



**International Convention  
on the Elimination  
of all Forms of  
Racial Discrimination**

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COMMITTEE ON THE ELIMINATION  
OF RACIAL DISCRIMINATION

**REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9  
OF THE CONVENTION**

**Seventeenth periodic report of States parties due in 2002**

**Addendum**

**LIBYAN ARAB JAMAHIRIYA\***

[Original : Arabic]  
[25 February 2003]

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\* This document contains the fifteenth, sixteenth and seventeenth periodic reports, submitted in one document, of the Libyan Arab Jamahiriya due on 4 January 1998, 2000 and 2002, respectively. For the eleventh, twelfth, thirteenth and fourteenth periodic reports of the Libyan Arab Jamahiriya and the summary records, see document CERD/C/299/Add.13 and CERD/C/SR.1264, 1265 and 1272.

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## I. GENERAL INTRODUCTION

1. The present report covers the requirements of the fifteenth, sixteenth and seventeenth periodic reports of the Great Socialist People's Libyan Arab Jamahiriya that are being submitted in accordance with article 9, paragraph 1 (b), of the International Convention on the Elimination of All Forms of Racial Discrimination. The report contains ample information on the legislative, judicial and administrative measures which have been adopted in fulfilment of Libya's obligations under the Convention and on the new developments that took place in relation thereto up to the date of the submission of the last of these reports on 4 January 2002. The report also deals with Libya's efforts within the framework of the international community to combat the phenomenon of racial discrimination at the international level.

### **Geographical location**

2. Libya is situated in central North Africa between latitudes 18° and 23° N and longitudes 9° and 25° E. It has a Mediterranean coastline of 1,900 km and is bounded on the eastern side by Egypt and the Sudan, on the western side by Tunisia and Algeria and on the southern side by Chad and the Niger. It covers a total area of 1,775,500 km<sup>2</sup>.

### **Population**

3. The Libyans, who are of common racial origin, all profess Islam and speak Arabic. Their total number has more than quadrupled in less than 40 years from 1,042,000 in 1954 to 1,516,000 in 1964, 2,052,000 in 1973, 3,231,000 in 1984 and 4,389,739, according to the 1995 census. The estimates suggest that by 2002 the total population will amount to 5,426,484. During the period from 1984 to 1995, the population growth rate was 2.52 per cent, while the corresponding figure for the period 1973 to 1984 was 4.48 per cent. This rapid increase in population growth was attributable to various factors including, in particular, the rising birth rate and the declining mortality rate due to the improvement in standards of living, the availability of health care for the population and the return of Libyans who had migrated from the country during the Italian colonial era.

4. According to the statistics, the male proportion of the population is larger than the female. However, the male/female ratio has begun to decline from 108:100 in 1954 to 109:100 in 1964 and to 105:100 according to the 1984 census. It then fell again to 103:100, according to the 1995 census.

5. The non-Libyan population, who came to live and work in the Libyan Arab Jamahiriya, increased from about 47,000 in 1954 to about 412,000 in 1984. According to the 1995 census, their total number amounted to 409,326, accounting for approximately 8.53 per cent of the population of Libya.

6. However, the actual number of non-Libyans living in the country may exceed this figure, since there are large numbers of non-Libyans who are not permanently resident but enter the country for short periods of time, ranging from one week to less than six months, before leaving again. Moreover, there are those who enter the country at places other than official ports of entry and live here illegally. There are no accurate and reliable data on these persons.

7. Migrant workers who come into Libya legally or with valid entry visas, or with whom employment contracts have been concluded in accordance with the terms of migrant labour legislation, enjoy all the rights accorded to their Libyan counterparts, including, in particular, health insurance, social security and employment severance rights, holidays, and the right to education for their children. They pursue economic activities and exercise other guaranteed rights in accordance with domestic law and bilateral, regional and international agreements.

8. Migrants who enter the country illegally or enter the country legally but do not have the right, under the terms of their entry visa or a prevailing agreement, to work or reside therein, or those who perform casual, seasonal or other work, are subject to the legislation regulating the residence of aliens. The deportation or expulsion of this category of persons is effected in coordination with the States concerned, particularly when there is a threat to public order or public health, and in accordance with the laws in force, having due regard for the preservation of the dignity of the deportee and the protection of his individual rights under prevailing law and the terms of bilateral, regional and international agreements. These same agreements are referred to in the event of labour relations disputes or where foreigners fail to show respect for local values, customs, traditions and mores in the places in which they work or live. This cannot be regarded as a form of xenophobia or bigotry against foreigners, nor can it be characterized as a political or racist issue. In such circumstances, domestic law is applied in order to safeguard the security and integrity of the country, a right enshrined in the principles of international law which all States apply.

9. In this regard, it should be mentioned that the requisite steps have been taken to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, by placing it before the basic people's congresses, which have competence for ratifying international conventions under the system established for the ratification of international treaties and conventions in Libya.

10. The tables in the annex hereto contain the figures for the Libyan and non-Libyan population in the period from 1973 to 1995, as well as data relating to the estimated population between 1995 and 2005 and to the population growth rate.

## **Religion**

11. All Libyans profess the Islamic faith, the adherents of which respect the religious observances of non-Muslims. This respect is advocated by Islam itself and is also guaranteed by the Constitutional Declaration promulgated on 11 December 1969, article 2 of which stipulates: "The State shall protect freedom of religious observance in accordance with prevailing customs." In actual fact, in some Libyan towns there are churches in which non-Muslims living in Libyan territory can perform their religious observances in complete freedom and security.

## **The political system**

12. The Constitutional Declaration promulgated on 11 December 1969 stipulates that sovereignty belongs to the people. Since the Declaration of the Establishment of the People's Authority on 2 March 1977, the political system of the Socialist People's Libyan Arab Jamahiriya has been based on the direct authority of the people, which is exercised through the basic people's congresses and the people's committees. The people's congresses and people's committees are regulated by a special law called the People's Congresses and

People's Committees Act, article 1 of which stipulates: "Sovereignty and authority in the Great Socialist People's Libyan Arab Jamahiriya belong to the people and one exercised through the basic people's congresses, in which all citizens, male and female, who have reached the age of 18 years are included."

13. According to article 2 of the same Act, the basic people's congresses exercise authority, power and control directly, guide the affairs of State and society, promulgate the requisite legislation and take all decisions to regulate the affairs of life. They are the only political point of reference for these functions, which include the following:

- (a) Formulation of general policies and promulgation of laws in a variety of domains;
- (b) Design and approval of economic and social plans and of general budgets;
- (c) Election and scrutiny of their secretariats, people's executive and control committees, and the presidents and members of the people's courts;
- (d) Definition of the Great Jamahiriya's relations with other States;
- (e) Ratification of treaties and agreements concluded between the Great Jamahiriya and other States;
- (f) Taking of decisions on matters of peace and war.

14. The General People's Congress brings together the basic people's congresses, the people's committees, trade unions, trade union federations and occupational associations. Its function is to formulate the laws and decisions promulgated by the basic people's congresses.

### **Judicial authority**

15. Judicial authority is exercised by the various types and levels of courts in accordance with the provisions of the Organization of the Judiciary Act, the Supreme Court Act, the Code of Civil and Commercial Procedures and the Code of Criminal Procedures. The working procedures of the courts are regulated by these and other laws. The Libyan judiciary, which is regarded as an independent authority, hands down judgements in cases brought before it in accordance with the legislation in force. There is no interference in the conduct of proceedings nor are judges subject to any external influence in the discharge of their functions in accordance with the law.

### **The general state of the national economy**

16. During the past 25 years, Libya's national economy has witnessed major economic and social changes by virtue of the considerable investments that have been made through the development plans. Domestic investment, being an important stimulus for economic growth and the development of national income, has increased steadily since the 1970s. This is due to the fact that, through various economic plans, Libya's strategy for economic transformation has been to use most of the domestic savings generated by the increase in the prices and quantities of petroleum, exported during that period, for local investment in the various economic sectors in such a way as to achieve higher productivity in the basic agricultural and industrial sectors,

ensure that the growth rate of national income in real terms exceeds the population growth rate, diversify the sources of national income and reduce reliance on petroleum as the main source of income to finance the general budgets and spending requirements. There were notable rises in the gross domestic product (GDP) during this period, in spite of the sharp fluctuations in the prices of petroleum, and, consequently, in the quantities exported. In comparison with the base year 1970, GDP was seven times higher at the end of 1991 and had been eight times higher in 1988 due to the rise in international petroleum prices during that year.

17. Through the investment programme that was implemented during the period 1970-1988, the economic development plans sought to restructure the national economy in favour of non-petroleum based economic activities in such a way as to provide new and renewable sources of income that were not dominated by the crude petroleum sector, which constitutes a non-renewable and depletable source. However, the coercive measures and sanctions imposed on Libya since then have damaged its economic development and production capacity, thereby violating the basic principles of international law and international conventions in the field of human rights in a manner which is incompatible with the development goals of the United Nations and its specialized agencies.

## **II. LEGISLATIVE, JUDICIAL, ADMINISTRATIVE AND OTHER MEASURES ADOPTED BY LIBYA TO GIVE EFFECT TO THE PROVISIONS OF THE CONVENTION**

18. The measures and procedures which Libya has adopted in furtherance of the provisions of the Convention are described hereunder. They will be considered in relation to each article of the Convention.

### **Article 1**

19. It is possible to state categorically that there is no racial discrimination of any kind in Libya. There are no religious or ethnic communities that are defined by their religion, race, language, gender, colour or political affiliations, these being essential elements in the appearance of the phenomenon of racial discrimination. The fact that all Libyan citizens share a common origin, religion and language has undoubtedly been a determining factor in the absence of racial discrimination in the country.

20. It is important to stress that Libyans live in a homogeneous society in which equality, social solidarity and tolerance prevail. This society derives its hatred of all forms of racial discrimination from the sacred values advocated by Islam, to which all Libyans adhere, and the philosophy underpinning the legislation in force precludes the appearance of any form of racial discrimination. Article 3 of the Constitutional Declaration stipulates that social solidarity is the basis of national unity, while article 5 thereof states that all citizens are equal before the law. According to the Great Green Document on Human Rights in the Age of the Masses, which was adopted by the General People's Congress on 12 June 1988 (United Nations General Assembly document A/44/331), the members of the society of the Jamahiriya reject any discrimination among human beings on grounds of colour, race, religion or culture and principle 21 of that document places men and women on an equal footing in all human respects. Article 1 of the Promotion of Freedom Act No. 20 of 1991 stipulates that all male and female citizens of the Jamahiriya are free and equal in regard to their rights, which are inviolable.

21. Slavery and the slave trade are prohibited by the Libyan Penal Code, article 425 of which stipulates that “anyone who enslaves a person or places him in a situation similar to slavery shall be punished by a term of 15 years’ imprisonment.” Article 426 of the same Code further stipulates that “anyone who deals or trades in slaves or in any way disposes of a person held in a state of slavery or a state resembling slavery shall be punished by a term of up to 10 years’ imprisonment. A penalty of 3 to 12 years’ imprisonment shall be imposed on anyone who sells, gives away, possesses or acquires a person held in slavery or in a state similar to slavery or causes him to remain in the said state.”

22. According to article 2 of the Promotion of Freedom Act No. 20 of 1991, every individual has the right to exercise his or her political rights on the basis of equality. The wording of the article runs as follows:

“Every citizen has the right to exercise authority and self-determination in the people’s congresses and the people’s committees. No citizen may be denied the right to be a member thereof or to elect their secretariats, provided that he or she meets the requisite conditions.”

23. The Libyan Arab Jamahiriya is a party to most of the conventions concerning human rights, particularly the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights which, together with the International Convention on the Elimination of All Forms of Racial Discrimination, are binding in Libya and, in terms of their legal value, prevail over the provisions of domestic legislation. In the event of conflict between the provisions of domestic legislation and those of a convention to which the Libyan Arab Jamahiriya is a party, the provisions of the latter prevail over Libyan legislation. In keeping with this principle, the International Convention on the Elimination of All Forms of Racial Discrimination is binding on the judiciary, and any interested party is entitled to invoke its provisions before the Libyan courts, which have an obligation to rule on such a petition in such a way as to guarantee that priority is given to the application of the provisions of the Convention over any domestic legislation that may conflict therewith. The basic people’s congresses are vested with the authority to ratify international conventions in accordance with laws enacted for that purpose. Once they have done so, these conventions become an integral part of domestic legislation and their provisions are binding on all.

## **Article 2**

24. The Holy Koran, which is the social code in the Libyan Arab Jamahiriya, contains many verses which remind all people that they are of common origin and that they are equal, no distinction being made between one person and another except on the basis of their acts. In general, these verses prohibit mockery of men or women and reject racial discrimination against persons or groups, regardless of whether such discrimination is practised by the ruler or the ruled.

25. The Great Green Document on Human Rights in the Age of the Masses, which was promulgated in 1988, contains many principles designed to sanctify and safeguard human freedom and ensure a decent life for all members of society. The principles of direct relevance in this regard are as follows:

Principle 16: “The society of the Jamahiriya is a society of virtue and exalted values which holds human standards and values sacred and aspires to a human society without aggression, without wars, without exploitation and without terrorism, a society in which no one is regarded as being great or unimportant. All nations, peoples and nationalities have a right to live in freedom according to their choice and likewise have a right to determine their own future and establish their national identity. Minorities are entitled to protection and to the protection of their heritage. Their legitimate aspirations must not be suppressed or force used to merge them in one nationality or another.”

Principle 17: “The members of the society of the Jamahiriya affirm the right of man to enjoy the benefits, privileges, values and standards afforded by solidarity, cohesion, unity, concord and family, tribal, national and human feelings of affection. They therefore strive to establish the natural national entity for their nation and assist those struggling to establish their own natural national entities. The members of the society of the Jamahiriya reject any discrimination between human beings on grounds of their colour, sex, religion or culture.”

Principle 18: “The members of the society of the Jamahiriya defend and uphold freedom anywhere in the world and assist those oppressed for freedom’s sake. They encourage peoples to confront injustice, tyranny, exploitation and colonialism and call upon them to resist imperialism, racism and fascism, in accordance with the principle of the collective struggle of peoples against the enemies of freedom.”

Principle 21: “The members of the society of the Jamahiriya, both men and women, are equal in all human respects ... ”

26. Article 1 of Act No. 5 of 1991, concerning the application of the principles of the Great Green Document, stipulates that the legislation in force prior to the promulgation of the Great Green Document shall be amended in a manner consistent with the principles of that Document and no legislation contrary to those principles may be promulgated.

27. Article 1 of the Promotion of Freedom Act No. 20 of 1991 stipulates that all citizens of Libya, whether male or female, are free and equal in regard to their rights, which are inviolable. This Act regulates the rights of citizens, including their right to exercise authority and defend their country, their freedom to express their opinions and ideas and establish trade unions, federations and charitable associations, their freedom to choose employment, their human right to enjoy the fruit of their labour and protection of their private property, and their right to benefit from the land. The Act also prohibits the conduct of scientific experiments on the body of any living person without his free consent.

28. Article 289 of the Penal Code stipulates that:

“A penalty of up to one year’s imprisonment or a fine of up to 50 dinars shall be imposed on anyone who disrupts or impedes, by violence or threats, the holding of public religious observances or any private religious ceremony. The same penalties shall apply to anyone who damages, breaks, destroys or desecrates premises intended for the holding of religious observances or other objects venerated by the members of a religious community or population group.”

29. Article 290 of the same Code stipulates that:

“The penalties prescribed in the preceding article shall also apply to anyone who openly attacks a religion the observances of which are held in public. The provisions of this article apply to:

(a) The printing or publication of a book that is sacred in the eyes of the adherents of a religion, the observances of which are held in public, in such a way as to deliberately distort and alter the meaning of the text of the said book;

(b) Mimicry of a religious ceremony or rite in a public place with a view to ridiculing it or entertaining onlookers.”

30. The Libyan Arab Jamahiriya has hosted the International Organization for the Elimination of All Forms of Racial Discrimination, a non-governmental organization established in 1976 which enjoys consultative status with the Economic and Social Council and the aim of which is to endeavour, by every possible means, to contribute to the elimination of all forms of racial discrimination throughout the world. Libya has also participated in the international conferences to combat racism and racial discrimination, particularly the first conference held at Geneva in 1978 under the auspices of the United Nations and the second conference likewise held at Geneva in 1983 under the auspices of the United Nations. It hosted the first conference on solidarity with peoples struggling under the domination of apartheid and with the frontline States, which was held at Tripoli from 23 to 27 November 1985 under the joint auspices of the Organization of African Jurists, the Association of Libyan Jurists and the General People’s Congress in the Socialist People’s Libyan Arab Jamahiriya. Libya also took part in the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, which was held in Durban, South Africa, from 31 August to 8 September 2001.

### **Article 3**

31. As a matter of policy, the Socialist People’s Libyan Arab Jamahiriya is firmly opposed to all forms of racial discrimination. It has supported groups struggling against enslavement and apartheid, including the repression by the ruling minority of the majority in South Africa, when that country was suffering under the apartheid regime. The Jamahiriya regarded that repression as a crime against humanity, and duly expressed its full commitment to the total boycott of the regime.

32. The Jamahiriya regarded itself as one of the African States which opposed and endeavoured to eliminate that system of racial discrimination in order to free the African continent from that odious policy that flouted human rights. In fact, the Libyan Arab Jamahiriya did its utmost and mobilized all its resources in order to contribute, together with the international community, to the elimination of racist practices and racial discrimination and, to that end, supported all the resolutions of the General Assembly of the United Nations condemning those policies and proclaiming the First, Second and Third Decades to Combat Racism and Racial Discrimination.

### **Article 4**

33. As mentioned above, the citizens of Libya are of common origin, speak the same language and profess the same religion (Islam). As a result, there is no racial discrimination of

any kind in Libya. Libyan society's rejection of this phenomenon derives from its Islamic culture, which is based on the Holy Koran, Libya's social code. The Holy Koran contains many verses affirming the fact that God honours all people, without distinction on grounds of language, religion or colour. The Holy Koran also contains many verses which extol the virtues of tolerance, respect, and kindness and charity towards non-Muslims. Since Libyan society is free from racial discrimination, it has not felt the need to enact special legislation to combat that phenomenon. However, the fact that the Convention has been ratified by the Jamahiriya means that it has become part of domestic law and consequently it is binding on all national institutions. Moreover, domestic law contains many provisions prohibiting all kinds of propaganda and organizations based on ideas of superiority of one race or group of persons of one colour or ethnic origin. These include in particular the following:

(a) Article 5 of the Constitutional Declaration, which states that "all citizens are equal before the law."

(b) Article 21 thereof, which states that the members of the society of the Jamahiriya, male and female alike, are equal in all human aspects.

(c) Article 1 of the Promotion of Freedom Act, which states: "The citizens in the Great Socialist People's Libyan Arab Jamahiriya, male and female alike, are free and equal in regard to their rights, which are inviolable."

34. Since the aforementioned principles proclaim the equality of all individuals, any of the activities, ideas, theories or organizations referred to in article 4, subparagraphs (a), (b) and (c), of the Convention are regarded as breaching those same principles. Such ideas, theories and organizations, and any activities carried out in the framework thereof, are designated as illegal and are proscribed under articles 203, 206 and 207 of the Libyan Penal Code. According to article 203 of the Code, penalties will be inflicted on anyone who:

"Commits an act designed to provoke civil war, disrupt national unity or discriminate among citizens of the Great Socialist People's Libyan Arab Jamahiriya."

According to article 206 of the Code, penalties will be inflicted on anyone who:

"Advocates the establishment of any legally proscribed grouping, organization or association; founds, organizes, runs, finances or arranges the meetings of one of the aforementioned entities; joins or encourages others by any means to join such an entity or provides it with any assistance; receives or obtains by any means, whether directly or indirectly, cash or benefits of any kind from any individual or body for the purpose of establishing or facilitating the establishment of a proscribed grouping, organization or association. The same penalties shall apply to the leader and his subordinates, regardless of their rank in the grouping, organization, association or entity similar thereto, whether or not the headquarters of this grouping is in the country or abroad."

According to article 207 of the Code, penalties shall be inflicted on anyone who:

"Disseminates by any means in the country theories or principles aimed at altering the principles underpinning the foundations of the social structure or overturning the political, social and economic systems of the State or destroying any

of the foundations of the social structure using violence, terrorism or any other unlawful means; possesses books or publications containing pictures or slogans or any other material intended to encourage the aforementioned acts in any way; receives or obtains, whether directly or by any other method, cash or benefits of any kind from any individual or body in the country or abroad for the purpose of propagating the principles and ideas to which the present article refers.”

### **Article 5**

35. The legislation in force in the Socialist People’s Libyan Arab Jamahiriya guarantees all the rights referred to in this article. Our reply is broken down according to the various paragraphs of this article.

#### **Article 5 (a)**

36. Article 5 of the Constitutional Declaration stipulates that: “All citizens are equal before the law.”

37. Article 30 of the same Declaration stipulates that: “Everyone has the right to resort to the courts in accordance with the law.”

38. According to principle 9 of the Great Green Document on Human Rights in the Age of the Masses: “The society of the Jamahiriya guarantees the right of legal redress, as well as the independence of the judiciary and the right of every accused person to a fair and impartial trial.”

39. Under article 30 of the Promotion of Freedom Act No. 20 of 1991:

“Everyone has the right to apply to the courts, in accordance with the law. The court must provide the person concerned with all the requisite safeguards, including a lawyer, and he has the right to avail himself of the services of a lawyer not chosen by the court provided that he bears the costs of the said lawyer’s fees.”

40. Article 27 of the Constitutional Declaration stipulates that “the aim of the judgments handed down by the courts is to protect the principles of society and the rights, dignity and freedoms of individuals.”

41. Article 1 of the People’s Court Act No. 5 of 1988 made provision for the establishment of a People’s Court to promote freedom, ensure legal redress for persons who have been wronged, prevent tyranny and oppression, strengthen the foundations of justice and security and consolidate the people’s authority. In accordance with article 2, paragraph 5, thereof, the People’s Court is competent to hear appeals against measures or decisions that are prejudicial to the freedom and other basic rights of citizens. Under the provisions of article 2, paragraph 6, the Court is also competent to hear appeals against measures, procedures or decisions that are prejudicial to the personal freedoms provided for in chapter IV, sections 1 and 2, of the Penal Code if, for any reason, the matter is not referred to the judicial authority.

**Article 5 (b)**

42. Article 31, paragraph (c), of the Constitutional Declaration stipulates that "... it is prohibited to inflict physical or mental harm on an accused person or a prisoner".

43. According to article 14 of the Promotion of Freedom Act, "no person's liberty may be restricted or taken away, nor shall anyone be searched or questioned, except by order of a competent judicial authority and in the legally stipulated circumstances and time-limits if he is accused of committing a legally punishable act."

44. Chapter IV, section 2, of the Libyan Penal Code deals with offences against personal freedom. Its relevant provisions are as follows:

"Article 428:

"1. Anyone who abducts, detains or confines any person or in any way deprives him of his personal liberty by force, threats or deception shall be punished by a term of up to five years' imprisonment.

"2. The penalty shall be a term of up to seven years' imprisonment if the offence was committed: (a) against an ascendant, a descendant or the spouse; (b) by a public official exceeding the limits of his official authority; or (c) in order to gain something in return for his release."

"Article 429:

"Anyone who, through the use of violence or threats, compels a person to perform, suffer or refrain from an act shall be punished by a term of up to two years' imprisonment. A term of detention shall be imposed if the threats were intended to compel the other person to commit a felony or if the threats were made in writing. If the offender obtained illicit benefit to the detriment of the other person, the penalty shall be a term of up to five years' imprisonment. The penalty shall be increased by one third if the violent or threatening acts involved the use of a weapon or if they were committed by a number of persons acting in association or by a person in disguise."

"Article 430:

"Anyone who threatens to inflict unlawful harm on another person shall be punished by a term of up to six months' imprisonment or a fine of up to 50 dinars. However, proceedings can be instituted only on the basis of a complaint by the victim."

"Article 431:

"Any public official who, in the discharge of his duty, uses violence against any person in such a way as to detract from his dignity or cause him physical pain shall be punished by a term of detention and a fine of up to 150 dinars."

“Article 432:

“Any public official who exceeds the limits of his authority by searching a person shall be punished by a term of detention.”

“Article 434:

“A term of detention and a fine of up to 50 dinars shall be imposed on any public official entrusted with the administration of a prison or a place intended for the enforcement of preventive measures if he admits a person thereto without an order from the competent authorities or if he refuses to obey their order to release the person concerned or unjustifiably prolongs the duration of his sentence or of the preventive measure taken against him.”

“Article 435:

“Any public official who personally tortures or orders the torture of accused persons shall be punished by a term of 3 to 10 years’ imprisonment.”

45. Under the terms of article 64 of Act No. 10 of 1993 promulgating the Security and Police Act, any member of the Police Service is liable to prosecution and punishment if he ill-treats a member of the public during the discharge of his duties.

#### **Article 5 (c)**

46. Article 2 of the Promotion of Freedom Act No. 20 of 1991 stipulates that “every citizen has the right to exercise authority and self-determination in the people’s congresses and the people’s committees. No citizen may be denied the right to be a member thereof or to elect their secretariats, provided that he or she meets the requisite conditions.”

47. Article 4 of the Constitutional Declaration further stipulates that “public office is a trust vested in the persons undertaking it and, in the discharge of their tasks and duties, the aim of public officials should be to serve the people.”

#### **Article 5 (d)**

48. With regard to subparagraphs (i) and (ii), article 20 of the Promotion of Freedom Act No. 20 of 1991 stipulates that:

“In time of peace, every citizen has the right to freedom of movement and freedom to choose his place of residence, as well as the right to leave the Jamahiriya and return thereto whenever he wishes.

“By way of derogation from the provisions of the preceding paragraph, the competent court may issue provisional injunctions banning departure from the Great Socialist People’s Libyan Arab Jamahiriya.”

49. According to principle 3 of the Great Green Document on Human Rights in the Age of the Masses, “the members of the society of the Jamahiriya enjoy freedom of movement and residence in time of peace.”

50. With regard to subparagraph (iii), principle 4 of the Great Green Document stipulates that “citizenship in the society of the Jamahiriya is a sacred right which may not be forfeited or withdrawn.” Nationality is regulated by Act No. 17 of 1954 and Act No. 18 of 1980 and their implementing regulations.

51. It is noteworthy that women enjoy the same rights as men in regard to the right to acquire, change or retain their nationality or replace it with another nationality. Their exercise of this right is not affected by any other factors. A woman’s nationality is not affected if she marries a non-Libyan or if her husband changes his nationality, since she forfeits her nationality only if she wishes to adopt her husband’s nationality.

52. With regard to subparagraph (iv), article 25 of the Promotion of Freedom Act No. 20 of 1991 stipulates that “every male and female citizen has the right to form a family based on a contract of marriage concluded with the consent of both parties and which cannot be dissolved without their consent or a judgement by a competent court.”

53. Principle 21 of the Great Green Document further stipulates that:

“Marriage is an equal partnership between two equal parties, neither being permitted to marry the other without his or her consent and divorce being permissible only with the concurrence of both parties or in accordance with a judgement resulting from a fair court hearing.”

54. Article 8 of Act No. 10 of 1984, which regulates marriage and divorce and the effects thereof, stipulates that “a guardian cannot force a young man or woman to marry against his or her will, nor can a guardian prevent his ward from marrying a spouse of his or her choice.”

55. Article 9 of the same Act further stipulates that “if a lawful guardian prevents his ward from marrying the spouse of his or her choice, the ward may request a court to authorize the marriage if it deems such to be appropriate.”

56. With regard to subparagraph (v), article 12 of Act No. 20 of 1991 stipulates that “private property is sacrosanct and inviolable, provided that its origin is legitimate and does not entail exploitation of, or cause material or moral harm to, others. It is prohibited to use such property in a manner incompatible with public order and morality. It is not permissible to expropriate private property except in the public interest and in return for fair compensation.”

57. According to article 8 of the Constitutional Declaration, “the public property of the people forms the basis for the advancement and development of society and the achievement of self-sufficiency in production.”

58. With regard to subparagraph (vi), article 8 of the Constitutional Declaration further stipulates that “inheritance is a right governed by the Islamic Shariah.”

59. With regard to subparagraph (vii), article 2 of the Constitutional Declaration stipulates that “Islam is the religion of the State, the official language of which is Arabic. The State shall protect freedom of religious observance in accordance with prevailing customs.”

60. Under the terms of article 5 of Act No. 20 of 1991, “religion is a direct relationship with the Creator, without intermediary, and it is prohibited to claim a monopoly of religion or to exploit it for any other purpose.”

61. According to article 289 of the Penal Code, “a penalty of up to one year’s imprisonment or a fine of up to 50 dinars shall be imposed on anyone who disrupts or impedes, by violence or threats, the holding of public religious observances or any private religious ceremony. The same penalties shall apply to anyone who damages, breaks, destroys or desecrates premises intended for the holding of religious observances or other objects venerated by the members of a religious community or population group.”

62. According to article 290 of the same Code, “the penalties prescribed in the preceding article are also applicable to anyone who openly attacks a religion the observances of which are held in public.”

63. Principle 10 of the Great Green Document stipulates that “religion, being an absolute faith in the transcendental, as well as a sacred spiritual value for every individual and for people in general, constitutes a direct relationship with the Creator, without any intermediary. The society of the Jamahiriya prohibits monopolization and exploitation of religion to stir up sedition, fanaticism, sectarianism, factionalism and conflict.”

64. Freedom of thought is guaranteed by the Great Green Document, principle 19 of which stipulates that “... every member of the society of the Jamahiriya enjoys freedom of thought, research and creativity.”

65. With regard to subparagraph (viii), article 8 of the Promotion of Freedom Act stipulates that “every citizen has the right to express and publicly proclaim his ideas and thoughts in the people’s congresses and the information media of the Jamahiriya. No citizen shall be answerable for his exercise of this right unless he exploits it with a view to detracting from the people’s authority or for personal ends. It is prohibited to advocate ideas or opinions clandestinely or to attempt to disseminate or impose them on others through enticement, force or fraud.”

66. With regard to subparagraph (ix), article 9 of the Promotion of Freedom Act further stipulates that “citizens are free to establish and join trade unions, professional and social federations and leagues and charitable associations in order to protect their interests or achieve the legitimate objectives for which those institutions were established.”

67. The same right is also embodied in principle 6 of the Great Green Document, which states that “the members of the society of the Jamahiriya are free to form federations, trade unions and associations to protect their occupational interests.”

68. Under the terms of article 1 of the Act promulgated on 30 October 1956, concerning public assemblies and demonstrations, “individuals are entitled to assemble in a calm and peaceful manner and no police officer has the right to attend such gatherings, nor is there any need for the participants to notify him thereof.” Public meetings are permitted within the limits of the regulations and provisions contained in that Act.

69. Under article 4 of the same Act, “the public authorities cannot prohibit a public gathering unless it is likely to disrupt security or public order. The prohibition order must be

notified to one or more of the organizers of the gathering at his chosen place of domicile as soon as possible but not less than 12 hours from the time at which the gathering is scheduled to take place. The organizers of the gathering may lodge a protest against the prohibition order with the Secretary of the General People's Committee for Justice and Security."

**Article 5 (e)**

70. With regard to subparagraph (i), according to article 4 of the Constitutional Declaration, "work is a right, a duty and an honour for every citizen capable thereof. Public office is a trust vested in the persons undertaking it and, in the discharge of their tasks and duties, the aim of public officials should be to serve the people."

71. Article 10 of the Promotion of Freedom Act stipulates that "every citizen is free to choose the type of employment best suited to him, alone or in association with others, without exploiting the endeavours of others and without causing material or moral detriment to third parties". Article 11 of the same Act further stipulates that "every citizen has the right to enjoy the fruit of his labour and no part of the product of his labour may be withheld except to the extent required by law in order to ease the public burdens or in return for the provision of social services".

72. Under the terms of article 29, "children must not be used, by their families or others, to perform work that is incompatible with their abilities or which impedes their natural growth or is detrimental to their morals or their health".

73. According to principle 11 of the Great Green Document, society guarantees the right to work, which is a duty and a right for every individual to the extent of his abilities, alone or in association with others, and everyone has the right to choose the work that suits him, since the society of the Jamahiriya is a society of partners and not of hirelings.

74. Act No. 58 of 1970 regulates the terms and conditions of employment, protects workers from occupational hazards and specifies working hours, rest periods and the conditions for the employment of women and young persons.

75. With regard to subparagraph (ii), the Promotion of Freedom Act, the Great Green Document, the Associations Act No. 9 of 2001, and Act No. 23 of 1997, concerning federations, trade unions and occupational associations, guarantee the right to form and join associations in the manner that has already been described in detail.

76. With regard to subparagraph (iii), the right to housing is embodied in principle 13 of the Great Green Document. Since 1969, great concern has been shown for this sector with a view to the provision of appropriate and salubrious accommodation for citizens.

77. With regard to subparagraph (iv), article 15 of the Constitutional Declaration stipulates that health care is a right which the State guarantees through the establishment of hospitals and medical treatment institutions in accordance with the law. According to article 1 of Act No. 106, promulgating the Health Act of 1973, health care is a right which the State guarantees to citizens in keeping with scientific progress in this domain. Article 24 of the Promotion of Freedom Act further stipulates that "every citizen has the right to social welfare and social security. Society is the guardian of persons lacking a source of support and, as such, protects the needy, the aged, the disabled and orphans and ensures a decent livelihood for

persons who are incapable of work for reasons beyond their control.” According to principle 14 of the Great Green Document, the society of the Jamahiriya is united in solidarity and guarantees its members a decent livelihood; it also ensures a high standard of health care for its members, caters for the welfare of mothers and children and protects the aged and the infirm. Social security is regulated by Act No. 13 of 1980, article 1 of which stipulates that “social security is a right guaranteed to society under the terms of the present Act for all citizens in the Great Socialist People’s Libyan Arab Jamahiriya, together with protection for non-citizens living therein ...”

78. Article 1 of Act No. 8 of 1988, concerning certain principles relating to economic activity, furthermore stipulates as follows: “Individuals may not pursue economic activities, whether singly or in association with others, in the fields of agriculture, pasturage, industry, crafts and trades, distribution, the performance of services or any other economic activity required by society, so that the productive capacity of society may be increased without exploiting others.” The same principle is enunciated in Act No. 4 of 1998, concerning the pursuit of economic activities.

79. With regard to subparagraph (v), education is a right and an obligation for all citizens. It is compulsory up to the end of the basic stage in accordance with the provisions of Act No. 95 of 1975, concerning compulsory education, and is guaranteed by the State through the establishment of schools and institutes. The State also guarantees the right to free higher education in accordance with the provisions of Act No. 1 of 1992. The State shows particular concern for the physical, mental and moral welfare of young persons, as required by article 14 of the Constitutional Declaration. Article 23 of the Promotion of Freedom Act also stipulates that every citizen has the right to education, information and choice of appropriate knowledge.

80. According to principle 15 of the Great Green Document, everyone has a natural right to education and knowledge, as well as a right to choose the education that suits him and the knowledge that he wishes to acquire, without pressure or compulsion.

81. With regard to subparagraph (vi), according to principle 19 of the Great Green Document, every member of the society of the Jamahiriya enjoys freedom of thought, research and creativity and society must diligently endeavour to promote and develop the sciences, the arts and literature and ensure their dissemination among the masses.

#### **Article 5 (f)**

82. Under the terms of article 33 of the Promotion of Freedom Act, public funds and facilities belong to society as a whole and must not be used for purposes other than those for which they are designated by the people. Public means of transport, as well as restaurants, cafes, theatres and parks, are accessible to all without any discrimination.

83. Decree No. 268 of 1985, promulgated by the Secretary of the General People’s Committee for Information and Culture, calls for the presentation of family entertainment programmes and the organization of family excursions, sports projects and social events. Children also have their own time slots and programmes in the audio-visual broadcasting media, in addition to children’s magazines.

## Article 6

84. The right to legal redress and to resort to the courts is a fundamental and sacred right enshrined in the basic legislation of Libya. According to article 30 of the Constitutional Declaration, “everyone has the right to resort to the courts in accordance with the law.”

85. According to principle 9 of the Great Green Document on Human Rights in the Age of the Masses, “the society of the Jamahiriya guarantees the right of legal redress, as well as the independence of the judiciary and the right of every accused person to a fair and impartial trial.” Article 30 of the Promotion of Freedom Act states that “everyone has the right to apply to the courts, in accordance with the law. The court must provide the person concerned with all the requisite safeguards, including a lawyer, and he has the right to avail himself of the services of a lawyer not chosen by the court provided that he bears the costs of the said lawyer’s fees.”

86. In accordance with these provisions, any person who is subjected to any act of discrimination that is prohibited under the terms of the Convention and other domestic laws may take legal proceedings against the individual or institution responsible for perpetrating such an act. The court is obliged to render a decision in his case and to dispense justice in accordance with the provisions of the Convention and domestic law. The courts render judgements in such cases insofar as they have competence for hearing all disputes and crimes pursuant to the provisions of article 14 of the Organization of the Judiciary Act, which stipulates:

“The court shall have competence for rendering judgements in all disputes and crimes, unless otherwise stipulated in a special provision. The rules pertaining to the competence of courts are set forth in the Code of Legal Proceedings, the Code of Criminal Proceedings and supplementary laws.”

87. As stated above, the fact that there is no racial discrimination in Libyan society means that there has been no need for special procedures or measures to combat the phenomenon such as the establishment of special courts to hear cases involving racial discrimination or of other legal or administrative institutions. The general competence which existing judicial bodies have for hearing all disputes and crimes is certainly adequate to cover the purposes of this article.

## Article 7

88. Many measures have been taken, through legislation, regulations, decrees, educational curricula and information programmes, to ensure equality among all human beings, to combat prejudices which lead to racial discrimination, to promote understanding and tolerance among nations and peoples and to propagate the purposes and principles of the United Nations, the Universal Declaration of Human Rights, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, and this Convention. All legislative enactments and conventions are freely accessible, being published in the Official Gazette, the press and other information media.

89. The educational curricula at all levels strongly advocate equality among all human beings and emphasize the need to combat any form of discrimination among them. The same applies to the information media and the audio-visual programmes that they disseminate on a daily and weekly basis and on special occasions.

90. Those programmes contain many Koranic verses and exhortations which further the aims that this article seeks to achieve. Symposiums are also held to that end on various occasions, particularly during the celebration of the anniversary of the Universal Declaration of Human Rights and the anniversary of the establishment of the United Nations. In addition, other steps have been taken to further promote the implementation of the provisions of the Convention; its provisions have been disseminated to the bodies responsible for overseeing educational, social, media, and cultural institutions and to the authorities entrusted with enforcing the law in order to formulate further plans and programmes that guarantee the dissemination of the provisions of the Convention on a wider scale, increase awareness of the Convention among all sectors of society, and ensure compliance therewith.

91. In conclusion, we should like to inform the members of the Committee that the Socialist People's Libyan Arab Jamahiriya has taken the requisite steps to ratify the amendment to article 8, paragraph (vi), of the Convention, which was adopted by the States parties at their 14th meeting on 15 January 1992.

**Annex**

**Table 1**

**Population of the Jamahiriya according to the statistics for 1973, 1984 and 1995**

Census	Libyan population	Non-Libyan population	Total population
1973	2 052 372	19 685	2 249 237
1984	3 231 059	411 517	3 642 576
1995	4 389 739	409 326	4 799 064
Population growth rate 1973-1984	4.21%	6.93%	4.48%
Population growth rate 1984-1995	2.80%	0.05%	2.52%

**Table 2**

**Estimated Libyan population, 1995-2005**

Year	No.	Sex ratio (males per 100 females)	Year	No.	Sex ratio (males per 100 females)
1995	4 389 739	1.03	2001	5 299 943	1.02
1996	4 519 369	1.03	2002	5 484 426	1.02
1997	4 647 520	1.03	2003	5 678 484	1.02
1998	4 774 752	-	2004	5 882 667	1.02
1999	4 957 663	1.03	2005	6 097 556	1.02
2000	5 124 519	1.03	-	-	-

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