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## **National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1\***

### **Great Socialist People's Libyan Arab Jamahiriya**

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\* The present document was not edited before being sent to the United Nations translation services.

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## **I. Introduction**

1. Through this report, the Libyan Arab Jamahiriya seeks to provide a comprehensive picture of human rights in the country, proceeding from its belief that democracy, development and respect for human rights form a single unified entity. It welcomes the Human Rights Council resolution and the Council's new universal periodic review mechanism, its commitment to which is embodied through this report, as is its cooperation with the international community in the field of human rights, within the framework of the universal periodic review of the human rights situation in the Libyan Arab Jamahiriya, in order to take stock of the promising achievements realized in that field. The aim is firmly to establish and build on those achievements in order to confront the challenges faced and to address and eliminate inadequacies. The Libyan Arab Jamahiriya has devoted particular attention to human rights and fundamental freedoms, enacting legislation to guarantee and enshrine both and thereby ensure that neither are diminished, restricted or curtailed.

## **II. Reporting methodology and process**

2. The universal periodic review report of the Libyan Arab Jamahiriya was prepared in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1 of 18 June 2007 and the general guidelines for the preparation of information under the universal periodic review (A/HRC/6/L.24).

3. For the purpose of preparing this report, a national committee comprising all stakeholder sectors was formed pursuant to a decision of the General People's Committee. The committee was supervised by the National Human Rights Committee, in cooperation with those sectors, such as justice, general security, education and social affairs, and other relevant agencies.

4. The committee charged with preparing the report convened several meetings with civil society institutions and non-governmental organizations (NGOs) working for the protection and promotion of human rights in order to consult with them and obtain their comments and views.

5. An electronic website was dedicated to providing information on the universal periodic review mechanism and the process of preparing the national report.

## **III. Political system in the Libyan Arab Jamahiriya**

6. The revolution of 1 September 1969 ushered in a series of political developments and radical changes in the Libyan Arab Jamahiriya. In March 1977, government institutions were replaced, together with their traditional bureaucracy, by a completely different structural organization known as the People's Authority. The Declaration on the Establishment of the People's Authority proclaimed that: "The direct authority of the people is the basis of the political system in the Socialist People's Libyan Arab Jamahiriya, where the authority belongs solely to the people, by whom it is exercised through people's congresses, people's committees, trade unions, federations and professional associations, the working procedures of which are established by law and the decisions of which are formulated by the General People's Congress."

7. The form of political governance in the Libyan Arab Jamahiriya is defined in Act No. 1 of 2007 and its implementing regulations, article 1 of which provides that:

“Sovereignty and authority in the Great Socialist People’s Libyan Arab Jamahiriya belong to the people. Authority is exercised directly through the basic people’s congresses into which all Libyan men and women over 18 years of age are organized. It is these congresses that:

- Formulate general policies, promulgate laws and take decisions on all matters
- Approve economic and social plans and general budgets
- Select and hold to account their secretariats, people’s executive committees, people’s monitoring committees and other bodies in the same category
- Frame the country’s foreign policy and ratify treaties and agreements concluded between the Libyan Arab Jamahiriya and other States”

Article 10 of the same Act also provides that: “People’s committees are instrumental to the people’s congresses in implementing their decisions, and discharge their functions in accordance with the provisions of this Act and its implementing regulations. They are accountable to the People’s Congress for the exercise of the competences and powers vested in them by the law.”

8. The innovative political system in the Libyan Arab Jamahiriya is founded on the authority of the people, exemplified in the basic people’s congresses and the General People’s Congress, the competences of which include that of attending to the usual political and administrative matters of the State.

## **IV. Legislative and institutional human rights framework in the Libyan Arab Jamahiriya**

### **A. Constitutional and legislative framework**

9. While the Libyan Arab Jamahiriya has no specific written text that can be called a constitution, several basic pieces of its legislation are distinguished by their primacy over the standard legislation.

10. The legislative framework has enshrined the concept of human rights in the Libyan Arab Jamahiriya for the past several decades and the country’s Arab and Islamic affiliation has helped to disseminate and develop this concept, for Islam regards human beings as God’s creation on Earth. Human freedom is a gift from no one; human beings are born free, to live free until death. This fact was reflected at the outset in the adoption of Libyan legislation aimed primarily at guaranteeing and protecting the fundamental rights of Libyan citizens, namely the Libyan Penal Code of 1953, the Code of Criminal Procedure of 1953 and the Libyan Civil Code of 1954. Other pieces of domestic legislation, including the Libyan Code of Civil and Commercial Procedure, sought to determine the mechanisms and legal institutions required to obtain these rights. It should be mentioned here that these pieces of legislation were enacted following the adoption of the Universal Declaration of Human Rights in 1948, the principles and provisions of which are reflected in their spirit. In another positive development with respect to the entrenchment of human rights principles, objectives and purposes in practice, the revolution of 1 September embraced the same themes, having tasked the legislature with adopting legal mechanisms for affirming and guaranteeing human rights in basic legislation, namely:

## 1. The Libyan Constitutional Declaration

11. The Constitutional Declaration was proclaimed after the great revolution of 1 September, on 11 December 1969. Fundamental human rights principles and the safeguarding of public freedoms were affirmed in the Declaration.

## 2. Declaration on the Establishment of the People's Authority

12. This Declaration, made on 2 March 1977, is regarded in the Libyan Arab Jamahiriya as a basic legal instrument that recognizes the exercise of direct democracy as the system of governance and establishes people's mechanisms for such governance in order to guarantee the direct political and civil rights of individuals, exemplified in the participation of natural persons in the country's political life, without restrictions or conditions. The Libyan Arab Jamahiriya consequently differs from many States in which the political institutions may be incapable of accommodating the views of all citizens.

## 3. Principle of the legitimacy of the law (principles of justice and fairness)

13. This principle guarantees the right of any individual believing that his rights and fundamental freedoms are obstructed by law to challenge the legitimacy of that law on the basis of the principles of justice and fairness established in article 2 of the Libyan Civil Code, pursuant to which the sources of legitimacy in law include those principles. Accordingly, the legitimacy of any law that is not centred on the principles of justice and fairness may be challenged in court, and proceedings may be systematically pursued to the highest level, namely the Supreme Court. Rulings and principles established by the Supreme Court are binding on all other courts and on the administration.

## 4. The Great Green Document on Human Rights

14. This Document was adopted on 12 June 1988 in the wake of practical measures by the Libyan Arab Jamahiriya to demolish prisons, release (political) prisoners, overturn all principal and secondary sentences, destroy travel-ban lists and abolish all measures limiting freedom of movement and travel beyond the country's borders. Any individual may contest the legitimacy of any law that is incompatible with the principles of the Document, as its provisions have primacy over those contained in other legislation.

15. The Document seeks to enshrine all fundamental rights and freedoms provided for in international declarations and conventions, in addition to other rights for which no provision is made, such as the right to peace, prosperity and well-being. It also calls for the destruction of atomic, bacteriological and chemical weapons, as well as weapons of mass destruction, which are so described in that they are directed at the entire world and not confined to the originating countries.

16. The Great Green Document on Human Rights treats the right to life as an individual human right and calls for abolition of the death sentence, except in the case of persons whose lives endanger or corrupt society. A person sentenced to retribution (*qisas*) has the right to seek substitution of the death penalty with the payment of a ransom (*fidyah*) in exchange for his life, provided that the victim's next of kin relinquish their right to retribution.

17. The second principle of the Document prohibits penalties that prejudice or harm the physical integrity of the human being, such as hard labour and long-term imprisonment. It prohibits the infliction of physical or mental harm on prisoners, in keeping with the provision of article 5 of the Universal Declaration of Human Rights and article 1 of the Convention against Torture.

18. The Document affirms respect for the principle of equality between men and women, stating that the distinction of rights between them is a gross and unwarranted injustice and that marriage is an equal partnership that cannot be concluded without the consent of both parties.

19. The Great Green Document on Human Rights acknowledges the right to act freely in the private sphere and the freedom of personal relationships, prohibiting all persons and entities from interfering in or seeking to diminish such relationships.

20. Rights newly covered in the Document include a ban on the use of domestic servants, which it regards as modern-day slaves; to eliminate this deplorable phenomenon is to realize the rights of a suppressed group.

21. The Document also covers the right of every individual to express his opinion publicly and openly. It rejects the use of violence as a means of imposing ideas and opinions.

## **5. Promotion of Freedom Act**

22. The Promotion of Freedom Act No. 20 of 1 September 1991 is based on the Great Green Document on Human Rights and on international instruments and treaties on human rights and freedoms. The Act deals with the most important fundamental human rights, affirming as it does in article 1 that: "Male and female citizens in the Great Jamahiriya are free and have equal rights that may not be violated." Article 5 provides that: "Religion is a direct relationship with the Creator, with no intermediary, and it is prohibited to claim a monopoly of religion or to exploit it for any purpose."

23. The Act emphasizes bodily safety, which it considers to be every person's right. It prohibits the conduct of scientific experiments on the body of any living human being, except where voluntary on his part.

24. The Act also emphasizes the freedom of citizens to establish and join trade unions, federations and professional, social and charitable associations in order to protect their interests or achieve the legitimate purposes for which such bodies were established.

25. The Act provides that no person may be deprived of his freedom, searched or interrogated, unless he has been charged with committing an act punishable by law, pursuant to an order issued by a competent court, and in accordance with the circumstances and time limits specified by law. It is prohibited to subject an accused person to any type of physical or psychological torture or to cruel, inhuman or degrading treatment.

26. The Act further provides for the confidentiality of correspondence, which may not be censored except in limited circumstances dictated by public security requirements and only after court permission has been obtained.

## **6. Legal framework**

27. The standard legislation governs relations among individuals and among public and private bodies. In so doing, it establishes comprehensive legal mechanisms of a practical nature aimed at underpinning the exercise of and claim to all rights, at ensuring respect for those rights by administrative bodies and at guaranteeing the right to litigate.

28. This legislation comprises a multitude of laws covering all of the different aspects of life. These include a set of criminal laws, exemplified in the Libyan Penal Code of 1953, the Libyan Code of Criminal Procedure of 1953, their respective regulations, and the Code of Civil and Commercial Procedure.

## **B. Institutional framework for the protection of human rights**

### **1. The judicial system**

29. These legal safeguards are strengthened by judicial safeguards, with the emphasis on an independent judiciary that tackles any violations of freedoms and rights, or any cause of material or moral harm to human dignity, so as to promote freedom, ensure redress for victims, prevent injustice and oppression, and reinforce the pillars of justice and security.

Any suppression of human rights and freedoms that occurs, notwithstanding the legal, judicial and administrative safeguards provided under Libyan legislation for the protection of those rights and freedoms, is unequivocally regarded as an individual or administrative act incompatible with the attitudes and choices of society and is swiftly addressed by the judiciary in a deterrent manner.

Affairs of the judiciary in the Libyan Arab Jamahiriya are governed by Act No. 6 of 2006, which establishes the independence of the judiciary and prohibits interference in its affairs by the executive authority. Pursuant to this Act, the Supreme Council of the Judiciary is responsible for oversight of the Libyan judiciary.

30. The judicial system is graded into courts of first instance at the lowest level, followed by appeal courts and next by a Supreme Court, which sits at the top of the hierarchy. This guarantees several levels of proceedings and sound judgements. Under the Act, all courts are required to hear cases brought before them within a reasonable time.

31. The Judicial Inspection Department of the Libyan Arab Jamahiriya is responsible for periodically reviewing the work of both the Department of Public Prosecutions and courts in order to ascertain that investigation procedures are sound and that cases brought are heard and settled within a reasonable time. The Department's functions include receiving and investigating complaints relating to any shortcomings in the work of the judiciary and, where necessary, ensuring redress for victims. It is also responsible for taking initial disciplinary measures as a consequence of violations that it uncovers.

32. The Judiciary Act lays down a set of legal principles, precepts and rules that correspond with the recognized international standards for fair trial, in particular:

33. The independence and impartiality of judges; guarantee of the right of recourse to the courts for all persons, without distinction; multiplicity of levels of proceedings; public hearings; and the right to legal counsel.

### **2. Office of the Public Prosecutor**

34. In accordance with the Judiciary Act, the Office of the Public Prosecutor is responsible for criminal prosecution. In this capacity, members of the Department of Public Prosecutions perform their investigative duties and represent the prosecution in court. The Code of Criminal Procedure governs investigation and trial procedures, preventive custody and the enforcement of penalties in conformity with the legal measures prescribed in accordance with binding rules and principles. The components of the Office of the Public Prosecutor include a unit dedicated to the follow-up of human rights cases. Its job is to catalogue such cases, monitor their investigation, follow up the enforcement of judgements handed down and produce half-yearly statistics on the subject.

### **3. National Human Rights Committee**

35. Pursuant to General People's Committee Decision No. 557 of 2007, the National Human Rights Committee was established as an independent national institution for the promotion and protection of human rights, vested with a number of the responsibilities set forth in the Paris Principles relating to the status of national institutions. Enjoying

administrative and financial independence, the Committee is composed of accomplished human rights experts and seeks to promote human rights. To that end, it works in cooperation with the United Nations and similar bodies in other States. It also follows up complaints from persons alleging human rights violations.

#### **4. Correctional and Rehabilitation Institutions Act**

36. Act No. 5 of 2005 governing prisons in the Libyan Arab Jamahiriya is regarded as a progressive law, which is signalled by its use of the term “correctional and rehabilitation institutions” instead of “prisons” in referring to its main objectives, in particular the rehabilitation of prisoners and their integration into society after serving sentence. The Act contains a number of essential provisions guaranteeing prisoners’ rights in keeping with international standards. It places correctional and rehabilitation institutions under judicial supervision and within the administrative purview of the General People’s Committee for Justice.

### **C. Non-governmental mechanisms for the promotion of human rights**

37. Far-reaching developments have taken place in civil society as a result of the political and economic policies pursued by the State, which has stepped up its commitment to guaranteeing freedom for its citizens and their right to form NGOs, the working mechanisms and activities of which are regulated by Act No. 19 of 2002. At the end of 2009, the number of registered NGOs stood at 433.

#### **1. Libyan Arab Human Rights Association**

38. The Libyan Arab Human Rights Association was established in 1999 with a view to achieving respect for human rights, upholding those rights and inculcating human rights principles in accordance with national laws and international instruments and conventions.

#### **2. Waatasemu Charity Association**

39. Founded in Tripoli on 30 April 2001, the aims of this Association are to provide charitable and humanitarian services for women and children, persons with special needs, orphans, invalids and persons with limited income. It also provides humanitarian assistance at the regional and international levels in cases of natural disaster.

#### **3. Oppressed of the Earth**

40. Founded in Benghazi in 2001 in accordance with the legislation in force in the Libyan Arab Jamahiriya, this is a charitable NGO that has a legal personality and is financially independent. Among others, its aims are to uphold individual and collective rights, as well as to raise awareness and urge the exercise of rights and freedoms.

#### **4. Association for the Protection of Human Rights**

41. Founded in 1990, the Association’s aims are, inter alia, to protect, ensure respect for and uphold human rights and fundamental freedoms, inculcate human rights principles as provided for in international instruments and domestic laws, and organize conferences and seminars to raise awareness of human rights.

#### **5. Gaddafi International Charity and Development Foundation**

42. This is an international NGO established in 2003 through the signature of its articles of association in Geneva. It carries out developmental and humanitarian activities in the social, economic, cultural and human rights fields. It is also distinguished by activities with



an international dimension, such as the freeing of hostages, mine clearance and the delivery of assistance to victims of earthquake and natural disaster in other countries of the world.

## **6. Lawyers' Union**

43. All lawyers are members of the Union, which organizes conferences and seminars aimed at raising human rights awareness and entrenching the principle of the rule of law and the equality of citizens before the law. It also has the job of following up, through its lawyer members, human rights cases before the competent courts.

## **D. International human rights obligations of the Libyan Arab Jamahiriya**

44. The Libyan Arab Jamahiriya is a party to all of the fundamental international instruments relating to human rights, namely the:

- International Convention for the Suppression of the Traffic in Women and Children of 1921
- Slavery Convention of 1926 and the 1953 Protocol amending it
- Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956
- International Covenant on Economic, Social and Cultural Rights (5 June 1970)
- International Covenant on Civil and Political Rights (15 June 1970)
- Convention on the Elimination of All Forms of Racial Discrimination (3 July 1970)
- International Convention on the Suppression and Punishment of the Crime of Apartheid (8 July 1976)
- African Charter on Peoples' and Human Rights (26 March 1978)
- Optional Protocol to the International Covenant on Civil and Political Rights (16 June 1988)
- International Convention against Apartheid in Sports (29 June 1988)
- Convention on the Prevention and Punishment of the Crime of Genocide (16 June 1989)
- Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity (16 June 1989)
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (16 June 1989)
- Convention on the Elimination of All Forms of Discrimination against Women (16 June 1989)
- Convention on the Rights of the Child (15 April 1993)
- Convention against Transnational Organized Crime of 2000
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (7 August 2006)
- Arab Charter on Human Rights (7 August 2006)

## **E. Primacy of international law over domestic law**

45. Libyan legislation contains provisions of international conventions and treaties, which are in fact one of its main sources, as in the case, for example, of the Promotion of Freedom Act No. 20 of 1991. The Libyan Arab Jamahiriya moreover adopts the principle whereby the application of international instruments and treaties to which it is a party take precedence, as their provisions are superior to those contained in domestic legislation.

## **V. Promotion and protection of human rights on the ground**

### **A. Right to education**

46. The education system in the Libyan Arab Jamahiriya has successfully moved towards realizing the goal of universal basic education for school-age males and females, provided on a basis of equality and free of charge for all segments of society. Efforts to achieve similar success towards enhancing the character and quality of the education system are continuing.

47. Article 14 of the Libyan Constitutional Declaration of 11 December 1969 provides that: "Education is a right and duty for all Libyans. It is compulsory up to the end of the preparatory level, which is guaranteed by the State through the establishment of schools, academies, universities and cultural and educational institutions. The circumstances under which private schools may be established shall be regulated by law."

48. The Compulsory Education Act No. 90 of 1975 provides that primary and preparatory education are compulsory for all male and female children, starting at 6 years of age. This right is strengthened by the Great Green Document on Human Rights, which provides that: "Education and knowledge are the natural right of every human being, all of whom, whether male or female, have the right to choose the education that suits them and the knowledge that satisfies them, without direction or compulsion." Article 23 of the Promotion of Freedom Act No. 20 of 1991 affirms the right of any citizen to choose the education and knowledge that suits him and prohibits the monopoly or falsification of knowledge on any ground. Article 9 of the Child Protection Act No. 5 of 1997 provides that basic education is a right guaranteed by society to its normally-abled children and to those with special needs who have the necessary capability. It is compulsory and may not be denied to any child. Any person who causes a child to be denied this right is liable to the penalties prescribed for the ill-treatment of a minor.

Article 1 of the Education Act No. 18 of 2010 provides that education is a right for all. The State endeavours to facilitate the education of all citizens under the auspices of public and community-based educational institutions, and to monitor the adequacy of such institutions and the quality of their outputs. It also endeavours to encourage and expand community-based education, which is compulsory up to the basic education level.

49. It is clear from the above that the Libyan system of legislation has guaranteed the right to education for all individuals in society, meaning both males and females in all village, rural and urban settings. Education is compulsory and free, in keeping with the provision of article 13 of the International Covenant on Economic, Social and Cultural Rights.

50. The Libyan Arab Jamahiriya has achieved substantial progress and major successes in the field of education in an effort to keep pace with developed societies and contribute to the scientific and technological development being witnessed in the world of today. In so doing, it has sought to build human resources capable of contributing to the construction of

a society of knowledge, innovation and invention and to provide educational opportunities for males and females from all social groups in all geographical areas, both rural and urban.

51. The education sector has also devoted attention to the establishment and maintenance of school and university facilities and premises as part of a national programme first implemented in 2006.

52. There are 14 universities offering all areas of specialization and comprising a total of 188 science and art faculties. These universities are scattered throughout the regions of the Jamahiriya.

53. As part of the concern to develop the educational infrastructure, all educational institutions have been equipped with laboratories and supplied with equipment, computers and school health needs. Also in its final stages is a national computing project for the supply and installation of 4,300 computers in institutions of learning.

54. In another positive development that is in step with modern-day education requirements and uses best educational practices from other States to advantage, a number of programmes have been implemented in different areas of education, including: the piloting of an electronic examinations system; teacher preparation, training and skills enhancement; the promotion and expansion of community-based education; and the development of scientific research at home and abroad under the supervision of the National Authority for Scientific Research.

55. The sector has devoted particular attention to school and university activities; it has elaborated plans and programmes, allocated the finance needed for their implementation and provided the essentials for school pursuits, in particular sports and cultural activities, participation in competitions, children's drawing, anti-AIDS workshops and voluntary work programmes.

56. In an effort to benefit from practices followed elsewhere, the Libyan Arab Jamahiriya has sought to strengthen its cooperation with sister and friendly States and with Arab, regional and international organizations through the operationalization of scientific and cultural cooperation agreements and through faculty, teacher and scholarship exchanges. It has also sought to benefit from programmes in developed countries.

57. At the international level, the Libyan Arab Jamahiriya is seen as a pioneering country with respect to school enrolment rates and sharing of opportunities between both sexes in all levels of education. As a result of the policies adopted, the following successes have been achieved:

- The educational pool has grown as a result of the policy of free and compulsory education for all sectors of society in accordance with the principle of education for all.
- High functional literacy rates similar to those in developed countries have been attained as a result of guaranteeing to citizens the right to a good education promoting social change for the achievement of sustainable human development. Of the total number of students enrolled in education, the proportion of females has also risen in comparison with that of males at all levels of higher and intermediate (secondary) education.
- Illiteracy has been all but eradicated among youngsters and the functional literacy rate has increased among those in the 15–25 age group.

58. Despite these efforts, the education system in the Libyan Arab Jamahiriya continues to face difficulties. Serious practical steps are being taken with a view to finding appropriate solutions to these difficulties, which are as follows:

- A specialized secondary education system was introduced in the absence of a ready supply of teachers equal to the task, leading to flaws in the delivery of curricula to students and consequently a noticeable failing in such specialist subject areas as engineering, life sciences, basic sciences and foreign languages
- The number of teachers of both sexes rose substantially to the point where they outnumbered students in certain remote areas and small villages, in addition to which the horizontal spread of specialized secondary education institutions created a sizable imbalance between the outputs from education and scientific training and the needs of the employment market
- The higher proportion of educated women increased pressure to provide suitable job opportunities for women

Table 1

**Rate of enrolment in basic education as a percentage of the total number of those enrolled in general and higher education**

<i>Year</i>	<i>1995</i>			<i>2006</i>		
<i>Level</i>	<i>Females</i>	<i>Males</i>	<i>Total</i>	<i>Females</i>	<i>Males</i>	<i>Total</i>
Tier I	39.74	38.08	<b>38.08</b>	41.19	46.65	<b>43.08</b>
Tier II	21.01	20.76	<b>20.08</b>	23.57	25.63	<b>24.06</b>
<b>Total</b>	<b>60.75</b>	<b>58.84</b>	<b>59.76</b>	<b>64.76</b>	<b>72.28</b>	<b>68.40</b>

  

<i>Item</i>	<i>Percentage</i>			
	<i>Year</i>	<i>Females</i>	<i>Males</i>	<i>Total</i>
Rate of enrolment in basic education among inhabitants in the 6–14 age group	1995	90.06	91.94	<b>91.03</b>
	2006	96.75	104.28	<b>100</b>

## B. Right to health

59. The Libyan Arab Jamahiriya made a commitment to free health care as a human right and promulgated the Health Act No. 106 of 1973, article 1 of which establishes the right of citizens to free health and medical care guaranteed by the State.

60. Article 3 of the Act deals with the delivery of all health and preventive services in such a way as to ensure the physical, mental and social integrity of the new generation.

61. Article 50 of the Act provides that: “Access to medical treatment and related services in State-run hospitals, clinics and therapy units of all types and designations is the established right of each and every citizen on a basis of equality.”

62. With regard to child health, article 4 of the Child Protection Act No. 5 provides that: “Health facilities of all levels shall be responsible for providing children with the necessary vaccinations and inoculations, free of charge.”

63. A national strategy of health for all by all was adopted pursuant to General People’s Committee No. 24 of 2003.

64. Health-care services were reorganized pursuant to General People’s Committee Decision No. 11 of 2004. Various articles of the Health Insurance Act No. 20 of 2010 state as follows:

*Article 1:* It shall be compulsory for all citizens and residents to belong to the health insurance scheme by contributing through a licensed health insurance agency in the Libyan Arab Jamahiriya.

*Article 3:* Public and private employers shall make contributions for their employees and the State shall undertake to pay in full the health insurance instalments of the following groups:

- (a) Widows, orphans and disadvantaged persons who have no guardian;
- (b) Persons with no income;
- (c) Persons with limited income.

*Article 13:* Any employer who intentionally fails to contribute to the health insurance scheme or to renew insurance coverage is liable to a monetary fine for each month for which no contribution is made.

65. The health-care system in the Libyan Arab Jamahiriya has achieved a number of successes that have helped to improve health care, exemplified in:

(a) The eradication of such communicable diseases as smallpox, leprosy, malaria and poliomyelitis; the control of various immunizable diseases, including measles, chicken pox, diphtheria and tetanus; a decline of 50 per cent in the mortality rate from 6.8 to 3.4 deaths per 1,000 citizens between 1969 and 2008; a decline of 70 per cent in the infant mortality rate from 59 to 17.6 deaths per 1,000 live births between 1969 and 2007; a decline in the under-five mortality rate to 20.1 deaths per 1,000 live births in 2007; a decline of 70 per cent in the maternal mortality rate from 90 to 27 deaths per 100,000 live births between 1969 and 2007; and a rise in the average life expectancy of Libyans at birth from 48 to 72 years between 1969 and 2009;

(b) The delivery of primary health-care services to all inhabitants, i.e., 100 per cent, through 1,424 primary health-care clinics, centres and units in all of the basic people's congresses in the Great Jamahiriya;

(c) An increase of 166 per cent in the number of hospitals from 36 in 1969 to 97 in 2009 and of 222 per cent in the number of beds from 6,421 in 1969 to 20,689 in 2009, which is an average of 37 beds per 10,000 citizens;

(d) An increase of 127 per cent in the number of specialist hospitals of various kinds from 11 to 25; and in terms of qualified health personnel working in health facilities, an increase of over 13-fold in the number of doctors from 733 in 1969 to 10,253 in 2009, bringing the rate of doctors per 10,000 citizens up from 4 to 18.7; an increase of over 88-fold in the number of dentists in public facilities from 15 in 1969 to 1,322 in 2009, bringing the rate of dentists per 10,000 citizens up from 0.3 to 3; an increase in the number of pharmacists in the health sector from 68 in 1969 to 947 in 2009, bringing the rate of pharmacists per 10,000 citizens up from 0.3 to 3.6; and an increase of over 14-fold in the number of nurses and midwives from 2,612 in 1969 to 38,105 in 2009, bringing the rate per 10,000 citizens up from 15 to 68;

(e) Hospitalization as necessary, free of charge, at 97 general hospitals located across all districts of the Jamahiriya, where the number of hospitalizations amounted to 590,862 in 2008; the proportion of births attended by skilled health personnel rose from 22 per cent in 1969 to 99.88 per cent in 2007; the expanded programme on immunization against 11 diseases achieved a high coverage, amounting to 95 per cent on average; and primary health-care facilities delivered services to schools through field visits and periodic examinations of pupils in accordance with the approved programme and health inspection covering economic and industrial activities.

66. Notwithstanding the accomplishments in this field, there are difficulties, epitomized in the lack of advanced expertise in some areas of specialization and the poor quality of training programmes for capacity-building of the sector's medical and administrative personnel. The horizontal expansion of health-care units and hospitals also led to inadequacies in the supply of data for monitoring service delivery rates.

### **C. The social care umbrella**

67. The Libyan legislature has devoted special attention to all groups under the social care umbrella, covering such matters as the rights of women, children and persons with special needs, and social security. This attention is reflected in the domestic legislation, in particular Act No. 13 of 1980, which brought insurance and retirement matters under one comprehensive law for all nationals and foreigners working in the country and requires registration by all sides. It covers the payment of benefits and pensions to older persons, invalids and persons injured at work, in addition to lump-sum allowances for pregnancy, birth and death. It should be mentioned that the Libyan Social Security Act was used as a reference for drafting a unified Arab law on social security, some 90 per cent of the articles of which are derived from it. Under the Act, a retirement fund was established and began operating on 1 June 1981. This fund is charged with registering those who contribute to social security, collecting set contributions and preparing and paying out pensions and short-term benefits to eligible persons. The number of contributors stands at 1 million and pension holders at approximately 347,000. Act No. 20, as amended by Act No. 10 of 1999, provides for the care of all categories of persons with special needs and the payment of basic pensions to widows, orphans, divorcees, invalids and children with special needs, coverage for whom was added in 2007 by General People's Committee Decision No. 559. It also regulates the management of social institutions and special-needs centres and schools. The General Social Security Fund Authority was established pursuant to this Act and is tasked with protecting individuals who lose their social support or means of livelihood, persons with special needs, holders of basic pensions and others in the same category, and large low-income families. The number of basic pensions now amounts to 220,210. The Basic Pensions Act No. 16 of 1981 also guarantees the payment of pensions to widows, older persons, invalids, divorcees, orphans and persons with special needs not covered by the Social Security Act No. 13 of 1980. The General People's Committee for Social Affairs was established pursuant to General People's Congress Decision No. 58 of 2006 and a social studies centre was established by a decision of the General People's Committee in 2007. The purpose of this centre is to conduct studies designed to identify at an early stage and propose effective solutions to social phenomena that threaten the security of society, and to provide guidance for social development plans aimed at promoting the advancement of society and its achievement of social progress. The centre is currently running an economic survey of limited-income households in the Libyan Arab Jamahiriya.

### **D. Income augmentation to improve living standards**

68. While no one in the Libyan Arab Jamahiriya suffers from extreme poverty and hunger, the State guarantees a minimum of food and essential needs to persons with limited income. This is not to deny, however, that limited-income families of Libyans in need of State assistance exist. On this score, in order to achieve an appropriate living standard for such families and given the commitment to Millennium Development Goal 1 of halving poverty, a ground-breaking initiative was adopted in 2006 with the aim of improving individual incomes in order to secure social justice and a fair distribution of wealth. In short, a record of these families was compiled and they were each given an investment portfolio to the tune of \$30,000, which is deposited with banks and companies and

managed by the Economic and Social Development Fund. It is the Fund's job to pay out to these families the monthly dividends that provide support for the national economy on the one hand and augment household incomes on the other. At the end of 2009, the number of families involved amounted to 226,574, representing 24 per cent of all Libyan households. The financial dividends paid out to these families amounted to 500 million dinars in 2007, 699 million dinars in 2008 and 769 million dinars in 2009.

## E. Promotion of gender equality and women's empowerment

69. Women hold an esteemed position in Jamahiri society; the Libyan legislature promulgated a number of legislative enactments devoting attention to women and taking care of their affairs in order to support them in performing their active role in society. All such legislation is aimed at eliminating gender-based discrimination, advancing the status of women and securing all of their rights, affirming as it does the principle of equal rights for men and women, such as the right to work, to receive social security and a retirement pension, to own property, to engage in economic activities and to enjoy all educational and health services, as well as the special benefit of maternity and childcare leave. This is embodied in various pieces of legislation, including the Social Security Act No. 13 of 1980 and the Labour Relations Act No. 12, articles 24, 25 and 26 of which prescribe rules on the employment of women in work unsuited to their nature, guarantee their right to maternity leave (14 weeks with full pay) and require their employers to provide a crèche for the care of children while their mothers are working. It also provides that a woman must be allowed a break of one hour or more, with full pay, for the purpose of breastfeeding her child. Women's rights were further strengthened by the promulgation of Act No. 20 regulating women's associations, Act No. 8 of 1989 concerning the right of women to hold judicial office and General People's Committee Decision No. 164 of 1988 concerning the regulations on women's employment in the Libyan Arab Jamahiriya. At the present time, women are employed in all of the country's senior positions, such as in the judiciary, with women making up one third of judges countrywide. Women also hold important positions in the administrative apparatus of the State, the police and the military.

Table 2

### Data on trends in the empowerment of Libyan women

<i>Data</i>	<i>1995</i>	<i>2006</i>
Percentage of females to males in basic education	92.00	96.01
Percentage of females to males in intermediate education	99.05	98.04
Percentage of females to males in higher education	79.05	112.8

## F. Rights of the child

70. The Great Jamahiriya has devoted great attention to children by putting in place legislation and laws governing their right to care and nurturing. It has also ratified numerous Arab and international conventions on children and translated them into all manner of health, social and educational plans and projects for children's advancement. This legislation includes the Child Protection Act No. 5 of 1997, which guarantees comprehensive care for children and operationalizes the role of sectors in delivering the required services. The Higher Committee for Child Welfare was established and constituted by General People's Committee Decision No. 100 of 1998 and reconstituted pursuant to General People's Committee Decision No. 142 of 2006. The Committee is in charge of preparing legislative and executive plans and programmes designed to ensure the welfare of

children, safeguard their rights and fulfil their needs. In order to encourage early child learning, 318 nurseries catering to 2,224 children of both sexes have been established, along with kindergartens in every town and village. Five childcare centres catering to 526 children have also been established, and 2 children's theatres, each with a seating capacity of 200, have recently opened in the interest of educating children in social and scientific matters.

## **G. Older persons**

71. The legislation and laws promulgated by the Libyan legislature guarantee special care and attention to older persons, who consequently have access to services and are able to remain in the family environment on account of receiving basic allowances and retirement pensions. The number of older persons in receipt of pensions amounts to 159,832.

72. Sheltered housing centres are at the disposal of older persons who are out of communication with their families. These centres offer accommodation and health, social and psychological care. There are four sheltered housing centres accommodating 160 older persons in a number of main towns.

73. In order to promote concern for older persons, the National Committee for the Care of Older Persons was reconstituted pursuant to General People's Committee Decision No. 307 of 2009. The Committee is tasked with following up the affairs of older persons, planning improvements in the standard of services available to them and making proposals as to the main thrust of legislation on the protection of older persons.

## **H. Rights of persons with special needs**

74. Persons with special needs receive comprehensive care in the Libyan Arab Jamahiriya. Two in-depth surveys were carried out to identify special needs categories and preparations for a third survey are currently under way with a view to developing a database on this group of persons with special needs, who numbered 82,496 at the end of 2009. They are provided with assistive devices free of charge and 14,832 such devices (including wheelchairs, supports and walking aids) have thus far been supplied. In 2009, two artificial limb workshops produced 2,558 prosthetic parts for persons with special needs, who also received a total of 49,476 free or reduced tickets for travel on public transport. The monthly allowances paid to the various categories of persons with special needs amount to 12 million Libyan dinars.

75. Article 14 of the Persons with Special Needs Act No. 5 of 1987 provides that: "Basic education is a right and duty for disabled persons of basic education age. Those of adult age are also entitled to benefit from literacy programmes. In both circumstances, the nature of the disability must be taken into account in selecting the teaching materials." Article 16 of the same Act provides that: "Persons with disabilities who have successfully completed basic education are entitled to pursue their education."

76. Reconstituted by General People's Committee Decision No. 358 of 2006, the National Committee on the Care of Persons with Special Needs is responsible for formulating policies, plans and programmes designed to guarantee better delivery of services by all State institutions. Also established pursuant to General People's Committee Decision No. 666 of 2008 was a National Council on the Rights of Persons with Special Needs under the chairmanship of the Secretary of the General People's Committee, with the Secretary of the General People's Committee for Social Affairs as vice-chairperson and a membership consisting of relevant social service authorities. The Council coordinates



among the authorities providing special-needs services, empowers them to perform their respective roles, reviews laws and legislation concerning persons with special needs and seeks to develop those laws and propose any necessary amendments.

77. There are 31 centres catering to all categories of persons with special needs — 21,361 of whom currently benefit from their services — and 27 schools for persons with speech, hearing or mental impairments. One of the main developments with respect to this group was the creation of an education office for special categories, pursuant to General People's Committee Decision No. 665 of 2009, its purpose being to implement a national inclusion project and operationalize the Persons with Special Needs Act No. 5 of 1987 and its implementing regulations.

78. A decision was adopted concerning the equipment of schools to meet the needs of pupils in special categories in the interest of mainstreaming such pupils into educational institutions. A total of 507 schools are now being equipped accordingly. A decision was also made to raise the level of awareness of inclusion programmes among all groups in the school environment, namely students, administrators and teachers, as well as among the general public. A national inclusion register was established for keeping a record of pupils with special needs and studying the application of standards for the implementation and operationalization of inclusion. The incorporation of concepts and terminology relating to persons with special needs into the curricula for all levels of education also received approval and university courses on persons with special needs and inclusion methods were developed. Work is furthermore under way to develop basic education courses on humanitarian education in order to promote awareness of inclusion programmes for persons with disabilities in the primary education levels. Support was also approved for studies and research proposed with a view to the implementation of these programmes by the relevant authorities. A booklet comprising all of the current laws relating to this group is to be published by the competent bureau of the General People's Committee for Education and Scientific Research.

79. The presence, preparation and training of support teachers to assist pupils with special needs in mainstream education were approved and 250 such teachers are currently undergoing training. In the interest of the social integration of persons with special intellectual needs (mild or moderate), NGOs and rights-based organizations are also working in association with the General People's Committee for Education and Scientific Research to achieve inclusive non-discriminatory education. In addition, a mobile modern resources room connected to the World Wide Web is being created to cover all information, statistics, figures and programmes on education for special categories at the international and domestic levels. It is to be operationalized by persons with special needs in the education and scientific research sector. An official delegation also contributed statistics and studies for input to a preliminary report on persons with special needs launched at a conference on inclusive education, held at the University of Salamanca in Spain on 20 October 2009, in which it participated. Approval was furthermore given for the establishment of specialist training sections in higher and middle education institutions in order to realize the principle of inclusion at all levels of education and pave the way to a university education for special needs students. Further subjects of approval were the operation of university transport to facilitate access by special needs students to institutions of learning, university library "sight programmes" for blind persons and the implementation of various distance learning and work programmes for persons with special needs.

## **I. Illegal migration**

80. The question of infiltrators into the Libyan Arab Jamahiriya across its land borders is a source of great concern and preoccupation for the country's competent authorities and

public, whether because the presence of these infiltrators places burdens on the State's general budget, encumbers development, health and environmental programmes and creates social instability, or whether because it has an impact on the country's relations with its land and sea neighbours. Many of these infiltrators use the country as a transit point to Europe, whereas the rest, amounting to about 20 per cent of the total population, await the right opportunity to travel to the European coast of the Mediterranean.

81. This combined situation of transit and long-term illegal residence has placed the Libyan Arab Jamahiriya in a peculiar and unusual category positioned between that of a transit country and a destination country, laying its inhabitants bare to problems and perils. In terms of security, these include an increase in such crimes as murder, theft, drug trafficking, swindling, begging, prostitution, rape, forgery of official documents, looting and fraud. In terms of health, they are exemplified in the spread of serious diseases, such as acquired immunodeficiency syndrome (AIDS), hepatitis, venereal disease, leprosy, tuberculosis and scabies. In economic terms, they include higher unemployment in the Libyan job market, counterfeiting of national and foreign currencies, the proliferation of marginal activities and the smuggling of staple goods subsidized by the Public Treasury. A further peril is the threatened destruction of the country's demographic and social fabric, particularly in its southern border regions. The Libyan Arab Jamahiriya is regarded as the prime victim of this phenomenon.

82. The detrimental impact of the presence of these infiltrators in such high numbers in comparison with the country's inhabitants is not only confined to the addition of heavy burdens on the economy, security administration and budget; it also unduly prejudices the fundamental economic, social and cultural rights of citizens themselves.

83. As to the fate of infiltrators, they remain liable to die from thirst in the Sahara or from drowning in the Mediterranean and in the meantime are manipulated by gangs involved in human trafficking or are exploited by terrorist groups in the process of infiltrating their members and moving them between the countries of the region, threatening both internal and regional stability.

84. In grappling with this difficult and complicated situation, the Libyan Arab Jamahiriya was among the very first countries to recognize the enormity and complexity of the phenomenon of illegal migration and the impossibility of controlling it other than collectively. It therefore began early on to call for regional and international coordination and collective cooperation to combat or at least curb this phenomenon and address its consequences. It has actively participated in all of the regional and international dialogues, meetings and conferences held to that end, furthermore hosting the Euro-Africa Conference on Migration and Development at the end of 2006.

85. With regard to the policies followed and being followed to counter this phenomenon, the Libyan Arab Jamahiriya has intentionally pursued two simultaneous plans.

86. The first plan involves tackling the economic, social and political roots of the phenomenon of illegal migration in source countries south of the Sahara by contributing to the ongoing political efforts to settle the disputes, conflicts and troubles in and among certain African States, given that political tensions and crises provide a strong motive for people to migrate from their home countries.

87. In addition, the Libyan Arab Jamahiriya has sought to establish agricultural, industrial, banking and service projects in a number of African source countries with the aim of guaranteeing their food security, supplying energy, developing the road and transport infrastructure, providing drinking water and water for animals in dry regions, and building schools and clinics. In so doing, the aim of the Jamahiriya is to create job

opportunities, improve income levels and alleviate poverty. To that end, several financing mechanisms have been established, in particular:

- (a) The Libya-Africa Investment Portfolio, with monetary and in-kind capital amounting to \$5.5 billion;
- (b) The Libyan Fund for Assistance and Development, to which \$300 million was allocated from the State budget during 2008 and 2009;
- (c) A fund to promote investment in Africa, which received an allocation of \$250 million.

These financing mechanisms have undertaken several projects in Africa, including:

- (a) An agricultural project aimed at guaranteeing food security over an area of 100,000 hectares in northern Mali;
- (b) The 1,115-kilometre Gaddafi trans-Sahara road project to link the north and centre of the continent with the aim of strengthening intercountry trade and developing North-South economic cooperation;
- (c) Projects to replace traditional farming methods with mechanization in rural areas of 32 African countries;
- (d) Investment projects in various economic fields (production and service);
- (e) Projects to combat transboundary animal diseases, pests, desert locusts and rodents;
- (f) Agricultural technology transfer projects, in cooperation with the Food and Agriculture Organization of the United Nations and the World Food Programme, for the delivery of relief assistance to Chad and the Sudan.

88. The second plan covers the legislative, legal, security and humanitarian aspects of dealing with the phenomenon of illegal migration, as follows:

- (a) The legislative and legal aspect is exemplified in: the ratification of and accession to various international and regional conventions aimed at combating crimes relating to illegal migration and trafficking in persons, especially women and children, and their protocols;
- (b) Membership of the International Organization for Migration (IOM) in 2004, signature of a cooperation agreement with it on 9 August 2009 and the opening of an IOM office in the Libyan Arab Jamahiriya on 26 April 2006.

89. It is also exemplified in the adoption of domestic legislation and the implementation of other measures to address this subject, in particular:

- (a) The Illegal Migration Act No. 2 of 2010, pursuant to which heavy penalties are prescribed for offences relating to illegal migration;
- (b) The establishment of a land and maritime border guard corps and an aerial surveillance unit;
- (c) The creation of a new department to combat illegal migration, namely the General Department of Anti-infiltration and Illegal Migration;
- (d) Cooperation and coordination with IOM through its office in Tripoli;
- (e) The arrest and deportation of illegal migrants and, in some cases, voluntary repatriation at the expense of the Great Jamahiriya;

(f) The rescue of large numbers of migrants on the verge of certain death in the middle of the Sahara or the Mediterranean Sea and provision of the necessary medical care, treatment and food, free of charge;

(g) The establishment of hostels where sustenance and medical care are provided for illegal migrants caught while attempting to infiltrate through the Great Jamahiriya with the intention of migrating to European countries;

(h) The arrest of a group of individuals working for the security apparatus in order to have them tried on charges of illegally smuggling and harbouring infiltrators.

90. On that particular score, the Libyan Arab Jamahiriya is nevertheless faced with a host of obstacles, in particular:

(a) The combination of its extensive land and maritime borders, which are 4,500 and 2,000 kilometres in length, respectively, with its harsh desert climate conditions demands a high quantity of sophisticated equipment and vehicles, as well as high numbers of trained technical and security personnel. As a result, the State budget is being constantly exhausted and there is a continual increase in the volume of spending on the items needed to counter this phenomenon, its consequences and its detrimental impact in the residential areas and districts where infiltrators are encountered;

(b) Some of the African embassies and consulates accredited in the Libyan Arab Jamahiriya are slow to investigate and issue travel documents for their subjects, who consequently remain in hostels for lengthy periods, entailing financial burdens and a risk to public security and health;

(c) The air transport needed to deport or repatriate infiltrators is very costly;

(d) Existing hostels are inadequate to cope with the increasingly large numbers of infiltrators who occupy them, which adversely affects the quality of services provided for their benefit.

## **J. The death penalty**

91. The members of Jamahiri society hold human life sacred and the Libyan Arab Jamahiriya is a State governed by the principles of the rule of law; its citizens enjoy legal and judicial protection of the right to life, as established in the Great Green Document on Human Rights and in the Promotion of Freedom Act. The latter provides that the death penalty may not be imposed except in retribution (*qisas*) or on persons whose lives endanger or corrupt society. A person who is sentenced to death in retribution may seek to have the sentence commuted or to pay a ransom (*fidyah*) in exchange for his life, provided that the victim's next of kin agree. The court may substitute the penalty where the legal criteria for a pardon are met, provided that to do so neither harms society nor offends human sensitivities. Hence, the provisions contained in such legislation do not undermine human freedom and dignity but are instead distinctive insofar as they restrict imposition of the death penalty, for which the prescribed scope is extremely narrow. Moreover, substantial opportunities are provided in Libyan legislation for the death penalty not to be applied where the relevant legal criteria are satisfied. In crimes of premeditated murder, for instance, which are governed by the provisions of the law covering retribution (*qisas*) and payment of blood money (*diyyah*) adopted by the people's congresses on the basis of the Holy Koran, established as a law of society, courts order the death penalty as retribution from the offender. The penalty may be substituted by a custodial punishment at the request of the victim's relatives, if they and the offender are reconciled. In other serious crimes, any person condemned to death may be pardoned if the relevant legal criteria are satisfied. Sentencing goes through several levels of courts involving multiple levels of proceedings,

in accordance with extremely strict and meticulous procedures for the examination of evidence, with defence safeguards provided through counsel. Criminal court judgements are referred to the Supreme Court, which considers the legal and substantive aspects of cases and ascertains that the evidence is available and accurate. In sitting for that purpose, the Supreme Court is composed of five judges and is fully empowered to overturn the judgement in favour of the condemned person or to uphold it if the evidence convicting him is clearly and positively conclusive and legitimate. No sentence is enforced before having been confirmed by the Higher Council of Judicial Authorities, which is the body competent to confirm death sentences in accordance with the Judiciary Act No. 6 of 2006.

92. Abolition of the death penalty in the Libyan Arab Jamahiriya is a matter of decision for the people's congresses, which are the legislative authority. The question of abolition has been tabled before them on several occasions and they resolved to retain the penalty for reasons relating to Islamic law on the one hand and for social reasons on the other relating to the desire to prevent any resurgence of the phenomenon of revenge. Abolition of the death penalty remains a goal of Libyan society. The legislative policy in the Libyan Arab Jamahiriya generally seeks to minimize to a great extent the application of the penalty in that many opportunities are provided in the legislation for it not to be applied where the relevant legal criteria are met.

## **K. Freedom of expression**

93. Libyan legislation and institutional frameworks guarantee the right of every citizen to express his opinions and ideas. Article 8 of the Promotion of Freedom Act, for instance, provides that: "Every citizen has the right to express his opinions and ideas and to declare them openly in people's congresses and in the different media." The fifth principle of the Great Green Document on Human Rights in the Age of the Masses also states that: "Society guarantees to every citizen the right to express his opinions openly and in public and democratic dialogue is the only method of debate."

94. The current political system in the Libyan Arab Jamahiriya, which is founded on direct people's democracy, guarantees the direct exercise of authority to every male and female citizen through the basic people's congresses, to which sovereignty and decisions belong. A citizen may express his opinions and ideas in his people's congress, where the matter extends even beyond the expression of opinions and ideas to include the right of political, economic, social, cultural and legislative decision-making. In addition to the basic people's congresses as a mechanism for decision-making and the expression of opinions and ideas, there is a proliferation of free information platforms, including newspapers, magazines, Internet websites and satellite channels.

95. The press in the Libyan Arab Jamahiriya is free and uncensored other than by journalistic conscience. Article 1 of the Publications Act No. 67 of 1972, which regulates press activity, printing and publication, provides that: "Every journalist has the right of freedom to express his opinion through the various media and within the framework of the principles, values and objectives of Libyan society." It has already been emphasized that the Promotion of Freedom Act and the Great Green Document on Human Rights in the Age of the Masses guarantee to every citizen the right to express his opinions and ideas openly in public and in the various media. In practice, numerous newspapers and media publications established and run by the non-governmental (private) sector are printed and circulated in accordance with the Publications Act No. 67 of 1972, Act No. 8 of 1988 establishing certain rules on economic activity, Act No. 9 of 1992 concerning the performance of economic activities, as amended, and the regulations issued accordingly. The number of these newspapers and magazines is increasing day by day. The Libyan Arab Jamahiriya also has several satellite channels owned by private legal persons. These

channels were likewise established and are run pursuant to the above-mentioned laws. Their affiliation is not subject to control by any official authority and they perform their work in accordance with the rules governing media and economic activities. All of these print and audio-visual media deal with local and general affairs in Libyan society through analysis and critique and they hold the executive authorities to account on political, economic and social matters, with no official censorship. Foreign newspapers are also freely promoted and circulated in the Libyan Arab Jamahiriya through distribution channels owned by the non-governmental (private) sector. In addition to this are the various news agency offices, satellite news and information channels, news agency correspondents and television stations. Concerning the right to access and surf the World Wide Web and set up blogging websites and electronic forums for the expression of opinions and views, there are thousands of Internet portals in the Libyan Arab Jamahiriya. All of them are owned by individuals, partnerships or private companies and they are uncensored by any authority. Neither is there any home in the Libyan Arab Jamahiriya without a satellite dish.

## **L. Human rights education**

96. The appropriate method of promoting and strengthening human rights is to impart information about them and disseminate a human rights culture on the widest scale. In this context, the matter of human rights awareness-raising in the Libyan Arab Jamahiriya has won enormous support from the relevant authorities. Underscoring the national efforts to promote ideas concerning this important human activity and on the basis of the regional and international declarations and conventions on human rights that it has ratified, the Libyan Arab Jamahiriya adopted measures encapsulated in the teaching of the Great Green Document on Human Rights in all education courses countrywide. Since the mid-1970s, the subject of human rights has also been part of the set curricula for students at police and military colleges. The National Human Rights Committee set up a special Internet site containing the fundamental human rights conventions and regional and international declarations concerning human rights. Within the framework of cooperation and coordinated action with regional and Arab human rights organizations for the achievement of shared aims, an Arab human rights education plan (2009–2014), prepared by Arab experts in collaboration with the Office of the United Nations High Commissioner for Human Rights (OHCHR), was put into practice across the board. The educational aspect of the plan comprises two essential parts, namely human rights education in teaching and human rights education in all other institutions of socialization. This process is targeted at the components of society, institutions, groups and individuals, in particular those who have not been reached by human rights education and training activities delivered in Arabic. Through the other institutions of socialization, it aims to ensure that the component parts of society benefit extensively from human rights awareness-raising programmes.

## **VI. Positive interaction with international human rights mechanisms**

97. The interaction of the Libyan Arab Jamahiriya with international human rights mechanisms stems from its undertaking to comply with and seek to implement the international instruments and treaties to which it is a party. This undertaking has given rise to the State's commitment to submit its reports to treaty bodies and take into consideration the implementation of their recommendations. As part of its compliance with special procedures, the Libyan Arab Jamahiriya will extend an invitation for a country visit to the Special Rapporteur on the right to education and to the Special Rapporteur on the sale of children, child prostitution and child pornography.

98. The Libyan Arab Jamahiriya also cooperates with NGOs in the field of human rights at the national and international levels. Indeed, numerous international NGOs working in that field, including Amnesty International and Human Rights Watch, have visited the Libyan Arab Jamahiriya on several occasions. Some of these NGOs, moreover, have reported on the country's human rights situation.

99. Cooperation with international mechanisms: A visit to two correctional and rehabilitation institutions (women's local – new main A) was conducted by an expert from the International Centre for Prison Studies and the United Kingdom Regional Counter-Terrorism Advisor. The international expert expressed his satisfaction with the visit and his hopes for growth of the Libyan-United Kingdom partnership in the area of prisons.

## **VII. Voluntary pledges**

100. Through its membership of the Human Rights Council, the Libyan Arab Jamahiriya will seek to enhance the Council's efficiency in the interest of working in a transparent, non-selective and non-politicized manner to promote and protect human rights the world over, in accordance with relevant international conventions and instruments. In particular, it will carry out the following.

101. Make a contribution to the promotion and advancement of human rights, working through regional human rights mechanisms by way of its membership of the League of Arab States and the African Union.

102. Support OHCHR in accordance with the available mechanisms and cooperate with those mechanisms in order to facilitate OHCHR's discharge of its functions in conformity with its human rights mandate.

103. Develop cooperation with all civil society organizations and NGOs concerned with human rights at the national and international levels and maintain contact with them in order to strengthen capacities for the protection and safeguarding of human rights, bearing in mind the important and effective role of those organizations on this score.

## **VIII. Challenges**

104. Notwithstanding the initiatives described in the report to promote all human rights, action on these rights as a whole poses a genuine challenge for the Great Socialist People's Libyan Arab Jamahiriya. Capacity-building of civil society and its formal and social institutions is a necessary focus of policies and programmes so as to promote a human rights culture among individuals on a variety of issues, whether children's rights, women's rights, the right of citizens to development, or participation in the comprehensive development process. Human rights programmes likewise seek to build the institutional capacities of official bodies and NGOs for dealing objectively with challenges to ensure that citizens enjoy all of their rights through a partnership of national and international efforts in support of development in the Jamahiriya. The challenges described in this report constitute areas that can also be classed as priorities.

105. The Jamahiriya faces obstacles in its efforts to resolve the growing problem of illegal migration, which has had deeply damaging economic, social and security consequences across the board, including for the fundamental economic, social and cultural rights of citizens themselves, and the biggest challenge will remain that of finding comprehensive and strategic solutions and remedies at the international level and among stakeholders.

106. Female enrolment in education and training has been continually growing for several years. Notwithstanding the achievements realized, the major improvement in the educational situation of women does not square with their participation in the productive sectors. In short, the concentrated investment of human capital has not been matched by a higher qualitative performance by women in technical occupations, which has negative repercussions for empowerment indicators. The challenges lie in further expanding the development of women's skills in line with today's job market, propagating a culture of women's empowerment, and operationalizing the role of the national programme to promote small and medium enterprises with a view to self-employment as a source of income for households headed by women.

107. Development planning in the Libyan Arab Jamahiriya is future-oriented, involving key initiatives relating to incorporation of the Millennium Development Goals into national strategies and planning processes, accumulation and utilization of resources, human empowerment and the promotion of human rights as central to development action. The biggest challenge lies in adopting a national policy on and investing in resources management, in particular human resources, with an emphasis on strengthening their skills and performance to add to the continuity and sustainability of the concept of development in both environmental and economic terms.

108. Work is continuing on pursuing efforts to improve the conditions ensuing from the immense human, material and financial damage sustained by the Jamahiriya as a result of the international sanctions unjustly imposed on it pursuant to Security Council resolutions 748 (1992) and 883 (1993), the material cost of which to the human, social and economic sectors over the period of embargo amounted to over US\$ 50 billion.

## Conclusion

109. The promotion and protection of human rights is seen as a strategic option in the Libyan Arab Jamahiriya, constituting as it does the backbone of the policy of comprehensive reform pursued by the country since the great revolution of 1 September 1969, as affirmed in the Great Green Document on Human Rights. The people's democratic system and the basic legislation applied in the Jamahiriya together form a basis for the enjoyment of all rights, in addition to which human rights and democracy are fundamental values of Libyan Jamahiri society. The Libyan Arab Jamahiriya is therefore strongly committed to securing full respect for human rights and views the universal periodic review mechanism as a means of improving the human rights situation within the framework of the principles of impartiality, objectivity and full transparency and as part of the constructive dialogue for the promotion and protection of human rights.

110. The Libyan Arab Jamahiriya asserts its commitment to the promotion and protection of all human rights and fundamental freedoms and hopes that the principle of dialogue among peoples will prevail so as to affirm the right of peoples to make their own political, economic, cultural and social choices, without the use or suggestion of coercion, the imposition of cruel measures of any kind or the use of human rights as a tool for interference in the internal affairs of States. In the interest of enhancing cooperation, the Libyan Arab Jamahiriya is striving for international human rights mechanisms, recommendations and technical assistance that promote human rights and fulfil aspirations.

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