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THE GREAT SOCIALIST PEOPLE'S LIBYAN ARAB JAMAHIRIYA

SECRETARIAT OF GENERAL PEOPLE'S CONGRESS
LEGAL AFFAIRS AND HUMAN RIGHTS

THE THIRD PERIODIC REPORT FOR 2005 ON MEASURES TAKEN BY THE
GREAT JAMAHIRIYA ON THE REALIZATION OF RIGHTS AND FREEDOMS
STIPULATED IN THE AFRICAN CHARTER
ON HUMAN AND PEOPLES RIGHTS

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INTRODUCTION

Based on the Jamahiriya's belief in human rights and the need for their promotion and in reaffirmation of its commitment to the African Charter on Human and Peoples Rights of 1981, we hereby submit this Report containing very important details.

This Report is prepared in accordance with Article 62 of the African Charter on Human and Peoples Rights of 1981 to which the Great Jamahiriya is party and which stipulates that "each state party to the Charter undertakes to submit every two years from the date of entry of this Charter into force, a report on legislative and other measures taken to realize the rights and freedoms recognized and guaranteed by this Charter".

This Report has great importance as it deals with a number of elements chief among which is the practical experience of the Great Jamahiriya in the field of human rights based on the vision of the masses, particularly in relation to civil, political, economic, social and cultural rights as articulated in the Green Book, the Proclamation of People's Power in 1977 which laid the foundation of natural right to democracy and the Great Green Document on Human Rights in the Era of the Masses.

This Report also reflects the general features of the policy of the Great Jamahiriya and its stance on human rights regionally and internationally, which is an expression of the Jamahiriya's total commitment to the cause of freedom and political, economic and social emancipation from colonialism, hegemony, racial discrimination, inequality and exploitation.

Furthermore, the Report underscores the great importance the Great Jamahiriya attaches to the African Union and its institutions and structures meant to further the cause of the continent, particularly that of the African Commission on Human and Peoples Rights.

This Report consists of five major parts that represent a general context that responds to the requirements of the provisions of the African Charter on Human and Peoples Rights and outlines the broad aspects of the experience of the Great Jamahiriya in the field of human rights.

The first part of the Report contains general information about the geographical and demographic features of the Great Jamahiriya. The second part reviews the political, administrative and judicial organization which forms the basis for ensuring and implementing human rights with concentration on people's power and administrative decentralization as well as an independent judiciary system. The third part is on the Great Jamahiriya's position on human rights which deals with the issue internationally, regionally and nationally. It outlines in the first provision, the general and permanent features of the Jamahiriya's human rights policy and in the second, human rights institutions in the Great Jamahiriya. Therefore, this part cannot be separated from the fourth part of the Report which deals with the human rights protection and monitoring mechanisms in the Great Jamahiriya that include legislative and judiciary protection and monitoring.

The fifth part is of technical nature in terms of realization of the rights and freedoms contained in the African Charter on Human and Peoples Rights and their application in the Jamahiriya. It focuses on two major issues, namely the implementation of civil, political, economic, social and cultural rights.

The Great Jamahiriya submits this Third Periodic Report to the African Commission on Human and Peoples Rights, containing applications of the provisions of the Charter at the national level in accordance with Article 62 thereof. It hopes that its experience in this regard will form a serious contribution to the emergence of an African system of Human Rights that fulfills the aspirations and expectations of the African peoples in enjoying better standards of rights and freedoms under the banner of the African Union.

Hosni El-Wahshi El-Sadig
Secretary, Legal Affairs and Human Rights

In this part, we deal with two major geographical and demographic issues:

I. **GEOGRAPHICAL FEATURES**

a) **Location**

The Great Jamahiriya's area stretches from the centre of the North African coast along the Mediterranean to the heights of the central part of Africa. It is bounded on the East by Egypt, on the South-East by the Sudan, on the South by Chad and Niger and on the North-West by Tunisia and on the West by Algeria.

It covers an area of 1775,500 sq.km and is the fourth largest African country in terms of area and it occupies the same position among the Arab countries. The Great Jamahiriya is an important bridge linking the countries of the African Union to the countries of the European Union as well as the East of the Arab World to its West part. By this strategic location, it has become the melting pot of different cultures and the Arab Islamic civilization. Due to this geographical location, the Great Jamahiriya's political history is intrinsically linked to the Arab Islamic history and that of East and South Mediterranean countries. This location has since the old ages; enabled it to play an effective role in the political development of this part of the world.

b) **Climate**

The Great Jamahiriya's weather is influenced by the desert from the South and the sea from the North without any natural boundaries. It is relatively cold during winter in the north, the Great Mountain Heights and other Heights in the South. In summer, the temperature tends to be high in most parts of the Jamahiriya and increase as we head southwards to the desert. The weather in the coastal areas is humid. Among the major climatic phenomenon is the local winds known as "*El-Gabali Winds*" which are both dry and hot, especially during the rainy season and spring when the temperature becomes high.

Rainfall is rather erratic. It is at its highest in the coast and western and green mountains area and evidently less in the southern parts.

c) **Economy**

The Great Jamahiriya's economy depends mainly on petroleum and it is a member of OPEC. Its average oil production is million barrels a day. As the Jamahiriya's coast stretches along the Mediterranean shores for over 200km, it has a huge quantity of fish.

Also most of its coast, especially in the vicinity of the ancient historical sites, is considered a tourist attraction.

Among its natural resources are olive trees found in the western mountain area and the western coast. The date palms are found in the southern oases and parts of the western coast and it produces the best varieties of oranges in the world.

In addition, it is renowned for its grapes and apples as well as forest trees in the green mountain area and parts of the western coast.

II. **DEMOGRAPHIC FEATURES**

a) **Population Growth**

The population in 1931 was 704.123 as a result of wars, colonialism, poverty, disease and lack of health care. In 1973, the population reached 2.257.037; an increase of about 220.5%. It reached 3.617.800 in 1985 and 5124.50 million in 2000.

Population growth according to 1973 – 1984 census is 4.21%.

Mortality rates in the Great Jamahiriya witnessed a rapid decrease, particularly in the second half of the 1970s when they dropped from 150 children in every thousand life born to 63 in the Mid-seventies to subsequently reach 20 children in every thousand from 2000 to 2005. Life expectancy has witnessed a discernible improvement during the same period from 42 at the beginning of the 1950s to 52 in the early part of the 1970s and increased by 20 from 2000 to 2005 to reach 72 years, which is a rapid change due to the quantum leap in the area of health care achieved during the Mid-seventies for which credit goes to the Great Al-Fateh Revolution.

b) **Population Density**

Due to the vastness of its area (1775.500 sq km), the average population density in the Great Jamahiriya is estimated at 3 persons per sq k. The majority of the Jamahiriya's population are city dwellers and their number has increased rapidly since the early seventies and reached 45% in 1970, 69.3% in 1980 and 87% in 2005. At present, the percentage of those who live in the rural areas is less than 15% in 2005.

The indigenous population of the Jamahiriya are all Arabs and Muslims. The population is devoid of ethnic and sectarian complications, which impacts positively on the social cohesion of its citizens under good economic conditions and cultural awareness due to universal free education.

PART TWO

**THE POLITICAL, ADMINISTRATIVE AND JUDICIAL ORGANIZATION IN THE
GREAT JAMAHIRIYA**

I. POLITICAL ORGANIZATION

The political system in the Jamahiriya following the proclamation of People's Power in 1977 is based on people's direct exercise of power without representation through the Basic People's Congresses. Law No. 1 of 2001 on the People's Congresses and Committees defines their composition, terms of reference and functions as follows:

1. **Basic People's Congresses:** These are the core and basis of people's power in the Jamahiriya system and are composed of all the grown up citizens, male and female, resident within each people's zone.

The Great Jamahiriya is currently made up of about 452 basic People's Congresses. The People's Congresses are the pillars of the political system in the Great Jamahiriya which have the right to enact legislations and take leadership decisions in relation to all internal and external issues. They also have the right to form and select executive instruments (the People's Committees) at all levels and in all sectors as well as establish administrative monitoring instruments in accordance with Article 2 of Law No.1 (2001) which stipulates:

"The Basic People's Congresses exercise authority and directly monitor and run the affairs of the state and society. They enact the necessary legislations, take decisions and are seen as the sole political authority. In exercising authority, the Congresses.

- Formulate general policies and enact laws in the various fields;
- Draw socio-economic plans and prepare and approve the general budgets;
- Define relations between the Great Jamahiriya and other countries.

Draft laws, decisions, recommendations and observations of the Basic People's Congresses are referred to the People's Congresses of each People's Zone in their areas of competence for collation, re-drafting and onward submission to the competent authorities for finalization of measures for them to be issued.

2. The People's Congresses of the People's Zone

They are composed of secretariats of the Basic People's Congresses formed for their smooth functioning in accordance with the above cited law.

Each People's Congress chooses its own secretariat from among its members composed of a secretary and five members and a female secretary of social affairs.

The Secretariat of the People's Congress is entrusted with the task of following up on the implementation of the decisions of the People's Congresses by the People's Committees, evaluation of their performance and covering joint meetings that discuss constraints in the implementation process with a view to finding appropriate solutions.

3. The General People's Congress: This is the General Forum for the People's Congresses, People's Committees, Trade Unions and Professional Associations and its has the following functions:

- formulation of laws and approval of decisions of the Basic People's Congresses;
- selection of the secretariat of the General Congress accountable to it and acceptance of the resignation of its secretary or any other members and their removal from office;
- defining the sectors that are administered by the General People's Committees and their Mission Statement;
- selection of the Secretary of the General Planning Council, the Secretariat of the General People's Committee accountable to it, acceptance of the resignation of the secretary and the removal of any of its other members;
- selection of the Chief Justice of the Supreme Court and the Prosecutor General and the acceptance of their resignations and their removal from office;
- selection of the Secretary of the General People's Committee for the People's Inspection and Control Organ and the Assistant Secretary as well as Secretary of the General People's Committee for Technical and Financial Control and his Assistant, Governor of the Libyan Central Bank and his Deputy, the acceptance of their resignations and their removal from office.

The General People's Congress is neither a society, nor a legislative body because it does not exercise any amount of authority or sovereignty. It is simply a higher drafting Committee whose responsibility it is to coordinate and draft decisions of the Basic People's Congresses which are considered, in accordance with the Jamahiriya system, the sole instrument for exercising authority and sovereignty in the land. Therefore, the General People's Congress cannot represent the masses in adopting decisions, but it is an instrument for registering the general trends for the Basic People's Congresses and for the formulation of decisions in the interest of the general public, irrespective of a given geographical or economic sector.

The General People's Congress has a Secretariat selected directly by its members and from without. This Secretariat is currently composed of a secretary and seven members as follows:

- Secretary of the General People's Congress;
- Assistant Secretary of the General People's Congress;
- Secretary of the Affairs of the People's Congresses;
- Secretary of the Affairs the People's Committee;
- Secretary of the Affairs of Trade Unions and Professional Associations;
- Secretary of Social Affairs
- Secretary of Legal Affairs and Human Rights;
- Secretary of Foreign Affairs.

In accordance with the law, the Secretary of Social Affairs should be a female.

The Secretariat of the General People's Congress is responsible for directing the sessions of the General People's Congress, implementing all its decisions in the organizational and supervisory areas, follow up of the implementation of laws and decisions of the Basic People's Congresses together with the secretariat of the People's Congresses and the executive People's Committees and the submission of the outcome of the follow-up to the Basic People's Congresses, which wield real power and take decisions.

II. ADMINISTRATIVE ORGANIZATION

Since the Proclamation of People's Power in 1977, the bureaucratic government administration has been abolished and replaced by the people's administration where all public facilities at all levels are run by selected People's Committees directly under the supervision and control of the People's Congresses. Therefore, the administrative organization in the Great Jamahiriya is a popular decentralized democratic organization based on the principle of autonomy of local administrative units in running their affairs by themselves. It is also a people's administrative organization based on the principle of direct democracy where the masses select those who run the public utilities and make them accountable to the people.

The People's Committees are specialized administrative committees that do not exercise any authority on behalf of the people, but only implement the laws, decisions, policies and plans of the Basic People's Congresses and public projects and amenities.

The administrative structure of the Jamahiriya is made up of this committees and they vary according to the number of administrative units and public facilities some of which operate at the local level and some at the level of the Great Jamahiriya as a whole as follows:

1. The People's Committees within the basic People's Congresses:

Each Basic People's Congress selects a people's committee from among its members to direct and administer the various sectors within its administrative competence as well as implement the decisions of the Basic People's Congress. Given the fact that the Great Jamahiriya is currently divided into 452 People's Congress and that each basic People's Congress has a People's Committee, the total number of People's Committees of the People's Congress in the Great Jamahiriya and at the level of the Basic People's Congresses is about 452 People's Committees.

The People's Committee of the Basic People's Congress has a terms of reference of a local nature as it exercises the mandates of administering the various sectors in accordance with the decisions of the Basic People's Congresses and so supervision of the work of the People's Committees for the various sectors within the Basic People's Congresses.

The People's Committee of the Basic People's Congress is the nucleus of the People's Administrative Organization and it constitutes the first level of the people's administrative hierarchy and therefore it is the principle or the major instrument for the implementation of laws and decisions of the Basic People's Congresses and for legislative and provision of general services to the citizens.

2. The People's Committees for the sectors within the People's Congress of the People's Zone:

These are sectoral administrative committees composed of members of the People's Committees who represent the various sectors within the Basic People's Congresses within the context of the people's zone. The People's Congress of the People's Zone selects its secretary.

3. The People's Committee of the People's Zone

It is made up of secretaries of the People's Committees of the Basic People's Congresses and secretaries of the People's Committees for sectors within the people's zones. The People's Congress of the People's zone selects a secretary from those selected by the people's zone and currently there are 33 People's Committees of the People's Zones.

The People's Committees of the People's Zones within their administrative competence has the full mandate to run the various sectors in accordance with the decisions of the Basic People's Congresses and supervise the work of the People's Committees of the People's zones without prejudice to the competence of the People's Committees of the Basic People's Congresses.

4. The General People's Committees for the sectors

Since the Proclamation of People's Power on 2nd March 1977, ministries which used to represent the vertical governmental administrative organization transformed into the People's Committees directly selected by the Basic People's Congress and known as the General People's Committees now called the General People's Committees for the Sectors.

The General People's Committee for the Sector is made up of members of the People's Committee for the Sector within the People's Congresses and secretaries of the People's Committees for the Sectors are selected by the People's zone of the General People's Congresses.

The General People's Committee for the Sector is responsible for the implementation of the decisions of the Basic People's Congresses for the Sectors, projects and services for more than one People's Zone, follow-up of services, organs and companies of the sector and their supervision as well as submission of reports on them to the Basic People's Congresses.

5. The General People's Committee: It is the First Executive Instrument for the implementation of the decisions of the People's Congress. It plays an important role in coordinating the activities of the various administrative units that constitute the administrative machinery to ensure better implementation of the laws

and the principle of uniformity of the administrative performance and smooth functioning of the public amenities in all parts of the Jamahiriya.

As regards the composition of the General People's Committee, it is in accordance with the principle of direct democratic selection as is the case with the rest of the People's Committees. Its mandate basically include follow-up of the work of the People's Committees at all levels and proposing draft operating budgets, the transformation budget, draft laws and any issues that it may wish to refer to the Basic People's Committees as well as the establishment dissolution, merger and organization of institutions, boards, organs and public firms and defining of their functions.

III. JUDICIAL ORGANIZATION

Under this heading, we shall deal with the nature of the Judicial Organization in the Great Jamahiriya in the first section and the types of courts in the second and the terms and conditions of appointing members of the Judiciary staff and finally in the fourth section, we shall dwell on the important developments concerning the Libyan Judiciary.

NATURE OF THE JUDICIARY SYSTEM IN THE JAMAHIRIYA

The Libyan judiciary system is based on the unity of the Judiciary. There is only one judiciary progression in Libya that consists of magistrates courts, courts of the first instance and courts of appeal under a single supreme court. The Libyan Judicial system is based on the plural nature of the courts in response to two major considerations; the vast geographical expansion of the Libyan region and the desire to ensure better justice by bringing the courts to the litigants.

There are departments specialized in specific cases such as the Department of Constitutional Judiciary of the Supreme Court which is the only authority competent to look into the constitutionality of laws and their compatibility with the basic laws as well as the Department of the Administrative Judiciary at the level of the courts of appeal which has the sole mandate of ruling on requests for rescinding illegal administrative decisions. All courts perform their duties in accordance with the civil and commercial proceedings and the law of criminal proceedings alongside certain additional texts of the law of administrative judiciary, law of the Supreme court and the law of procedures and personal status.

The Judicial system in the Jamahiriya is currently governed by a number of legislations as follows:

1. Judicial system law No.51 of 1976.
2. Supreme Court law No.6 of 1982.
3. Law No. 87 of 1971 on the administration judiciary.
4. Law No. 88 of 1971 on the administrative judiciary
5. Law No. 4 of 1981 on the administration of the people's bar.
6. Law No. 6 of 1992 on the administration of the law.

Types of Courts, their Jurisdiction and the Nature of Their Judgments

The courts are constituted in accordance with the provisions of Article 1 of Law No. 51 of 1976 as follows:

- a) Magistrates courts
- b) Courts of the first instance
- c) Courts of Appeal
- d) The Supreme Court

- a) **Courts of summary justice:** These courts rule on certain civil, commercial and personal status cases that do not exceed in value the maximum of Thousand Dinars. They also look into delinquency and offences and their judgments can be appealed in courts of the first instance. There are 117 of these courts in the various cities and villages. They represent the decentralized nature of the judiciary and the principle of making it accessible to litigants;
- b) **Courts of the first Instance:** They look into civil and commercial claims of a higher value and claims that are not valued. In this instance, they compose of a first class judge and they can look into appeals made by those concerned regarding judgments of the summary justice courts, in which case, they will consist of three second class judges. They have a general jurisdiction as they deal with disputes and crimes except those excluded by a specific text (Article 14 of the Judicial system law).

Judges of courts of the first instance sit as a first class court and their judgments can be appealed before higher courts of appeal.

As for judgments by an appeal body, they can be appealed before the Supreme Court within certain limits. There are 21 primary courts in the whole of the Jamahiriya.

- c) **Appeal Courts:** They are second grade courts that look into the following:
 - 1. Appeals by claimants against rulings of the primary courts.
 - 2. Crimes punishable by death or life sentence or prison sentence.
 - 3. Appeal against administrative decisions of public state authorities.

Each appeal court is composed of a Chairperson and a number of counsels and sits with three counsels and its ruling can be appealed before the Supreme Court.

There are currently 6 appeal courts at the Jamahiriya level in Tripoli, Benghazi, Masrat, the Green Mountain and Zawiya in addition to the specialized appeal court that deals with specific cases and acts in specialized areas of competence and types of claims, civil, commercial, criminal, administrative etc.

- d) **The Supreme Court:** It is the apex of the Libyan judiciary system and it is concerned with the task of monitoring the extent of proper enforcement of the law on the part of the lower courts concerning the various civil, commercial, personal status, criminal and administrative issues.

The Supreme Court is composed of a president and a sufficient number of legal counsels. The present organization of the Supreme Court is based on specialized departments in addition to the public society system. Each judicial department of the Supreme Court is composed of five counsels, but may be composed of three if necessary.

The Supreme Court is essentially a court where appeals against final judgments by other courts, are made. It does not look into proceedings, but when it annuls a judgment, opposing parties can resort to the court that issued the judgment in the first place to reconsider the case without the involvement of the first judges.

e) **Terms of Appointing Judicial Bodies:** These are made up of judges and members of the public prosecution, members department of cases and members bar the department of the laws.

- Judges making rulings in all dispute cases;
- Members of the Public Prosecution are responsible for investigation and have the authority to make charges and deal directly with criminal law suits before the courts;
- Members of the Bar Association defend litigants free of charge;
- Members of the law Department give legal opinion to the administrative authorities and prepare draft laws, rules and organizational decisions.

The law of the judiciary system stipulates in Article 43, concerning those who deal with the judiciary, a number of conditions to which undergoing a two year course in a judicial institute is added.

Judiciary issues are handled by a council known as the Supreme Council for judiciary bodies and its membership includes the Chief Justice of the Supreme Court, the Public Prosecutor, the General Clerk of the Secretariat, the Head of the Inspectorate, Head of the Cases Department, Head of the People's Bar Department, Head of the Law Department and the most senior Chairperson of the appeal courts who are all members of the judiciary staff.

This Council formulates the judiciary policy and is responsible for appointment, promotion, transfer, secondment and discipline of members of the judiciary staff under its supervision.

There are 2894 members of the judiciary staff, 296 counsels in appeal courts, 477 judges of other courts, 821 members of the Public Prosecution, 445 members of Cases Department and 829 members of the People's Bar.

The number of cases brought to these bodies in 2004 was 456758 broken down as follows:

- Appeal Court Cases29258
- Primary Court Cases 71647
- Cases handled by the Cases Department..... 41949
- Cases handled by the People's Bar.....45360

Some Importation Developments: Chief among these developments are:

- a) Abolition of the People's Court and the Office of the People's Law Suit;

These two judiciary institutions were established to deal with issues of the time warranted by certain legal situations that no longer exist. Law No. 7 of 2005 was enacted to dispense of them.

- b) **The People's Law Bar**: This was an unprecedented idea in the field of defence before the courts and is one of the important features of the judiciary based on idea of Brother Leader of the Great Al-Fateh Revolution. It is the most important guarantee for administering justice as justice cannot be delivered without a lawyer to defend the accused and without the protection of people's rights.

This idea is regulated by law No.4 of 1981 which stipulates thus: "Each citizen is entitled to the service a lawyer free of charge" in civil, financial, administrative, commercial and personal status cases before all the courts, including the Supreme Court.

The Headquarters of the People's Bar Association is in Tripoli and it has five branches in each of the appeal courts in Tripoli, Zawiya, Masrat, Benghazi and the Great Mountain. These branches have 24 offices in the major cities and villages of the Great Jamahiriya to facilitate access by citizens to defence.

- c) **Conciliation and Arbitration**

Out of the desire to settle disputes through negotiation and conciliation, law No. 74 of 1975 was enacted to enable people's committees to conduct conciliation and arbitration between citizens. Law No.1 on People's Congresses and People's Committees was also enacted assigning these bodies the task of looking into disputes involving civil, commercial and personal status cases.

The law has attached great legal importance to these committees since the admissibility of internal claims within the jurisdiction of a partial courts is linked to such cases being first submitted to these committees.

PART THREE

THE JAMAHIRIYA AND HUMAN RIGHTS

THE JAMAHIRIYA AND HUMAN RIGHTS

The Jamahiriya has positively dealt with the international law of human rights to an extent that serves its interests, preserve its sovereignty and suits its culture. This is evidenced by its accession to the relevant major international and regional legal human rights instruments. The Jamahiriya is a party to these international charters which it has consented to implement.

The positive attitude of the Great Jamahiriya towards the majority of international human rights instruments reflects the orientation and policy of the Jamahiriya in so far as human rights at the international level is concerned.

At the regional level, the Jamahiriya adheres to a number of instruments among which is the African Charter on Human and Peoples Rights of 1981.

Below are the relevant international Human Rights instruments to which the Great Jamahiriya has acceded.

I. ON HUMAN RIGHTS

No.	Title of Convention	Date of Ratification
1.	International Convention on Economic, Social and Cultural Rights (New York, 6/12/1966)	Accession on 15/05/1970
2.	International Convention on Civil and Political Rights (New York, 16/12/1966)	Accession on 15/05/1970
3.	Optional Protocol to the International Convention on the Civil and Political Rights 16/12/1979)	Accession 16/06/2004
4.	Convention on the Elimination of All Forms of Disorientation Against Women (New York 18/12/1979)	Accession on 16/05/1989
5.	Optional Protocol to the Convention on the Elimination of All Forms Disorientation Against Women (New York, 18/12/1979)	Accession 16/06/2004
6.	Convention on the Rights of the Children (New York, 20/11/1989)	Accession on 15/04/1993
7.	Optional Protocol to the Convention on the Rights of the Children (New York 25/05/2000)	Accession on 29/10/2004
8.	Optional Protocol to the Convention on the Rights of Children regarding Child Trafficking and Exploitation	Accession on 18/06/2004

No.	Title of Convention	Date of Ratification
	(New York, 25/05/2005)	
9.	Convention Against Torture, Cruel, Inhuman and Degrading Treatment (New York, 10/12/1984)	Accession on 16/05/1984
10.	International Convention on the Protection of Immigrant Workers and Members of their Families	Accession on 18/06/2004
11.	International Convention on the Eliminating of All Forms of Racial Dissemination (New York, 07/03/1966)	Accession on 07/03/1950
12.	Convention for the Suppression of the Traffic in persons and of the Exploitation of the Prostitution of others (New York, 21/03/1950)	Accession on 03/12/1956
13.	Final Protocol to the Convention for the Suppression of the Traffic in persons and the Exploitation of the Prostitution of others (New York, 21/03/1950)	Accession on 03/12/1956
14.	Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriage (New York, 10/12/1962)	Ratified, but Instruments of Ratification not deposited
15.	Convention on the Political Rights of Women (New York, 31/03/1953)	Accession on 16/05/1989
16.	Convention on Nationality of Married Women (New York, 20/02/1957)	Accession on 16/05/1989
17.	Geneva Convention on Slavery amended by a Protocol (7/12/1953)	Accession on 14/02/1957
18.	Additional Convention on Prohibition of Slavery and Practices Similar to Slavery (Geneva, 07/09/1956)	Accession on 16/05/1989
19.	1954 Convention on Status of Stateless Persons (New York, 28/09/1954)	Accession on 16/05/1989
20.	1961 Convention on Reducing the Status of Statelessness (New York, 30/8/1961)	Accession on 16/05/1989

II. ON ORGANIZED CRIME, NARCOTICS, DRUGS AND CORRUPTION

No.	Title of Convention	Date of Ratification
1.	Convention on organized and transborder crime (New York 15/11/2000)	Ratified on 18/6/2004
2.	Protocol for the Prevention, Suppression and Punishment of Traffic in Persons, particularly Women and Children supplementary to the UN Convention for the Prevention Organized and Transborder Crime (New York, 15/11/2001)	Ratified on 24/9/2001
3.	Protocol for the Prevention of Smuggling Immigrants by land, sea or air supplementary to the UN Convention for the Prevention of Organized and Transborder Crime (New York, 15/11/2001)	Ratified on 24/9/2001
4.	UN Convention on the Prevention of Trafficking in Drugs, and Psychotropic substances (Vienna, 20/12/1988)	Accession 22/7/1996

No.	Title of Convention	Date of Ratification
5.	The single Convention on Drugs for 1961 revised by the 1972 Protocol (New York, 8/7/1972)	Accession 27/9/1978
6.	Convention for the Prevention of the Psychotropic substances (Vienna, 21/2/1971)	Accession 24/4/1979

III. ON INTERNATIONAL LABOUR CONVENTIONS

No.	No. of Convention	Title of Convention	Date of Ratification
1.	1	Convention on Working Hours in Industries 1919	27/05/1971
2.	3	Convention on Maternity 1919	27/05/1971
3.	14	Convention on Weekend Rest in Industries, 1921	27/05/1971
4.	26	Convention on Defining the Minimum level of wages 1928	27/05/1971
5.	29	Convention on Forced Labour 1930	13/06/1961
6.	52	Convention on Paid Leave - 1936	23/06/1962
7.	53	Convention on Certificates of Competence of Officers – 1936	15/11/1974
8.	81	Convention on Labour Inspection	27/05/1971
9.	88	Convention on Employment Departments – 1948	20/06/1962
10.	89	Convention on Night Duty - 1948	20/06/1962
11.	95	Convention on Protection of Wages – 1949	20/06/1962
12.	96	Convention on the Agency of Paid Services (Revised) – 1949	20/06/1962
13.	98	Convention on the Right to Organization and Collective Negotiation – 1949	20/06/1962
14.	100	Convention on Equal Pay - 1951	20/06/1962
15.	102	Convention on the Right to Social Organization (Minimum standards) – 1952	19/06/1975
16.	103	Convention on Maternity Protection – 1952	19/06/1962
17.	104	Convention on the Abolition of Partial Punishments (National Workers) – 1955	20/06/1962
18.	105	Convention on the Abolition of Forced Labour	13/06/1961
19.	111	Convention Against Discrimination In Employment and Profession - 1958	13/06/1961
20.	118	Convention on Equal Treatment, 1962	19/06/1957
21.	121	Convention on Damages for injuries in the work place, 1964	19/06/1975
22.	122	Convention on the Labour Policy,	19/06/1971

No.	No. of Convention	Title of Convention	Date of Ratification
		1964	
23.	128	Convention on Damages for Disability and ageing, 1967	19/06/1975
24.	130	Convention on Medical Care and Damages for Patients	19/06/1975
25.	131	Convention on the Minimum Levels of Wages, 1970	27/05/1971
26.	138	Convention on the Minimum Age for Employment, 1973	19/06/1975
27.	87	Convention on Trade Union Freedom and Protection of the Right to Organization, 1948	1948
28.	182	Convention on the Worse Form of Child Labour	1999

By ratifying the last two agreements 27 and 28, the Great Jamahiriya has ratified all the agreements of the ILO on the Labour basic principles and right of 1998.

Human Rights Institutions In the Jamahiriya

There are human rights institutions in the Jamahiriya that protect human rights, monitor their violations with a view to putting an end to them and in addition, implement these rights. They are:

1. **The Secretariat of Legal Affairs and Human Rights:** within the Secretariat of the General People's Congress. Its structure includes certain departments concerned with human rights such as the Human Rights Department which is one the institutional elements of the General People's Congress.
2. **Human Rights Committees of the People's Zones:** (their functions are defined by the decision of the General Secretariat of the basic People's Congresses under law No.2 of 2005).
3. **Bureau of Legal Affairs and Human Rights:** within the Secretariat of the General People's Committee for Justice.
4. **Office of Human Rights:** within the Department of International Organizations.

At the Local level, there are associates concerned with this field and they are:

1. The Gaddafi Human Rights Society
2. The Libyan Human Rights Association

The local action in the Jamahiriya complements the role played by the state institutions in promoting the welfare of society, improving the performance of the individual towards building the human-being and releasing his creativity under the banner of "Freedom and direct exercise of democracy" (People's power) based on the parameters of religion which call for cooperation in doing good deeds.

In recognition of the local action, the Revolution after one year of its eruption, enacted law No.111 of 1970 concerning associations and how they are formed in seven chapters, keeping a balance between their founders, and the administrative and legislative authorities.

Based on the Declaration issued on 09/09/1999, the Great Jamahiriya gave its citizens greater opportunity to support the African Union and issued draft law No.19 of 2001 giving citizens permission to establish their NGOs. Permission has also been given to 257 of these local associations which vary and cover all walks of life, including human rights, welfare of the youth, women, children and those with special needs such as the blind, the deaf, the dumb, the disabled and the mentally handicapped. There are associations for combating cancer, kidney failure, kidney plantation, intensive care etc... These do not of course include trade unions and professional associations which are part of the political fabric of the Libyan society.

The Great Jamahiriya has therefore been among the first nations which have committed themselves to the implementation of the African Charter on Human and People's Rights which stipulates in Article 10 that:

1. each person has freedom of association with the others as long as he/she adheres to the rule of the law.
2. no one should be forced to join an association, which should not be confused with commitment to the principle of solidarity enshrined in this Charter.

PART FOUR

PROTECTION AND MONITORING MECHANISMS

This part of the Report deals with legislative protection in its first section and judiciary protection in the second. The monitoring mechanisms are addressed in the third section, as follows:

I. Legislative Protection

The Great Jamahiriya has shown keen interest in protecting human rights and basic freedoms and its accession to the various international instruments relating to human rights. This protection is achieved through the following:

1. Basic (Constitutional) Legislation

The Jamahiriya system recognizes the existence of basic legislations of constitutional nature such as:

a) Proclamation of the People's Power on 2 March 1977

This historic declaration gives the citizen the natural right to self-determination and direct participation in the exercise of authority and governance, political and administrative as it stipulates in its third clause that "power is to the people and only they have the authority. The people exercise power through the People's Congresses and People's Committees.

b) **The Great Green Document on Human Rights in the Era of the Masses** issued on 2 June 1988. It contains a set of basic rights and freedoms enshrined in international and regional declarations and conventions such as the civil, political, economic, social and cultural rights. It added to these, other rights and freedoms never mentioned before like the right to live in a world free of nuclear, biological and chemical weapons, weapons of mass

destruction, the right to exercise power and sovereignty directly without any representation, the right to exploit the land for ones own benefit etc.

In this regard, the Great Green Document has certain characteristics that distinguish it from other instruments and legislations. The Document stipulates that:

"Members of the Libyan Society in times of peace have the freedom of movement, establishment of associations and formation of professional associations for the protection of their interests".

c) Law No. 20 of 1991 on the Consolidation of Freedoms

This law is based on international instruments and conventions for human rights and basic freedoms as well as the provisions of the Great Green Document.

2) Normal Legislation (Civil, Commercial and Criminal)

A number of civil, commercial and criminal laws regulate relations between individuals and between them and public and private sectors. These laws are derived basically from the French and Italian laws in addition to certain provisions of

the Islamic Sharia with some amendments that were done with the passage of time. These laws include the following:

a) **Civil law and supplementary laws**

These include basic rules, definition of rights and scope of application of the law, commitments, entitlements, rules relating to contracts, particularly those relating to sales, grants, companies, loans, permanent income, rent,

etc... The provisions of these laws are taken from the French civil law revised based on the Islamic Sharia.

b) **Commercial law and supplementary laws**

This law relates to business persons, commercial places, business registration generally and rules governing certain business contracts in particular such as sales, imports, transportation, deposits in bank accounts, bank transactions, financial and trade documents, rules governing commercial firms, etc.

c) **Civil and Commercial Law Suits**

This law deals with procedures for the submission of civil and commercial law suits, due process of the law, modalities of appeal, implementation in relation to certain civil and commercial issues.

d) **Criminal laws**

They include the penal and supplementary laws and criminal proceedings law. These laws prohibit killing, looting, aggression against a person's safety, integrity and property as well as those of the state, its laws, violation of basic human rights and freedoms, organized individual and collective terrorism, destabilization etc...

3. **International Human Rights Instruments and Conventions**

The Libyan legal system is based on international and regional instruments and conventions ratified by the Basic People's Congresses, including the African Charter on Human and People's Rights to which the Great Jamahiriya became a party in 1986 and the Protocol establishing the African Court on Human and People's Rights ratified by the Jamahiriya in

2003. The Jamahiriya has also concluded numerous judicial cooperation agreements with other countries to facilitate the implementation of the judicial orders and provisions both by the Libyan courts and those of other states parties to these conventions.

II. **Judicial Protection**

Under this heading, we shall deal first with the basic principles governing the Judicial System and second, Libyan legal efforts in defense of human rights as follows:

1. **Basic Principles Governing Libyan Legal Activity**

The Libyan Judicial System provides a number of assurances to guarantee rights and freedoms and they include:

- Independence of the Judiciary
- Due process of the law
- Pluralism of the due process of the judges
- Separation between the judicial authorities
- Protection of the right to free defence
- Simplification of procedures
- Low judicial fees and extended exemption from their payment.

We shall discuss these basic principles in some detail as follows:

a) **Independence of the Judiciary**

The judiciary deals with all disputes and crimes and the Great Green Document, in its Ninth Principle, stipulates that “the society of the masses guarantees the independence of the judiciary where the courts cannot introduce any legal codes that will give them, legislative status”. To ensure the

independence of the judiciary from the executive machinery that appoints them, the law of the judicial system has decided to provide a number of safety valves on the appointment, dismissal and removal of judges from service and put in place certain provisions on their recruitment, secondment, transfer, discipline and other matters relating to their functions.

However, independence of the judiciary does not necessary mean that it should be without restrictions and control, but it means non-interference in the work of the judiciary through the judiciary body composed of a number of judges of higher grade and the Inspectorate and its branches.

2) **Guarantee of the Right to Trial and Equality before the Judiciary**

The Great Green Document ensures this right in its ninth principle where it states “the society of the masses ensures the right to fair trial” This principle applies to foreigners in Libya as well.

3) **Free Trial**

Judges are paid salaries from the Public Treasury and therefore the judiciary is free. Defendants pay judicial fees to only ascertain the seriousness of claims, but those who cannot afford are exempted and given legal assistance. The legal fees themselves are just a token and does not exceed 19 Dinars.

4) **Separation between the Judicial Bodies**

To ensure safe judicial performance, each body is assigned specific duties independent of other bodies where the sitting judiciary issues judgments and the General Prosecution investigates and deals with criminal law suits.

The Department of People’s Bar deals with the defence which is free of charge for those who cannot afford.

5) **Levels of Trial**

To have different levels of due process of law is one of the basic principles of the Libyan judiciary where law suits are referred first to a court of first grade and the litigant has the right to appeal in a court of second grade for a final judgment which can still be appealed in the Supreme Court.

6) **A Single Judge and Several Judges System**

The Libyan scheme adopts the single judge system for the primary and for instance courts and several judges in appeal cases and in the Supreme Court.

This system is now being reviewed so that primary courts can have three judges to enable the new judges to benefit by the experience of the old judges and to open debate and enrich discussion and help in arriving at the truth in accordance with the principle of collective decision-making.

7) **Open Sessions**

Among the guarantees of fair trial are the public sittings in investigating claims which anyone can attend in accordance with Article 20 of the law of the judiciary system.

8) **Impartiality of the Judiciary**

The judge weighs the legal interests of the litigant against justice and the law of the judiciary presupposes that the judge is impartial and he is not

allowed to look into a case in which he has material or moral interest like being a relation of one of the litigants or having a prior opinion on the case before the court. The Libyan legal system adopted this principle to ensure better justice performance.

9) **The Right to Defence**

Law No.20 of 1991 on promotion of freedom stipulates that there shall be the right to defence in all legal procedures, including investigation, trial, appeal and enforcement of judgments. A defendant can have a lawyer at his own expense or be given one by the People's Bar free of charge.

Defence in accordance with the Libyan Legislative is carried out by three bodies.

1. The People's Bar composed of members of the judiciary paid by the state who enjoy the same privileges as the judges.
2. Departments of cases which defends the state and corporate persons.
3. Private lawyers who work for themselves as independent legal practitioners on the pattern that obtains in other countries.

III. **OTHER GUARANTEES**

The Libyan legal system recognizes for individuals a set of non-legal guarantees in order to ensure the protection of their rights and basic freedoms. This is achieved in the following manner:

a) **Streamlining the treatment of prisoners in reform and rehabilitation institutions**

Law No. 5 of 2005 defines these institutions as places for reform and education where the behaviour of the prisoner is corrected through the imposition of criminal punishment in order to rehabilitate them to become good members of society. These institutions are divided into major, local, private, public and non-public institutions depending on the gravity of the crime committed. Prisoners are separated from each other and can live in furnished rooms against payment. They can buy their own food from outside as long as the food they bring in is allowed by the health and security requirements.

b) **Conditional Release from Prison and Special Amnesty**

As punishment aims at reform, correction and rehabilitation of the prisoner to become a good member of society, the Attorney General is given the power of releasing a prisoner if it is proven that his behaviour has improved and if in five years thereafter, he has not committed any crime, his release becomes final.

There is also partial and total amnesty in accordance with the parameters defined by the Supreme Council of the judiciary.

c) **Administrative Systems**

The Libyan scheme allows individuals to submit their claims and complaints to the administrative authorities for redress. Individuals can do so without any restrictions or cumbersome procedures.

The following Statistics indicate Human Right Abuses brought to the attention of the Courts during the past ten years.

Number of the Accused	Number of Cases	Year
1	1	1995
1	1	1996
5	3	1997
1	1	1998
4	1	1999
27	23	2002
193	108	2003
105	76	2004
1	1	2005

338	215	
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PART FIVE

**IMPLEMENTATION OF THE RIGHTS ENSHRINED IN THE AFRICAN CHARTER
ON HUMAN AND PEOPLES RIGHTS AND THEIR APPLICATIONS BY THE
GREAT JAMAHIRIYA**

I. CIVIL AND POLITICAL RIGHTS

1. The Right to Life

This is one of the basic natural human rights and the Libyan Legal System considers it inviolable. The criminal law contains a lot of texts that prohibit aggression against the life of a person in any form. This protection includes even the unborn child and it is contained in the Great Green Document as well.

Concerning death sentence, this is an exception and it is carried out in a very narrow scope as a question of tilting the balance between the interest of the individual and that of society.

2. The Right to Freedom

The Great Al-Fateh Revolution since its eruption in 1969 has keenly protected the right to freedom and this is reflected in a number of important legal documents, the First Proclamation of People's Power in 1977 as well as the Great Green Document and the law of consolidating freedoms of 1991.

This right has socio-economic, political and cultural dimensions where it means freedom from slavery, working for a wage, being represented, forced labour and exploitation.

3. The Right to Participate in Public Matters and the Right to Self-Determination

The most important change in the history of the Great Jamahiriya is the adoption of the direct democracy system since the Proclamation of People's Power in 1977 which stipulates in its third provision that "the direct people's

power is the basis for the political system" where this power is exercised only by the people through the People's Congresses and Committees, Trade Unions, Professional Associations and the General People's Congress.

The Great Green Document has affirmed this right which the citizen starts to exercise at the age of 18 through the Basic People's Congress. The same right was stated also in Article 2 of the law of consolidating freedoms and in Article 1 of law No.1 of 2001 on the People's Congress and Committees.

4. The Right to Due Process of the Law

The Ninth Principle of the Great Green Document of 1988 on Human Rights stipulates that "the society of the masses guarantees the right to fair trial and independent judiciary". "Every accused person has the right to just and fair trial". It is one of the basic human rights as stated in Article 30 of the law of consolidating freedoms. This right also includes the right to appeal a case and to be compensated for any damages resulting from administrative or legal errors.

5. The Right to Freedom of Expression

Among the rights advocated by Al-Fateh Revolution since 1969 is the right to freedom of opinion and expression. Discussion of any issue whether in the People's Congresses and Committees whether the issue is internal or external and whether it relates to laws and policies of the state, its progress, or plans, are open to all citizens.

Within the executive action, the People's Committees are subjected to accountability and surveillance by the Basic People's Congresses in affirmation of the principle of the democratic exercise of the people's

governance and free expression of ones opinion through the mass media such as the radio, television, newspapers, magazines, lectures, seminars and conferences.

6. The Right to Physical and Mental Fitness

This right is recognized and protected by a number of legislations as one of the basic human rights. Article 6 of Law No.6 of 1991 consolidating freedoms stipulates that "fitness is the right of everyone and it is forbidden to carry out any scientific experiment on the body of person unless he volunteers to do so". The second principle of the Great Green Document also prohibits punishments that affect the dignity of a human being. There are many texts that protect the right of a person to physical and mental fitness, including battering and bodily harm (see Articles 378/380/381/383/384/385 of the law of punishment).

7. The Right to Freedom of Movement and Establishment

This is also one of the basic human rights and freedoms. The Great Jamahiriya protects this right through the relevant legislation. The Third Principle of the Great Green Document, stipulates that "Members of the society of the masses enjoy freedom of Movement and establishment in times of peace. Citizens are also free to leave the Jamahiriya and return to it whenever they wish. The right to Movement is not only exercised internally, but also outside the country.

II. SOCIO-ECONOMIC AND CULTURAL RIGHTS

We shall under this heading deal with the following rights:

1. The Right to Employment under Fair and Satisfactory Terms

This right is contained in the Eleventh Principle of Great Green Document on Human Rights which says "the society of the masses guarantees the right of the individual to employment within his own means or in partnership with others".

This right is also articulated in Law No.20 of 1991 on the consolidation of freedoms, Article 10 of which stipulates that "every citizen has the right to choose the type of work that suits him by his own means or in partnership with the others.

2. Ensuring the Safety and Health of the Worker

This has been covered by Law No. 23 of 1976 on industrial and occupational safety of workers “the employers are committed to take all necessary precautions to protect their workers in the work place from accidents, injuries and sickness resulting from the work. The system also advocates the right to form and join trade unions as stipulated in Article 115 of the relevant law. It grants a pregnant women 3 months leave before delivery and three months after.

It protects workers from economic exploitation and determines reasonable working hours and leisure times, including public holidays and weekends.

Credit facilities are offered to young employees who want to start projects and there is the Transformation Fund for production in addition to specialized banks, including the Development Bank and the Agricultural Bank.

The right to education and knowledge is a natural right of all as stated in the Third Chapter of the Green Book and Great Green Document of 1988 which stipulates that “every person has the right to choose the type of education that suits him without being directed or forced”.

In Article 3 of Law No. 20 of 1991 states that “everyone has the right to education and knowledge” Education in the Great Jamahiriya is one of the top priorities of the development projects and statistics point to a quantum leap in the Jamahiriya in the area of education as follows:

- Number of students at the basic education level for the academic year 2004-2005 was 1082347;
- Number of students at specialized secondary level for the academic year 2004-2005 was 33309;
- Number of teachers in basic and intermediary schools for the academic year 2004-2005 was about 277323;
- Number of Educational Buildings for basic and intermediary education for the academic year 2004-2005 was 4165 and specialized higher education was 286413.

3. The Right to Social and Health Services

Provision 14 of the Great Green Book states that “the society of the masses guarantees for the individual decent livelihood and a high health standard. In the Law for the Consolidation of freedoms, Article 24 stipulates that “society is the keeper of those who do not have anyone to take care of them, it protects the needy and for the old, orphans and those who are not able to work for reasons beyond their control”.

4. Social Services **Social Security Benefits**

Legislations were enacted to regulate social security, including pension and other benefits in cash or in kind in addition to health and social care and this legislations include the following:

- Law No. 13 of 1980 on Social Security;
- Law No. 16 of 1985 on Pension;
- Law No. 20 of 1991 on Social Welfare and Law No.10.

These laws are based on the principle that society guarantees for each individual resident in the Jamahiriya the right to social security founded on the principles of justice, brotherhood, compassion and solidarity. The social security system defines certain measures to be taken to protect the individual and take care of him in old age, disability, sickness, unemployment as well as in cases of pregnancy and delivery.

Particular Attention to Certain Categories of Society **Protection of Women**

The Great Jamahiriya pays special attention to women who should enjoy equal rights as men. Documents exist and laws have been enacted to protect these rights and they include:

- Proclamation of People's Power;
- The Great Green Document on Human Rights in the Era of the Masses
- Document on the Rights and Obligations of Women in the Society of the Masses
- Law No. 20 of 1991 on consolidating freedoms.

Both the Great Green Document and Law No.20 of 1991 affirmed that "women have the right the type of employment that suits them and that they should not be obliged to engage in a type of work that does not agree with their nature". The rights and obligations of women include their right to exercise power through the People's Congresses and Committees without representation. Their obligations include defence of their country. Marriage is based on the same. Women have the right to property and to dispose of it and a husband not allowed to remarry without the consent of the first wife or judgment by a court. Women enjoy the full entitlements of their deceased husbands.

Article 1 of Law No.20 of 1991 gives women the right to establish their own associations and unions to protect their interests. The right relating to marriage and divorce, to perform of judicial functions, training and engagement in other activities are covered by Law No.10 of 1984, Law No.8 of 1989, Law No. 164 of 1988 and Decision No. 158 of 1989 of the General People's Committee.

Protection of the Rights of Children

The Libyan system, defined the child as not having reached the age of 18 and in Articles 3 and 9 of Law No.17 of 1992, and the law protects the rights of the child before birth and continued development after birth. Law No.106 of 1973 prohibits a physician to prescribe any drug that can cause abortion as abortion is forbidden

except in situations where it is done to save the life of the mother. For more details about the welfare of children, see Law No.5.

Protection of the Rights of the Aged

The Great Jamahiriya accords special attention to the aged in society through a series of measures and in accordance with the relevant legislation contained in Law No.13 of 1988 on Social Security. The aged should have a natural family, including grandchildren. This is why the relevant legislations guarantee the right of the aged to health and social care in the form of a package of benefits.

Retirement is at the age of 60 and retirement benefits reach 80% and in some cases 100% of the average income 36 months prior to the end of service. Unemployed old people are given a basic pension. Their number in 2001 was estimated to reach 120,000 and about 145,000,000 Libyan Dinar equivalent to two Million Dollars was spent on them.

They are given other indirect benefits such as exception from some obligations that constitute indirect income such as payment of house rates and electricity and water bills.

Health Care Services

Since the eruption of the Revolution, the Great Jamahiriya has paid special attention to health and spent on the health sector 1792.3 million Dinar representing 47% of the total investment. The great dividends of this investment are manifested in the following:

- the newly born children,
- mortality rate dropped to 24 for each 1000 live-born child;
- under-five child mortality rate dropped to 20 for each live-born child;
- maternal death rate dropped to 4 for each 10,000.

Some diseases such as measles, polio whooping cough etc have disappeared. Some others like leprosy have been controlled.

Health care in the Great Jamahiriya is provided through 1182 clinics, primary health care centres and 24 centres for control of communicable diseases, at rate of 2.5 unit for every 10,000 citizens.

Mother and child care services and disease control and treatment are at 100% rate and immunization coverage exceeds 95%

Hospitals and the Family

The following table indicates the number of hospitals and hospital bed capacity:

Number of General and Specialized hospitals	Number of Beds	Percentage
82	18844	3.5 for each 1000 citizens

8405 doctors work in these hospitals at a rate of 1.31 doctor for each 1000 citizens and a dentist for each 10,000 citizens. The number of nurses is estimated at 28351 and technicians 13701.

Provision of Medicines

Central pharmacies in the People's Zones receive and distribute medicines to their health institutions and the financial allocations for this purpose reached 283 million dinar out of which 250 million dinar has actually been spent.

Production of Drugs and other Medical Preparations

In accordance with Decision No.26 of the General People's Committee, the Drug Industry is handled by the General Firm for the Drug Industry and it has two plants.

Medical Treatment Abroad

As some cases cannot be treated locally, 60 million dinar is allocated in the budget for covering the cost of treatment abroad and this amount has been exhausted.

The Right to a Healthy Environment

The philosophy of the Great Jamahiriya is based on the belief that a healthy environment is the right of the individual and society as well.

Consequently, Law No.15 of 2002 defines the "environment in which the individual as including the air, water, oil and food, be it in the dwelling place, work place, or any other place".

To protect the individual and promote his rights, a number of legislations have been enacted, including the law that deals with the issue of sanitation in a way that promotes his environmental rights. For example, Law No. 8 of 1982 on the prevention of sea water pollution and Law No. 13 of 1984 on special provisions relating to public hygiene as well as Law No.5 of 1982 on the protection of pasture and forest. Law No. 15 of 1989 on the protection of animals and trees and Law No. 15 of 1992 on the protection of arable land, were enacted.

Right to Property

The right to property is one of the basic human rights which has witnessed significant development from the individual ownership to that of the state and collective ownership.

The Eleventh Principle of the Great Green Document underlines that “ownership is a result of hard work and it is an inalienable right that cannot be tampered with exception for public interest with due compensation”.

The Right to Culture

The right to culture is one of the ingredients of the right to education which is a basic human right enshrined in the various international instruments to which the Jamahiriya is a party and chief among them is the African Charter on Human and People’s Rights of 1981. The Great Green Document has also affirmed this right in Chapter Nineteen as did the law on the consolidation of freedoms in its Article 22 which stipulates that “the freedom of innovation and creativity are guaranteed within the public and moral system as long as they are not detrimental to material and moral public interests”.

CONCLUSION

At the end of this Report, the following conclusion is made:

1. In the Great Jamahiriya, there is an important legislative framework that forms a significant set of human rights that are in line with the international standards and the provisions of the African Charter on Human and People’s Rights.
2. The experience of the Great Jamahiriya in the field of human rights as articulated in the Great Green Document of 1988 is significant and can contribute a great deal to the enrichment of the African Human Rights System in fulfillment of the aspirations and expectations of the African Peoples and enhance the legal and legislative institutions of the African Union.
3. There is an unprecedented progress in the area of promotion of political, socio-economic and cultural human rights for which credit goes to the principles upheld by the Great Al-Fateh Revolution since its eruption in 1969.
4. The concept of human rights in the Great Jamahiriya is underpinned by its belief that natural rights are the solid basis for human rights and cannot therefore be compromised as they are the gift of God, the Creator of Mankind.
5. The rights enshrined in the national legislation and documents include all the rights recognized by the international instruments in addition to those peculiar to the national legislations.

ANNEXES

The First Proclamation by the Revolution

On behalf of the Great Libyan People,

In implementation of your free will and in fulfillment of your high dreams and our constant call for a change, urging for action and initiative and revolution, your armed forces have overthrown the backward, retrogressive and stinking regime in a single blow by your gallant. By that, all the idols of the dark eras spanning from the Turkish rule, Italian injustice to the era of bribery, nepotism, betrayal and treachery. From now on Libya is a free and sovereign republic to be called "the Libya Arab Republic".

It shall, by the will of Allah, strive for greatness on the path of freedom, unity and social justice, ensuring equality for its citizens, opening the door for decent work where no one will be wronged or cheated. There shall be no superior and subordinate. We shall all be brothers and free in a society in which prosperity and equality shall prevail. Please join hands, open your hearts, forget your grudges and stand in unison against the enemies of the Arab nation, enemies of Islam and humanity. We shall build glory, preserve our heritage and avenge our wounded dignity and the usurped right. You the people who witnessed Omar Mukhtar's holy war for the sake of Libya, the Arab nation and Islam, you who fought a gallant battle together with Ahmed Al-Sherif, you the Bedouins, the sons of the desert, of ancient cities, of the purified rural areas, of the beautiful villages, the hour of action has come, let us move forward. It pleases us to assure our foreign brothers that their properties and lives re saved in the custody of the armed forces which are not against any foreign state or any internal standards or laws. What we have embarked upon is an internal action that concerns Libyans and their perennial problems.

Forward and peace upon you.

Proclamation of People's Power

The Libyan Arab people meeting in their general forum of the People's Congresses and Committees, Trade Unions and professional associations "the General People's Congress" and in accordance with the First Proclamation by the Revolution, the Zuwara historical speech, the sayings of the Green Book,

Having considered the recommendations of the People's Congresses and the Constitutional Declaration of 11 December 1969, the decisions and recommendations of the General People's Congress in its Fourth Session held from 5 – 16 January 1976 and its second session held from 13 - 24 November 1976,

Expressing their belief in what is promised by the Great Al-Fateh Revolution, led by the Revolutionary Thinker, the Leader, the Teacher, Col. Muammar Gaddafi as head of the Movement of the Free Officers in pursuance of the holy war of our fathers and grand fathers for the establishment of a direction democratic system which provides a final and definitive solution to our democratic problem,

Considering that the establishment of the people's governance on the soil of the Great Al-Fateh Revolution is a recognition of people's power and no one but the people,

Declares their commitment to freedom, preparedness to defend it on their soil and anywhere else in the world, protect the oppressed and affirm their adherence to socialism to realize people's ownership.

Declares their commitment to the realization of total Arab unity, their adherence to the spiritual values for the preservation of ethics and human behaviour and attitudes and determination to pursue the match of the Revolution under the leadership of its Author, the Leader, the Teacher, Col. Muammar Gaddafi towards the realization of people's total power and establishment of the people's security as the master, the leader who holds the power and the weapon, a society of freedom which puts all forms of traditional governance by individuals, families, tribes, sects, classes, parties or a group of parties, to an end.

Declare their readiness to totally crush any attempt to counter people's power.

The Libyan Arab people restoring by the Revolution, their hold on power, ownership of resources, today and in the future, holding firm to the Holy Book of Allah, guided by the Sharia, hereby proclaim the establishment of people's power and bring to the peoples of the world the good tidings of the emergence of the era of the masses:

1. The official name of Libya is "the Socialist People's Libyan Arab Jamahiriya".
2. The Holy Quran is the law of society in the Socialist People's Libyan Arab Jamahiriya.
3. People's power is the basis of the political system in the Socialist People's Libyan Arab Jamahiriya where only the people have the power and exercise it through the People's Congresses and Committees, Trade Unions and Professional Associations (the General People's Congress) whose method of work is determined by the law.
4. Defending the nation is the responsibility of every citizen, male or female through general military training where the people are trained and armed. The law regulates the modalities of military and general training of the people.

The General People's Congress

THE AFRICAN CHARTER ON HUMAN AND PEOPLES RIGHTS

(See the Official Arabic Translation of this Document

1

THE GREAT GREEN DOCUMENT ON HUMAN RIGHTS IN THE ERA OF THE MASSES

The Libyan Arab people meeting in the Basic People's Congresses,

Inspired by the First Statement issued by the Great Al-Fateh Revolution in 1969 which was a triumph for freedom,

Guided by the historic proclamation of the establishment of people's power on 2 March 1971 which marked the dawn of a new era in the struggle of mankind over centuries for the realization of its freedom,

Guided also by the Green Book as man's guide towards final salvation from autocracy, secretarianism, tribal or partisan rule so as to build a society in which all people are free and equal in terms of authority, wealth and weapon,

In response to constant urgings of the International Revolutionary, Muammar Gaddafi, Author of the era of the masses who delivered them from oppression and suppression and open the door of change for the people by a popular revolution as a means for building the society of the masses,

Convinced that human rights are not the gift from anyone and that it does not exist in societies in which suppression and exploitation prevail and cannot be achieved without the triumph of the masses over the regimes that suppress freedom so that society can assert its existence and the people can rule through the people's congresses as their human rights cannot be guaranteed in a world in which exist a governor and a governed, a boss and a subordinate and a rich and a poor,

Cognizant that human misery cannot be removed and human rights established except in a world where the people own the power, wealth and weapon so that governments disappear and groups, peoples and nations gain their freedom from the danger of war, a world in which peace, respect, love and cooperation prevail.

Based on the above and on decisions of the People's Congresses internally and abroad,

Guided by the saying of Omar bin Al-Khattab that "people were born by their mothers free" as the first declaration in the annals of man's history,

Hereby endorse the Great Green Document on Human Rights in the Era of the Masses informed by the following principles:

1. As democracy is the rule of the people's and not only the popular expression, the Libyan Arab people declare the establishment of People's Power which they exercise directly without representation, in the People's Congresses and Committees;
2. Members of the society of the mass cherish their freedom and protect it without any restrictions. Detention is only for he whose freedom poses danger to, and corrupts the others. Punishment aims at social reform,

protection of human values and the interest of society. The society of the masses prohibits any punishment that hurts the dignity of man and considered harmful to his being such as hard labour, long prison term. Concerning physical or moral harm to a prisoner, this is forbidden and trafficking in human beings and carrying out experiments on them is also forbidden. Punishment is directed at the individual convicted and should therefore not be extracted to members of his family;

3. Members of society have the freedom of movement and establishment in times of peace;
4. Citizenship in the society of the masses is an inviolable right that cannot be ignored or withdrawn;
5. Members of the society of the masses prohibit clandestine action, use of force and violence, terrorism and sabotage of any kind and consider them a betrayal of the ideals and values of the society which asserts the sovereignty of each individual through the Basic People's Congresses. It ensures the individual's right to freedom of expression and of opinion in public, rejects violence as a means for the imposition of ideas and opinions and adopts democratic debate as the only way of articulating them. It considers inimical interaction by the society of the masses with any foreign party by any means, a high treason;
6. Members of the society of the masses are free to establish trade unions and professional associations to defend their interests;
7. They are free in their behaviour and personal relations and no one has the right to interfere in their internal affairs except if one of the parties complains or if their behaviour is considered harmful to society or contravenes its values;
8. The society of the masses values human life and preserves it. Its goal is to abolish the death sentence and until then, this punishment shall apply to only those whose lives constitute a threat to society and even they shall be allowed to appeal for leniency or redemption to save their lives. The court may replace the punishment, if that is not considered detrimental to society or at variance with human feelings. Members of society abhor such forms of death penalty as the use of the electrical chair, lethal injection or gas;
9. The society of the masses guarantees the right to trial, independence of the judiciary and upholds, the principle that every suspect has the right to fair and free trial;
10. Members of the society of the masses resort to the Sharia which contains firm provisions that are not subject to changes. They proclaim that religion is total belief in the unknown and divine values for both the individual and the public, a direct relationship between the Creator and His servants without intermediary. Society prohibits the monopoly of religion and its exploitation to foment trouble, fanaticism, sectarianism, partisan leanings and in fighting;

11. The society of the masses guarantees the right to employment which is the obligation of each individual within his own means or in partnership with the others. Each individual has the right to choose the type of employment that suits him. It is the society of partners and not labourers. Ownership is the result of hard work and cannot be tampered with except for public interest against fair compensation. Members of society are free from the bondage of wage;
12. Members of society are free from the feudal system as the land does not belong to anyone, but is for everyone to make use of in tilling it throughout their own lifetime and those of their beneficiaries through their labour and in response to their needs;
13. Members of the society of the masses are free from rent. The house is for its occupant as long as the rights of the neighbour are respected and the house is not used to the detriment of society;
14. The society of the masses is in solidarity with its members for whom it ensures decent and respectable means of livelihood. It also ensures a high standard of health for the individual in realization of a healthy society and ensures the welfare of the mother and the child, protection of the aged, the disabled; the society of the masses is the keeper of those who have no keeper;
15. Education and knowledge are a natural right of each individual. Each individual has the right to choose the type of education that suits him without imposition;
16. The society of the masses is a society of virtues and noble human values. It is a society that cherishes human ideals and values. It aspires to be a human society devoid of aggression, wars, exploitation, terrorism, small and big fish etc. The entire nation has the right to live in freedom, the right to self-determination, and the creation of their national entity. The minorities have their right to preserve themselves and their heritage. Their legitimate expectations should not be suppressed and force should not be used to assimilate them in other nationalities;
17. Members of the society of the masses assert their human rights to enjoy their benefits, values and ideals which are assured through cohesion, unity, family, ethnic and human affiliation. Therefore, they strive to establish their natural and national entity and defend all those who strive for the achievement of same goals;
18. Members of the society of the masses protect, and defend their freedom everywhere in this world, they help the oppressed and support them against imperialism, racism, and fascism in accordance with the principle of collective struggle of the people, against the enemies of freedom;
19. The society of the masses, is a society of innovation and each individual has the right to think, innovate and create. It strives always to

realize scientific, and artistic advancement and dissemination among the masses to prevent monopoly;

20. Members of the society of the masses affirm that it's the inalienable right of an individual to grow in a cohesive family of both parents and siblings. The individual is best served by the right motherhood and natural feeding. The child is brought up by his mother;
21. Members of the society of the masses are equal, men and women in whatever is human and discrimination in rights between men and women is a blatant injustice that is unjustifiable. They recognize that marriage is a partnership between two equals neither of whom should marry the other against his/her will and that it is unjust to deny children access to their mothers or vice versa;
22. Members of the society of the masses see in the household servants the modern slaves of their employers who at the mercy of the latter and are indeed victims of their arrogance as they force them to run humiliating errands that can affect their dignity and human feelings, and which they may tolerate because of their need to make a living. The society of the masses forbids the use of household servants. The house is served by its occupants;
23. Members of the society of the masses believe that peace among nations is achieved through the realization of prosperity, welfare and cohesion and calls for the abolition of trafficking in weapons and their production as that dissipates the wealth of society and places great burden on the tax payer and carries the danger of destruction and annihilation;
24. Members of the society of the masses call for destruction of nuclear, biological and chemical weapons as well as weapons of mass destruction and their stockpiles. They call for the emancipation of humanity from nuclear installations and the danger of their toxic waste;
25. Members of the society of the masses are committed to the protection of society and the political system based on people's power and the preservation of their values, principles and interest. They consider collective defence a means for their protection. Defending them is the responsibility of each citizen, male and female alike;
26. Members of the society of the masses are committed to the provisions of this Document and prohibit any action that contravenes the principles and the rights contained therein. Each individual has the right to free and fair trial;
27. Members of the society of the masses proudly presents the Green Book to the world for their liberty and a means for the realization of their freedom. They promise the masses of a new era where corrupt regimes shall crumble and suppression and exploitation will disappear.

LAW NO. 20 OF 1991 ON THE CONSOLIDATION OF FREEDOMS

The General People's Congress,

In Implementation of the decisions of the Basic People's Congresses in their Second Session of 1988 drafted by the General Forum of the People's Congresses and Committees (the General People's Congress) held in its Fifteenth Ordinary Session from 2 – 9 March 1989 and decisions of the Basic People's Congresses in its Second Session, held from 11 – 17 June 1991;

Having considered the Proclamation of People's Power;

Having considered the Great Green Document on Human Rights in the Era of the Masses;

Having considered the relent international human rights and basic freedom institutes and convents;

Having considered Law No.9 of 1984 on the organization of People's Congresses;

Having considered the decisions of the People's Congresses abroad, hereby formulate the following law:

Article 1

The citizens of the Great Jamahiriya, male and female, are free and equal in their inalienable rights.

Article 2

Every citizen has the right to exercise his right to self-determination through the People's Congresses and Committees and should not be deprived of their membership or the right to select their secretariats when conditions so permit.

Article 3

Defence of the nation is a right and honour which no citizen should be deprived of.

Article 4

Life is the natural right of everyone and death sentence should not be applied except as a form of retribution or on those whose lives pose a threat to society. The offender has the right to appeal for clemency or any form of redemption to preserve

his life. The court may accept this appeal as long as it is not considered detrimental to society, or affects human feeling.

Article 5

Religion is a direct relationship with the Creator without any intermediary. It is forbidden to monopolize religion or exploit it for any purpose.

Article 6

Physical fitness is the right of everyone and it is forbidden to carry out scientific experiment on any person except if he volunteers to do so.

Article 7

Any dealing detrimental to society with the outside world is considered a high treason.

Article 8

Each citizen has the right to express his views and ideas publicly in the People's Congresses and through the mass media. The individual is not accountable to anyone for the exercise of this right except if he exploits it at the expense of people's power or for personal ends.

Article 9

Citizens are free to establish Trade Unions, Professional and Social Associations and philanthropic societies or accede to them in realization of their legitimate interests.

Article 10

Each citizen has the right to choose the type of work that suits him on his own or in partnership with others without exploitation or causing any material or moral damage to others.

Article 11

Each citizen has the right to enjoy the fruits of his work. Deduction shall not be made from the fruits of one's toil except for what the law imposes as contribution to the public expenses or against a service provided by society.

Article 12

Private ownership is sacrosanct and shall not be tampered with except for genuine reasons without exploitation or material or moral damage. It shall however not be used in a manner that is at variance with public order and ethics. Private

ownership should not be denied except for public interest and with due compensation.

Article 13

Every citizen has the right to make use of the land for their entire lives and those of their beneficiaries in meeting their needs within their own means and without exploitation. This right should not be denied except if it corrupts particular land or affects its exploitation.

Article 14

Freedom of the individual should not be denied or restricted and he should be searched or interrogated except if he is accused of committing an action that is punishable by law.

Article 15

Confidentiality of correspondence is guaranteed and it should not be monitored except in very narrow circumstances warranted by the well-being of society and after permission for that is obtained from a judicial authority.

Article 16

Private life is sacrosanct and no one is allowed to interfere with it unless it poses a threat to public order or causes harm to others or if one of the parties complains.

Article 17

The accused is innocent unless proven guilty. Nonetheless, legal measures can be initiated against him as long as he remains accused. It is forbidden to subject the accused to physical or mental torture or to cruel or degrading treatment that affects his human rights.

Article 18

The objective of punishment is reform, correction, rehabilitation, education, discipline and deterrent.

Article 19

Houses have sanctity and no one should enter, inspect or put them under surveillance unless if they are used to conceal crime or harbour criminals or cause material harm to others or used for purposes that are not compatible with the social ethics and traditions. Except in cases of rescue, houses cannot be entered without permission by a legally competent authority.

Article 20

Every citizen has the right in times of peace to freedom of movement and establishment and can leave the Great Jamahiriya and return to it as he wishes. Without prejudice to the provisions of the previous paragraph, the competent court may issue orders temporarily stopping a citizen from leaving the Great Jamahiriya.

Article 21

The Great Jamahiriya is safe haven for the oppressed and those who are struggling for their own freedom. Refugees under the protection of the Jamahiriya cannot be extradited to any other authority.

Article 22

Freedom of invention, innovation and creativity is guaranteed within the limits of public order and ethics as long as it does not cause material or moral harm to society.

Article 23

Every citizen has the right to education and knowledge and to choose the type of education that suits him. It is forbidden to monopolize knowledge or falsify it for any reason.

Article 24

Every citizen has the right to social care and security. Society is the keeper of the needy, the aged and the orphan. It guarantees means of decent livelihood for those who cannot afford to work for reasons beyond their control.

Article 25

Every citizen has the right to make a family from marriage based on mutual consent of the two partners and cannot be dissolved except by mutual consent or a judgment by a competent court.

Article 26

Raising her children is the right of the mother as long as she is fit to do so and a mother cannot be denied access to her children and vice versa.

Article 27

A nursing mother has the right to stay in the matrimonial home for the duration of raising her child and the husband has the right to keep his personal belongings.

Article 28

A woman has the right to the type of work that suit her and she should not be obliged to engage in a type of work that does not agree with her nature.

Article 29

It is forbidden to use children in types of work that they cannot do or that undermine their physical development or causes harm to their moral rectitude and health, whether by their own family or outsiders.

Article 30

Each person has the right to resort to the judiciary in accordance with the law and the court provides him with all the necessary guarantees, including a lawyer. He has the right to also choose a lawyer out of court at his own expense.

Article 31

The judiciary has no authority over the courts in their judgments except for what the law determines.

Article 32

No public authority has the right to overstep its jurisdiction or interfere with matters that do not concern it and no authority has the right to interfere with matters of judiciary unless legally authorized to do so.

Article 33

Public finance and facilities are the property of all and cannot be used except for the purposes for which they have been allocated. Public office is for the service of society and should not be exploited for illegitimate personal ends.

Article 34

The rights stipulated in this law cannot be compromised.

Article 35

The provisions of this law are basic and no legislation may be issued to contradict or amend them.

Article 36

Any person using illegal means to realize his personal ends may forfeit the privileges attached to this law.

Article 37

Criminal acts are punishable under the provisions of this law in the manner stipulated in the law on punishments and its supplementary laws as well as those contained in the Great Green Document on Human Rights in the Era of the Masses.

Article 38

This law shall be published in the official gazette and the media.

The General People's Congress

**THE DOCUMENT ON THE RIGHTS AND OBLIGATIONS OF WOMEN IN
THE SOCIETY OF THE MASSES**

Women in the society of the masses lead their lives in accordance with the religion and custom as their adopted law and the Green Book as their guide and the natural basis for equality established by society.

Discrimination between men and women is a clear injustice. On the urgings of Brother Col. Muammar Gaddafi, Leader of the Great Al-Fateh Revolution and based on the recommendations of the Conference on the Emancipation of Women held on March 1996 under the theme "Motherhood, production, struggle" women should be equipped with freedom, knowledge and good conduct, which outlive her present and future endeavours, guided by the principles of the law of society. It is the responsibilities of members of the society of the masses, male and female alike, to lay the foundation for building a society conscious of its responsibilities, able to shoulder the burdens of political and social transformation on a scientific basis and on faith to enable women to spearhead the movement for their present and future development in promotion of their right to exercise power.

Based on the foregoing and on the provisions of the Great Green Document as well as the law on the consolidation of freedoms, women enjoy all the rights enjoyed by men without discrimination. Women have declared the real beginning for them to exercise their freedom, social, legal, political and examine their potential in society in which justice, equality, fraternity, and solidarity prevail. They hereby issue the Document on the Rights and Obligations of Women in the society of the masses in accordance with the following principles:

1. Women in the society of the masses assert their rights and obligations in exercising power through the People's Congresses and Committees without representation as democracy is People's governance and not people's expression;
2. Women in the society of the masses are committed to the defence of the nation. There is no representation in death for the cause of the nation;
3. Marriage is a contract based on equality and mutual consent and it is ended by the consent of husband and wife or legal judgment.
4. Dowry is an exclusive right of the wife affirmed by the Sharia;
5. The mother has the right to raise her children and grandchildren. It is her obligation to preserve this inviolable natural right;
6. Women are an important factor of making a family and they carry the burden of preserving the family and bringing up its members properly;
7. Women have the right to enjoy their financial independence and the right to sell, buy, own property and to all types of legal dispensation such as having an identity card and a passport;
8. No second marriage can be consummated without the consent of the first wife or a ruling of a court;
9. To realize equality before the law and the requirements of society, women should be treated on an equal footing with men in the application of the law;
10. Women in the society of the masses reject and criminalize aggression against their dignity and honour;
11. Children of a married women in the society of the masses who are of different nationality, enjoy the same rights and obligations;
12. Work is both honour and obligation for each citizen, male and female alike as they are entitled to hold leadership positions according to their abilities, experience and competencies;
13. Social security is a right guaranteed by society for both men and women and the aged and the disabled;
14. A working woman and her children are entitled the full social security benefits of her deceased husband.
15. Women in the society of the masses reaffirm their commitment to the provisions of the Document within the context of the principles of the Great Green Document on Human Rights in the Era of the Masses and the law on the consolidation of freedoms.