



**Convention on the  
Rights of the Child**

Distr.  
GENERAL

CRC/C/93/Add.1  
19 September 2002

Original: ENGLISH

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**COMMITTEE ON THE RIGHTS OF THE CHILD**

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 44 OF THE CONVENTION**

**Second periodic reports of States parties due in 2000**

**LIBYAN ARAB JAMAHIRIYA\***

[Original: Arabic]  
[8 August 2000]

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\* For the initial report submitted by the Government of the Libyan Arab Jamahiriya, see CRC/C/28/Add.6 for its consideration by the Committee, see documents CRC/C/SR.432-434 and CRC/C/15/Add.84

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## Introduction

1. Representing official bodies and community organizations, as well as experts and officers working in the different child-related sectors in the Great Jamahiriya, the committee which prepared this report (hereafter “the Committee”) would like to express its gratitude and appreciation to the Committee on the Rights of the Child for its work on behalf of children everywhere and for its monitoring of the legislative acts and implementing plans and programmes that are designed to ensure the development of the child, protect his interests and safeguard his right to life and development. The Jamahiriya supports and promotes this approach and looks forward to its further success.

2. The Committee made every possible effort in preparing this report to ensure that it genuinely reflected the true situation of the Libyan child and the progress achieved as a result of the integrated social policies which the Great Jamahiriya is endeavouring to implement with a view to guaranteeing the rights of the child, as laid down in Libyan legislation and the Convention on the Rights of the Child.

3. In submitting this report, the Committee would like to highlight the following remarks:

(a) The Committee is of the view that the quantity and quality of the information and data on the Libyan child have vastly improved and progressed; such data is now a key area of focus, both in the government institutions concerned with children’s affairs and in the National Organization for Information and Documentation, a central body with a number of branch offices which has systemic mechanisms for gathering data on the inhabitants of Libyan Arab society, including children, and on the special characteristics, different activities and overall social welfare of those inhabitants. In 1998, the Higher Committee for Children also established a centre for information on children, which served as a major source of the information and data cited in this report;

(b) The Committee is also of the view that coordination among the various child-related bodies is much improved now that the Higher Committee for Children has been restructured to include as part of its administrative set-up representatives of all government institutions concerned with children’s affairs, who, together with representatives of community organizations and competent experts from centres of learning and from advisory, welfare and social service centres, take part in the Committee’s programme planning and design activities. In order to secure the protection of the child and his best interests, the Higher Committee for Children has been vested with the authority to monitor and investigate any contravention affecting the interests and rights of the child;

(c) In order to call attention to decentralization and ensure access to services, the Jamahiriya was divided into 26 *sha’biyya*,\* each of which has its own budget and resources. Each *sha’biyya* can also be held accountable and is authorized to take action in the interests of

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\* An administrative unit covering a geographical region. Each *sha’biyya* has its own executive people’s committees which are responsible for implementing decisions adopted by the basic people’s congresses, including decisions relating to children and their interests and rights.

progress in all sectors, including the children's sector. Children's programmes are therefore the direct concern of the local people's administration, without the need for reference to any central institution;

(d) In conjunction with judicial, scientific and educational bodies, the Higher Committee for Children assembled all the legislation relating to children in the Jamahiriya. Experts and judges were commissioned to join in this effort and workshops were held in order to examine, catalogue and review such legislation with a view to introducing the amendments needed to ensure the best interests of the child.

## **I. GENERAL MEASURES OF IMPLEMENTATION**

4. On 15 April 1993, the Jamahiriya, without reservations, signed the Convention on the Rights of the Child, which entered into force on 15 May 1993.

5. With the promulgation of Act No. 2 of 1992 ratifying various conventions, including the Convention on the Rights of the Child, the latter became an integral part of the national legislation and, by virtue of that ratification, acquired a legal force that is binding on the courts and national authorities. There are no inconsistencies between the Convention and the national legislation, except that article 21 of the Convention provides for adoption, which is prohibited by the Holy Koran and is consequently not decreed by the Islamic Shariah. Instead of adoption, the national legislation provides for fosterage and hosting.

6. The national legislation and practices are in harmony with the principles and provisions of the Convention; a comparison of the Convention with Libyan legislation shows that all the articles of the Convention are applied in the legislation, with the exception of very few on which workshops are now being held as a preliminary to their practical application. All the child-related legislation in Libyan law has been assembled, catalogued, analysed and compared with the Convention on the Rights of the Child in order to identify, address and rectify any omissions and bring it into line with the Convention.

7. Libyan court rulings abound in principles designed to achieve justice for children. They also apply the principles and provisions of the Convention, particularly in custody and maintenance cases, as well as the principles of Shariah law, numerous provisions of which are replicated in the Convention. Such rulings, however, are not governed by the provision or form of the articles in the Convention but by their substance, as prescribed by the Islamic Shariah, the Civil Code and local legislation, with which the Convention is in keeping.

8. In the event that the rights recognized in the Convention are violated, the general rule applied is that the law protects the rights recognized in conventions which have been ratified. The prescribed methods of legal protection vary, depending on the nature of those rights. In the case of rights relating to personal status, such as the protection of minors and matters of custody, maintenance and inheritance, the means of remedy are laid down in the Code of Shariah Procedure and the Code of Civil Procedure, which stipulate the method to be followed in instituting proceedings in the court competent to judge the claim. In the case of rights relating to civil matters, such as culpable liability and the performance of obligations specified in the Civil Code, the Code of Civil Procedure sets out the method to be followed in instituting proceedings

in the courts competent to order satisfaction of the claim and award compensation for damage. As for criminal claims made in order to protect the child from forms of abuse within the family and home, the Penal Code cites 34 instances in which protection is a must and which are treated as matters of public claim to be pursued by the Department of Public Prosecutions before the competent criminal court. Failing such action by the Department of Public Prosecutions, the injured party may directly institute criminal proceedings by submitting an initiatory pleading of misdemeanour to the competent court. He may also seek award of the necessary compensation for any moral or physical damage which he has suffered. Likewise, he may intervene as a civil plaintiff in any criminal court proceedings instituted by the Department of Public Prosecutions. If the claim is connected with a matter on which the enforcement of an administrative decision issued by the competent administrative authority is dependent or if that authority fails to enforce the decision in question, the concerned party may seek the necessary compensation from the administrative division of the court of appeal in settlement of the administrative and civil aspects of his claim.

9. As for the steps taken to adopt a national strategy for children modelled on the Convention, various national action plans and relevant objectives in the field of children's rights were already in place before the Convention was ratified and were also taken on board in a number of legislative enactments, including the following:

(a) The Primary, Preparatory and Secondary School Ordinance, published in Official Gazette No. 10 of 1974 and designed to achieve the full mental, physical, spiritual, psychological and social development of the child;

(b) The Education Act No. 134 of 1970;

(c) The Compulsory Education Act No. 95 of 1975;

(d) Act No. 118 of 1972 establishing the Higher Council for National Guidance, which determines the citizen's relationship with his family and homeland and emphasizes the concepts of true freedom for both the homeland and the citizen, concepts which should be sworn by, defended and constantly upheld. The Act also emphasizes the need to maintain exemplary morals and noble qualities in building the homeland and its citizens and addressing the causes of underdevelopment;

(e) The basic people's congresses issued a series of child-related recommendations, adopted by the General People's Congress on 17 June 1991, among them a comprehensive national strategy for children modelled on the Convention and highlighting various matters, including the need to:

- Promote child protection and welfare programmes;
- Table child protection and welfare bills;

- Promote sound family circumstances prior to childbirth in order to ensure the development of a healthy baby, as free as possible from hereditary, congenital or other abnormalities, by providing for medical examinations and checkups prior to marriage and health care for pregnant mothers and their unborn children;
- Provide support for neonatal wards and children's hospitals in general and for primary health care through vaccination of children against communicable diseases, monitoring of the different stages of child development and early detection of any disorders before they reach a critical stage;
- Provide material and moral support for large families, ensuring the welfare of their young members, and, in the case of disabled and socially disadvantaged children, reducing the dependence on the services of homes and hostels in recognition of the principle that the family is the ideal natural environment;
- Encourage families and institutions to make provision for the benefit of their children and residents;
- Provide permanent sources of independent financing for social welfare institutions and children's programmes through investment, grants of facilities and use of part of the revenue of religious endowments for social welfare, given that it is a form of charity;
- Ensure that children enjoy sound social relationships in order to protect them from cruelty and ill-treatment;
- Promote a social approach to child-rearing in educational and social establishments in order to develop the child's gifts and creative abilities;
- Ensure effective participation in children's activities at the local, national and international levels;
- Amend the labour regulations in such a way as to enable working mothers to remain with their children for as long as possible.

10. The foregoing constitutes the national action plan on children's rights and the relevant objectives.

11. In order to ensure implementation of the Convention, the Child Protection Act No. 5 of 1997 was promulgated. Article 12 of the Act provided for the establishment of a higher committee, named the Higher Committee for Children, which would be responsible for elaborating the necessary child welfare plans and programmes, monitoring the authorities competent to implement the provisions of the Act and issuing the requisite directives in that regard. The composition of the Committee, its operational structure and the authority to which it would be attached was to be decided by the General People's Committee, which adopted decision No. 100 of 1998 establishing the Higher Committee for Children, a national committee

of experts with its own legal personality and financial independence. It has branches in most parts of the country and exercises its authority in those areas where it has a presence.

12. The public authorities competent in the matters covered by the Convention can be listed as follows:

- (a) Day nurseries;
- (b) Educational institutions;
- (c) Health institutions;
- (d) The Department of Civil Status;
- (e) Social welfare homes;
- (f) The Environmental Protection Agency;
- (g) The Department of Passports and Nationality;
- (h) The Children's Cultural Section of the Secretariat of Information;
- (i) The National Committee on Education and Culture;
- (j) The Permanent International Organization for Jamahiri Youth;
- (k) The Social Security Fund and the Social Welfare Fund;
- (l) The Labour Organization;
- (m) The General Organization for Youth and Sports;
- (n) The General Organization of Boy Scouts;
- (o) The Department of Consular Affairs;
- (p) The National Education Centre;
- (q) The National Training Centre;
- (r) The Higher National Committee for Family Welfare;
- (s) The Social Welfare Asset Investment Organization;
- (t) The National Committee for the Welfare of Disabled Persons;
- (u) The Social Recreation Committee of the Social Security Fund;

- (v) The Anti-Psychotropic Substances Department of the Internal Security Organization;
- (w) The Home Guard (for monitoring young market workers);
- (x) The People's Advocacy Department (for the defence of juveniles on a pro bono basis);
- (y) The Juvenile Court and the Department of Juvenile Prosecutions;
- (z) Police stations and the Department of Criminal Investigation.

13. As for the steps taken to ensure the effective performance of their activities, these bodies are regulated by the legislative enactments in force in the form of laws, decisions and ordinances which determine the mechanisms to ensure that they operate efficiently. Their work performance is constantly improving within the limits of their available resources, expertise, capabilities and period in existence, bearing in mind that some of them are still fledgling bodies which are in the process of developing their potential. As for the steps taken to ensure that the activities of the central, regional and local authorities are effectively coordinated, the Higher Committee for Children receives comments and recommendations from those of its branches which maintain contact with the local authorities in the regions. The Committee also successfully interceded for amendment of the Family Record Book Act in order to allow divorcees who have custody of their children to be issued with a family record book (previously issued only to the husband in a divorce, thus obstructing the divorcee's access to civil status documents). The Code of Procedure was also amended so that article 103 bis now stipulates that: "In divorce proceedings, the court may order the defendant husband to appear. If he fails to do so without legitimate cause, it may deliver its judgement, which shall be unappealable, by default." This provision is intended to protect the injured wife against the failure of her husband to attend court for their divorce hearings. It also protects children, whose circumstances may deteriorate as a result of the injury to their mothers.

14. With a view to ensuring the collection of data on children, the General People's Committee adopted decision No. 772 of 1989 establishing a total of 17 sectoral information and documentation centres, as well as decision No. 1011 of 1990 regulating the activity of the administrative structures of the national information system and decision No. 149 of 1993 establishing the National Organization for Information and Documentation. The sectoral information and documentation centres were established to provide key information and data assistance to the National Organization for Information and Documentation. These centres are seen as sectoral focal points in the national information network and are connected to international information networks through the National Centre for Information and Documentation. On 14 May 1990, the National Information and Documentation System Act No. 4 of 1990 was promulgated. The above measures ensure regular information-gathering on the different sectors of society, including children and their fundamental rights. Such information has a significant impact on the evaluation of a variety of current trends and is also used as a basis for policy-making in connection with the rights of the child.

15. The steps taken to conduct regular evaluations of the progress achieved in implementing the Convention are as follows:

- (a) Regular technical meetings are held by those concerned with children's affairs;
- (b) Technical workshops are held on specific subjects relating to implementation of the Convention;
- (c) Studies and field surveys are conducted with a view to pinpointing the difficulties encountered in implementing the Convention;
- (d) A comparative legal study of the Convention and Libyan domestic legislation was carried out by reviewing each article of the Convention, paragraph by paragraph, and demonstrating its legislative and executive applications in Libyan society. This study is considered to be a first step in evaluating the progress achieved in matters relating to the Convention.

16. Information on use of the maximum available resources in order to ensure the realization of economic, social and cultural rights is as follows.

#### **Steps taken to coordinate economic and social policies**

17. On 17 June 1991, the General People's Congress formulated the decisions of the basic people's congresses concerning adoption of the Child Protection and Welfare Ordinance which had been submitted, with emphasis on the following:

- (a) The promotion of child protection and welfare programmes;
- (b) The tabling of bills or amendments to the laws in force that tie in with the directions in Jamahiri society with a view to achieving child protection and welfare;
- (c) The economic aspects covered in paragraphs 10, 11 and 19 of the Ordinance; paragraph 10 stipulates the provision of material and moral support for large families in order to ensure the welfare of their young members, and, in the case of disabled and socially disadvantaged children, reduce dependence on the service of homes and hostels in recognition of the principle that the family is the ideal natural environment. Paragraph 11 of the Ordinance encourages the family and institutions to make provision for the benefit of their children and residents. Paragraph 19 of the Ordinance provides for permanent sources of independent financing for social welfare institutions and children's programmes through investment, grants of facilities and use of part of the revenue of religious endowments for social welfare, given that it is a form of charity. Paragraphs 5, 6, 8, 13, 15, 18 and 20 of the Ordinance also set out the steps to be taken to implement social policy, as well as the methods of doing so in order to coordinate those steps with economic policy, consisting of the following: ensuring the child's social relations, in the family, educational establishments and society, are based on sound and human principles; authorizing inspections and monitoring by social workers on the basis of systematic programmes and legally established procedures; ensuring that all families and children have access to welfare facilities through mobile teams in the case of non-sedentary population clusters

and through social education centres in settled areas; developing the child's aptitudes by adopting a social approach to child-rearing in all bodies dealing with children and providing social welfare institutions with the necessary resources; seeking the assistance of families, social workers and the district people's committee as an alternative to the official police authorities in dealing with the problems of delinquent children; increasing maternity leave to six weeks with full pay, as well as granting working mothers who are nursing greater opportunity to spend more time with their children without loss of income; and establishing social service offices within their respective spheres of functional competence in child-related sectors, such as social security, health, youth, education and training, in order to coordinate the endeavours of those concerned.

## **II. DEFINITION OF THE CHILD (art. 1)**

18. Article 1 of the Convention defines the child as "every human being below the age of 18 years unless under the law applicable to the child, majority is attained earlier". Article 9 of Act No. 17 of 1992 regulating the situation of minors and those of equivalent status stipulates that: "The age of majority is 18 years."

### **A. Minimum legal age specified in Libyan legislation for access to legal and medical advice without parental consent**

19. Where such access is fully beneficial, the minimum legal age is the age of discernment, which, in accordance with article 3 of the Act regulating the situation of minors and those of equivalent status, is seven years.

### **B. Minimum legal age specified in Libyan legislation for medical treatment or surgery without parental consent**

20. In accordance with article 10 of the Medical Liability Act No. 17 of 1986, the minimum age for such treatment or surgery is the age of majority, or, in other words, 18 years, unless at least two doctors state that the operation is vitally urgent and parental consent cannot be obtained.

### **C. Minimum legal age specified in Libyan legislation for the completion of compulsory education**

21. Article 2 of the Compulsory Education Act No. 95 of 1975 stipulates that its provisions apply to children who are under 6 and not more than 15 years of age at the time of its entry into force.

**D. Minimum legal age specified in Libyan legislation  
for entry to employment or the labour force**

22. Article 15 of the Child Protection Act No. 5 of 1997 prohibits the employment of children in any occupation except for purposes of education and vocational training and provided that it complies with the child's wishes. Article 92 of the Labour Act specifies 15 years as the age at which children may be employed and 18 years in the case of hazardous occupations, unless a permit for the employment of a child in certain industries and activities is issued by the competent authorities.

**E. Minimum legal age specified in Libyan legislation  
for part-time and full-time employment**

23. Article 93 of the Labour Act specifies 15 years as the age at which juveniles may engage in part-time employment. Only persons who are not juveniles, or who, in other words, have attained 18 years of age, may engage in full-time employment. Article 18 of the Civil Service Act No. 55 of 1976 specifies 18 years as the age at which a person may be appointed to public service.

**F. Minimum legal age specified in Libyan legislation for marriage**

24. Article 6 of Act No. 10 of 1984 regulating marriage and divorce and their consequences specifies that a person becomes eligible for marriage on attaining 20 years of age and that the court may, with the consent of the guardian, authorize marriage before that age if it believes it to be advantageous or beneficial.

**G. Minimum legal age specified in Libyan legislation for sexual consent**

25. The Libyan Penal Code prohibits offences, including sexual offences, against young persons under 18 years of age. Sex may only take place within the framework of the laws regulating marriage.

**H. Voluntary enlistment in the armed forces**

26. In accordance with article 6 (b) of the Military Service Act No. 40 of 1974, the minimum age for voluntary enlistment in the armed forces is 17 years. Exemption from the age limitation may be granted by a decision of the Chief of General Staff of the Armed Forces, as permitted under Act No. 6 of 1977.

**I. Conscription into the armed forces**

27. Article 1 of the National Service Act No. 9 of 1987 stipulates that: "National service shall be compulsory for every male citizen who has attained 18 years of age and is no older than 35, provided that he is medically fit."

## **J. Involvement in acts of aggression**

28. On 1 September 1991, the Mobilization Act No. 21 was promulgated. Article 4 of the Act stipulates that a declaration of general mobilization shall, until such time as it ends, result in the deployment of all human and material resources in the service of the war effort. Article 1 defines human resources as male and female citizens having attained 17 years of age, provided that they are physically capable of engaging in combat, work and productive activities.

## **K. Criminal liability**

29. A minor under 14 years of age is not criminally liable. A minor who is over 14 but under 18 years of age when he commits an offence and who is capable of discernment and of exercising willpower is held to be criminally liable. The penalty imposed on him, however, is reduced by two thirds in accordance with articles 80 and 81 of the Penal Code.

## **L. Deprivation of liberty**

30. If a minor over 7 and under 14 years of age perpetrates an act which is regarded as an offence in law, he is not held criminally liable. Instead, the judge takes appropriate preventive measures in his regard in accordance with article 80 of the Penal Code. Custodial penalties are applicable to minors under 14 and over 18 years of age, although the term of the penalty is reduced by two thirds in accordance with article 81 of the Penal Code. If the minor is incapable of discernment, however, he is treated in the same way as a minor who is not criminally liable in that he is either committed for a period of less than one year to a juvenile education and guidance centre as a preventive measure or he is monitored by his family or by a social assistance institution which is in a position to perform such monitoring, in accordance with articles 150 and 151 of the Penal Code.

## **M. Capital punishment and life imprisonment**

31. If a minor who is criminally liable commits a felony which carries the death penalty or life imprisonment, those penalties are commuted to a term of imprisonment of not less than five years. A convicted minor serves his sentence in a facility reserved for criminally liable juveniles, where he undergoes a special regime of education and guidance designed to serve as a deterrent and to prepare him to become an honest member of society, in accordance with article 81 of the Penal Code.

## **N. Court testimony**

32. In civil cases, the statements of any person under 14 years of age are heard unsworn and for evidentiary purposes only in accordance with article 183 of the Code of Civil and Commercial Procedures. In criminal cases, witnesses who have attained 14 years of age must take an oath before giving testimony. Witnesses who have not attained 14 years of age may give unsworn testimony for evidentiary purposes in accordance with article 256 of the Code of Criminal Procedure.

**O. Submission of complaints to the courts and the competent authorities**

33. In this regard, a distinction must be made between the act of bringing legal proceedings and that of lodging a complaint. Legal proceedings are brought before the court and the person who institutes such proceedings must be legally competent. In other words, he must have attained the age of majority, which is 18 years. If he is legally incompetent, any legal proceedings must be brought by his guardian. The rule is that “proceedings instituted by or against a person who is legally disqualified are consequently inadmissible or invalid on the grounds of his incapacity”. Any person of any age has the right to lodge a genuine complaint with the administrative and criminal authorities.

**P. Participation in judicial and administrative proceedings affecting the child**

34. In order to intervene in judicial proceedings or be brought into such proceedings in pursuit of a claim against him, a person must be legally competent insofar as he has attained majority (18 years of age). Any person not having attained that age is to be represented by his guardian, as is also the case in regard to official administrative procedures.

**Q. Consent to a change of identity, family relations, adoption or guardianship**

35. Judicial proceedings must be instituted in connection with such matters, for which purpose the age of majority (18 years) must have been attained.

**R. Access to information on one's biological family**

36. Although the term “biological family” is not spelt out in this report, access to such information is a right guaranteed by law to every individual in Libyan Arab society.

**S. Legal competence to inherit**

37. A minor may not take control of his assets before he has attained the age of majority. His guardian or trustee, however, may, with the authorization of the competent court, give full or qualified permission for a minor over 15 years of age who is capable of discernment to administer all or some of his assets under his supervision, if he believes that the minor has that capability. A minor who has been given such permission is regarded as legally competent in regard to the matters in question and permission may be withdrawn or qualified by the person concerned should it become apparent to him that it is in the minor's interest to do so. A minor who has been given permission to administer his assets must provide the competent court with an annual account of his transactions and the views of his guardian, trustee or custodian are sought when the account comes under consideration. The court may restrict or withdraw its authorization if it has reason to fear that the assets remain under the minor's control. These provisions are stipulated in chapter I of Act No. 17 of 1992 regulating the situation of minors and those of equivalent status.

#### **T. Conclusion of property transactions**

38. In chapter I of the above-mentioned Act, the transactions of a minor who is capable of discernment are deemed valid if they are entirely to his advantage and invalid if they are entirely to his disadvantage. Transactions which are a combination of advantages and disadvantages may be invalidated in the interests of the minor, although the right to invoke their invalidity lapses if they are authorized by the minor after he attains the age of majority or if they are authorized by his guardian or the court, as the case may be.

#### **U. Right to form and join unions**

39. The right to form and join unions is regulated by the Associations Act No. 111 of 1970, which applies to all non-governmental organizations, with the exception of clubs, boy scout organizations and student unions, to which other laws are applicable. Children may form associations in their schools or residential neighbourhoods.

#### **V. Choice of religion and attendance of religious classes at school**

40. Libyan Arab society professes the religion of Islam and its children are consequently Muslims. One of the requirements of the Islamic faith is the recognition of the other divine religions. Non-Muslim children studying in Libyan schools are not required to attend religious classes. Foreign community schools attended by non-Muslim children who are resident in the Jamahiriya follow their own special curricula.

#### **W. Consumption of alcohol and other controllable substances**

41. The law prohibits the acts of handling, possession and consumption of alcohol, narcotic drugs and other harmful psychotropic substances, which are punishable as felonies in Libyan law. Similarly, any person in possession of medicinal items, including toxic or dangerous substances, without the licence required by law is punished with imprisonment and a fine of not more than 500 dinars, in accordance with the Health Act No. 106 of 1973. This provision applies to narcotic substances which are not listed in the Narcotics Act.

#### **X. Linkage between the minimum age for admission to employment and the age for completion of compulsory education**

42. In accordance with article 92 of the Labour Act, the minimum age for admission to employment is 15 years. Young people may not be present in the work place under that age, which is the normal age for the completion of compulsory education. The right of the child to education is unaffected, unless he fails or drops out.

#### **Y. Compliance with article 2 of the Convention in cases where the legislation differentiates between girls and boys**

43. Article 2 of the Convention, which prohibits discrimination of all forms and states that all appropriate measures must be taken to ensure that the child is protected against all forms of discrimination practised on the basis of the status of the child's legal guardians, is supported by

the principle of equality prescribed by the laws in force, most recently the Promotion of Freedom Act No. 20 of 1990 which provides that: "Citizens are free and have equal rights which may not be prejudiced."

**Z. Application of the principle of equality to girls and boys under the Penal Code in accordance with the age of majority criteria**

44. Under the Penal Code, minors having attained 14 years of age are held to be criminally liable on an equal basis, without distinction between boys and girls.

### III. GENERAL PRINCIPLES

#### A. Non-discrimination (art. 2)

45. The principle of non-discrimination is stated as a binding principle in the Constitutional Declaration promulgated by the Revolution Command Council on 11 December 1969, article 5 of which stipulates that: "All citizens are equal before the law." The Promotion of Freedom Act No. 20 of 1991 also stipulates that: "Both male and female citizens in the Great Jamahiriya are free and have equal rights which may not be prejudiced." This provision is in keeping with principle 17 of the Great Green Document on Human Rights in the Age of the Masses, promulgated on 12 June 1988 by the General People's Congress, which stipulates that: "The members of the society of the Jamahiriya reject any discrimination among human beings on the basis of their colour, religion or culture." There is no provision specific to children, however, given that the Convention was ratified in 1991. In any event, the provisions of the Convention per se were incorporated into the internal legislation following their ratification under a law promulgated by the General People's Congress, as a result of which the Convention acquired legal force on three different bases:

(a) It is a general treaty of interest to the international community as a whole and is therefore a source of international law;

(b) It was ratified by the people, who are the holders of the supreme authority by law, and is therefore binding on every individual in the country;

(c) The principles of the Convention cannot be rendered null and void, having been firmly established through international customary law. Recourse may therefore always be had to those principles as customary rules.

46. The Higher Committee for Children is a national mechanism for monitoring the implementation of the Convention with a view to guaranteeing the rights of the child through official government organs.

47. One of the main objectives of the Great Revolution of 1 September 1969 which took place in the Libyan Arab Jamahiriya was to prevent and combat discrimination in both law and practice. Issued on 1 September 1969, the first communiqué of the Revolution Command Council comprised the Proclamation of Revolution, which decreed that the Libyan Arab Jamahiriya was to pursue the path of social justice and guarantee the right of equality for its sons

and daughters, who would be neither oppressed nor wronged, neither master nor servant, but free brothers. On 2 March 1977, the Declaration Establishing the People's Authority was also promulgated, stipulating in article 2 that: "The Holy Koran is the social code." Guided by these principles, steps were accordingly taken to prevent and combat discrimination in both law and practice.

48. In order to reduce economic, social and geographical differences, including disparities between rural and urban areas, and thus prevent discrimination among children, the State implemented many of the comprehensive social and economic development programmes which formed part of the economic and social transition plans for the period 1970-2000. These included a special section on local development, to which end programmes and plans were essentially geared to rural and remote areas and proved to be of direct benefit to rural families and children. A number of other economic and social projects were also implemented throughout the Jamahiriya in a comprehensive and balanced manner. In the context of those projects, families and children acquired a host of benefits, as well as protection and care in the health, social and educational fields. In all of its development plans, the Jamahiriya endeavours to apply social justice and to eliminate geographical and social disparities among the regions. All services and development projects are therefore carried out on the basis of needs and population density.

49. On 24 June 1985, the Basic Allowances Act No. 16 of 1985 was promulgated, providing for the guaranteed receipt of a cash benefit from social security, without any requirement for those eligible to pay contributions in accordance with the terms and conditions prescribed by law, by the following categories: elderly persons, invalids, widows and orphans whose means of support have been curtailed or restricted. The word "orphan" means a minor whose father is deceased or whose parentage or kinship is unknown. An orphan is entitled to the basic allowance until the age of 18. The period of entitlement is increased to the age of 28 years for university students. Those whose means of support have been curtailed refers to children in a family with a member who has been a hospital patient for over two months or held in detention, in preventive custody or in execution of a court judgement for over two months, as well as children in the family of a martyr or a person who is missing, absent or in captivity and the minor children of a reliable person who is denied the basic allowance owing to the existence of a legitimate and able family provider. The basic allowance is also granted to any person whose incapacity is not less than 60 per cent and to any person in confinement as the result of a mental illness causing incapacity of not less than 60 per cent.

50. On 5 October 1955, a law on young vagrants was promulgated to address the welfare of child beggars, street children living outside the family fold, children without a family provider, children associating with persons of dubious character and children who collect refuse, waste and cigarette ends or who assist persons employed in prostitution and gambling. The welfare procedure entails the issuance of a ruling - at the request of the Department of Public Prosecutions - for the child to be handed over to his rightful guardian, a charitable foundation or a State-recognized establishment. If the child returns to vagrancy within one year, the court issues an order committing him to an institution for juveniles, a charitable foundation or a recognized establishment.

51. As for invalid children, Act No. 3 of 1981, as amended by the Disabled Persons Act No. 5 of 1987, was promulgated, granting entitlement to the following benefits:

- (a) Shelter;
- (b) A domestic help service;
- (c) Prosthetic limbs;
- (d) Training or rehabilitation;
- (e) Suitable employment for trained or rehabilitated persons;
- (f) Follow-up of those in employment;
- (g) Exemption of those in employment from taxes and charges;
- (h) Enjoyment of public transport facilities;
- (i) Exemption from customs duty on items which they are obliged to import on account of their disability;
- (j) Ease of access to public places.

52. A national committee for the welfare of disabled persons has been created and is endeavouring to establish living conditions for disabled persons similar to those available to the able-bodied. It aims to integrate disabled persons within their communities, achieve their full participation in the development of society and promote their productive capacities.

53. The measures adopted included promulgation of the Social Welfare Ordinance on 15 September 1979, pursuant to which social welfare services are provided to persons in receipt of social security benefit through the social service and welfare sections of the *sha'biyyat*, which run day nurseries, residential kindergartens for children without a family provider, care homes for boys and girls over 6 and under 18 years of age and education and guidance centres for juveniles under 18 years of age who have been sentenced to punishment.

54. Various measures have been adopted with a view to eliminating discrimination against girls, including the following:

- (a) Any legal, administrative or social obstacles in Libyan Arab society to preclude the entry of girls into any field of education or training at home or abroad have been removed;
- (b) Education among girls has been increased, together with the establishment of girls' schools;
- (c) Efforts are being made to establish coeducational schools;

(d) Opportunities are available for girls to join the police and the armed forces, graduate as officers and hold judicial office;

(e) In 1986, the General People's Congress adopted its decision to feminize the administrative apparatus and permit women to hold positions normally occupied by men in the administrative organs, as well as its decision to devote concern to the female element in the services sector;

(f) The Promotion of Freedom Act No. 20 of 1991 provides for the equality of males and females and stipulates that any prejudice of their rights is impermissible;

(g) Act No. 7 of 1989 ratifying the Convention on the Elimination of All Forms of Discrimination against Women was promulgated.

55. In addition to the detailed information-gathering on the above-mentioned and other categories of children carried out by the National Centre for Documentation and Information, such information-gathering is carried out on a daily basis by various public bodies which automatically collect data on the cases with which they are dealing, such as:

(a) Courts, departments of public prosecutions and welfare homes, which have detailed information on delinquent children and children seeking maintenance;

(b) The Department of Civil Status, which has information on illegitimate children;

(c) Schools, which have information on children who are committed to education and children who drop out;

(d) Homes for the disabled, which have detailed information on disabled children.

56. Statistics are also gathered by independent organizations specializing in information-gathering and documentation, as stated in paragraph 12.

57. The measures taken to prevent and eliminate hostile attitudes to children, which increase social and ethnic tensions, as well as racism and xenophobia, are part and parcel of the tasks mentioned in the above paragraphs. The law also prohibits assaults on children and others for any reason. Foreign children also enjoy their right to attend national schools or schools established by foreign communities in accordance with their own educational systems and supervised by their missions.

58. In order to guarantee the protection of children from discrimination on the basis of the status, activities, opinions or beliefs of the child's guardian, the law in the Great Jamahiriya prohibits all forms of discrimination on such bases.

## **B. Best interests of the child (art. 3)**

### **1. Child Protection and Welfare Ordinances**

59. The principle of respect for the best interests of the child forms the substance of the decision of the General People's Congress ratifying the decisions of the basic people's congresses to adopt the Child Protection and Welfare Ordinance in 1991. In regard to this principle, the Ordinance achieved the following:

- (a) The promotion of child protection and welfare programmes;
- (b) The tabling of bills or amendments to the laws in force that tie in with the directions in Jamahiri society with a view to achieving child protection and welfare.

60. Act No. 17 of 1992 regulating the situation of minors and those of equivalent similar was then promulgated. Article 82 stipulates that: "The most appropriate principles of Islamic law shall apply in matters of guardianship, trusteeship and custodianship in cases where this Act makes no special provision." The Act therefore implements the most appropriate principles of Islamic law in the best interests of the child. The Child Protection Act No. 5 of 1997 provides for the protection and rights of the child, as well as for the consideration of his or her best interests.

61. The courts take into consideration the best interests of the child in matters of custody and maintenance as follows:

- (a) The mother has right of custody if the couple separate, followed by her mother and subsequently by the child's father, his mother, the child's close female relatives and the child's close male relatives;
- (b) The mother must have custody of a minor to whom her care is indispensable;
- (c) A father who is solvent and separated from the mother must shoulder the costs of child-rearing, provided that the child in the custody of the mother has no private assets which can be used to cover such costs;
- (d) A divorcee who has custody of any children is entitled to suitable accommodation for as long as her right of custody stands and her entitlement to such accommodation ends at the same time as her custody;
- (e) The maintenance of a minor is obligatory until such time as he completes his education and is able to earn a living;
- (f) It is mandatory for the courts to apply the principles and specific conditions, laid down in Act No. 17 of 1992 regulating the situation of minors and those of equivalent status, concerning legal guardianship, trusteeship and custodianship, all of which take into consideration the best interests of the child.

62. The consideration to be given by social welfare institutions to the best interests of the child is indicated in the Social Welfare Ordinance, promulgated in 1979, when welfare homes were divided into a variety of institutions, such as residential nurseries, kindergartens, welfare homes for boys and girls and juvenile care homes.

(a) Residential nurseries: These cater specifically for children between the ages of birth and 6 years whose social circumstances do not allow them to be raised in or remain in a proper and natural family environment. Placement in such nurseries is confined to children who have no one to provide for them at the time, whether because both parents are ill or delinquent, because the children are bereaved of both parents, because they are bereaved of one parent and the other is incapable of looking after them, or because they are illegitimate or have been abandoned. A child's stay in a nursery home ends when there are grounds for allowing a return to family life. It is a condition of admission to such homes that the child must be free of infectious disease and have no disabilities;

(b) Residential kindergartens: These cater specifically for children over 4 and under 6 years of age who have no one to provide for them. They offer an alternative to family care and are responsible for the education, well-mannered upbringing, health care and psychological and social welfare of the child;

(c) Welfare homes for boys and girls: These homes accommodate children over 6 and under 18 years of age who have been in residential kindergartens, children who are deprived of family care because they have no legal provider to care for them and children whose families are unfit to provide a sound social upbringing because the parents have separated or because the mother is gravely ill or in prison;

(d) Juvenile homes: These cater for juveniles under 18 years of age who have been given a custodial sentence or who have been committed to such homes by the authorities. They aim to reform, educate and train juveniles.

63. There are also private social welfare institutions which are established through the competent public body concerned with social security affairs in accordance with the prescribed conditions.

**Table 1**  
**Social institutions**

Name of social institution	Number	Number of residents
Child welfare institutions	4	313
Boys' welfare institutions	3	146
Girls' welfare institutions	2	68
Education and guidance institutions for juvenile girls	4	90
Education and guidance institutions for juvenile boys	3	120

Source: Thirty years of health and social services (1969-1999), General People's Committee for Health and Social Security.

64. Information on the methods used to achieve the primary consideration of the best interests of the child in the different areas of life is as follows.

## **2. Family life**

65. The General People's Committee adopted decision No. 979 of 1993 forming the Higher National Committee for Family Welfare under the chairmanship of the Assistant Secretary for Women's Affairs at the Secretariat of the General People's Congress and with the membership of the coordinator of the Higher Committee for Children, the Secretary of Health and Social Security, the Secretary of the General Organization for Social Affairs and three family experts. This Committee was charged with a number of special responsibilities, including development of the plans and programmes needed to ensure child welfare, awareness-raising and education in matters of the family and family welfare, the promotion of family planning and welfare activities, cooperation with the competent international organizations in matters of family welfare, the evaluation of family welfare units in different matters, the evaluation of academic and educational curricula in the sociology of the family and the adoption of decisions and procedures to ensure the fulfilment of those special responsibilities.

## **3. School life**

66. The principle of ensuring the best interests of the child in school life is clearly respected in the Compulsory Education Act No. 95 of 1975, pursuant to which it is a requirement that children of school age should, as far as possible, attend schools within the vicinity of their homes. Schools are also required to notify a child's legal guardian of the time when classes start so that he can ensure the child's punctuality. Should he fail to do so, he is referred to the competent police station to be reprimanded and cautioned about the need for the child's regular attendance at school.

67. The Education Act No. 134 of 1970 was also promulgated, pursuant to which the Ministry of Education is charged with attending to and providing the necessary resources for all types of school activity, taking care of pupils' health, offering prevention and treatment in conjunction with other ministries, developing relations within the school community, strengthening ties between schools and the environment, staging cultural seasons of lectures, symposiums and other activities in schools, publishing scientific and educational magazines, supplying the necessary teachers, improving teacher standards, erecting and maintaining school buildings, providing school textbooks and designing school curricula.

68. In 1973, the Primary, Preparatory and Secondary School Ordinance was also promulgated, specifying the objectives of education as the intellectual, physical, psychological and social development of children with a view to turning them into worthy citizens, preparing them to fit into society and ensuring that they respect and engage in manual work, in addition to providing them with vital knowledge and skills and accustoming them to spending their leisure time profitably. This Ordinance moreover determines the school admission requirements, the subjects to be studied and the principles of school organization, school administration and educational guidance.

#### **4. Social life**

69. With a view to achieving the primary consideration of the best interests of the child from the social point of view, the Social Security Act No. 13 of 1980 was promulgated, prescribing various privileges of benefit to children. Legislative enactments were also promulgated to regulate personal and civil status, grants of social assistance, the organization of training, retraining and awareness-raising, the protection of disabled persons, child welfare and the establishment of vocational associations and unions.

#### **5. Budget allocations**

70. As far as budget allocations are concerned, the primary consideration of the best interests of the child is achieved through the establishment of draft transition plans and their related budgets within the State's development plan, which is supported by the development budget and the administrative or operational budget.

71. Abrogating the previous Act No. 85 of 1970, the Planning Act No. 2 of 1997 was promulgated to establish the General Planning Council as the body responsible for outlining economic and social development objectives and policies, reviewing draft plans and implementation priorities, proposing adjustments to the target growth to be achieved, recommending legislation designed to realize the planned objectives and subsequently proposing draft annual budgets for the implementation of development plans, which are financed by revenues from oil. It should be noted that the sums allocated to ensuring respect for the best interests of the child remain unspecified in the budget, from which disbursements are made to cover the cost of all child-related items, including the allowances received by heads of household, social assistance, projects, education, health, environmental protection and social security.

72. The best interests of the child are therefore covered by the budget allocations outlined by the General Planning Council. In 1998, for example, expenditure on the health sector was estimated at 15 per cent of the budget and expenditure on the educational and vocational training sector at 20 per cent of the budget.

#### **6. Adoption**

73. The Great Jamahiriya espouses the Holy Koran as its social code. Adoption is therefore not permitted and is instead replaced by fosterage and hosting in accordance with Act No. 10 of 1984 concerning marriage and divorce and their consequences.

74. In accordance with decision No. 453 concerning fosterage, which was adopted by the General People's Committee, any family which satisfies the conditions stipulated in the decision is permitted to assume responsibility for the care of welfare beneficiaries living in social welfare homes who are either orphans or whose father or parents are unknown.

75. The General People's Committee also adopted decision No. 454 of 1985 concerning the Hosting Ordinance with a view to strengthening the sense of solidarity, compassion and mutual respect present in society by fulfilling the wishes of children residing in social welfare homes to stay with a family for a limited period in accordance with the conditions specified in the decision, provided that the children concerned are not delinquent.

## **7. Administration of juvenile justice**

76. The primary consideration of the best interests of the child is taken into account in the administration of juvenile justice by means of the legislative enactments in force in the form of laws and decisions concerning matters of personal and civil status and civil rights, together with the Penal Code. The courts are bound by these legislative enactments when delivering their verdicts, while in criminal court procedures, it is the laws in force on custody, maintenance, guardianship, trusteeship and custodianship which apply. Births are registered in accordance with the Civil Status Act and transactions conducted by a juvenile that have both advantages and disadvantages are deemed to be null and void, unless, at the time of their conclusion, the juvenile had already attained the age of majority, which is 18 years. A juvenile also has the right to institute legal proceedings against his guardian and hold him accountable for actions which he takes during his period of guardianship. In criminal matters, juvenile justice is administered in conformity with the age of criminal liability for juveniles pursuant to the Libyan laws in force. Preventive measures for juveniles under 14 years of age are stipulated in article 151 of the Penal Code and apply provided that the criminal act imputed to the juvenile is a misdemeanour or felony and that his culpability is proven. Juveniles are tried in accordance with articles 316 and 329 of the Code of Criminal Procedure, which will be discussed in paragraph 101.

## **8. Placement and care of juveniles in institutions**

77. Please refer to paragraph 24 concerning the consideration given to the best interests of the child by social welfare institutions.

## **9. Social security**

78. In regard to social security, consideration is given to the best interests of the child in accordance with the Social Security Act No. 13 of 1980 and the regulations and decisions in force. More precisely, in accordance with article 1 of the Act, the right to social security is guaranteed for all nationals and non-nationals who are resident in the Libyan Arab Jamahiriya, the aim being to protect children in the event of the loss of the family provider or means of support, as well as during pregnancy and confinement. A further aim is to ensure the social welfare of all children and disabled persons who have no one to look after them and to provide care and guidance for juvenile delinquents. The financial benefits prescribed by law with a view to protecting the child consist of the basic allowance granted to those who have no provider and no income. Short-term benefits in the form of a lump-sum allowance are granted during pregnancy and confinement, as well as in the event of disaster, emergency and death.

79. Information in regard to ensuring the child such protection and care as is necessary for his or her well-being is as follows:

(a) On 28 October 1992, Act No. 16 on the situation of minors and those of equivalent status was promulgated, setting out the age of majority, the civil rights of children who are capable of discernment and children who are not, the method of appointment of a minor's guardian, trustee or custodian and the rules governing legal guardianship, financial guardianship, trusteeship and custodianship. It also specifies the activities which a trustee or custodian is not permitted to pursue without leave from the court and stipulates that the principles of the Islamic Shariah which are most appropriate must be applied in matters of guardianship, trusteeship and custodianship in cases where the Act makes no special provision;

(b) On 17 June 1991, the Child Protection and Welfare Ordinance, drafted by the General People's Congress, was adopted by the basic people's congresses, with emphasis on the following:

- (i) The promotion of child protection and welfare programmes;
- (ii) The tabling of bills or amendments to the laws in force that tie in with the directions in Libyan society with a view to achieving child welfare and protection;

(c) On 29 December 1997, the Child Protection Act No. 5 was promulgated, introducing a compulsory medical examination prior to marriage in order to detect any hereditary diseases which could affect the physical or mental health of children. The Act also emphasizes various provisions of legislative enactments already in force, such as the Code of Criminal Procedure, the Social Security Act, the Civil Status Act, the Compulsory Education Act and the Labour Act. In addition, it provided for the establishment of a Higher Committee for Children that would address issues relating to children and their welfare through the plans, programmes and directives issued on that score, as well as for a budget allocation to cover the cost of the child-centred activities and privileges stipulated, including cultural activities, writing, publishing, plays, libraries and exhibitions targeted at children with the aim of conveying a meaningful message about information and culture that serves to prepare young people and provide the opportunity for their creative talents to shine;

(d) On 28 April 1998, the General People's Committee adopted decision No. 100 establishing the Higher Committee for Children, which was formed by the competent secretaries and others to whom a number of tasks were entrusted. These included monitoring the situation of orphaned and disabled children, monitoring community organizations involved in work with families and children, and monitoring preventive procedures for maternal and child health. Emphasis was also placed on the need to incorporate the financial allocations for children into the sectoral budgets and ensure their disbursement;

(e) On 15 November 1979, the General People's Committee adopted its decision on the social welfare system. Decision No. 347 of 1996 concerning the reorganization of social welfare homes was also adopted and the Social Security Fund Act No. 20 of 1998 was promulgated;

(f) The Disabled Persons Act No. 5 of 1987 was promulgated, together with its implementing regulations;

(g) In the field of health protection and care, the Health Act of 1973 and its implementing regulations had already been promulgated. The Act covers drinking water standards, monitoring of food, milk and milk products, meat and fish, public baths, lavatories, burial grounds and washing facilities, communicable diseases and quarantine, public hygiene, waste collection, therapeutic medicine, mental illness, clinical establishments, nursing, pharmaceutical facilities and preparations, and midwifery. The Compulsory Vaccination Ordinance had also already been promulgated;

(h) In 1984, decision No. 912 establishing a technical centre for environmental protection was adopted. In 1999, the implementing regulations of the Environmental Protection Act were also promulgated and include measures designed to prevent atmospheric pollution and restore the environment. In 1995, decision No. 24 approving the national strategy on the provision of health for all by all was also adopted.

80. The authorities responsible for child welfare and protection are separated on the basis of their assigned areas of responsibility, which may be in the field of social, health, medical or educational work. Health-care systems are therefore the responsibility of the authorities working in the social field. Decision No. 347, adopted in 1996, covers the reorganization of social welfare homes, which look after children who have been committed to their care or who have a court judgement against them. In accordance with the decision, these homes are under obligation to ensure the social, medical, psychological and educational welfare of their residents, in which respect the differing age groups are taken into consideration with the result that each individual home specializes in the care of a particular age group and gender. The services provided by these homes are financed by income from investment of the general budget allocations for social welfare, as are the costs associated with those services. In administrative and financial terms, each home operates as an independent unit under the management of the Social Security Fund, which is responsible for determining their administrative structure, essential requirements and budgets to be adopted by the Fund's management board. The Fund also carries out the tasks of supervision, guidance and follow-up in accordance with rules adopted by a decision of the management board and the rules of procedure for welfare homes, which specifically cover placements, terms of admission, services provided and duration of residence.

81. The task of care may be assumed by a private individual who is unattached to any administration, within the framework of the Fosterage and Hosting Ordinance, since a family may assume the care of welfare beneficiaries living in social welfare homes in accordance with decision No. 453 of 1985 concerning the Fosterage and Hosting Ordinance, which stipulates the conditions to be fulfilled by the family concerned, as follows:

(a) It must be a Libyan family consisting of a husband and wife who are committed to sound principles of morality and are capable of providing an appropriate environment for the foster child. Neither of the spouses should be over 50 years of age and the family's economic status must be such as to ensure the foster child's basic needs throughout the period of fosterage;

(b) Proper hygienic conditions must be assured in the residence of the foster family, with priority given to families with few children;

(c) The couple must give a written undertaking to ensure the care and welfare of the foster child, attend to his health and psychological and social well-being and encourage his regular attendance at school;

(d) The wife's circumstances and the time at her disposal must be such as to ensure that the foster child receives the necessary maternal care, attention and supervision;

(e) The foster family must provide the welfare home with the following documents:

(i) A certificate of family status taken from the family record book;

(ii) A certificate of good conduct;

(iii) A copy of its criminal status record;

(iv) A true certificate attesting that the couple is free of all chronic and infectious disease;

(v) A report on the family's economic and social status and its ability to foster and care for a child.

82. Hosting is carried out for a specific period in a family outside the home where the child lives in order to help him develop a sense of self and social belonging. The host family is required to satisfy conditions similar to those for fosterage, in which connection decision No. 545 of 1985 was adopted.

83. Health-care institutions which provide treatment are regulated by Act No. 106 of 1973 promulgating the Health Act and decision No. 654 of 1975 promulgating the implementing regulations of the Health Act. Article 361 determines the standards to be met by hospital buildings and article 362 states the departments which should form part of any hospital. Article 367 stipulates that the hospital director must be a doctor licensed to practice in the Libyan Arab Jamahiriya and that there must be one resident doctor for every 50 beds. As for nursing services, it stipulates a minimum of one nurse for every two beds and also stipulates that hospitals must be adequately staffed with technicians and other employees and workers, all of whom must be free of infectious disease and licensed to practise their occupation by the Ministry of Health.

84. The Secretary of Health adopted decision No. 216 of 1994 regulating main and specialist hospitals, as well as decision No. 216 of 1994 promulgating the administrative regulations for specialist hospitals.

85. As mentioned earlier in paragraph 25, educational institutions are regulated by the Compulsory, Secondary and Technical Education Ordinance.

86. The difficulties which impede efforts to ensure consideration of the best interests of the child can be summarized as follows:

- (a) More meetings and workshops are needed in order to raise awareness of the Convention on the Rights of the Child among employees, administrators and others working in the field of child welfare;
- (b) Greater exchange of international and regional expertise is needed in order to further the development and design of child welfare programmes;
- (c) An administrative mechanism is needed in order to monitor the implementation of laws and legislative enactments in connection with child welfare.

### **C. The right to life, survival and development (art. 6)**

87. Measures adopted to guarantee the right of the child to life:

(a) Libyan legislation recognizes that the child has a fundamental right to life. Article 4 of the Promotion of Freedom Act No. 20 of 1991 stipulates that: "Life is an inherent right of every human being." Article 6 also stipulates that: "A healthy body is the right of every human being."

(b) The protection necessary for the unborn child is provided for in articles 390-395 of the Penal Code, pursuant to which abortion is a punishable criminal offence. Article 373 also includes a penalty for the crime of killing a newborn child in order to safeguard honour and article 389 punishes the offence of neglecting a newborn child in order to safeguard honour. Article 388 imposes a penalty on any person who finds an individual who is injured or in danger and fails to give the necessary assistance or notify the authorities. The legislative acts also stipulate safe working conditions for pregnant and post-natal women in order to ensure the child's care and safety after birth and thus safeguard his right to life.

#### **1. Measures adopted to create an environment to ensure to the maximum extent possible the survival and development of the child**

88. Paragraph 1 of the Child Protection and Welfare Ordinance, drafted by the General People's Congress of 1991 and adopted by the basic people's congresses, provides for "the promotion of sound family circumstances prior to childbirth in order to ensure the development of a healthy baby, as free as possible from hereditary, congenital or other abnormalities, by providing for medical examinations and checkups prior to marriage and health care for pregnant mothers and their unborn children". The Child Protection Act No. 5 of 1997 was also promulgated and lays down a number of requirements conducive to the creation of an environment that ensures the survival and development of the child, as follows:

- (a) Couples must undergo a medical examination prior to conclusion of the contract of marriage in order to ascertain that they are free of any hereditary or infectious disease;

- (b) Newborn children must undergo a medical examination in order to ascertain that they are free from all causes of hereditary or congenital disability;
- (c) Health facilities must provide serums and inoculations for children free of charge;
- (d) The right to full residential care for children who have no guardian must be guaranteed;
- (e) The employment of children in other than vocational training activities is prohibited.

89. Article 24 of the Promotion of Freedom Act also stipulates that: “Every citizen has the right to social welfare and social security and those who are unable to work for reasons outside their control shall be guaranteed decent means of support.” The above is in addition to the measures referred to in earlier paragraphs in connection with education, health, security, environment and so on.

## **2. Measures adopted to guarantee the registration and verification of child deaths and their causes**

90. In accordance with article 32 of the Civil Status Act No. 36 of 1968, the death of any Libyan occurring in the Libyan Arab Jamahiriya or abroad must generally be reported within a maximum of 24 hours from the time of death, using the form intended for that purpose. The form of notification must be lodged with civil register offices, health offices, a hospital, a doctor or a consul and should be drawn up in one original and one copy, both of which must be signed. Any breach of this requirement is punished by a fine of not more than 50 Libyan dinars. If the notification or declaration contains false information, the penalty is as stipulated in the Penal Code. Article 34 of the Civil Status Act specifies the persons who are under obligation to report a death, namely the ascendants or descendants of the deceased, the spouse of the deceased, any relatives of the deceased who were present at the death, a doctor or the competent health worker charged with confirming deaths, or the owner, director or person in charge of the premises if the death occurred in a hospital, nursing home, refuge, hotel, school or other location. In accordance with article 35, the notification of death must contain the following information: the day, date and place of death, the first name, surname, nationality, religion and occupation of the deceased, the gender, age and date and place of birth of the deceased, his place of residence, the first name and surname of his mother and father if the deceased was known to the person notifying the death, the place of his registration if the deceased was known to the person notifying the death and the first name, surname, address and occupation of the person notifying the death.

91. Verification of the cause of death is the responsibility of the civil register office or the local authority, as the case may be. Whichever of them has that responsibility must instruct the competent doctor to examine the deceased, ascertain his or her identity and verify the death. It must then draw up the death certificate in one original and two copies, using the form intended for that purpose, which should contain the above-mentioned information stipulated in article 35. The burial licence, without which the body may not be interred, is then issued and a copy of the death certificate is forwarded to the Department of Statistics and Censuses. If the cause of death

is suspect, the doctor instructed to carry out the post-mortem examination must immediately notify the nearest police station, in which case no death certificate or burial licence is issued until the competent investigating authority has given its consent.

92. Article 41 entrusts the civil registrar with the task of registering deaths, one after the other, in the special register for that purpose in accordance with the information shown on the death certificate and stipulated in article 35. Deaths which are not reported within one year of the date of death may not be registered except by a decision of the committee responsible for examining applications for late registration. Deaths from unnatural causes must be promptly investigated by the competent member of the Department of Public Prosecutions.

### **3. Measures adopted to prevent and monitor child suicide**

93. Such measures are not usually adopted unless a child is known to be attempting suicide, in which case the child must either be kept under watch by the person responsible for him or placed in a specific location at the request of the Department of Public Prosecutions in accordance with article 330 of the Code of Criminal Procedure.

### **4. Measures adopted to prevent the risks to which adolescents are exposed**

94. The measures adopted in this respect fall within the jurisdiction of the police. There is a General Department of Criminal Investigation which is responsible for investigating crime scenes and individuals and which endeavours to prevent crime before it occurs or detect it after it occurs. In that connection, the Department is authorized to take appropriate measures in accordance with its own methods.

## **D. Respect for the views of the child (art. 12)**

95. As for respect for the right of the child to express his own views freely in all matters affecting the child, the Great Green Document on Human Rights in the Age of the Masses, promulgated on 12 June 1988 and regarded as a key source of Libyan legislation, states that every individual in Jamahiri society, whether adult or child, male or female, has freedom of thought, initiative and creativity. The individual therefore has the right to express his own views freely in all matters, a right which may not be usurped.

96. A brief review of the measures designed to guarantee the right of the child to express his views is as follows:

(a) Family life: The child has full freedom to express his views on account of the social custom and upbringing prevalent in Libyan society;

(b) School life: In the legislative acts concerning education, school is regarded as the primary institution in which children learn to practice democracy and express their views through the people's congresses held during school classes in which all school-related matters are discussed, beginning with the daily running of school life, including school radio and other media, educational activities and so on;

(c) Under Libyan law, the child's opinions, testimony and statements may be heard concerning any matter in connection with legal proceedings in which he is a party;

(d) Libyan legislation guarantees that, irrespective of his whereabouts, the child's opinion is sought concerning all matters in connection with his life and lifestyle in the residential institutions where he lives.

97. In a number of cases, it may be essential in judicial proceedings to hear the young person's views in order to determine the extent to which those responsible for his care are fulfilling their duty towards him. It may also be essential to hear the young person's testimony, whether in order to obtain evidentiary material or to learn his views concerning the civil transaction being sought. It is at the discretion of the judge to decide whether to hear the young person concerning such matters, particularly if the latter is accused of a criminal offence or is the victim of such an offence.

98. As for the intervention of the child in legal proceedings through his representative, the child's guardian, trustee or custodian may intervene in cases being considered in the interest of the child or may institute proceedings on behalf of the child in order to claim his rights in accordance with the provisions of the Civil Code and the Code of Procedure.

99. In regard to criminal matters, it is not only the juvenile suspect on trial who is summoned before the juvenile court; as far as possible, his or her parents or legal guardian are also called to attend. The juvenile's relatives may also attend the trial, which is held in chambers and in camera. Before conviction, the court must ensure that the juvenile understands the significance of any witness testimony against him. Under article 511 of the Code of Criminal Procedure, before issuing his order, the judge is required to take the precaution of hearing the statements of the juvenile's natural legal guardian, trustee or custodian, failing which the order is invalid (unless issued by default because the juvenile has absconded). The order must be enforced immediately after it is notified to the juvenile's representative, since it is presumed to be in his interest.

100. The Department of Public Prosecutions must not rush to trial in the case of juveniles who are beyond parental control; such juveniles may not be committed for trial until the parent has been called and given appropriate time to reflect on the matter, regardless of the interest of the Department of Public Prosecutions which demands that the trial should go ahead. To be more specific, the legislature has restricted the authority of the Department of Public Prosecutions to initiate legal proceedings against a juvenile who is beyond persuasion by his parent or guardian, either of whom may, in the heat of anger over his loss of control over the child, rashly give permission for the commencement of such proceedings and later come to regret his action.

101. In accordance with article 325 of the Code of Criminal Procedure, criminal sentences and decisions involving a juvenile may be notified to his legal guardian, who may then lodge an appeal if it is in the interests of the child to do so.

102. Highlighting the views of children on local, national and international events as members of a student organization is an objective which the General Union of Students of the Jamahiriya is striving to achieve in accordance with decision No. 6 of 1979 of the General Secretariat of the

General People's Congress. Primary and preparatory schoolchildren do not have functioning membership of the Union in that they do not have the same rights as working members, except in regard to candidacy and selection. There are, however, basic students' congresses for the students in every secondary school, who are regarded as working members who have rights of candidacy and selection for the bodies of the Union. Each basic people's congress has an executive committee consisting of three members from each school year who are selected at the beginning of every academic year. From among its members, the executive committee chooses an administrative committee of six people, including the committee chairman and secretaries of administrative affairs, student activities, student affairs, financial affairs, the press and information.

103. Children are encouraged to exercise their right to express their views through a variety of media. In particular, training courses are run for teachers to ensure that they devote their best attention to children and teach them to practise direct democracy (the basic system applied in the Jamahiriya).

#### **IV. CIVIL RIGHTS AND FREEDOMS**

##### **A. Name and nationality (art. 7)**

104. Articles 18, 19, 20, 21, 22, 23, 24, 25, 26, 27 and 29 of the Civil Status Act No. 36 of 1968 emphasize that births having occurred inside the Libyan Arab Jamahiriya or abroad must be notified within a maximum of 10 days of the date of birth. Civil register offices and Libyan consulates abroad are both responsible for promptly recording such births. The details required for registration purposes include the day, date, time and place of birth, the gender, first name and surname of the child, the first name, surname, nationality, religion, age and place of residence of the child's parents, the name, address and age of the person notifying the birth and his relationship to the newborn child. In remote areas, births are registered with the secretary of the district people's committee, who in turn must notify the civil register office to which the committee is attached within 10 days of the date of being notified of the birth and forward the original registration to that office. If the birth takes place during the pilgrimage, the head of the pilgrimage group must notify the birth to the nearest Libyan consulate.

105. Foundlings are registered once they have been given a name consisting of three elements and their age has been estimated. The name is then displayed on the announcements board in the civil register office for a period of seven days. If no one comes forward to object to the name, it is approved and the infant is finally registered.

106. This provision applies to illegitimate children and the provisions concerning registration apply to foreigners on Libyan territory.

107. As for practical steps, in addition to the legislative rules mentioned, a central Department of Civil Status has been established and has branches and offices attached to it in main residential areas, amounting to a total of 216 offices throughout the urban, rural and remote areas of the Jamahiriya. There are, for instance, 11 offices in Tripoli, 12 in Jabal al-Akhdar, 8 in Misrata and 6 in Marzaq.

108. The branches and offices of the Department of Civil Status issue citizens with booklets known as family record books in which the details of the holder and his spouse and children, including first name, surname, place and date of birth, are entered. Entry in the civil register is a prerequisite for anyone wishing to obtain an official document such as a personal identity card, passport, driving licence or other document used by citizens in their daily lives. The said Act No. 36 imposes penalties in the form of monetary fines on any person who fails to carry out the requirement to notify births within the periods specified in the Act.

109. The measures adopted to raise awareness of the need to register births, mobilize public opinion and provide adequate training for civil registry employees take the following forms:

(a) Increasing information awareness by means of newspapers, magazines and symposiums;

(b) Imposing registration as a requirement for every person who applies for public office, for a licence to practice an occupation or trade or for an official document issued by the State, such as a passport, identity card or similar.

110. The branches and offices of the Department of Civil Status are responsible for organizing special courses designed to enhance the capabilities of civil registry employees. University experts are also assigned to work in the Department, the branches and offices of which use sophisticated computer equipment for the central storage of all information.

111. Registration details include first name and surname, the day, date, hour and place of birth and the gender of the child (male or female). There are no restrictions on the registration of children, regardless of whether they are legitimate, illegitimate or foundlings, other than that foundlings are named by a committee formed specially for that purpose.

112. The Green Book affirms an important social principle, namely that a child should be reared by his or her mother and brought up in a family with a mother, father and siblings. The mother is the natural provider of care and dispensing with the maternal role of the natural mother, or, in other words, substituting residential nurseries for the mother is the beginning of the end of human society. The family is the child's cradle, foundation and social umbrella.

113. The Great Green Document on Human Rights in the Age of the Masses also emphasizes this principle by stating the following:

(a) Jamahiri society is united in solidarity and guarantees child and maternal welfare;

(b) It is a sacred right for the child to be raised in a cohesive family which has both a mother and a father;

(c) It is unjust to deprive children of their mother and mothers of their children.

114. In Libyan law, the acts of concealing or exchanging an infant, making false statements to the birth registration authorities, destroying or altering the identity papers of a child or placing a legitimate child in a home for foundlings with the intention of removing the child from his relatives are treated as punishable offences which carry penalties ranging from imprisonment to detention or a fine. Prompt measures are also taken at birth to ensure that the child is handed over to his mother immediately after the birth.

115. The child acquires the nationality of his Libyan father from the moment of his birth. Any child born of a Libyan woman and a father who is stateless or of unknown nationality is regarded as Libyan, as is any child born of two parents of unknown nationality. Any person born in the Libyan Arab Jamahiriya is considered to be of unknown kinship, unless it is proved otherwise.

#### **B. Preservation of identity (art. 8)**

116. The measures adopted to preserve the identity of the child are as follows: the child is registered at birth in the civil register intended for that purpose within a period of not more than 10 days of the date of birth. Registration includes the child's first name, the father's first name and surname, the date and time of birth and other information relating to the child, which is recorded on specially prepared forms. The information provided is then entered in the family register and the birth is also recorded in the family's own record book.

117. These procedures are deemed to offer a special safeguard in regard to preserving the identity of the child. As a deterrent, the law imposes penalties on any person who alters information concerning the identity of a newborn child.

#### **C. Freedom of expression (art. 13)**

118. The Great Green Document on Human Rights in the Age of the Masses emphasizes that every individual has freedom of thought, initiative and creativity. It also guarantees the right of the individual to express his opinion publicly and in the open and to foreswear violence as a means of imposing ideas and opinions.

119. In schools, the people's authority is exercised through the establishment of basic people's educational congresses, consisting of all pupils. These congresses discuss all school-related issues of concern to the pupils for subsequent referral to the school management for action.

#### **D. Freedom of thought, conscience and religion (art. 14)**

120. The Great Green Document stipulates that: "The members of the society of the Jamahiriya are guided in their decisions by a divine law of established provisions which are not susceptible to change or substitution, namely the law of religion or custom." Freedom of belief is consequently guaranteed for all, together with freedom of thought, as the Great Green Document on Human Rights guarantees freedom of thought, initiative and creativity for all, whether adults or children, without interference or restriction.

**E. Freedom of association and freedom of peaceful assembly (art. 15)**

121. This subject has already been discussed in paragraph 15.

**F. Protection of privacy (art. 16)**

122. The Libyan legislature attached great importance to this issue, in which connection it laid down special legal provisions and measures in the Penal Code, the Child Protection Act No. 5 of 1997 and Act No. 10 concerning marriage and divorce and their consequences. A number of provisions deal specifically with the following child-related offences of:

- (a) Plundering or squandering a minor's assets, denying his means of support or committing dereliction of family duties (article 396 of the Penal Code);
- (b) Using improper methods of discipline and child-rearing (article 397 of the Penal Code);
- (c) Destroying, distorting or altering information on a birth certificate (article 404 of the Penal Code);
- (d) Neglecting the welfare of a minor (article 490 of the Penal Code);
- (e) Keeping a minor under guard (article 491 of the Penal Code);
- (f) Abducting a minor (article 406 of the Penal Code);
- (g) Engaging in sexual intercourse with a minor (article 407 of the Penal Code);
- (h) Raping a minor (article 408 of the Penal Code);
- (i) Inciting a minor to acts of immorality or debauchery (article 409 of the Penal Code);
- (j) Coercing a minor to engage in prostitution (article 416 of the Penal Code);
- (k) Deceiving a minor (article 463 of the Penal Code);
- (l) Violating the sanctity of the home (article 436 of the Penal Code).

123. The legislature prescribed penalties ranging from imprisonment to detention or a fine for any person who perpetrates any of the above-mentioned offences. In certain specific cases, some penalties are increased. It also laid down a series of other measures:

- (a) A complaint may be lodged by the guardian if the party injured by the offence is under 14 years of age and by the trustee or custodian if the offence involves property. In either case, the offences must be among those for which it is a legal requirement that the offender

should be brought to account by means of a complaint from the injured party. If the interests of the injured party conflict with those of his representative or if he has no representative, the Department of Public Prosecutions acts as his representative;

(b) The principle of the guardianship of a minor is intended to ensure the attention to all matters relating to the minor;

(c) The termination of guardianship is obligatory in the specific cases stated in article 36 of Act No. 17 of 1992 regulating the situation of minors and those of equivalent status;

(d) A minor's assets may not be given away, loaned or borrowed, nor may any benefits accruing from those assets be given away, except by order of the court;

(e) Those who are qualified to enforce application of the provisions of the Child Protection Act are required to monitor bodies and individuals attending to the affairs of children who are orphaned or reportedly subjected to ill-treatment within the family environment;

(f) Special juvenile courts have been established, with jurisdiction to order preventive measures in respect of juveniles and conduct the trial of minors over 14 and under 18 years of age who are accused of an offence;

(g) Any minor over 14 years of age whose circumstances require his preventive detention must be sent to a reform school, a designated institution or a charitable establishment or placed in the custody of a trustworthy person;

(h) Before a verdict is pronounced, the social and environmental circumstances of the child's upbringing must be investigated, as must the causes behind the child's perpetration of the offence;

(i) The presence of a lawyer is required in cases of misdemeanour;

(j) The juvenile court procedures follow the prescribed procedures in cases of felony;

(k) The court is attended solely by the relatives of the accused and by representatives of the judiciary and of charitable associations concerned with juvenile affairs;

(l) Judgement is pronounced in an open hearing and witnesses are heard outside the presence of the accused;

(m) All requisite judicial notices must be notified to the child's parents or legal guardian, who may use any of the prescribed means of appeal in the child's interest;

(n) Appeals in cases involving juveniles must be promptly lodged;

(o) The juvenile court judge is required to supervise the enforcement of judgements delivered in his court division against children accused of an offence;

(p) Convicted juveniles serve punishment in the juvenile education and guidance centres established specifically to cater for accused and convicted juveniles by attending to their welfare and education, developing their talents and identity, and offering them various types of vocational training. The juveniles at these centres are categorized into the age groups of 7-12 years, 12-15 years and 15-18 years;

(q) Juveniles are permitted to receive visits from relatives once a week;

(r) A social worker is required to report to the competent judicial authority on the behaviour of juveniles who are in detention or accused of an offence, on the social, family and environmental circumstances of their upbringing and on the causes behind their perpetration of the offence. The social worker is also required to attend the court hearings and submit quarterly reports on the juvenile's progress, conduct and interaction with other individuals;

(s) A committee of education centres is responsible for reviewing the cases of juveniles who have proved to be stable and well-behaved and whose family and external environment have also proved to be fit. The committee's reports are transmitted to the competent judicial authority for the purpose of giving consideration to the juvenile's release.

#### **G. Access to appropriate information (art. 17)**

124. The child can access information and items in connection with his social, spiritual and moral well-being and mental health from any source which he chooses. The State endeavours to facilitate access to information through a variety of means, including:

(a) School curricula and educational and cultural activities in schools;

(b) Children's radio and television programmes;

(c) Children's books and publications;

(d) The International Children's Day of Broadcasting during which children take charge of running local radio and television programmes;

(e) The national information system, which includes a special file in the database on the national economy containing information on children, such as numerical growth, educational and work status, age, relevant legislative enactments and laws, and geographical distribution.

125. In order to promote children's access to information, the authorities working with children carry out the following tasks:

(a) Establish set programmes on a periodic basis to educate children using the different media;

(b) Review the legislation in order to encourage writers, authors and experts to produce children's books and stories, as well as scientific and recreational material for children, and ensure that they are well remunerated for doing so.

126. The Great Jamahiriya is also a member of the United Nations Educational, Scientific, Cultural and Educational Organization (UNESCO), the Arab League Educational, Scientific and Cultural Organization (ALESCO), the Islamic Educational, Scientific and Cultural Organization (ISESCO) and many other scientific and cultural organizations. The cooperation arising as a result of this membership enables the Jamahiriya to benefit from the assistance provided by such organizations in producing information, accessing scientific material or exchanging information and programmes.

127. Lastly, the Libyan laws and legislative acts on information prohibit the publication of any information that is detrimental to any individual, whether adult or child. This legislation endeavours to ensure that all productions and publications are beneficial to children and will guarantee their sound physical, mental and cultural development.

#### **H. The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment (art. 37 (a))**

128. The Penal Code and the supplementary laws emphasize that it is prohibited to subject children to torture or other cruel, inhuman or degrading forms of treatment or punishment and impose penalties on the perpetrators of such acts. In this regard, it is worth mentioning the following articles of the Penal Code:

(a) Article 397 stipulates the penalty of imprisonment of not less than one year for the improper use of methods of discipline and child-rearing. If such treatment leads to personal injury, the penalty is imprisonment for a term of between two and five years and if it leads to death, the penalty is imprisonment for a term of eight years;

(b) Article 398 stipulates the penalty of imprisonment for the ill-treatment of family members and children.

129. The law enables the child to seek redress by means of a complaint submitted by his guardian. If the offence involves property, the complaint may be submitted by the child's trustee or custodian and if the interests of the minor who is the injured party conflict with those of his representative or if he has no representative, the Department of Public Prosecutions stands in as his representative in all instances where proceedings are initiated on the basis of a complaint submitted by the injured party. In other instances, the Department of Public Prosecutions is responsible for initiating proceedings.

130. Awareness-raising campaigns and educational activities carried out in schools and by the audio-visual media and newspapers, both daily and weekly, cover issues which are directly linked to such aspects.

131. The measures adopted to prevent perpetrators from escaping penalty are as follows:

(a) Law enforcement officers are tasked with seeking out and apprehending offenders and gathering the evidence needed for the purposes of investigation and legal proceedings. The papers are then forwarded to the Department of Public Prosecutions, which embarks on the process of instituting, completing and following up the legal proceedings until such time as a decision is given and the perpetrators are punished;

(b) As for the measures adopted to promote physical and psychological recovery and social reintegration of a child victim of torture or ill-treatment, they are carried out by mental health clinics, social service and rehabilitation centres and welfare homes run by the social security authorities, bearing in mind the specialist knowledge and expertise which they all have to offer;

(c) In addition to the law enforcement authorities, the independent monitoring systems established include, first and foremost, the Higher Committee for Children, which has the authority to monitor the relevant bodies and draw up the plans and programmes needed to cater for children and their welfare.

## **V. FAMILY ENVIRONMENT AND ALTERNATIVE CARE**

### **A. Parental guidance (art. 5)**

132. Act No. 10 of 1984 regulating marriage and divorce and their consequences deals with the rights of children and parents, as well as the responsibility for children in the case of divorce. Article 62 (a) stipulates that: "Custody means taking care of and educating the child, attending to his affairs and providing him with guidance from birth until the age of maturity in the case of males and until marriage in the case of females." Article 62 (b) elaborates on the details of such responsibility, stating that, during marriage, the custody of children in the sense referred to in earlier paragraphs of the Act is shared by both parents. If they separate, then custody is awarded to the child's mother, followed by her mother, the child's father, his mother and finally the child's close female relatives, with precedence given to those who are able to claim two sides as opposed to one, and finally the child's close male relatives.

133. The court is legally permitted, however, to disregard the order of sequence set forth in the above paragraph, with the exception of the child's mother, her mother, the child's father and his mother, if it is in the child's interest to do so.

134. Article 63 (a) stipulates that if the mother leaves the marital home owing to a dispute with her husband, she is entitled to custody of her children unless the court decides otherwise in their interest. Article 63 (b) stipulates that if the child is a minor to whom his mother's care is indispensable, the mother must have custody.

135. The Act also regulates custody in the event that the parents and relatives are prevented from taking care of the child for whatever reason, as article 63 (c) stipulates that if custody is waived by the rightful custodian or if an obstacle to custody is raised, the right is transferred to

the next individual in line. If that individual is unable to take care of the child, the court chooses a trustworthy person to do so. Even in cases where the mother has a different religion from that of the father, the law accords her the right of custody of her children.

136. Article 65 stipulates that the person responsible for the child's care, guidance and education must be a rational and reliable adult who is capable of raising the child and ensuring his protection and welfare.

137. Article 32 of Act No. 17 of 1992 regulating the situation of minors and those of equivalent status provides that both parents have legal guardianship. If that proves impossible, it is the child's female relatives who provide the necessary alternative care on the basis of their order of inheritance and closeness. Where relatives are equal, the court appoints the relative who is the most suitable to assume the legal guardianship of the child. If there is no one to assume guardianship, the court appoints a suitable guardian from among the minor's relatives or, failing that, another individual.

138. Article 33 specifies the duties of the legal guardian, whether the rightful guardian or an alternative, in connection with supervising the minor's affairs and ensuring his care, upbringing, education and sound guidance. Article 34 of the same Act stipulates that a child's legal guardian must be a rational and reliable adult, of the same religion as the minor and capable of fulfilling the requirements of guardianship, who has not been convicted of any offence that would entail deprivation of guardianship.

139. A guardian is deprived of the legal guardianship of a child in the cases set forth in article 36, namely:

- (a) If he no longer fulfils the conditions laid down in article 34;
- (b) If he commits a misdemeanour or felony against the ward;
- (c) If he is convicted of any of the following offences:
  - (i) Dereliction of family duties;
  - (ii) Use of improper methods of discipline and child-rearing;
  - (iii) Ill-treatment of family members;
  - (iv) Committal of a recognized legitimate child to a home for foundlings or other similar institution;
  - (v) Adultery or use of force, threats or deception to engage in sexual intercourse;
  - (vi) Rape;
  - (vii) Incitement of a minor to debauchery and prostitution;

- (viii) Abduction for the purpose of engaging in sexual acts;
- (ix) Incitement to prostitution;
- (x) Coercion to engage in prostitution;
- (xi) Exploitative use of prostitutes;
- (xii) Use of prostitution to earn a living and as a source of gain;
- (xiii) Trafficking in women.

140. Article 37 sets forth the alternative if both parents are deprived of the guardianship which allows them to take care of their children. The legal guardian may be wholly or partially deprived of guardianship, on a permanent or temporary basis, in the following instances:

- (a) If the guardian's liberty is restricted in such a way as to damage the interests of the minor;
- (b) If the guardian maltreats his ward, neglects his welfare or sets a bad example that endangers his safety, education or morals.

141. As an alternative to the withdrawal of guardianship in the above cases, the court may entrust a minor child to the care of a social institute or establishment designated for that purpose.

142. The audio-visual broadcasting media transmit special family and children's programmes on the rights of the child and parental responsibilities, while offices have been set up in maternal and child centres, as well as in schools, to provide guidance and counselling on educational and social matters. Social service offices providing guidance and counselling have also been set up in children's hospitals. In addition, various scientific symposiums and workshops are held with a view to raising awareness of the rights of the child, including in particular the Monday Symposium, which is convened once a month by the Higher Committee for Children and deals with topics and issues concerning the rights of the child and aimed at raising awareness among officials and other responsible officers of the principles involved in providing suitable guidance and counselling for the child.

143. These symposiums have included the following:

- (a) A symposium comparing the rights of the child in the Convention on the Rights of the Child and in domestic legislation, which was attended by specialist teachers, school principals, doctors, male and female nurses and responsible officers;
- (b) A symposium on child employment in Libyan Arab society, which discussed various dimensions of the rights of the child and the dangers of child employment in the wake of a field study on child employment in Libyan Arab society;
- (c) A symposium on children with AIDS;

- (d) A symposium on delinquent children;
- (e) A symposium on the child's need for education;
- (f) An Arab symposium on children's sport attended by researchers and concerned persons from various Arab States;
- (g) A symposium on the narcotic drugs epidemic and the protection of children against such drugs.

144. Publications aimed at raising awareness and offering guidance have also been published, including the newspaper *Bara'a*, the magazine *Al-Salih* and the magazine *Al-Tufula*. Moreover, various radio programmes dealing with children's rights and offering guidance on child-rearing, education and the safeguarding of children's rights are regularly broadcast. One such example is the daily programme "Children and Life", which has been on air since 1985.

145. The laws in the Great Jamahiriya prohibit all forms of discrimination, as stipulated in the Constitutional Declaration, the Proclamation of the Revolution and the Great Green Charter on Human Rights in the Age of the Masses.

146. The laws also protect the rights of the child to life and the Penal Code prohibits killing, as well as abortion, except in cases where the mother's health is unquestionably endangered. The Promotion of Freedom Act also prohibits all discrimination on grounds of sex, religion, status and so on.

147. The rights stipulated in paragraph 5 of the Convention on the Rights of the Child, which emphasizes the integrity of the national approach and the importance of the programmes and legislative acts in force, were already protected by the national legislation and the practices applied.

## **B. Parental responsibility (art. 18, paras. 1-2)**

148. The substance of the Act regulating marriage and divorce and their consequences has already been mentioned, in addition to which the Child Protection Act No. 5 sets forth the requirement for both parents to respect their shared responsibilities in connection with the education and development of the child.

149. In regard to the principles of non-discrimination, as already mentioned, the laws in force accord equal rights to all children resident in the Great Jamahiriya, both nationals and non-nationals, in addition to which the special laws accord children and others, without distinction, the right to health care, education and social security. Article 1 of the Social Security Act No. 13 of 1980, for instance, provides that social security is a right of all nationals and non-nationals.

150. With a view to ensuring the welfare of children and safeguarding their rights, the State supports families through its policy of subsidizing food commodities and providing medical treatment and medicines free of charge. A number of child welfare institutions, facilities and services have been established, including:

- (a) Regular nurseries and nurseries for children deprived of a family environment (residential nurseries);
- (b) Kindergartens;
- (c) Alternative care institutions for children deprived of a family environment (social welfare homes for boys and girls);
- (d) Institutions for the care and rehabilitation of disabled children;
- (e) Hospitals and maternal and child care centres;
- (f) Schools of all levels;
- (g) Children's theatres;
- (h) Children's parks;
- (i) Boy scout organizations;
- (j) Military camps and camps for juniors, cadets and aides.

### **C. Separation from parents (art. 9)**

151. The Penal Code and the Act regulating the situation of minors and those of equivalent status stipulate that all interested parties, including children, must be given the opportunity to participate in any legal proceedings and make their views known. Under the law regulating people's committees, the district people's committee has the task of hearing cases and the views of the interested parties and, where no decision can be reached, of referring such cases to the judiciary.

152. Article 68 of Act No. 10 regulating marriage and divorce and their consequences guarantees the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis.

153. Article 28 of the Prisons Act No. 47 of 1975 stipulates that a child must be handed over to his father if the mother is imprisoned. Article 40 of decision No. 343 of 1982 of the General People's Committee for Justice promulgating the implementing regulations of the Prisons Act states that the child's father or the relatives responsible for the child's custody and care must be notified in person of the date when the child is due to reach two years of age and that the child must be handed over to them on that date. If the mother does not wish the child to remain with her until that date, he is immediately handed over to his father or the person who has the right of

custody. Article 43 of the same regulations also guarantees the right of a mother who is in prison to visit any child of hers who has been placed in a residential nursery or care home. The mother also has the right to see any of her children who is handed over to the father or the person who has the right of custody. Article 44 of the same regulations further stipulates that the mother may not be denied the right to visit her child for any reason other than in fulfilment of a public health requirement.

154. The child has the right to obtain information on the whereabouts of the absent members of his family, a right which is provided for under Act No. 10 of 1984 regulating marriage and divorce and their consequences. The courts are bound by the provision of this article of the Convention on the Rights of the Child, which lawyers invoke in their arguments in such cases and which entails no adverse consequences for the person concerned.

#### **D. Family reunification (art. 10)**

155. Article 20 of the Promotion of Freedom Act No. 20 guarantees to citizens freedom of movement, freedom of choice of domicile and freedom to leave and enter the Great Jamahiriya as they choose. Non-nationals are granted guaranteed entry visas in accordance with the relevant conditions and relations with the countries to which those seeking family reunification belong. Pursuant to the Alien Entry and Residence Act No. 6 of 1987, an association with a resident alien is one of the requirements for obtaining an entry visa and a residence visa may be subsequently obtained by the parents, wife, children and dependent relatives.

156. The authorities competent to grant visas give special priority to applications for family reunification in the light of national legislation and the principles of the Convention on the Rights of the Child. Examples include the summer reunions of non-Libyan mothers and their children of Libyan fathers, under the supervision of the Higher Committee for Children.

157. The national legislation already referred to stipulates the right of a child whose parents reside in different States to maintain on a regular basis personal relations and direct contact with both parents and specifically so in article 25 of the Promotion of Freedom Act No. 20 and article 68 of Act No. 10 regulating marriage and divorce and their consequences.

158. Libyan legislation paved the way for the provision of article 10 of the Convention concerning family reunification. The Convention therefore simply came to emphasize legislative procedures which were already in force in Libyan Arab society prior to adoption of the Convention. In all cases, the problems of family reunification involving children of Libyan fathers and non-Libyan mothers, and vice versa, have personal causes attributable to the relationship between the parents.

#### **E. Illicit transfer and non-return of children abroad (art. 11)**

159. The laws in the Jamahiriya prohibit the illicit transfer of children abroad and stipulate that a child must obtain a passport and his guardian's consent in order to leave and enter the Jamahiriya. Any practices to the contrary are followed up by the passport and security

authorities. Article 67 of Act No. 10 of 1984 regulating marriage and divorce and their consequences stipulates that under no circumstances may a person with a child in his care be permitted to take that child out of the Jamahiriya without having first obtained the permission of the child's guardian.

#### **F. Recovery of maintenance for the child (art. 27, para. 4)**

160. Article 71, chapter VII, of the aforementioned Act No. 10 of 1984 regulates the subject of maintenance. Article 61 (a) stipulates that a minor who has no assets must be maintained by his or her father, provided that the father is solvent, until marriage in the case of a girl or until she earns a sufficient amount from her job to cover her needs and, in the case of a boy, until he attains majority and is capable of earning a living. Article 61 (b) stipulates that the solvent parent is responsible for continuing to maintain the child until he completes his education. Article 61 (c) stipulates that a mother who is solvent is required to maintain her children if the father is insolvent.

161. Pursuant to this Act, the courts impose a duty on guardians to maintain their children and maintenance orders are enforced by the official police authorities. In cases where parents are unable to maintain their children, the Social Security Act and the Basic Allowances Act guarantee the provision of basic security allowances for the families concerned until such time as they are able to do so. In accordance with the Civil Code, debts of maintenance are privileged debts which are recovered as a priority if assets are seized.

162. In maintenance suits, the courts and lawyers comply with the provisions of the Convention on the Rights of the Child pursuant to its ratification by the Jamahiriya in accordance with Act No. 2 of 1991.

#### **G. Children deprived of a family environment (art. 20)**

163. Article 2 of the Social Security Act No. 13 of 1980 provides for the payment of an allowance to the heirs of a person who is insured. Such payment is made to the entitled members of that person's family, including children. Article 22 of the same Act also provides for payment of the basic allowance to widows and orphans, as well as to individuals who have lost their source of livelihood and have no one to support them. Insured persons and those who receive the basic allowance are also granted additional benefits, such as family benefit and child benefit. The rights of individuals who need basic allowances in order to take care of and support their children are emphasized in the Basic Allowances Act No. 16 of 1985.

164. In accordance with decision No. 507 of 1984 of the General People's Committee, social security allowances were increased. In the event that a child cannot be cared for by one or both parents or by relatives, the State offers an institutional system providing the alternative care prescribed in the above-mentioned Social Security Act, article 29 of which stipulates, under the heading of "Social welfare", that: "For children without a carer, social security shall provide alternative social care services in residential nurseries and social welfare institutions for boys and girls who are without a provider, as society is the protector of those who have no protector."

165. Decision No. 454 of 1985 of the General People's Committee concerning the hosting of children placed in social institutions and deprived of a natural family environment was also promulgated. Hosting is carried out on a volunteer basis by families which offer such children the opportunity to live within a natural family environment. The social service offices monitor the situation of hosted or fostered children in order to pinpoint any problems which they face and lend support to the host and foster families.

166. In making decisions on alternative care, the lack or poor quality of the natural family environment is taken into account. The alternative care arrangements are designed to cater to children of unknown kinship, children who have been given a custodial sentence and children who are bereaved of both parents. These children are dispersed to a variety of residential social welfare institutions on the basis of age and gender.

167. The Convention on the Rights of the Child champions national efforts for the provision of alternative care and in-depth studies are now being conducted to evaluate the means of alternative care for children deprived of a family environment with a view to identifying difficulties, moving work forward, proposing suitable alternatives and promoting fosterage and hosting.

#### **H. Adoption (art. 21)**

168. Adoption is not permitted by the legislative enactments in the Jamahiriya, as it is prohibited by the Koran. It has therefore been replaced in those enactments by fosterage and hosting.

#### **I. Periodic review of child placement (art. 25)**

169. The legislative acts regulating the activity of social welfare institutions and institutions for disabled children and juvenile delinquents provide for the right of children placed in such institutions to receive medical treatment and periodic checkups, free of charge, at health clinics and public health establishments. They also provide for the right of those children to have access to the necessary facilities and services.

170. The people's committees for health and social security, the Social Security Fund, social welfare institutions and disabled care establishments are all dedicated to the said objectives. The competent authorities respect the provisions and principles of the Convention on the Rights of the Child and the national legislation concerning non-discrimination against children on any grounds, taking into consideration, as far as possible, the best interests of the child.

#### **J. Maltreatment and neglect (art. 19), including physical and psychological recovery and social reintegration (art. 39)**

171. Penal Code prohibits acts involving maltreatment, as follows:

- (a) Abandonment of a child (art. 387);
- (b) Failure to provide assistance to an abandoned minor in need (art. 388);

- (c) Abandonment of a newborn infant (art. 389);
- (d) Theft of a child's assets, abandonment of a child and denial of means of support to a child (art. 396 (a) and (b));
- (e) Improper use of methods of discipline and child-rearing (art. 397);
- (f) Maltreatment of a child;
- (g) Failure to maintain a minor (art. 398);
- (h) Sexual intercourse with a child (art. 407);
- (i) Incitement of a child to acts of immorality or debauchery (art. 411);
- (j) Incitement of a child to prostitution (art. 415);
- (k) Incitement and coercion of a child to prostitution (art. 415);
- (l) Incitement of a child to travel abroad for exploitative use in prostitution (art. 418);
- (m) Exposure of a minor to matters of scandal (art. 421);
- (n) Use of a child as an itinerant salesperson (art. 474);
- (o) Failure to care for a child (art. 490);
- (p) Exposure of a child or any other person through the disclosure of his written correspondence, telephone conversations or telegrams (art. 444);
- (q) Surrender of the control of a vehicle to a child (article 55 of the Traffic Act No. 13 of 1994).

172. In regard to the penalties imposed for the maltreatment of children, the aforementioned Act establishes both a general deterrent, which is important from the preventive point of view, and a special deterrent. Social security offices and social service offices in schools are also involved in raising awareness of the fact that the maltreatment of children is a serious matter. A number of legislative enactments impose a duty on citizens to respect children and treat them well. It is a criminal offence under the School Discipline Ordinance for schools to beat children and the maltreatment of a minor is also a criminal offence under the Child Protection Act No. 5 of 1997.

173. Departments of public prosecution, police stations and district people's committees, as well as the branches of the Higher Committee for Children and the Committee itself, are obliged to accept and investigate complaints of maltreatment and refer them to the courts.

174. The laws also require persons who deal with children, including doctors, school teachers and social workers, to report cases involving their maltreatment to the competent bodies, such as the educational authorities, the police, the judiciary and so on.

175. Social welfare institutions and juvenile education and guidance centres are engaged in promoting physical and psychological recovery and social reintegration of child victims of any form of neglect, exploitation or abuse.

## **VI. BASIC HEALTH AND LEISURE (arts. 6, paras. 3, 23, 24, 26 and 27 and art. 18, paras. 1, 2 and 3)**

### **A. Disabled children (art. 23)**

176. Disabled children in the Great Jamahiriya enjoy full rights in terms of services in education, training, health care and rehabilitation. Stemming from the belief in our tolerant Islamic principles and values which attach great importance to the human personality, the Great September Revolution tackled the problem of disability by putting in place the legal frameworks to enable the systems and organizations present in society to offer preventive treatment, therapy and rehabilitation with a view to addressing the problem. These measures also enable disabled people to enjoy a productive life, thus giving them a sense of their significance and status in society, and include the following:

(a) The initiative of the Jamahiriya, to which the United Nations responded, in proposing 1981 as the International Year of Disabled Persons under the banner of “national participation and equality”;

(b) The promulgation of various legislative acts relating to disabled persons:

(i) Act No. 15 of 1969;

(ii) Act No. 3 of 1981;

(iii) Act No. 5 of 1987;

(c) The adoption of several decisions to form committees to deal with the affairs of disabled persons and the convening of local and international conferences and symposiums;

(d) The conduct of numerous surveys and studies to determine the incidence of disability in the Jamahiriya, most recently the comprehensive survey conducted by the Social Security Fund during the period 1998-1999, which established that the total number of disabled persons stood at 31,629, of whom 26,408 were males, representing 69.61 per cent, and 11,518 were females, representing 30.4 per cent, altogether amounting to less than 1 per cent of the population figure of 4,772,430 inhabitants in 1998;

(e) The provision of community help for disabled persons and the establishment of various associations and societies providing services for the disabled, including:

The Society of Friends of Disabled Persons;

The Nur Society for the Blind;

The Society for the Deaf;

The Community Association for the Care of Speech- and Hearing-Impaired Persons;

The Charitable Society for the Care of Mentally Retarded Persons;

The Community Association for the Care of Disabled Persons;

(f) Efforts by the Social Security Fund to address the problem of disability: the Social Security Fund is one of the main bodies dealing with all categories of disabled persons in the Great Jamahiriya and is directly responsible for the implementation of laws and regulations concerning the provision of financial and other benefits for disabled groups. As part of its organizational structure, the Social Security Fund has created a general department for the affairs of disabled persons in order to ensure that policies, programmes and plans are designed and implemented to guarantee the best preventive, therapeutic and rehabilitation services through:

- (i) The establishment of educational centres and schools for the deaf, the speech-impaired and the hearing-impaired;
- (ii) The establishment of centres and schools for the education of persons with mental and motor disabilities;
- (iii) The establishment of residential rehabilitation centres and treatment clinics fitted with the latest equipment and staffed by medical teams to care for persons with multiple disabilities;
- (iv) The establishment of workshops for the manufacture of prosthetic limbs and other medical requirements for disabled persons;
- (v) The regular supervision and monitoring of all centres and clinics in order to evaluate them and detect any failings;
- (vi) The gathering and processing of information and statistics on disability and their linkage with different variables;
- (vii) The preparation and holding of local and international conferences and symposiums on disability problems and control;

- (viii) The organization of training courses for those working with disabled persons in the different areas of specialization;
- (ix) The preparation of a draft study on the establishment of centres for the control and prevention of disability.

**Table 2**  
**Centres and schools**

Centres and schools	Number	Number of residents and regular attenders
Centres and schools for the education of speech- and hearing-impaired persons	16	1 590
Centres and schools for the development of cognitive skills	8	810
Centres for the care and rehabilitation of persons with multiple disabilities	6	792
Centres for the care and rehabilitation of children with motor disabilities	1	45
Residential centres for the rehabilitation of disabled persons	3	506
Day centres for the rehabilitation of disabled persons	10	3 008

Source: National Centre for Information and Documentation, Statistical Bulletin of 1998, General People's Committee for Health and Social Security.

### **B. Health and health services (art. 24)**

177. The General People's Committee promulgated decision No. 24 of 1994 adopting the national strategy for the provision of health for all by all. This decision stipulated that: "The health system in the Great Jamahiriya is based on primary health care which fundamentally relies on a practically sound, scientifically safe and socially acceptable technique that makes it easily accessible to every family and individual in society through their effective participation so that all citizens in the Jamahiriya reach the highest attainable standard of health, thereby enabling them to engage in productive activity and carry out an effective role in the social and economic life of society." In accordance with this strategy, the General People's Committee for Health and Social Security developed a number of programmes, including:

- (a) The maternal and child vaccination programme;
- (b) The programme to combat child respiratory infection;
- (c) The programme to combat diarrhoea;

- (d) The school health programme;
- (e) The programme to combat tuberculosis;
- (f) The accident prevention programme;
- (g) The programme to combat acquired immunodeficiency syndrome (AIDS);
- (h) The programme of vaccination against communicable diseases;
- (i) The programme to raise health and social awareness;
- (j) The programme to prevent and combat common diseases.

178. In order to implement these programmes, various national and scientific committees were formed and several special centres were established, such as the National Centre for Tuberculosis and Chest Disease, the Centre for Eye Disease and the Food Monitoring and Inspection Centre.

179. The Jamahiriya has achieved a number of successes in the field of health and social security; medical services in the Jamahiriya attained a coverage rate of 100 per cent and the following indicators were accomplished:

- (a) Vaccination coverage attained a rate of over 95 per cent in the case of most of the diseases targeted by vaccination;
- (b) Inhabitants grew more aware of all the types of medical services available, particularly those relating to the prevention of infectious diseases;
- (c) A number of diseases, such as poliomyelitis, congenital tetanus, and malaria, were eliminated;
- (d) Major successes were achieved in connection with a number of other communicable diseases, for which scientific programmes were devised with a view to their elimination;
- (e) Various specialist health facilities, such as the National Centre for Tuberculosis and Chest Disease, the Centre for Eye Disease, the Tripoli Medical Centre and the X-Ray Diagnostic Centre, were set up to monitor disease, improve access to services and provide specialist services.

180. In accordance with the national strategy for the provision of health for all by all, the General People's Committee for Health and Social Security set the following targets to be realized in the future:

- (a) The eradication of all communicable and endemic diseases;

- (b) The achievement of a vaccination rate of 100 per cent for all the diseases targeted by vaccination;
- (c) Adoption of the preventive and therapeutic measures needed to promote child welfare in an effort to reduce child mortality and increase life expectancy;
- (d) Improvement of the performance and standard of health services and the quality of care over quantity;
- (e) The implementation of programmes to monitor all diseases;
- (f) The reduction of maternal mortality rates;
- (g) The development of health information systems;
- (h) The promotion of research and studies on health.

181. As for maternal and child care, the General People's Committee for Health and Social Security has sections attending to mothers and children, vaccination, school health and nutrition. These sections are responsible for supervision of the various centres offering maternal and child services, of which there are 803 countrywide. Such services include antenatal, perinatal and post-natal care. Between 1991 and 1996, 81 per cent of deliveries were supervised, with the figure rising to 85 per cent in urban areas compared with 71 per cent in rural areas. These cases were followed up by a doctor or nurse.

**Table 3**

**Places of birth of the population (urban and rural)**

Place of birth	Urban percentage	Rural percentage	Total percentage
Public health institution	92.7	68.7	91
Private health institution	3.6	7.1	2.9
Home	3.6	12	6
Other	0.1	0.2	0.1
Total	100	100	100

182. As for public health institutions, the following table shows the breakdown of health facilities in the Jamahiriya and clearly indicates the extent to which therapeutic and preventive services have grown in the Jamahiriya, as well as the success of the health development programmes in achieving their objectives of raising the standard of health in both urban and rural areas.

**Table 4**  
**Breakdown of health facilities by category**

Specialist centre	Main hospital	Public hospital	Village hospital	Community clinic	Health centre	Care unit A	Care unit B	Care unit C
23	17	19	24	21	163	128	254	549

Source: Thirty years of health and social services (1969-1999), General People's Committee for Health and Social Security.

**Table 5**  
**Total number of hospitals and primary health-care facilities**

Hospitals	Community clinics	Health centres	Community care centres	Tuberculosis centres
83	21	163	931	21

Source: Ibid.

**Table 6**  
**Comparison of health facilities in 1969 and 1998**

Facility	1969	1998
Tuberculosis centre	5	23
Community clinic	1	21
Health centre	5	163
Health-care unit	445	931
Health institute	3	64

Source: Ibid.

**Table 7**  
**Growth in number of beds over 20 years**

Year	Number of beds
1978	13 418
1998	20 325

Source: Ibid.

**Table 8**  
**Number of inhabitants per bed**

Total number of beds	Number of inhabitants	Number of inhabitants per bed	Number of beds per 1,000 inhabitants
20 325	4 768 897	243	4.2

Source: Ibid.

183. As for vaccinations, they are compulsory between the ages of birth and school admission in accordance with the Vaccination Act promulgated in 1970. The vaccination programme has been through several stages of development with a view to achieving full vaccination coverage for all approved vaccines in order to protect citizens against the communicable diseases for which preventive vaccinations are available.

**Table 9**  
**New vaccination schedule**

Type of vaccination	Age of child at vaccination
1. Zero dose of poliomyelitis 2. First dose of hepatitis B 3. Tuberculosis (BCG)	Immediately after birth
1. First dose of poliomyelitis 2. Second dose of hepatitis B 3. First dose of triple vaccine	6 weeks
1. Second dose of poliomyelitis 2. Second dose of triple vaccine	10 weeks
1. Third dose of poliomyelitis 2. Third dose of triple vaccine	14 weeks
1. Measles vaccine 2. Third dose of hepatitis B	8 months
1. Triple vaccine booster 2. Poliomyelitis booster 3. Measles, mumps and rubella (MMR)	18 months

Source: Ibid.

**Table 10**  
**Vaccination coverage in the Jamahiriya**

Vaccination (children 12-23 months)	Urban percentage	Rural percentage	Total
Tuberculosis	99.7	98.0	99.2
Poliomyelitis and triple vaccine: first dose	98.7	97.1	98.2
Poliomyelitis and triple vaccine: second dose	97.6	96.4	97.3
Poliomyelitis and triple vaccine: third dose	95.9	95.6	95.8
Measles	92.4	91.7	92.2

Source: Ibid.

184. Statistics from the Libyan Arab survey of maternal and child health of 1995 indicate that the number of malnourished persons in the Jamahiriya is lower than in some other Arab States, as the proportion of underweight children is 4.7 per cent and the proportion of children who suffer from wasting stands at no higher than 2.7 per cent. The proportion of stunted children is 15 per cent and the proportion of stunted children who also suffer from wasting stands at just 0.2 per cent.

185. The programme to combat diarrhoea through treatment with oral solutions was also implemented in different parts of the Jamahiriya and reduced the numbers of those who suffer diarrhoea, which, together with fever (high temperature), is the main illness to which children under the age of 5 are susceptible. Special national committees have been formed to combat diarrhoea and respiratory infection in children by implementing the programme of the World Health Organization (WHO).

186. An integrated health programme has been drawn up for schools throughout the Jamahiriya to ensure that the necessary vaccinations and regular medical examinations are carried out and that attention is paid to the school environment. The school health section has also drawn up a long-term plan for the 10-year period 1999-2009, which is designed to:

- (a) Raise the standard of health among school students;
- (b) Protect students against the health risks to which they are exposed, such as accidents, environmental hazards, the widespread smoking habit, narcotic drugs and modern-day diseases;
- (c) Protect students against and combat communicable diseases and parasites;
- (d) Raise health awareness in schools among students, teachers and school workers;
- (e) Monitor food in internal departments and canteens in order to check that it meets hygiene conditions and endeavour to improve the nutritional status of students;

- (f) Raise the school hygiene standard;
- (g) Provide training for school health workers when they accept the job in order to familiarize them with their particular responsibilities and duties before they start work by means of enlivening practical courses;
- (h) Run training courses for male and female teachers in order to familiarize them with the school health programme;
- (i) Form first aid associations of school students;
- (j) List and treat the chronic diseases and permanent disabilities among students.

187. A guide for school health workers was prepared in 2000 in order to familiarize them with the tasks and duties involved in implementing the school health programme.

**Table 11**

**School health in the academic year 1997/98**

Number of new students registered in the first year of primary school	Number of first year primary school students examined and vaccinated				
	Double vaccine	Poliomyelitis	Coverage (%)	Meningitis	Coverage (%)
103 782	84 906	85 514	82	77 364	74

Source: Ibid.

**Table 12**

**Number of seventh grade students vaccinated**

Number of students registered in the seventh grade	Number of seventh grade students examined and vaccinated		
	Tetanus	Poliomyelitis	Coverage (%)
84 868	70 670	71 313	84

Source: Ibid.

188. Breastfeeding: Breastfeeding is widely practised in the Jamahiriya. Findings show that, in both rural and urban areas, 9 out of every 10 infants born during the period 1991-1995 were

breastfed. As for the timing of the first post-natal breastfeeding, findings show that some 73 per cent of breastfed infants took their first feed within six hours of birth, in which respect there is no difference between rural and urban areas. A special committee on breastfeeding has been formed and is responsible for developing a health awareness and education programme, the implementation of which has been assigned to various hospitals.

189. As for the incidence of HIV/AIDS, both among the population in general and among children, the following table shows the number of reported cases as at 1998.

**Table 13**  
**Reported cases of HIV/AIDS**

Year	Number of Libyan patients	Number of patients among foreign visitors	Total number of patients
Pre-1989	24	83	107
1989	5	12	17
1990	11	51	62
1991	6	117	123
1992	9	74	83
1993	2	12	14
1994	11	75	86
1995	16	289	305
1996	21	136	157
1997	38	69	107
1998	396	95	491
Total	539	913	1 552

Source: Ibid.

190. The National Committee for AIDS Prevention was formed in 1987. Through the national programme to combat AIDS, this Committee carried out the following activities:

- (a) It printed a number of educational leaflets and publications, which it distributed to the public and to health institutions;
- (b) It revived the annual World AIDS Day, which falls on 1 December of each year;
- (c) It participated in international scientific gatherings;
- (d) It directly supervised AIDS analysis equipment and monitored the treatment of individual cases and families with the disease;
- (e) During the period 19-20 February 2000 under the banner of "Africa united against AIDS", it held its first conference on AIDS, which was attended by a number of international experts and several African ministers of health;

(f) The case of the AIDS-affected children in Benghazi has aroused enormous sympathy for the problem of AIDS in the Jamahiriya. The figures were as follows:

– Total number of cases:	405
– Total number of affected children:	386
– Total number of affected mothers:	19
– Total number of child deaths:	27

191. Measures taken to deal with the epidemic and treat cases:

(a) Preventive measures were taken in Benghazi hospitals and the epidemic was contained;

(b) The General People's Committee took the decision to send the sufferers abroad for treatment, with the justification that, although the drugs currently available do not destroy the virus, they nevertheless halt its activity, control its spread, delay the reduction of immunity, prolong survival and improve quality of life;

(c) Patients were sent to four European countries, specifically France, Italy, Austria and Switzerland. Assessment of the situation was a condition imposed by the medical centres in those countries and administration of the drugs is recommended on the patients' return to the Jamahiriya;

(d) A sophisticated medical laboratory fitted with the latest technology was imported and is now being installed;

(e) A special AIDS clinic was fitted out in the children's hospital and antiviral drugs were imported. It should be pointed out that the drugs for one month's treatment cost \$1,500;

(f) The guardians of the affected children have formed an association to resolve the social difficulties facing the families of those children and to produce awareness-raising programmes;

(g) Officials from the Secretariat of Health said that hospital workers were behind the Benghazi hospital case, which has been referred to the judicial authorities for examination.

192. With regard to the risks and dangers of environmental pollution and the measures taken to counter them, the State accords the utmost importance to environmental sanitation, particularly as it relates to the provision of safe drinking water. The results clearly show that the public water network and springs constitute the principal sources of drinking water in both rural and urban areas in the Jamahiriya. Between 88 and 90 per cent of urban families receive their drinking water from one of these two sources, as compared with 82 per cent of rural families. The majority of cities and inhabited areas in the Jamahiriya rely for their drinking water on the Great Man-Made River.

193. As regards sewerage, 3,500 kilometres of main and secondary sewage pipes have been laid to provide coverage for 53 per cent of towns and villages throughout the Jamahiriya, with the result that most areas with a population of over 5,000 inhabitants are now served by a sewage network with a total treatment capacity of 137 million cubic metres per annum.

194. In the area of public sanitation, the tasks of refuse collection, removal and disposal have been assigned to the environmental protection agencies of the General People's Committee for Housing and Public Utilities in accordance with the provisions of the People's Committee Act No. 2 of 1998. The Act introduced a number of amendments and additions to Act No. 1 of 1995, concerning the functions of the People's Congresses and Committees, which provide for the following:

- (a) The promotion of partnerships with joint-stock companies operating in the domain of municipal sanitation;
- (b) The raising of sanitation taxes payable by industrial concessions and commercial enterprises so as to enable every *sha'biyya* to provide the most comprehensive sanitation service possible;
- (c) The allocation of funds from the municipal budget to support the public sanitation utility.

195. In keeping with the Great Jamahiriya's belief in the role and importance of the environment, the Technical Centre for the Protection of the Environment and the General Department for the Protection of the Environment have been merged to form the General Agency for the Protection of the Environment.

196. In terms of international cooperation and external communications, the Jamahiriya plays an active role at the Arab, regional and international levels in the conclusion of agreements concerned with environmental protection. The most significant of these activities are the Jamahiriya's membership in the Council of Arab Ministers for Environmental Issues since 1989 and in the Centre for Environment and Development for the Arab Region and Europe (CEDARE). Over the last two decades the Jamahiriya has also signed a total of 13 conventions and protocols that relate to the environment.

197. International cooperation in the health services domain has been established with a number of Arab States, including Tunisia, Algeria, Morocco, Jordan, Syria and Egypt. It was through this Arab cooperation that the Arab Maternal and Child Health Survey was conducted in conjunction with the League of Arab States. Cooperation has also been instituted for the joint purchase of medicines (under Maghreban auspices) and in the field of primary health care. Joint vaccination days have been held and visits exchanged between medical teams.

198. Cooperation with African States takes place under the auspices of the Council of African Ministers of Health and the joint Sahelo-Saharan Council of Ministers. It consists in efforts to combat contagious diseases and in training of medical staff and exchanges of information and health publications.

199. Libya has established cooperation with several European States in the following domains:

- (a) The recruitment of medical and medical ancillary personnel for work in Libyan health and social institutions;
- (b) The import of medicines and medical equipment;
- (c) Referral for treatment of clinical cases which are too complex to treat in Libya;
- (d) Training of Libyan medical and medical ancillary personnel in the States concerned;
- (e) The recruitment of visiting professors who come to treat particularly complex cases.

200. In addition, Libya has instituted cooperation with international organizations such as the World Health Organization (WHO) and the United Nations Children's Fund (UNICEF).

201. Cooperation with WHO takes the following forms:

- (a) Requests for the services of consultants who are experts in various fields of health and social security;
- (b) The purchase of equipment for use, inter alia, in primary health care, community health and the Preventive Health Programme;
- (c) Attendance at regional and international conferences;
- (d) The acquisition by the Jamahiriya of up-to-date periodicals and publications on a variety of subjects;
- (e) Training courses and workshops on a range of medical subjects that are held in the Jamahiriya.

202. The emergency call centre sends expert medical teams to respond to outbreaks of epidemics and disasters, as happened when cases of AIDS were first discovered in the city of Benghazi.

203. Cooperation with UNICEF takes the following forms:

- The sharing of know-how and information about successes that the Jamahiriya has scored for children with other countries of the world;
- Training of Libyan personnel in the management of child-oriented projects;

- Participation in awareness-raising and health education programmes concerned with the treatment of diarrhoea, breastfeeding, and safe maternity;
- Development of a health information system;
- The purchase of reasonably-priced serums and vaccines from reliable sources and their safe importation into the Jamahiriya.

**Table 14****Health indicators**

Indicator	Value
Crude death rate	3.6%
Crude death rate per 1,000 population	7
Total fertility rate	4.2
Life expectancy at birth (males)	65
Life expectancy at birth (females)	68
Net annual population growth rate	2.9%
No. of economically active Libyans aged 15 years and over	38.45%
Percentage of economically active Libyans aged 15 years and over who are women	15.3%
No. of inhabitants per hospital bed	243
Ratio of doctors per 1,000 population	1.4
Ratio of dentists per 10,000 population	1.3
Ratio of pharmacists per 10,000 population	2.3
Ratio of nurses per 1,000 population	3.6
Ratio of midwives per 1,000 population	1.7
No. of health institutions per 10,000 population	5
Infant mortality rate (per 1,000 live births)	24.4
Under 5 mortality rate (per 1,000 live births)	30.1
Maternal mortality ratio (per 100,000 live births)	40
Per capita daily calorie intake	3 787
Average per capita income	US\$ 6 760

Source: Ibid.

**C. Social security and childcare services and facilities (art. 26 and art. 18, para. 3)**

204. Article 1 of the Social Security Act No. 13 of 1980 stipulates that social security is a right which society guarantees to all citizens in accordance with the terms set forth therein ... together with protection for foreign residents. Social security provides for the social welfare of children and disabled persons who are without a carer and also for the welfare and reform of juveniles involved in cases of delinquency and deviancy.

205. Likewise, the Social Insurance Act No. 53 of 1957 guarantees the child's right to social insurance by providing statutory insurance benefits and allowances and stipulating the conditions for entitlement thereto. The Act is defined under the terms of Act No. 13 of 1980 as one of the basic texts governing social security. According to the provisions of article 7 of the Basic Allowances Act No. 16 of 1985 orphaned children and persons with no or few means of livelihood are guaranteed a basic allowance which is not contingent upon the payment of contributions.

206. The Social Security Fund offers all recipients, including children, social security benefits of the following two main types:

(a) Benefits in kind, which take the form of social welfare in specialized institutions such as nurseries and welfare homes for boys and girls, welfare and rehabilitation centres for persons with disabilities and reform institutions for juvenile delinquents. Benefits in kind also refer to the delivery of health care in social health clinics and residential social centres and the provision of prostheses for disabled persons and persons with sensory or motor disabilities.

(b) Cash benefits take the form of social security allowances, which are disbursed against statutory contributions, and basic allowances, for which no contributions are required and that are entirely paid for by the State.

207. The implementing regulations of the Social Security Act and Basic Allowances Act set forth the conditions for entitlement to allowances and provide for the conduct of social studies on beneficiaries aimed at examining the circumstances of children and of the persons responsible for their care.

208. Under the terms of the Social Security Act, children are entitled to receive social security benefits in the following circumstances:

1. In the event of the loss of the family provider;
2. Where the child has no means of subsistence;
3. In the event of a disaster or emergency;
4. Where the child is of unknown parentage;
5. In cases of delinquency and begging;

6. Where, in the estimation of a competent medical panel, the head of household suffers from an illness or disability that renders him or her completely or partially unfit for work.

209. A child is also entitled to receive social security benefits through his parents or a person providing for his care in the circumstances specified in the Act and its implementing regulations and, particularly, in the event of the guardian's retirement, death, divorce, pregnancy or delivery of a child.

210. Social security costs are paid for out of the following sources specified in article 7 of the Social Security Act:

- (a) Social security contributions from beneficiaries, employment institutions, production establishments and the Public Treasury;
- (b) Receipts from taxes and additional duties that are allocated for social security pursuant to a decree of the General People's Committee. In fact, decrees have been promulgated to raise additional taxes from the sale of cigarettes, movie theatre tickets and so on, in order to benefit social security;
- (c) Annual allocations from the State's general budget to cover benefits payments and any shortfalls in the social security budget;
- (d) Development budget funds for projects under the umbrella of Social Security Fund programmes and services, including, inter alia, for the building of residences, clinics, social institutions and welfare institutions for disabled persons and juveniles;
- (e) Returns on investments of social security funds;
- (f) Receipts from the alms tax (Zakat);
- (g) Gifts, bequests and endowments;
- (h) Accruals from other sources of financing.

211. The provisions of article 8 of the Social Security Act No. 13 of 1980 bolster the system of social security by prohibiting the utilization of the above-mentioned funds to pay for the administrative or general expenses of the Secretariat for Social Security.

212. The Social Security Act which was promulgated in 1980, approximately 10 years before the signing of the Convention on the Rights of the Child, has been remarkably successful in offering subsistence and welfare guarantees to children in particularly difficult circumstances.

### **D. Standard of living (art. 27, paras. 1, 2 and 3)**

213. As everyone knows, a population's standard of living is determined by the performance of the economy and the policies of social equity that are pursued. With regard to the former, overall economic management and general policies have focused on the concentration of investments in economic and social projects, in order to diversify sources of income and increase the level of self-reliance on domestic production of goods and services. As a consequence, during the period 1973 to 1996, total capital formation financed by the Public Treasury amounted to 36,366.6 million dinars, raising Gross Domestic Product at current prices from 1,288.3 million dinars in 1970 to a figure of 13,742.8 million dinars in 1997. The composite growth rate rose to 9.8 per cent while the population growth rate for the same period amounted to 3.4 per cent. This is evidence of a high degree of efficiency in economic performance over the period. It is an undisputed fact that without reasonable rates of economic growth (exceeding the population growth rate) it is not possible to increase the resources for and fundamental components of subsistence nor is it possible to produce goods and services or to increase the population's purchasing power so as to meet its basic needs and improve its standard of living.

214. With regard to social equity, the State pursues a policy of achieving social justice by distributing the benefits of development. The narrowing of the income gap between the different classes and sectors within society is perhaps one of the most significant achievements in this domain. It is possible to show and measure the closing of the income gap using the Gini coefficient, which is an indicator of income inequality (the share of society's total income that goes to the upper quintile compared with that which goes to the lowest quintile). The data generated using the Gini coefficient index, which have been elaborated on the basis of the figures taken from the 1992/93 Family Spending Survey, clearly show that the income gap is modest both as a national average and for the population as a whole. Patterns of income disparity according to geographical distribution between the regions of the Libyan Arab Jamahiriya are also modest, if not negligible. For example, the figure for Tripoli is 3.2, compared with one of 2.9 for Sebha, in the south of the country, and 3.1 for Al-Jabal al-Gharbi.

**Table 15**

#### **Income distribution, by area**

Area	Gini coefficient	Share of the highest quintile compared with that of the lowest quintile
Al-Jabal al-Akhdar	0.1857	2.4
Benghazi	0.2064	2.8
Gulf of Sidra	0.2051	2.8
Tripoli	0.2200	3.2
Zawiyah	0.1801	2.4
Al-Jabal al-Gharbi	0.2217	3.1
Sebha	0.2145	2.9
National average	0.2086	2.8

215. The pattern of income distribution offers tangible proof that the State's economic and social policies have been equitably and evenly applied between the regions.

216. Further, evidence of this can be found in other indicators that are derived from an analysis of budgeted administrative expenditure, disaggregated by region, and of the volume of public expenditure as distributed among the regions. The figures in Table 16 clearly show a remarkable degree of convergence in the per capita share of expenditure received by each region. They also show that the per capita share of expenditure that goes to the poorest and most remote desert regions and to Al-Jufrah and Fazan, is on the rise.

**Table 16****Budgeted public spending (allocations) by *sha'biyya***

Name of <i>sha'biyya</i>	No. of inhabitants	%	Total recommended allocation (in thousands of dinars)	%	Per capita expenditure (in dinars)	Distribution of per capita expenditure (%)
Batnan	207 613	4.1	52.558	4.5	253	6.3
Al-Jabal al-Akhdar	430 394	8.5	154.968	10	360	9
Benghazi	550 901	11	138.521	9.3	249	6.2
Al-Wusta	167 062	3.3	55.395	3.7	331	8.3
Al-Wahat	194 824	4.1	28.882	2	148	4
Al-Jufrah	40 331	0.1	19.52	1.3	483	12.1
Suf al-Jin	74 987	1.4	20.586	1.3	270	7
Misratah	555 644	11	90.236	6	162	4
Al-Naqqazah	273 733	5.4	98.726	7	360	9
Tripoli	1 079 905	21	326.44	22	302	7.7
Al-Zawiyah	773 191	15	225.605	15	291	7.3
Al-Jabal al-Gharbi	381 288	7.5	131.104	9	343	8.6
Fazan	328 919	6.4	137.964	9.3	419	10.5
Total	5 058 792	100	1 480.505	100	292 659	100

Source: National Office for Information.

217. Perhaps one of the most significant of the other indicators in this domain is the pattern of distribution and ownership of durable goods between urban and rural dwellers. The final results of the 1995 General Census show that the gap is closing between rural and urban households and that the level of prosperity and improved living standards achieved by the general policies and development efforts of the State have been equitably distributed among the population.

**Table 17****Percentage of rural and urban households which own consumer durables**

Goods	Urban households	Rural households	Total
Television	97.3	91.5	95.8
Cooking stove	98.1	97.4	97.9
Refrigerator	94.0	91.2	93.3
Boiler	80.3	68.5	77.3
Radio	76.5	67.6	74.2
Electric washing machine	70.0	60.7	67.6

Source: National Office for Information.

218. Mention should be made of some of the most important policies and programmes which have helped to reduce disparities in income distribution and to achieve social equity both nationally and regionally. These include the following:

(a) The State has adopted an open-door policy in order to guarantee work and employment opportunities for everyone at all levels of specialization and skill. The general wages policy that was adopted as a corollary thereto has contributed in no small measure to the redistribution of income in the economically active sector and among households. Hence, those in the highest income bracket earn 4.6 times as much as those in the lowest income bracket. This difference is very small, if compared with the large disparities that are found in most advanced and industrialized nations, where, in some cases, the difference can be as high as a factor of 75;

(b) All goods and services are subject to administrative price controls, the levels of which are determined centrally for each basic consumer item and manufactured good (whether imported or produced locally), in order to ensure that prices are the same in every region without distinction. In addition, administrative and regulatory measures and programmes of action are implemented to satisfy the basic needs of all classes of citizens in a welfare State;

(c) Efforts are made to increase the citizens' purchasing power by achieving an acceptable rate of growth in average per capita disposable income as a proportion of Gross Domestic Product;

**Table 18**

**Average per capita income as a proportion of GDP**

Year	GDP by income factor cost (in millions of dinars)	Population (in thousands)	Average per capita income (in dinars)
1970	1 288.3	1 963.0	656
1975	3 674.3	2 595.5	1 416
1980	10 553.8	3 180.8	3 318
1985	7 852.1	3 617.8	2 170
1990	7 749.6	4 525.0	1 713
1995	13 121.3	4 799.0	2 734
1997	13 742.8	5 249.4	2 618

Source: National Office for Information.

(d) Efforts have been made to increase total per capita income through the application of comprehensive social policies, the purpose of which is to provide citizens with free educational and health services to improve living conditions, provide accommodation for all sectors of society, guarantee basic allowances for all persons throughout the country living in straitened circumstances or without a family provider, and also to supply electricity, water and transport services at reduced prices;

(e) A national social security safety net is provided through a comprehensive national insurance system offering a wide range of benefits, including the following:

- (i) A basic allowance for persons on low incomes or without a family provider;
- (ii) A system of family and housing benefits for wage earners;
- (iii) A maternity assistance scheme;
- (iv) The social welfare system;
- (v) A pension scheme for civil servants and military personnel;
- (vi) Employee social security legislation;
- (vii) An insurance scheme for aliens residing in the Jamahiriya.

219. The Social Security Fund offers services in the form of various allowances to more than 285,000 beneficiaries.

## **VII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES**

### **A. Education, including vocational training and guidance (art. 28)**

220. The education system in the Great Libyan Arab Jamahiriya is founded on a series of principles and fundamental precepts which determine the structure, content and characteristics of the educational process. The most important of these precepts are described hereunder.

221. The principle of equality of opportunity is guaranteed under the Constitutional Declaration promulgated by the Revolution Command Council on 11 December 1969, article 5 of which reads as follows: "All citizens are equal before the law."

222. According to article 14 of the Declaration: "Education is a right and duty for all Libyans. It is compulsory up to the end of the intermediate stage and is guaranteed by the State through the establishment of schools, colleges, universities, and cultural and educational institutions, in which education shall be offered free of charge. The circumstances under which it is permissible to establish a private school shall be regulated by law. The State shall devote particular attention to the physical, mental and moral welfare of youth."

223. Similarly, article 2 of the Education Act No. 134 of 1970 stipulates: "All citizens shall enjoy equality of opportunity in the educational domain in accordance with the needs of the country" (Official Gazette No. 1, 1971).

224. In addition to the provision of free basic education, article 15 of the Great Green Document affirms the principle of freedom of choice in education in the following terms: “Education and knowledge are a natural right of every human being. Every human being has the right to choose the education that suits him and the knowledge that satisfies him without direction or compulsion.”

225. This is the view expounded in the chapter of the Green Book entitled The Social Basis of the Third Universal Theory, which describes the ramifications of imposing a particular type of, or approach to, education and the effect that this can have of crushing a person’s talents and denying his freedom of choice, creativity and self-expression, since regimented education is enforced ignorance. This means that it is necessary to offer all types of education and to allow people the freedom to gravitate towards knowledge of their own accord. “Societies which deny access to material knowledge are reactionary and bigoted societies that love ignorance and hate freedom. Knowledge is a natural right of every human being and no one can deny another access to it for whatever reason. Ignorance will be eliminated once and for all when all things are known in their true light.”

226. This is what the Green Book says and it is not incompatible with teaching children basic reading, writing, arithmetic, geography, sciences, history, physics, and so on. It is a scientific principle which allows the child to choose the education that suits him, whether it be a general, technical, specialized, industrial, commercial, agricultural, military or another type of education.

227. The law makes provision for the basic education of children, establishing, as a first principle, that it is free and compulsory. According to article 1 of Act No. 95 of 1975: “Primary and intermediate education is compulsory for all children, boys and girls alike, in accordance with the terms set forth in the present Act.” Article 2 of the Act stipulates: “Compulsory school age begins at 6 years, calculated from the September closest to the student’s sixth birthday.”

228. The provisions of the said Act apply to children over the age of 6 and not yet 15 at the time of its entry into force. They also make it compulsory for a guardian to enrol his child of compulsory school age in primary school and to ensure his or her regular attendance therein up to the intermediate stage. According to article 12 of the Act, any guardian who fails in this duty is liable to a penalty of a fine and will be denied access to government aid, assistance and loans as well as banking loans. Furthermore, any licence which he or she may hold will be revoked or will not be renewed.

229. The Regulation concerning Primary Education stipulates that education is a right and duty for all citizens, boys and girls alike, at the primary stage. It is provided free of charge in all State schools.

230. In the Memorandum concerning the Protection of Childhood which was adopted by the General People’s Congress in 1991, the Basic People’s Congresses affirmed the necessity of providing resources for educational institutions. Paragraph 7 of the Memorandum reads as

follows: “Providing meaningful support for and follow-up to home education programmes for early childhood, supplying the requirements therefor and overcoming the obstacles thereto using practical solutions and sound administrative measures so as to ensure that [home education] is embraced by all, has success and progressively replaces its older counterpart as a new cultural approach to education, affirms that the conditions in existing educational establishments must be excellent in terms of having high-quality facilities and following progressive methods of teaching and dealing with children.”

231. In 1984 the Basic People’s Congresses had discussed the subject of home-based primary education and decided as follows:

- “1. The People’s Congresses have decided not to implement this idea at present, in view of the fact that the circumstances of the Libyan family do not allow it to undertake this role;
- “2. The concept of home-based primary education is an advanced and humanitarian concept which is characteristic of the new Jamahiri society;
- “3. The People’s Congresses for Education are committed to providing those capable of doing so with the means to teach their children at home, on a trial basis, and to supporting them with the requisite academic programmes and textbooks;
- “4. The General People’s Committee for Education, together with universities and colleges, shall prepare the requisite studies on this concept.”

232. General People’s Committee Decree No. 459 of 1984 was promulgated to make provision for home-based primary education. Article 2 of the Regulation issued on 19 July 1984 stipulates as follows: “The People’s Committees for Education in the municipalities undertake to provide those capable of doing so with the means to teach their children at home, on condition that at least one of the parents holds an intermediate qualification.” The Regulation stipulates that the child must undergo continuous assessment throughout the academic year in accordance with the Regulation concerning the Basic Rules for Public Examinations and Certificates which applies to regular schoolchildren. The Regulation also specifies the measures required for its implementation.

233. Encouragement is given to secondary education in the Jamahiriya in accordance with the terms of this article of the Convention. The Regulation concerning Secondary Education was promulgated by the Council of Ministers on 1 October 1973. Article 1, paragraph 2, thereof stipulates: “Education at this stage shall be provided free of charge in all schools established by the State.” The Regulations concerning Commercial Education, Teacher Training Colleges, and the Islamic Research Institute were all promulgated on the same date. Other legislative enactments include Act No. 12 of 1977, concerning the regulation of intermediate colleges: the

General People's Committee Decree concerning the Expansion of Technical Colleges and Establishment of Secondary Colleges for Girls; Act No. 68 of 1976, concerning technical, agricultural and industrial education; the Council of Ministers Decree of 1974 promulgating the Regulation concerning Institutes of Physical Education; the Council of Ministers Decree of 1976 promulgating the Regulation concerning Technical Colleges for Girls; and the Council of Ministers Decree of 1976 promulgating the Regulation concerning the Institute of Arabic Calligraphy.

234. This is evidence of the encouragement that is given to the development of different forms of secondary education, in conformity with the provisions of the Convention, and is reaffirmed in the following recommendations that have been put forward by the Basic People's Congresses:

1. "Education should be placed in the service of the Transition and Construction Plan, by producing a workforce that has the technical skills to fulfil the requirements of the Plan" (1976);
2. "Intermediate technical education should be expanded and traditional crafts incorporated into academic curricula" (1976);
3. "Attention should be given to technical education and to vocational training and scientific research programmes" (1987);
4. "General secondary schools should be transformed into specialized and technical secondary schools" (1987);
5. "Education policy should be reviewed in the following manner:
  - "(a) The educational system operating in the Jamahiriya should be reviewed and a new educational infrastructure should be created for Jamahiri society that satisfies its needs and fulfils its aspirations. Provision should be made for early specialization and the replacement of general secondary schools with specialized secondary schools that are linked to university education;
  - "(b) The focus should be on curricula which meet the needs of each type of discipline at all stages of education;
  - "(c) Students should be empowered to choose areas of study that reflect their wishes, academic background and intellectual and physical aptitudes;
  - "(d) Attention should be given to the Arabic language as the fundamental vehicle for the expression of the Arab personality and to integrating institutional responsibilities with those of the family and the mosque." (1982).

235. With regard to the provisions of article 28, paragraph (1), subparagraph (b), of the Convention, concerning the provision of financial assistance in case of need, a Decree of the Minister of Education was promulgated on 5 May 1974 for the purpose of revising student grants. According to article 1 of the Decree: "The grants awarded to Libyan students attending technical, vocational and teacher training colleges shall be assigned as follows:

- "1. Male and female students attending private teacher training colleges, technical and vocational secondary schools, and religious education institutes at the same level shall receive:

Ten (10) Libyan dinars per month, if they are boarders; and

Fifteen (15) Libyan dinars per month, if they are day pupils.

- "2. Male and female students attending public teacher training colleges, technical and vocational preparatory schools, and religious education institutes at the same level shall receive:

Six (6) Libyan dinars per month, if they are boarders; and

Ten (10) Libyan dinars per month, if they are day pupils.

- "3. Non-Libyan students 'coming in' on scholarships and enrolled at intermediate colleges shall receive:

Ten (10) Libyan dinars per month, if they are boarders; and

Twenty (20) dinars, if they are day pupils."

236. In 1974, the purchasing power of a grant of 15 dinars per month was the equivalent of US\$ 50 worth of gold, since it could be exchanged directly at a foreign bank under the same terms as any other freely convertible currency.

237. With regard to financial assistance for students, the Basic People's Congresses have adopted the following decisions:

- (a) Financial assistance will continue to be provided to students (1983);

(b) Any decision issued without a legislative text or in contravention of the decisions of the People's Congresses concerned with the payment of student grants during the holidays shall be disregarded, and the matter will be left to the People's Congresses for Education to take a decision in that regard (1984).

238. It is a matter of public policy that educational and training services and resources be provided free of charge. This means that the Public Treasury bears the costs of these services

and facilities, ranging from the construction of schools, institutions, universities, and training and rehabilitation centres and institutes, to the provision of educational and training equipment and supplies, and the recruitment of teachers and trainers. The State also sets up boarding sections for children from remote areas, and the Treasury pays for their accommodation and living expenses.

239. The State pays for thousands of students who go abroad each year either to complete advanced courses of study at the undergraduate, master's or doctoral levels or to pursue short-, medium- or long-term training. The Treasury pays their expenses for the entire period of study and gives the student or trainee a monthly allowance. It also pays for any health services provided to the student and the costs of his or her travel from and to the designated State during the holidays or upon his final return to the country. In addition, it pays any costs which the student incurs during the course of study for books and educational and training supplies.

240. In this connection, total administrative expenditure on education and training out of the public budget amounted to 3,473 million dinars over the period 1990 to 1997, corresponding to 21.4 per cent of the State's total administrative budget. Total spending on development over the same period amounted to 579 million dinars, accounting for 12.3 per cent of total State expenditure on development.

241. This signifies that total State expenditure on education and training, broken down according to administrative and development spending, amounted to 4,052.1 million dinars over the last seven years, corresponding to 19.3 per cent of the State's total administrative and development budget.

242. In order to give effect to the child's right to education, access to higher education is guaranteed to all through a variety of means. Several universities have been established, including the Open University, which was established under the terms of General People's Committee Decree No. 670 of 1987. Article 2 of the Decree stipulates that the Open University strives to provide education on a distance-learning basis, offering everyone an opportunity to choose the subjects that suit them and the methods that they want, without specifying any preconditions in respect of age and academic qualifications. The Open University endeavours to achieve the following objectives:

- (a) To disseminate knowledge and culture; and
- (b) To give effect to the principle of freedom of education.

243. In order to realize these goals the University may use the following methods and media:

- (a) Audio-visual media;
- (b) Video tapes;

- (c) Reading materials;
- (d) Any other media or activities that may contribute to the realization of these goals.

244. The principles and precepts set forth above and the regulations, laws and legislative measures pertaining thereto have strengthened the educational system, which has been designed and structured with a view to ensuring conformity and consistency with these fundamental constitutional and legal rules in the country and which specify a series of prerequisites which must be taken into account when initiating any process of development or change, regardless of its scale.

245. In addition, it should be noted that, since the submission of our previous report (CRC/C/28/Add.6) on 23 May 1996, efforts have focused on the following developments in education:

- (a) The expansion of independent, mixed and private education, which involves allowing professionals and experts to set up independent (private) educational establishments, ranging from kindergartens to universities, and including centres and colleges that offer training in modern occupations such as computing, accountancy, the decorative arts, the health-care profession, physical fitness, and the hotel and tourism trade;

- (b) The system for administering education has been revamped so that responsibility for its management has been directly devolved to the local *sha'biyyat* (*sha'biyyat* are local administrative areas). For example, when we refer to the *sha'biyya* of Benghazi we mean the administrative borders of the Benghazi area. Thus, each *sha'biyya* is responsible for education and the other service sectors within its administrative borders). National educational planning and policy are the responsibility of the Basic People's Congresses, which submit their recommendations and decisions to the General People's Congress. The General People's Congress codifies and shapes these recommendations and decisions into a general educational policy with which all executive bodies, including the *sha'biyyat*, are required to comply;

- (c) The educational system in the Great Jamahiriya is founded on a philosophy and strategy formulated by the Basic People's Congresses during their sessions. Educational policy is implemented under the auspices of the local *sha'biyya*. It should also be mentioned that educational and vocational training services are offered at all stages of education and in all disciplines by establishments that have been duly licensed in accordance with the law and its implementing regulations. The establishments may be owned by the public, an individual, a partnership, or a joint-stock company. The General People's Committee (which is the country's highest executive authority) defines their working procedures, methods of financing and technical standards. No institution may be created for the purpose of developing competence or providing a basic training preliminary to the acquisition of skills or knowledge in any discipline without the approval of the General People's Committee. Public budgetary measures are adopted pursuant to a recommendation of the Basic People's Congresses (as codified by the General People's Congress). Once they have been approved, the General People's Committee for Finance transfers the allocations for education to the *sha'biyyat* in the provinces for disbursal on public educational establishments, taking due account of local needs and the population

density in each region. Estimated expenditure on public education, including basic, intermediate and university education, amounts to approximately 20 per cent of the annual operating budget.

246. The Great Jamahiriya has taken all the requisite steps to apply the principles of the Convention by incorporating them into its educational legislation and all other legislation relating to children. There is no discrimination or inconsistency in the opportunities afforded to all children in respect of access to education and all other services, as illustrated by the following:

(a) Approximately 20 per cent of the annual operating budget is allocated to education, its share being distributed according to need and on the basis of the population density in the different regions;

(b) Basic education is compulsory and free of charge for all children up to the end of basic school age (15 years). Accordingly, the family does not incur any real costs for the education of its children. Education is also free of charge at the other stages. A family wishing to have its children taught at independent or private schools is entirely free to do so and it consequently bears the costs of educating its children in such institutions;

(c) The Arabic language is the language of all the inhabitants of the Jamahiriya. Since there are no local languages, Arabic is the language of education. English is taught at Libyan schools from the seventh grade of basic education up to the end of university, depending on the learner's needs, the discipline and the type of academic curriculum. All Libyan citizens and non-Libyans residing in the Jamahiriya can study any language they wish at schools and independent educational establishments that are open to all, male and female alike;

(d) The Great Jamahiriya guarantees every person an education according to his or her age, level of maturity, aptitudes, preferences and wishes, and without discrimination between males and females, through the mechanisms and institutions established by the State and the efforts of the private sector. The most important mechanisms include schools; training centres; colleges; educational institutions for children and young persons with special needs; universities; programmes of further study; scientific research; and tailor-made programmes such as training courses and courses of further study in specific disciplines or occupations;

(e) The Great Jamahiriya has a sufficient number of teachers for the different stages of education. There are an estimated 200,000 men and women teachers throughout the Jamahiriya, in addition to 5,554 university teachers. The Jamahiriya continuously endeavours to improve teaching performance and enhance the quality of teaching through:

- (i) Faculties of education at Libyan universities;
- (ii) Teacher training colleges;
- (iii) Vocational trainer training centres;
- (iv) In-house training courses;

- (v) Planning of special teacher development programmes and courses;
- (vi) Regular seminars and workshops;
- (vii) Research and educational studies on teacher performance;
- (viii) Educational inspection and advice bodies in the regions;

(f) The Jamahiriya takes all measures and disposes of all facilities to make education accessible to everyone, male and female alike in urban, rural and desert areas, by locating schools close to the child's home. A child's guardian can be prosecuted for failing to send his children to school up to the end of basic education (when the child reaches the age of 15). Support is given to the voluntary efforts of the non-governmental and private sectors to set up educational establishments in order to disseminate education country-wide, including for children with special needs;

(g) Illiteracy has disappeared completely among young people under and over the age of 18. Even the few cases that do exist, occur among those in the over-50 age bracket and can be attributed to the fact that the sons of the Libyan Arab people were denied education during the days of Italian colonial rule. Everyone in the Jamahiriya has a right to education, regardless of their age, sex, social origins, or whether they come from the countryside or the town;

(h) There are several informal systems of education in the Jamahiriya consisting in intensive courses run by private educational institutions or individuals, and lessons in the memorization of the Holy Koran which are run by mosques. However, they must all comply with the principles and aims of the educational philosophy that has been adopted by the country and the technical and administrative educational standards and conditions applicable therein;

(i) Since the submission of the Jamahiriya's first periodic report, the country has taken action to:

- (i) Decentralize education by devolving educational management to the *sha'biyyat* (the people's administrative bodies operating at the local level);
- (ii) Restructure universities in order to reduce their number to nine. This has been done for planning purposes and with a view to improving the quality of university education;
- (iii) Twenty-seven teacher-training colleges have been established;
- (iv) Allocate a separate budget for each *sha'biyya*, which can be spent without having to refer to the central bodies responsible for the public budget;
- (v) Diversify teaching methodologies at the intermediate (secondary) stage, creating specialized secondary schools, colleges and centres offering training for a full range of occupations;

- (vi) Undertake more studies and research into the effectiveness of the educational process and the internal and external efficiency of the educational system, covering drop-out rates, teacher performance, and the general quality of education;
- (vii) Encourage the holding of seminars, symposia and workshops which throw light on and examine all elements and aspects of the educational process;
- (j) The main goals for the future of education in the Jamahiriya are described below:
  - (i) Education in the Jamahiriya must be oriented towards addressing the needs and demands of the twenty-first century, in order to enable the country to keep pace with global developments in this century and the different challenges they pose;
  - (ii) Education must be improved and diversified in keeping with the Jamahiriya's overall development needs. The country must draw on the experiences of the developed world in using education to achieve sustainable human development;
  - (iii) The independent and private sectors must be involved in education and in the financing of educational institutions;
  - (iv) The quality of teaching must be improved and modern teaching methods employed;
  - (v) Computing and information technology must be incorporated into the educational process at all levels;
- (k) Some of the principal mechanisms that are used for monitoring purposes include:
  - (i) Planning and monitoring committees which operate at the level of the General People's Congress and the General People's Committee;
  - (ii) The educational employment committees of the National Centre for Planning and Training (a State-owned educational research and consultancy body);
  - (iii) Requests for assistance from international educational organizations, such as the United Nations Educational, Scientific and Cultural Organization (UNESCO), to carry out assessments of the educational system as a whole or in part, focusing on its effectiveness and internal and external performance as well as its capacity to address the challenges of the future;
- (l) With regard to educational outcomes, tables 19-24 below illustrate the progress that has been achieved in education in the Jamahiriya.

**Table 19****Basic education development indicators for the period 1986 to 1999**

Academic year	No. of students	No. of Classes	Class density	No. of teachers	Teacher-student ratio
1986/87	1 132 642	41 856	27.1	64 864	17.5
1987/88	1 162 810	42 304	27.5	70 831	16.4
1988/89	1 193 637	42 736	27.9	77 424	15.4
1989/90	1 254 100	46 108	27.2	87 883	14.3
1990/91	1 175 300	43 235	27.1	85 537	13.7
1991/92	1 238 986	45 790	27.1	99 623	8.0
1992/93	1 254 278	46 789	26.8	103 791	8.3
1993/94	1 357 040	55 990	24.2	99 981	7.4
1994/95	1 306 300	58 186	25.0	107 284	12.2
1995/96	1 365 000	59 078	23.1	135 120	10.1
1996/97	1 256 582	47 919	26.2	75 458	6.0
1997/98	1 218 882	49 022	24.9	106 125	8.7
1998/99	1 160 315	34 778	33.4	146 386	7.9

Source: National Centre for Education and Training Planning, The Educational Process in the Great Jamahiriya (Tripoli, 1999), p. 89 (National Centre for Education and Training Planning Publications).

**Table 20****Number of female students in basic education as a proportion of all students at that level (1969/70 to 1998/99)**

Academic year	No. of students (male and female)	No. of female students	Female students as a percentage of the total
1969/70	347 162	109 754	31.6
1975/76	668 525	291 218	43.6
1980/81	818 550	377 753	46.1
1985/86	1 036 446	489 045	47.2
1990/91	1 175 229	558 477	47.5
1995/96	1 460 442	715 617	49.0
1997/98	1 214 975	589 485	48.5
1998/99	1 160 315	576 676	49.7

Source: National Centre for Education and Training Planning, The Educational Process in the Great Jamahiriya (Tripoli, 1999), p. 148 (National Centre for Education and Training Planning Publications).

**Table 21**

**Number of students, teachers and classes at the intermediate  
and secondary school stages (1984/85 to 1998/99)**

Academic year	No. of students	No. of teachers	No. of classes	Class density	Teacher-student ratio
1984/85	109 700	8 343	2 342	46.8	13.1
1985/86	120 400	7 616	2 596	46.4	14.0
1986/87	93 865	5 401	2 927	32.1	17.4
1987/88	105 762	7 044	3 264	32.4	15.0
1988/89	95 576	7 198	2 922	32.7	13.3
1989/90	123 700	10 296	4 082	30.3	12.0
1990/91	156 800	10 872	5 071	30.9	14.4
1991/92	181 368	14 941	5 985	30.3	21.1
1992/93	175 746	17 182	6 248	28.1	10.1
1993/94	239 240	24 184	7 291	32.8	9.9
1994/95	183 200	15 139	6 650	27.9	12.1
1995/96	194 500	17 688	5 406	36.0	11.0
1996/97	264 829	20 174	8 642	30.6	13.1
1997/98	177 489	21 404	5 928	29.9	8.3
1998/99	244 070	34 553	6 624	36.8	7.1

Source: National Centre for Education and Training Planning, The Educational Process in the Great Jamahiriya (Tripoli, 1999), p. 104 (National Centre for Education and Training Planning Publications).

**Table 22**

**Number of female students in secondary education (general secondary and  
intermediate education) as a proportion of all students (male and female)  
at this stage (1969/70 to 1998/99)**

Academic year	No. of students (male and female)	No. of female students	Female students as a percentage of the total
1969/70	9 761	1 071	11
1975/76	26 651	5 070	19
1980/81	55 954	15 732	28
1985/86	112 173	59 677	53
1990/91	148 706	78 600	53
1995/96	251 275	135 901	54
1997/98	217 548	124 644	57
1998/99	244 070	141 560	58

Source: National Centre for Education and Training Planning, The Educational Process in the Great Jamahiriya (Tripoli, 1999), p. 150 (National Centre for Education and Training Planning Publications).

**Table 23**

**Increase in the number of students in higher education and training  
in the period from 1975 to 1999**

Academic year	No. of students attending university	No. of students at higher education colleges	Total
1975/76	13 418	-	13 418
1980/81	19 315	1 130	20 445
1984/85	32 770	3 080	35 850
1989/90	50 475	3 916	54 391
1992/93	101 093	12 921	114 014
1993/94	116 473	16 912	133 385
1995/96	136 274	27 574	163 848
1998/99	165 447	58 877	224 324

Source: National Centre for Education and Training Planning, The Educational Process in the Great Jamahiriya (Tripoli, 1999), p. 208 (National Centre for Education and Training Planning Publications).

**Table 24**

**Number of female students at Libyan universities, and as a percentage  
of all students (1970/71 to 1998/99)**

Academic year	No. of students (males and females)	No. of female students	No. of female students as a percentage of total
1970/71	5 198	567	11
1971/72	6 291	735	12
1975/76	13 418	2 146	16
1980/81	19 315	4 056	21
1981/82	30 051	7 900	23
1984/85	32 770	11 142	34
1991/92	72 899	32 805	45
1992/93	101 093	48 525	48
1993/94	118 869	53 584	45
1994/95	144 412	67 874	47
1995/96	136 274	69 499	51
1998/99	165 447	83 640	51

Source: National Centre for Education and Training Planning, The Educational Process in the Great Jamahiriya (Tripoli, 1999), p. 160 (National Centre for Education and Training Planning Publications).

247. Basic (primary and preparatory) education is compulsory and free of charge for all boys and girls in the Jamahiriya. Children begin primary education at the age of 6 and the age of 15 is regarded as marking the upper age limit for compulsory education (the end of basic education).

An estimated 98 per cent of children are enrolled in school and complete their primary education. Students in the first to fourth grades of basic education are not assessed by means of traditional annual examinations, but using a continuously updated report card to assess the student's academic progress and determine whether he or she should be promoted to the next grade or repeat the year.

248. In addition to secondary (literary and scientific) education the Great Jamahiriya has introduced new forms of secondary education that differ from the traditional model that is familiar to the Arab region. Specialized secondary schools have been established covering 24 fields of specialization in the following six disciplines:

- (a) Basic sciences;
- (b) Medicine;
- (c) Agricultural science;
- (d) Engineering and industrial science;
- (e) Social sciences;
- (f) Arts and the media.

249. The prescribed course of study for each of these disciplines lasts four academic years. This approach is believed to serve two functions: Firstly, it provides graduates with a foundation for pursuing their university studies in subjects that are suited to their areas of specialization. Secondly, it furnishes students whose circumstances or abilities preclude them from continuing with their studies with a technical background that will help them to pursue an occupation suited to their technical expertise. The figures in Table 25 show the numbers of specialized secondary schools and students who were enrolled therein during the 1997/98 academic year.

**Table 25**

**Number of specialized secondary schools and (male and female) students  
for the 1997/98 academic year**

Type of specialized secondary school	No.	No. of students		Total
		Male	Female	
Basic sciences	117	1 695	12 752	14 447
Life sciences	37	1 094	2 608	3 702
Arts and the media	2	91	562	653
Social sciences	53	1 524	4 141	5 665
Engineering sciences	18	912	226	1 138
Total	227	5 316	20 284	25 605

Source: Secretariat for Education and Scientific Research, General Department for Planning and Monitoring, Documentation and Statistics Unit, General Statistics on Public Education for the 1997/98 Academic Year (Monitoring Report).

250. Another form of vocational secondary education that has recently appeared in the Jamahiriya has been designed to produce workers who have technical skills in a range of different trades and crafts. A course of study lasts from between two and three years and covers 44 occupations that can be grouped under the following seven headings:

- (a) Occupations concerned with electricity (10 areas of specialization);
- (b) Occupations concerned with mechanics (10 areas of specialization);
- (c) Carpentry (three areas of specialization);
- (d) Building and construction (four areas of specialization);
- (e) Textiles (five areas of specialization);
- (f) Services (five areas of specialization);
- (g) Manufacturing (seven areas of specialization).

251. All forms of education are made available to every child free of charge, unless the family wishes to have its children educated at a private, fee-paying school.

252. All branches of secondary education are free of charge. The State provides the requisite technical and financial assistance for forms of specialized secondary education which require closer attention because they are new. It does this by setting aside an extra budget to be used to construct the requisite facilities and furnish them with equipment, machinery and qualified teachers. Secondary education at all stages and in all disciplines is offered to everyone in accordance with their abilities and preferences.

253. University education in the Great Jamahiriya is available to all, men and women alike, on the basis of merit and ability. The proportion of persons in the 18-24 age group enrolled in higher education in the Jamahiriya has risen to approximately 35.4 per cent, a ratio of approximately 4,270 students for every 100,000 inhabitants (1996 estimates). According to UNESCO estimates for the same year, this is the highest ratio in the Arab world. The enrolment rate in colleges of higher education amounts to 15 per cent, as against a figure of 85 per cent in universities.

254. All children have access to information and guidance in the spheres of education and vocational training. This matter is a State responsibility and is regulated under the terms of the following legislation:

(a) The General People's Committee Decree establishing and defining the functions of the Higher Committee for School Textbooks (Official Gazette No. 8 of 1979);

(b) The General People's Committee Decree promulgating the Regulation concerning Financial Rewards for Writers of School Textbooks (Official Gazette No. 30 of 1985);

(c) The General People's Committee Decree authorizing the establishment of a joint-stock company for the import and manufacture of office equipment and calculating machines (Official Gazette No. 15 of 1979);

(d) The General People's Committee Decree concerning contracts for school textbooks (Official Gazette No. 8 of 1988);

(e) The General People's Committee Decree concerning contracts for the import of school equipment (Official Gazette No. 27 of 1989);

(f) The General People's Committee Decree promulgating the Regulation concerning Home-Based Education, article 2 of which reads as follows: "The school shall furnish the legal guardian of a student enrolled therein in home education with the textbooks prescribed by the curriculum, on one occasion each year, the home-education manual and all available educational resources. It shall dispense the requisite advice to the student and work with him or her to resolve any problems that may arise."

255. The following mechanisms are used to evaluate the effectiveness of the information and advice provided:

- (a) Educational advice bureaux;
- (b) Teachers' opinions and assessments;
- (c) Evaluation studies and research;
- (d) Input from parents and experts;
- (e) Feedback from the student.

256. The budget allocated for evaluation purposes comes out of the local authority's education budget.

257. The Great Jamahiriya supports both formal and informal methods of promoting regular school attendance and reducing drop-out rates using various mechanisms, the most important of which are described here below:

- (a) In cooperation with the family, the student's circumstances and the reasons for his failure to keep up with his schooling are investigated;
- (b) In cooperation with the family, remedial courses are provided for the student at school;
- (c) The student may be referred to a psychologist or school social worker for a psychological, educational and social assessment;

(d) Local and national studies and research are conducted to help in the formulation of the policies necessary for the promotion of school attendance and suppression of the phenomenon of students dropping out of school;

(e) Children who drop out of school and who, for various reasons, have no hope of attending school regularly, are normally guided towards basic vocational training centres where they can learn a job or trade that is suited to their abilities. This is organized in conjunction with local vocational and industrial training and apprenticeship programmes.

258. In addition to the foregoing, legal measures have been adopted with a view to promoting regular school attendance, of which the most important are outlined below.

259. Article 12, paragraph 1, of the Compulsory Education Act No. 95 of 1975 stipulates that if a child fails to attend school without good reason after a warning has been issued to his father or legal guardian in pursuance of the provisions of article 10 of the said Act, or if the child's father or legal guardian fails to abide by any of the obligations set forth in the same Act, the matter will be referred to the police station which has jurisdiction over the father or guardian and he or she shall be alerted to the necessity of guaranteeing the child's regular attendance and continuance with his or her studies and that failure to do so will give rise to the application of the measures applicable in such cases.

260. The Regulation concerning Student Discipline was promulgated by General People's Committee Decree No. 253 of 1983 on 17 April 1983 (Official Gazette No. 32 of 1983). It draws a distinction between measures taken against students under 14 years of age and those that may be imposed on students over that age. A student may be punished by being given a low mark for personal conduct and by having his or her legal guardian notified thereof. At the limit, he or she may be barred from staying in a student residence for a period of not more than one week or excluded from all municipal schools for a period of one academic year. With regard to children under the age of 14, the procedure is to first offer them counselling, then to inform their guardian of the situation, and finally to exclude them from school for a period of not more than one week. This Regulation applies to both the compulsory and post-compulsory stages of education.

261. No class or group of children is denied the right to education, although some children may be kept from school temporarily because of an illness, particularly an infectious disease, or because they have been temporarily excluded as a disciplinary measure. In all cases arrangements are put in place to help the child catch up with the educational opportunities that he or she has lost.

262. On 2 October 1973 the Council of Ministers Decrees promulgating the Regulations concerning Primary and Preparatory (Basic) Education and Secondary (Intermediate) Education were promulgated (Official Gazette No. 10 of 1979). These Regulations specify the principles underpinning the regulation, and administration of schools and educational guidance. They stipulate that there should be no more than 30 students to a class in a primary and preparatory school, while secondary schools should have no more than 32 students in each class. They also specify the skills and qualifications expected of teachers, headmasters and educational counsellors as well as the aims of school administration and the methods for assessment and

evaluation. Both Regulations prohibit the infliction of physical violence or punishment on children and uphold the principles of the best interests of the child and the need to respect his or her views.

263. The Jamahiriya has concluded international cooperation agreements with a number of States with a view to strengthening international cooperation in matters relating to knowledge and education. Details of these agreements are found in Table 26.

**Table 26**

**Official Gazette**

Item	Name of State	Legal instrument	No.	Year
1	Argentina	Revolution Command Council Decree	47	1975
2	Spain	Revolution Command Council Decree	1	1967
3	Germany	People's Committee Decree No. 624/87	15	1988
4	Uganda	Revolution Command Council Decree	10	1973
5	Pakistan	Revolution Command Council Decree	65	1975
6	Bulgaria	Revolution Command Council Decree	24	1977
7	Bulgaria	Revolution Command Council Decree	9	1973
8	Bulgaria	Act No. 10 of 1977	23	1977
9	Bulgaria	General People's Committee Decree	18	
10	Poland	Revolution Command Council Decree	63	1975
11	Poland	Act No. 6 of 1988	29	1988
12	Poland	General People's Committee Decree No. 379/87	4	1990
13	Turkey	Revolution Command Council Decree	44	1975
14	The former Czechoslovakia	Revolution Command Council Decree	2	1976
15	The former Czechoslovakia	General People's Committee Decree	18	1979
16	Tunisia	Act No. 2 of 1990	27	1990
17	Italy	Act No. 4 of 1986	14	1986
18	Algeria	General People's Committee Decree No. 196/89	17	1989
19	Algeria	Act No. 2 of 1990	27	1990
20	Algeria	General People's Committee Decree	27	1989
21	Russia	Revolution Command Council Decree	3	1976
22	Romania	Act No. 4 of 1980	14	1986

**Table 26 (continued)**

Item	Name of State	Legal instrument	No.	Year
23	Zaire	Revolution Command Council Decree	41	1975
24	Senegal	General People's Committee Decree No. 329/89	26	1989
25	Syrian Arab Republic	Act No. 4 of 1986	14	1986
26	Syrian Arab Republic	General People's Committee Decree No. 317 of 1988	26	1989
27	Syrian Arab Republic	Act No. 2 of 1990	27	1990
28	Sierra Leone	Revolution Command Council Decree	8	1976
29	Sri Lanka	Revolution Command Council Decree	52	1975
30	Sri Lanka	Revolution Command Council Decree	66	1975
31	China	Act No. 4 of 1986	14	1986
32	Guinea-Bissau	General People's Committee Decree No. 383 of 1988	34	1988
33	Cameroon	Act No. 108 of 1975	15	1976
34	Democratic People's Republic of Korea	General People's Committee Decree	1	1979
35	Malaysia	Revolution Command Council Decree	23	1977
36	Hungary	Revolution Command Council Decree	1	1976
37	Hungary	Revolution Command Council Decree	63	1975
38	Hungary	General People's Committee Decree	8	1979
39	Mauritania	Revolution Command Council Decree	10	1973
40	India	Act No. 4 of 1986	14	1986
41	Yemen	Act No. 49 of 1971	43	1971
42	People's Democratic Republic of Yemen	Act No. 7 of 1971	17	1971
43	Yemen	General People's Committee Decree No. 635 of 1987	22	1988

264. In addition, Libya has concluded cultural cooperation agreements many countries throughout the world.

265. One of the functions of the Ministry of Education and Public Instruction that is specified in article 18, paragraph 2, of the Education Act No. 134 of 1970 is to contribute to the elimination of ignorance and illiteracy (Official Gazette No. 1 of 1971). Act No. 23 of 1968, concerning the promotion of literacy and adult education, was also promulgated for that same purpose (Official Gazette No. 17 of 1976).

266. The objective of facilitating access to scientific and technical knowledge and modern teaching methods is enshrined in article 7, paragraph 2, of the Regulation concerning Secondary Education promulgated by a Decree of the Council of Ministers on 2 October 1973 (Official Gazette No. 10 of 1979), which reads as follows: "Academic curricula shall be

designed in accordance with the subjects prescribed for classes at this stage so as to achieve the general purposes and specific objectives of each subject, with particular emphasis on the following goals: (7): To draw attention to the role played by the technical sciences in the exploitation of the nation's natural resources and their utilization in the development of plant, animal and mineral resources and the improvement of production methods in his country, using the knowledge and know-how available to him at this stage."

267. The Great Jamahiriya carries out numerous activities and innovative programmes in the spheres of education, culture and vocational training. These programmes are designed to help improve the quality of basic and specialized secondary education and teacher training colleges. Several budgets have been earmarked for that purpose. Broadly speaking, these efforts give priority to tailoring education towards the development of the student's personality, achieving the Jamahiriya's development goals, meeting the challenges of the twenty-first century, promoting international understanding, and learning from the experiences of others.

268. The Jamahiriya has undertaken numerous evaluative studies of basic and intermediate education, particularly specialized secondary education, with help from UNESCO and the United Nations Development Programme (UNDP), with a view to modernizing education, introducing information technology at the basic and secondary stages, designing academic curricula and training for specialized secondary schools, and improving teacher performance. It is also noteworthy that no serious difficulties have been encountered in this regard, apart from the time taken for planning and implementation.

269. The Jamahiriya makes equal use of its own experts and of the assistance of the United Nations and its specialized agencies, particularly UNESCO, UNICEF and the International Labour Organization (ILO), in order to improve its educational system in keeping with the purposes and principles set forth in article 29 of the Convention and the goals of Libyan society which aim at using education as a tool for achieving socio-economic progress and sustainable human development.

## **B. Aims of education (art. 29)**

270. One of the most important aims of basic (primary and intermediate) education is to develop the child's personality, talents and mental and physical abilities to their fullest potential. This is clearly stated in the provisions of article 4 of the Regulation concerning Primary Education which was promulgated by a Decree of the Council of Ministers on 2 October 1973. Similarly, section I, article 4, of the Regulation concerning Secondary Education stipulates that the purpose of secondary education is to ensure the general improvement and complete mental, physical, moral, social and civic development of the student. The aim of developing children's talents is enshrined in all educational regulations which have been promulgated to regulate basic and intermediate (secondary) education.

271. According to the Great Green Document on Human Rights, all citizens, whether children or adults, male or female, enjoy all human rights. No one may impair these sacred rights other than in pursuance of the laws and regulations laid down by the Basic People's Congresses. Since human freedom and dignity are sacrosanct in Jamahiri society, numerous laws, educational regulations and policies have been promulgated to promote respect for human rights. The

essence of the Great Green Document on Human Rights is perfectly consistent with the principles of human rights and freedoms enshrined in the Charter of the United Nations as they relate to children. Moreover, article 1 of the statutes of the World Permanent Organization for Jamahiriya Youth stipulates that the organization must help to give effect to human rights in cooperation with United Nations agencies and the different countries of the world.

272. It is noteworthy that the subject of human rights, including the rights of the child, has been incorporated into basic and intermediate school curricula in science and Islamic instruction courses. It is also taught at faculties of literature, law, education, arts and media studies, and in educational research seminars. Students pursuing advanced courses of study in these faculties have prepared master's and doctoral theses on human and civil rights, which usually take the form of a comparative study of the Islamic Shariah and positive law or a civil law case study.

273. At its session held on 2 March 2000, the General Peoples' Congress established a Secretariat, called the Secretariat for Legal Affairs and Human Rights, the principal function of which is to ensure respect for the fundamental freedoms of citizens and human rights principles in all spheres of public and private life.

274. With regard to the development of respect for the child's parents, his or her own cultural identity and the values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own, these principles are enshrined in all the educational legislation of the Jamahiriya, in pursuance of the provisions of Act No. 18 of 1972, concerning the establishment of the Higher Council for National Guidance, and the Regulations concerning Basic and Intermediate Education (art. 4, para. 2, art. 3, para. 2, and art. 4, para. 3). These regulations are intended to ensure the development of respect for the child's parents, his or her own identity and country, and for other cultures and civilizations. This principle is translated into practice through academic curricula and school activities in which students are given information about the world and its history, geography and culture that is pitched according to their age. Children are also encouraged to reproduce this information in art lessons, including drawing and music classes, and through their hobbies. The Libyan visual media show children's programmes which help students to understand their own identity and the identity of others, regardless of who they may be, and encourage them to show respect towards and appreciation of others.

275. Libyan children have frequently contributed pictures and drawings on the subject of other civilizations to Libyan, regional and international exhibitions. Indeed, they have won prestigious awards for them. Moreover, the fact that many foreign students attend Libyan or foreign schools [in the Jamahiriya] because they are living there with their parents, provides ample opportunities for interaction, cooperation and mixing through games, competition and joint activities.

276. With regard to the objective of preparing the child for responsible life in a free society, in the spirit of tolerance and equality of sexes, and friendship among all peoples, educational programmes endeavour to achieve this using every possible means and method and encourage children to develop a spirit of understanding and love of peace beginning in their local environment and extending to the entire world. The Jamahiriya's success in promoting equality of sexes has been very well publicized. It is not restricted to education, but extends to all spheres and domains.

277. In the field of basic education, for example, the percentage of female students as a proportion of all students in basic education rose from 31.6 per cent in the 1969/70 academic year to 49 per cent in 1998/99.

278. Whether Libyan children are raised in the family, school and local environments according to traditional or modern methods of socialization, they are all taught to love others and to respect their cultures and differences. Libyan children are the children of the Mediterranean, a crossroads at which different kinds and types of civilization come together. Consequently, they have long been accustomed to dealing with others. Through their youth organizations, such as boy scouts associations, clubs and schools, Libyan children not only learn about other cultures and cultural identities, but they also get involved in collecting money for children in need in situations of natural disasters and war. Virtually every nation and nationality is represented in the Jamahiriya at present. This means that, from a very early age, Libyan children learn about the identity of others, and how to show them respect, and interact with them in a spirit of tolerance, understanding and respect.

279. With regard to respect for the natural environment, environmental education has formed part of basic and secondary school curricula ever since the new educational system was introduced in the Jamahiriya in 1982. It was also included in the work on curriculum development that was carried out in 1990. Environmental education is pitched according to the student's level of intellectual development and is incorporated into geography, social sciences, life sciences, public health and civic education curricula at the pre-university level. At the post-secondary stage, environmental issues are incorporated into the teaching of architectural planning, civil engineering and general culture, as a compulsory subject for all university students regardless of their specialization.

280. Basic education institutions also pursue educational, cultural and social activities that focus on respect for the natural environment. Boy scouts and girl guides' associations, children's and youth organizations, and private children's associations contribute by organizing field trips, workshops and recreational camps, many of the activities of which serve to promote respect for and the protection of the natural environment, to help children and young persons understand the concepts associated therewith, and to create a positive relationship between the child and the general environment in which he lives.

281. Teachers receive training about ways to achieve the above-mentioned objectives through:

- (a) Teacher-training curricula taught at teacher-training colleges and faculties;
- (b) School workshops;
- (c) In-house training;
- (d) Educational advice and guidance;

(e) Awareness-raising and information from the Teachers' Journal which is published by the General Teachers Union of the Great Jamahiriya, and through the other media that are concerned with education and culture.

282. School policies and academic curricula at all stages of education are regularly reviewed, modified and improved to take account of the goals set forth in article 29 of the Convention. The following examples serve to illustrate the point:

- (a) Basic and intermediate school curricula were reviewed in 1989 and 1994 to take account of all the provisions of the Convention on the Rights of the Child;
- (b) Secondary school curricula were reviewed over the period from 1990 to 1995 in the light of the provisions of the Convention;
- (c) Efforts are made to ensure that university education is consistent with the goals set forth in article 29 of the Convention pertaining to human rights and the promotion of scientific research;
- (d) The programmes and disciplines used towards this end fall into two categories:
  - (i) Cultural and social programmes designed by educational and social institutions and which include basic and intermediate school curricula;
  - (ii) Disciplines such as the social sciences, legal sciences, literature, arts, media studies, social services, and advanced study programmes that form part of university education.

283. The Great Jamahiriya promotes all forms of education and guidance suited to the realization of the goals laid down in the Convention on the Rights of the Child, including the provisions of article 29 thereof, by encouraging children to express their views and to participate in the life of the school both at the basic and intermediate stages. As regards university education, students make up the bulk of the members of the People's Committees that direct and steer universities and faculties and institutes of higher education. In addition, the Students' Union represents the voice of students in society and at university.

284. Every effort is made to make the school an intellectual, educational and democratic centre where students receive human rights education and training. Each school has its own people's educational congress with its own secretariat that meets regularly to discuss all matters affecting the school. The decisions and recommendations which it issues are forwarded to the school's board of governors and the local department of education, which either strive to implement them or take them into account when formulating day-to-day school policy or general educational policy for the local area or even the Jamahiriya as a whole.

285. Moreover, the Great Green Document on Human Rights, together with all legislation and laws pertaining to education, regards participation by the student in school life as a democratic right. Students are also free to choose the discipline or knowledge which they wish to learn, since "knowledge is a natural right of every human being".

286. The measures taken to guarantee the liberty of individuals and bodies to establish and direct educational institutions, in accordance with the provisions of article 29, paragraph 2, of the Convention, can be summed up in the statement that the Jamahiriya grants complete liberty to

any Libyan or alien residing in the Jamahiriya to establish a school, subject to the laws applicable to independent education and educational partnerships. In all cases, any educational institution that may be established is continuously monitored in order to ensure that it is being run in a manner consistent with the educational standards required by the Jamahiriya and with the principles set forth in paragraph 1 of article 29 of the Convention.

287. Independent schools must comply with procedures designed to ensure that they comply with the provisions of the Convention. The most important of these procedures are described hereunder:

- (a) They must submit periodic reports to the authorities with competence for the administration of independent education;
- (b) They are subject to periodic inspection, scrutiny and monitoring aimed at verifying the application of educational standards therein;
- (c) All final educational examinations must be certified by the educational authorities responsible for the management of independent education;
- (d) Under the terms of Libyan law, any school which fails to comply with public health and safety regulations or to provide a sufficient number of teachers and experts in education and in educational and social counselling shall be closed down;
- (e) Schools must guarantee an environment that is conducive to the free and safe development of the child.

288. All independent schools must provide evidence to show that they:

- (a) Have due regard for human rights and teach human rights directly or indirectly;
- (b) Foster respect for other civilizations and cultures;
- (c) Apply the principle of equality of sexes;
- (d) Pay due regard to the best interests of the child.

289. Tangible progress has been achieved in the implementation of this article. Some of the greatest obstacles encountered with implementation are outlined hereunder:

- (a) Some of the persons who are responsible for education in the Jamahiriya take the view that all the principles enunciated in this article of the Convention are already enshrined in and applied under Libya's educational legislation, and that its Islamic culture embraces all the principles affirmed by article 29 and the other articles of the Convention, as well as all the human rights principles advocated by the Charter of the United Nations;

(b) Some independent (private) schools have been late in submitting their reports on the implementation of the provisions of the Convention, including with regard to article 29 of the Convention;

(c) Some independent (private) schools which are owned by foreign communities in the Jamahiriya may not be required, for reasons peculiar to them, to comply with the Convention. The Libyan authorities can only intervene in educational, health, and technical matters to ensure that these schools are complying with Libya's laws on independent education.

290. It is noteworthy that Libyan educational policy endeavours to fully apply the provisions and articles of the Convention through law-making, awareness raising, a process of gradual implementation, and the formulation of specific programmes of action.

### **C. Recreation, leisure and cultural activities (art. 38)**

291. The Jamahiriya has taken numerous measures and steps in the sphere of children's recreation, leisure and cultural activities, notably through the promulgation of General People's Congress Decree of 17 June 1991 concerning the Protection of Children. Article 22 of the Decree stipulates that provision should be made in town and village planning for squares, playgrounds, gardens, and children's services and facilities that guarantee children, particularly those with disabilities, space to grow and the freedom to move, run and play in a healthy and safe environment. The General People's Congress also promulgated the Child Protection Act No. 5 of 19 December 1997, regulating childcare policy legislation in the Jamahiriya, including as it relates to recreation, leisure and cultural activities.

292. The Great Jamahiriya recognizes the child's right to rest and relaxation. Accordingly, all Libya's social, health, education and civil laws affirm this principle and specify the penalties applicable to any person who places a child at risk, whether by depriving him or her of education or rest, subjecting him or her to torture, or forcing a child under the legal working age to work. Libyan law also maintains that it is natural for a child to be with his or her natural family. The law clearly stipulates that guardianship may be withdrawn from a legal guardian who harms the family or a child therein in any way, including by depriving the child of rest and recreation or subjecting him or her to any form of physical, mental, social or moral harm.

293. The General Company for Recreational and Educational Toys and Tools was established on 22 August 1985 to cater, inter alia, for the manufacture, import and development of children's toys in accordance with the cultural specificities of Libyan Arab society.

294. With regard to the provision of recreation and rest, school curricula are generally expected to leave time for children to play and to require students to spend less time studying in basic education than in intermediate (secondary) education, thereby recognizing the importance of giving children time for rest, recreation and play.

295. All Libyan legislation recognizes the child's right to play games and pursue recreational activities that are appropriate to his or her age. Educational and social institutions offer opportunities for children to play at school and in clubs, children's institutions, summer residences, and summer and winter camps, with due account being taken of the child's age and individual needs.

296. As regards the child's participation in cultural life, the Jamahiriya, through all its institutions and organizations, imposes no restrictions or conditions on participation by children in the cultural life of Libyan society and in all other artistic and sports activities. For example, children take part in programmes broadcast by the audio-visual media and in events organized by clubs, schools, and summer camps, including up to the highest levels in the Jamahiriya. Children also take part in one way or another in most formal and informal celebrations and events, and in a variety of programmes and cultural, artistic, sports and musical events.

297. Under the terms of article 13 of the Child Protection Act No. 5 of 1997, the State's annual public budget must allocate, within the provisions for the different sectors, a special budget for the welfare of children; this must provide funding for children's culture, the promotion of children's literature and publishing and the expansion of children's theatre, libraries and learning, serving an educational and cultural purpose which contributes to the development of the child while providing him or her with opportunities for enlightenment and creativity. The budget must make provision for these activities to be carried out at the local level.

298. A great number and variety of recreational and cultural activities are pursued, consisting in the following:

- (a) Programmes concerned with physical and mental recreation and relaxation, such as sports and physical games;
- (b) Programmes concerned with mental relaxation, such as competitions in which the child is given an opportunity for self-expression;
- (c) Programmes concerned with intellectual relaxation and growth, such as cultural and knowledge-based programmes;
- (d) Programmes concerned with social and group recreation, in which the child has a sense of belonging to the group and to the national and international communities.

299. These programmes are delivered through the following institutions:

- (a) Kindergartens;
- (b) Public and private schools offering basic education;
- (c) The Public Toy Company;
- (d) Clubs, summer resorts, youth camps, and field trips;

- (e) The Jamahiriya's educational programmes;
- (f) The General Movement for Boy Scouts and Girl Guides;
- (g) Radio and television broadcasting companies;
- (h) The Public Institute for Tourism;
- (i) Public and private associations, particularly women's, family and childhood associations and associations for social defence against crime;
- (j) Children's clinics and hospitals;
- (k) Homes for children with special needs;
- (l) Social institutions of the Social Security Fund;
- (m) Private travel and tourism agencies;
- (n) The Higher Committee for the Welfare of Children, and its branches throughout the country.

300. In addition to the above, Libyan children enjoy all the rights recognized in article 31 of the Convention, including the right to education. The Secretariat for Education has also issued an ordinance (Official Gazette No. 29 of 1993) supplementing the measures advocated by the Convention by providing for the establishment of a department for children's culture, in keeping with the terms of article 17 of the Convention.

301. All these programmes, together with other types of programmes and services, must be offered without any form of discrimination between the sexes, except in respect of the specific characteristics and attributes with which they have been endowed by the Great and Almighty God, and they must also have due regard for all the circumstances of rural, desert and urban areas. The best interests of the child are the primary focus of these programmes. God has bestowed upon Libyan society characteristics of homogeneity and cohesiveness that protect its children in all matters great and small. This is hardly surprising, since it is a feature of Arab culture and a duty imposed by its Islamic Shariah, which respects and honours all human beings, large and small, male and female alike. It is also consistent with the words of the Almighty God: "We have created man and placed him at the highest rank."

302. The Jamahiriya has made great progress in implementing the provisions of article 31 of the Convention in accordance with local, regional and international standards. There have been no significant difficulties other than the time taken to design the programmes and the shortage of particular experts and specialists for children's recreational and cultural programmes. This problem is normally resolved by soliciting the services of experts from Arab States and regional and international organizations who help with programme design and formulation.

303. The goals for the future can be summarized as follows:

(a) To continue efforts to develop and improve these programmes and to promulgate the requisite legislation towards that end;

(b) To involve non-governmental organizations in child welfare programmes, in which provision is made for recreation and cultural activities;

(c) To establish, participate in, and cooperate with regional and international confederations for children;

(d) To hold more workshops and academic symposia to discuss child welfare issues and children's recreational programmes and cultural and artistic activities;

(e) To exchange expertise and experiences in child-related sectors with States and international organizations and institutions, and to organize joint activities with them for the purpose of promoting mutual understanding and cultural linkage between the peoples and nations of the world.

## **VIII. SPECIAL MEASURES FOR THE PROTECTION OF CHILDREN**

### **A. Children in situations of emergency**

#### **1. Children of refugees (art. 27)**

304. The Jamahiriya is convinced that peace between nations is a guarantee of prosperity for all. It consistently calls for the security and stability of all nations and for opposition to wars, the results of which, indubitably, entail loss and deprivation for children.

305. On that basis, the Jamahiriya has signed the 1969 Organization of African Unity (OAU) Refugee Convention, which is regarded as being more comprehensive than the 1951 Convention relating to the Status of Refugees and its Protocol on the Situation of Refugees. The latter Convention refers only to political refugees, while the OAU Convention covers refugees in humanitarian emergencies and situations such as disasters, earthquakes, volcanic eruptions, fires, floods, and so on. The Jamahiriya has formed a committee of the competent authorities to consider the feasibility of acceding to the 1951 Convention.

306. Libya has given assistance in many different forms to the thousands of refugees who have applied to it for shelter and protection. It has hosted large numbers of children from Bosnia and Herzegovina, the Sudan, Somalia, Lebanon and Mozambique. It continues to offer aid and assistance to displaced persons arriving in the country, particularly children, until they return to their homes.

## **2. Children in armed conflict (art. 38)**

307. The Jamahiriya abides by the Charter of the United Nations and the principles enshrined therein which seek to serve humanity and protect the human person in all circumstances. It also complies with all international instruments, notably the Universal Declaration of Human Rights, and all United Nations resolutions concerned with the protection of children and women in situations of emergency and armed conflicts, particularly General Assembly resolution 3318 (XXIX) adopted on 14 December 1974. It is a party to the four Geneva Conventions of 1949, concerning the victims of armed disputes, and their Protocols.

308. At the national level, the Jamahiriya has enacted laws and legislation for the protection of children. The Labour Code prohibits the recruitment of children under the age of 18 in armed conflict and the Child Protection Act No. 5, provides special protection for children in these circumstances.

### **B. Children subject to the system for the administration of juvenile justice**

#### **1. The administration of juvenile justice (art. 40)**

309. The Libyan Penal Code stipulates as follows:

(a) Criminal offences shall be punished in accordance with the law in force at the time of their commission. However, if a law is enacted following the commission of the offence and prior to the final judgement which is more favourable to the accused person, that law alone shall apply. If a law is promulgated after the final judgement has been rendered, decriminalizing an act of which the offender has been found guilty, the judgement shall be arrested and its criminal effects shall cease;

(b) Criminal offences and penalties are determined only by the law;

(c) The legal penalties established for any criminal offence can be enforced only under the terms of a judgement issued by a competent court;

(d) Section XIV of the Code of Criminal Procedure deals with questions pertaining to the prosecution of minors and establishes special procedures for the protection of minors, as described hereunder.

310. A juvenile court shall be established in the jurisdiction of every criminal court and a magistrate shall be appointed thereto.

311. This court shall have competence for ordering the adoption of preventive measures pertaining to minors and for prosecuting minors over 14 and under 18 years of age. A summons to appear in court shall be issued at least three days prior to the hearing, unless distance dictates otherwise.

312. The summons shall specify the charge and the articles of the law stipulating the penalty therefor. In cases of flagrante delicto, the summons may be issued at an earlier date. If the accused appears before the court and requests a recess in order to prepare his defence, the court shall grant him the time specified in paragraph 1.

313. An accused person in a criminal case must have the services of a defence lawyer. If he has failed to choose a lawyer, the examining magistrate, Department of Public Prosecutions, prosecutor's office or court shall appoint one for him. An appeal for civil rights cannot be heard by the juvenile courts. The court must hear the witnesses without the minor being present, but a verdict of guilt cannot be delivered unless the minor has been informed of the nature of the testimony against him. The verdict must be pronounced in open court.

314. Any measure of which the accused minor must be informed by law shall, to the extent possible, be communicated to his or her parents or legal guardian. These parties shall be entitled to pursue, on the minor's behalf, every avenue of appeal against the sentence established in the judgement, provided that this is done on the basis of the procedures applicable in his case. The appeal shall be referred to the chamber of the competent court of the first instance and it shall be heard in a prompt manner.

315. Hearings against minors are attended by the parents and other relatives of the child as well as by representatives of the Secretariat for Justice and of charitable associations concerned with juvenile affairs.

316. The court shall also guarantee the presence of a simultaneous interpreter, whose services are provided free of charge. The child's private life is protected throughout all stages of proceedings and, if the circumstances necessitate his preventive detention, he or she must be placed in a reform school, an institution designated by the State, a recognized charitable establishment, or in the custody of a trustworthy person.

317. In cases involving criminal offences and misdemeanours, account is taken of the social and environmental circumstances in which the young person was raised and his motives for committing the crime. The views of expert officials, physicians and other experts may be sought in this regard.

318. As indicated above, there are special courts for young persons which follow their own special procedures. Juvenile rehabilitation and reform institutions also play their part and report directly to the Secretariat for Social Security. A young person under 14 years of age cannot be held criminally liable. However, a judge may order preventive measures in respect of a young person who was under 7 years of age at the time when he committed an act legally designated as a crime. A person who was over 14 but not yet 18 years at the time when he committed the act and who was capable of discernment may seek a two-thirds reduction of the penalty.

319. A young person who has been found guilty of an offence must serve his sentence in an institution for juvenile offenders which offers a special juvenile rehabilitation and reform programme designed to prepare the young person to become a useful member of society. Institutions, such as these, known as juvenile rehabilitation and reform centres, are monitored by the Department for Social Affairs. When a young person is admitted to a centre, the centre's

social workers and psychologists carry out a social and psychological assessment. The young person is then enrolled in different programmes in order to provide him with an education, develop his skills, and train him for a range of occupations. He is also provided with comprehensive health care. The young person is able to maintain contact with his or her family through weekly visits.

**2. Children deprived of their liberty, including by means of any form of detention, imprisonment or placement in a custodial institution (art. 37, paras. (b) and (d))**

320. Measures involving deprivation of liberty are taken in accordance with the relevant legal procedures regulating the enforcement of both judgements and preventive measures ordered by a judicial body. The juvenile court judge oversees the enforcement of judgements against juveniles who come under the jurisdiction of his court together with orders for the application of preventive measures involving the deprivation of a young person's liberty.

321. No child may be arrested, detained or imprisoned other than in the manner prescribed by law, such measures being used as a last resort and for the shortest period of time. If the circumstances necessitate the preventive detention of a young person over the age of 14, he must be placed in a reform school, an institution designated by the State, a recognized charitable establishment, or in the custody of a trustworthy person. It is for this purpose that juvenile welfare and reform centres have been created to accommodate young persons found guilty of criminal acts. It is also possible to hand over a young person to the custody of his or her parents or legal guardian.

322. National legislation makes provision for preventive measures that fully protect the best interests of the child, respect his or her views and guarantee his right to life, survival and development.

323. One of the alternatives to depriving a young person of his liberty after he has committed a crime is to place him in the custody of his parents or a trustworthy person or under the supervision of a public authority or body responsible for the welfare and supervision of juveniles. This option is available for all juveniles, regardless of their region or province of origin or social background.

324. If a young person under the age of 14 represents a menace, the magistrate, after considering the gravity of the act and the social circumstances of his family, must order him to be placed in a juvenile rehabilitation and reform institution or under supervision, unless it is possible for supervision to be carried out by surrendering him to the custody of his parents or a person who is responsible for his education and care.

325. The aforementioned measures are also applicable to persons aged over 14 and under 18 years of age who are deemed not to have been capable of discernment when they committed the offence.

326. Boys and girls are kept apart from one another in juvenile rehabilitation and reform centres.

327. The judicial authorities, including the Department of Public Prosecutions, carry out ongoing inspections of institutions and establishments responsible for the enforcement of arrest, detention or imprisonment orders in all sectors.

328. It is not permissible to impose or enforce penalties that have not been prescribed by law, since only the law can establish penalties. The law punishes every person who imposes or enforces a penalty that has not been prescribed by law or who fails to report to the authorities any case in which a non-legally established penalty has been imposed or enforced.

329. With regard to prompt access to legal assistance, the law stipulates that in criminal cases a person being tried before a juvenile court must have the services of a defence lawyer. If the accused person fails to choose a defence lawyer, one shall be appointed for him by the examining magistrate, Department of Public Prosecutions, the prosecutor's office or the court.

330. The right to legal assistance is guaranteed at all stages of the investigation and trial. Legal assistance may also take the form of explaining to the young person the substance of the testimony given by the witnesses and informing his or her parents or legal guardian of any legal measures to be taken. The parents or legal guardians have the right to pursue, on the young person's behalf, every available avenue of appeal. It is possible to challenge the legality of depriving a minor of his liberty, since this is a right which is guaranteed to the young person and his tutors.

### **3. Sentencing of minors, with special reference to the prohibition of capital punishment or life imprisonment (art. 37 (a))**

331. The penalties of capital punishment or life imprisonment cannot be imposed upon children under any circumstances. Where a young person (over 14 and under 18 years of age) commits a criminal offence punishable by death or life imprisonment, both these penalties are replaced by a term of imprisonment of no more than five years, to be served in a juvenile education and reform home in order to rectify and reform the young person's conduct.

### **C. Children in situations of exploitation, with specific reference to their physical and mental rehabilitation and social reintegration (art. 39)**

#### **1. Economic exploitation, particularly child labour (art. 32)**

332. The Jamahiriya is totally opposed to all forms of exploitation, in accordance with the principles enunciated in the Holy Koran. The Great Green Document on Human Rights also rejects exploitation and calls for resistance thereto. The Jamahiriya complies with the provisions of the Universal Declaration of Human Rights and of the resolutions of the World Summit for Children granting children special protection against economic exploitation and forced labour and calling for the safeguarding of their rights to good nutrition, health care, education and a suitable standard of living.

333. Libya's laws provide for the protection of children against exploitation in any circumstances. These laws include the Labour Code No. 58 of 1970, article 92 of which stipulates that young persons under the age of 15 cannot be admitted to employment or allowed

to work. Article 93 of the same Code states that children cannot be employed for more than six hours per day, which must be interspersed with a rest break. Article 94 provides that children cannot be employed between the hours of 8 p.m. and 7 a.m. and that they can neither work on overtime or on public holidays. According to article 18 of the Civil Code No. 55 of 1976, the age of full-time employment is 18 years.

334. With regard to the protection of minors against exploitation in work not specified in the aforementioned Code, article 474 of the Penal Code stipulates that no child can be employed as an itinerant sales person. The Child Protection Act No. 5, also stipulates, in its article 10, that children cannot be employed in work other than for educational or vocational training purposes and only with their consent.

335. The Jamahiriya attaches considerable importance to the Convention concerning the Worst Forms of Exploitation of Child Labour, which was adopted by the International Labour Organization in 1999 and which guarantees the child's fundamental rights, such as the right to protection against economic exploitation and work that is detrimental to and denies the child a life of dignity, such as forced labour. Children cannot be exploited in the production of licentious materials and in immoral transactions, such as prostitution.

336. In keeping with this concern, the Jamahiriya is currently conducting a review of the latter Convention with a view to acceding to it at the earliest opportunity.

337. Libyan legislation has been enacted to protect and prevent the exploitation of children and to supply them with all their educational, health and nutritional requirements and a life of dignity. All Libyan legislation is fully consistent with the terms of article 32 of the Convention and many institutions work together to give effect to its provisions, particularly those pertaining to education, health, social security and justice.

338. It is also worth noting that a survey has been carried out to analyse the situation of child workers in the city of Tripoli. Work is currently under way to apply its findings of this survey in the Jamahiriya as a whole.

## **2. Drug abuse (art. 32)**

339. The Jamahiriya has expended major efforts to suppress and combat the phenomenon of narcotic drugs and to make the public more aware of it.

340. At the international level, the Jamahiriya has signed three Conventions, namely:

- (a) The 1961 Single Convention on Narcotic Drugs, as amended by its 1972 Protocol;
- (b) The 1971 Convention on Psychotropic Substances;
- (c) The 1988 United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances.

341. At the national level, General People's Committee Decree No. 150 of 1996 provides for the elaboration of a national strategy to suppress the unlawful use of narcotic drugs and psychotropic substances and establish preventive and treatment programmes in this domain. In 1999, a national committee for the suppression of the unlawful use of narcotic drugs and psychotropic substances was formed. A national fund has been established to support programmes devoted to combating dependency on narcotic drugs and psychotropic substances. In addition, the Secretariat for Health and Social Security monitors the implementation of awareness, educational and counselling programmes in this domain, and it also works with the Secretariat for Education to organize symposia and lectures on combating drug use. The Higher Committee for Childhood cooperates with the United Nations Children's Fund (UNICEF) on this issue.

342. It is worth pointing out that national anti-drug legislation makes specific provision for the direct and indirect protection of children against the scourge of narcotic drugs, including through the withdrawal of guardianship, if the legal guardian is supplying the narcotic drugs.

### **3. Sexual exploitation and sexual abuse (art. 34)**

343. Libyan law takes a tough stance on the sexual exploitation and sexual abuse of children, establishing severe penalties therefor, as described here below.

344. Any person who rapes a minor under 14 years of age, even with the young person's consent, is liable to a maximum penalty of 10 years' imprisonment. If the victim is over 14 but under 18 years of age, the penalty is up to five years in prison. If the perpetrator is an ascendant of the victim, a person who is responsible for his education or supervision, or someone who has authority over him, the penalty is a term of between 5 and 10 years' imprisonment.

345. Any person who has sexual intercourse with a minor under 14 years of age, even with the minor's consent, shall be liable to a penalty of five years' imprisonment. If the minor is over 14 but under 18 years of age, the penalty shall be not less than one year in prison. If the perpetrator is an ascendant of the victim or a person responsible for his or her education, the penalty shall be a term of up to seven years' imprisonment.

346. Any person who incites a minor under 18 years of age to corruption or depravity, assists or facilitates him therein, in any way influences him to commit a lewd act or commits such an act in his or her presence shall face a term of imprisonment. The penalty is doubled if the perpetrator is an ascendant of the victim or a person responsible for his or her education or supervision.

347. Any person who abducts another or who, by force, threats or deception, detains him or her for the purpose of committing a lewd act shall be liable to a penalty of up to five years in prison. The penalty is increased up to one third, if the victim was under the age of 18.

348. Any person who incites a minor to engage in debauchery in order to satisfy the carnal desires of another person or who facilitates him therein is liable to a penalty of up to 10 years' imprisonment and a fine of up to 200 dinars. If the victim was under 18 years of age, the penalty is doubled.

349. The national strategy for guaranteeing the protection of children under the age of 18 provides for the following:

- (a) Full legal protection;
- (b) Measures that guarantee the prosecution and punishment of criminals;
- (c) Juvenile homes and the Higher Committee for Childhood are regarded as performing a monitoring and oversight function.

350. The sexual exploitation and sexual abuse of children and acts of a similar nature are prohibited by law. The legal penalties established in this regard are designed to serve as a deterrent.

351. With regard to legal jurisdiction, any Libyan outside the Jamahiriya who commits an act involving the sexual exploitation, abuse or debauchery of a child or any other such act designated as criminal offence under Libyan law is liable to punishment under the Libyan Penal Code, if the act in question was punishable under the law of the country in which it was committed.

352. With regard to the principle of foreign judicial jurisdiction, this matter is regulated in accordance with the bilateral and multilateral agreements to which the Great Jamahiriya is party.

#### **4. The sale of, traffic in, or abduction of children (art. 35)**

353. The legislation and laws in force in Libya, including the Penal Code, prohibit the sale of, traffic in, or abduction of children. Consequently, these phenomena do not exist in the Jamahiriya.

#### **5. Other forms of exploitation (art. 36)**

354. Other forms of exploitation [of children], such as begging and theft, do exist. In such cases, children are used to steal and beg on behalf of others. Their innocence is exploited and they are left to perish, beg, or wander the public highways and streets. The Great Green Document on Human Rights specifically rejects all forms of exploitation, as do the Labour Code and the Child Protection Act. This is consistent with the provisions of the Convention on the Rights of the Child and of the Convention on the Elimination of the Worst Forms of Child Labour, which the Jamahiriya is currently reviewing with a view to acceding thereto.

355. Any person who incites a child to beg or steal or who gives a child over to another to be used for unsavoury ends is liable to punishment.

356. The State combats these phenomena by monitoring and suppressing them, protecting children against them and placing them in juvenile homes, social welfare homes, vocational training centres or charitable institutions.

**D. Children belonging to a minority (art. 30)**

357. Libyan society is an Islamic Arab society, which has no minorities. All citizens are Arabs who profess Islam and speak the Arabic language. They share the same cultural traditions and are afforded equality of treatment in respect of access to education, health, food, work, and so on. They have all the rights and obligations which are recognized for all citizens.

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