stipulated that: "Nationals are all equal before law". This principle has been detailed in law No. 20/1991 concerning Consolidation of Freedom, which its first Article has stated that "Nationals in the Great Jamahiriya male or female are free, equal in rights and its not allowed to prejudice their rights". As for the practical realization for ensuring such principle, it is a matter imposed through the legal position of the women before judiciary. It is the equality with men before law in rights and obligations. It is not permitted to oppress against women rights or deprive them thereof.

Women in the Great People's Libyan Jamahiriya enjoys legal protection to their rights, on a equal par with men through the legislations codes. This is in addition to various procedures, some of them are exceptional to avoid cultural impediments such as: The Libyan Jamahiriya was of the first Islamic countries permitting women to assume all positions; in judiciary and argument before courts. Women also joint police, public security and army organs, in addition to the role performed by secretaries of Women and social affairs on the level of the Basic People's Congresses and Sha'biat (Province) or on the State's level in General People's Congress.

In case of any discriminatory action made by State's Administrative Authority, the women may resort to administrative judiciary to annul this discriminatory decision issued against her and obligating its source of compensation. In addition to the role of the other control bodies viewing in lifting grievances, where the man and woman may recourse to, most important of which the Popular Control Authority concerned with implementation all the laws.

The Great Jamahiriya has taken many measures on the legislative and executive levels which all ensure development of women and promotion in all political, social and economical level and secure an actual exercise to its rights and freedom on an equal footing with man. On the political level, the Libyan Arab Jamahiriya is a pioneer in participation of women in decision making through their membership in the Basic People's Congresses which are the platform of the People's Authority in the Libyan Arab Jamahiriya. These congresses comprise all the individuals of the Society men & women who reach 18 years old and over without any discrimination.

The Basic People's Congresses exercise direct power, rule and control. They assume administering State and Society affairs, issue of necessary legislations and taking all decisions regulation its life affairs while it is the only political referential. In performing that it may:

- Lay down the general policies, enact laws in various fields.
- Place economic, social plans and general budgets and approve them.
- Selection and questioning their Secretariats and Executive & Control Popular Committees.

- Determining the relationship of the Libyan Arab Jamahiriya with other countries.

On the economic level, all the applicable legislation, prevalent measures and administrative systems in the domain of exercising of economic activity strictly prevent any kind of discrimination in exercising economic activity. The women are just like the men in right of obtaining bank credits in terms of loans, advances, disposal of property, assumption of post at any level and joining education, training and rehabilitation at any level or any field.

As a result of this orientation in the general policy of the State towards bolstering and promoting the capabilities of the Libyan women, the proportional significance of the Libyan women has developed in the National Manpower to around (14%) of the total personnel in 1984 to reach more than (27%) in 2001. Also the averages of joining of girls in all education and training stages had developed. It was less than (50%) in seventies, and then it reached to more than (74%) in 2001. The rate of girls to the total persons joining education and training to more than (51%) in 2003.

No doubt, the law has adopted a special treatment for women in work and care to motherhood. They are all to the benefit of perfect social upbringing of the child and, in no way, the discrimination aspect against men is taken into consideration. This is a good concept in the Libyan society. Even some legislation had contained distinctive texts in favour of women and they are regarded as provisional measure for the sake of merging women into such fields, such as: when legislations had stipulated to a special treatment to women considering her nature and not discriminating her as: treatment of women in prison, particularly pregnant, a special treatment according to

law No. 5/2005 concerning Reform & Rehabilitation Institutions, and prohibiting her employment in harsh cruel jobs such as hard works. Determining, too, its right in special leave relevant to pregnancy and motherhood. These are all facilities to the women to protect their procreation task. Ensuring also her right in occupying some posts as a priority for her from man, at the aim of encouragement of women to indulge in public life in view of nature of such posts and the preference of competency of women thereof.

The extent of effects that resulted in equal and non-separate criteria is confirmed through what law No. 08/1989 has stated regarding amendment of judiciary system and the right of women to assume judiciary and public prosecution posts which had resulted into considerable increase of the rate of women's joining in this cadre. Statistics issued in 2002-2003 (Judicial Year) points out that there is 574 members of women judicial corps, i.e. equals 25% of the members of the Judicial Corps on Libyan Jamahiriya level.

Also, in order to change the international view towards women, the Libyan Arab Jamahiriya adopted numerous means for the sake of justifying some social costumes and styles that are considered to be hurting the society and affecting social development movement. Some of these, means of legislative interference through enact of laws, such as: law No. 106/1975 concerning women organizations aiming at reassuring of the civilisational habits that serve the society, encouragement of women to work in fields convenient to their nature. Article 11 of the same law enacted that: "Women associations aim at development of women awareness of the social and cultural reality of the country, and to create conditions that achieve a social revolution that push the women forward to perform their duties and role in the society in family and production domains:.

The Islamic creed of the Libyan Arab Society and the social tradition prohibits and disapproves practices that make the women a trading commodity or exploiting them for prostitution. The Islamic law treated the women fairly and banned breach of their body and their dignity, thus preserving their humanity and in order to raise healthy generation of children and avoiding to spread of diseases resulting from these practices. the Libyan Arab Jamahiriya joined the optional protocol prohibiting trafficking in persons, particularly women and children.

Moreover, the opportunities of free education and rehabilitation that had been provided to the Libyan girls resulted in their gaining to capabilities facilitating for them indulging in occupations on all levels and expanding education and rehabilitation chances before them in all fields and levels. All that, had given them further capabilities to work in various socio-economic sectors including Diplomatic Corps and representation of her country in international fora, through their presence in International & Regional conferences and symposiums. In this respect, we may mention that besides large expansion in University education institutions spreading all over the Libyan territory, the GPC for Foreign Liaison and International Cooperation (Ministry of Foreign Affairs) has established since seventies a higher Institute for International relations that shoulders preparation and rehabilitation of nominees to work in Diplomatic Corps, men and women without any discrimination. On account of that, the number of women occupying positions in the Diplomatic Corps has developed remarkably during the recent three decades.

As for participation of the Libyan Arab women in International Conferences, the Libyan delegations participating in successive

sessions of UN General Assembly had comprised some of the women elements working in this domain.

The Libyan women had also participated in many rounds of the Women Status Committee in New York, and had chaired in 2003 UN International Commission for Human Rights. Also, she had participated in many Arab, African and International meetings and conferences. The Libyan women had also assumed numerous diplomatic posts abroad, besides the post of Great Jamahiriya delegate to UN Office in Geneva. She has occupied, too, Ambassadors of Libya in Holland, Austria & Malta. She occupies now the post of the Ambassador of our Embassy in Serbia, in addition to many women diplomats serving in our Embassies abroad at different diplomatic grades. She was also, the first delegate women to her country to Arab States League.

We would like also to point out that the nationality law does not differentiate between women and men in acquiring its nationality. The women also has an independent financial asset or position from her husband, therefore, she keeps her nationality even after marriage as well as her independent financial position and the name of her family. Also, granting of Libyan nationality is allowed to children of Libyan women married from a foreigner according to status fixed by the executive law of the nationality law.

The Libyan Jamahiriya had also adopted the principle of mandatory education in primary and preparatory stages for boys and girls. The medium and higher institutes in all technology and vocational specializations had spread to both sexes. The university education is free as well. There is no difference in services or syllabus and exams. We have no typical concept regarding scientific learning for male or female and there is no

difference in scholarships, e.g. Decision of General People's Committee No. 628 for delegation abroad in all specialties, their number was 1676 out of them 1108 women. The education opportunities is not connected with sex, also girls participate in all sports activities according to their desire.

Women are entitled in employment rights just as men, according to provisions of labour law, civil service law and organizational regulations for employment at the same remuneration. She has also the right in social security in cases of retirement, sickness, old age or disability just like the man pursuant to provisions of law No. 13/1981 concerning Social Security. The law has laid down privileges to women for her protection and in order to perform perfectly her duties related to motherhood. Due to free health care the average of life age has increased and the average of mothers' death expected upon delivery has declined.

Moreover, there is no discrimination between men and women in the socio-economic life. It is determined through operatives and terms that should be available in both sexes. The family entitlements are defined under Social Security Law without discrimination, i.e. old age pensions, disability pensions, family allowance. Beside lump sums grants such as pregnancy subsidy and delivery grant, burial subsidy and disaster and emergency grants in addition to in kind benefits such as social care.

The woman was active in information and culture aspects. She has taken over the post of Secretary of Information and Culture and Director of Cultural Centre abroad, Assistant Secretary to General League for men of letters and writers as well as cultural counselor, etc.

Women in country side have witnessed a rapid development due to spread of educational and vocational training centers. Basic

People's Congresses all over Libyan Arab Jamahiriya has made it possible for countrywomen to participate in laying down and implementing development planning on all levels. Women in countryside do not differ from women in urban in terms of education and training, the matter that resulted in a change in the rural societies to become a mini image for cities. Also, there are no limitations on obtaining of rural women for agricultural loans, ownership of lands and disposal in sale and purchase thereof.

The civil law has preserved the right of women in a capacity similar to men's capacity whereas the law stated: "every person reaching mature age, enjoying his/her mental strength and is placed under guardianship, is of full legal capacity". Article 9 of law No. 17 pertaining to regularizing status of minors and the alike provides for: "mature age is full eighteen calendar years". Each person male or female enjoys freedom of will in contracting and managing his/her properties and taking up litigation procedures, transfer and staying freedom.

We point out the marriage contract in Libyan Arab Jamahiriya is governed by Islamic law rules, the matter that was reassured through constitutional declaration in its second Article providing for: "Islam is the religion of the State". "Also, the 2<sup>nd</sup> clause of Proclamation of advent of People's Authority has provided for "The Holy Kor'an is the law of the Society in The Great Socialist People's Libyan Arab Jamahiriya". Principle 21 of the Grand Green Document for Human Rights in Masses' era stated that: "Marriage is an equivalent participation or two equal parties; it is allowed to any of them to marry the other in spite of his/her will.."

Law No. 10/1984 concerning marriage and divorce and their effects resolved in Article eight that: "It is not permitted for the

guardian to force young man or young girl to marry a person without their will".

- As for rights and responsibilities during marriage contract and its cancellation, we find difference in the rights of wife and husband according to law No. 10/1984 concerning marriage and divorce and their effects. This law fixes the age of competency of marriage by reaching twenty years.

The Libyan women enjoy same rights and responsibilities regarding guardianship and custody of children and the alike of social systems as tutelage of children who have no dependants.

At length, we assure you that my country does seek to achieve homogeny between texts of national laws and the international agreements. We work to spread of awareness and legal knowledge in the Society and translation of the legal culture to behavior and practices. My country hopes that this report possesses the satisfaction of the Committee. However, the delegation present with you is fully ready to cooperate with you to clarify any aspects on basis of our trust that the women in Libyan Jamahiriya had realized many achievements while the efforts are going on to overcome some obstacles that are in need of work and time as they are connected with promotion of public awareness.

Many thanks to the presence for their good listening.