

## LIBYA<sup>1</sup>

### OVERVIEW OF MUSLIM FAMILY LAWS & PRACTICES

(Updated as at 17 April 2022)

Family Law Matter	Description				
	Legislative Framework	Case Law	Policy	Procedure	Practice
<p><b>Equality of spouses in marriage</b></p> <p><i>Is there a Constitutional provision on equality and are there exceptions?</i></p>	<p>Article 6 of the 2011 Constitutional Declaration states that "Libyans are equal before the law and enjoy equal civil and political rights, equal opportunities, and public duties and responsibilities, without discrimination between them on the grounds of religion, sect, language, wealth, gender, lineage, political opinion, social status, tribal or regional affiliation, or familial background."<sup>2</sup></p> <p>Article 5 of the Constitution establishes that: "The family is the essential cornerstone of society, and it is under the protection of the state. The state protects and encourages marriage, guarantees the protection of motherhood, childhood and old age, and takes care of children, youth and persons with special needs."<sup>3</sup></p> <p>****</p>		<p>In May 16<sup>th</sup> 1989, Libya ratified the International Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). The ratification was published in the Official Gazette No 20 for the year 1989.</p> <p>Accordingly, everyone with interest has the right to invoke its provisions before Libyan courts as it is part of the internal legislation.</p> <p>During the accession, Libya expressed a general reservation that this accession does not conflict with the personal status laws derived from the</p>		<p>As of 2011, there has been an effort to formulate a new constitutional framework which is inclusive of provisions pertaining to marriage and divorce to remedy the constitutional deficit resulting from the interruption caused by Qaddafi's freezing of the 1951 constitution and the obstruction of constitution life for 4 decades. Part of that effort was informed by the 1951 constitution and the constitutional philosophy which Libyans adopted during the independence phase which ensured equality in family matters. However, this recent effort to restore constitutional life has not been grounded in a transformative constitutional reform to reinstate social contracting-based</p>

<sup>1</sup> This Musawah project to map Muslim Family Laws globally was led by Zainah Anwar and coordinated by Lead Researcher Sharmila Sharma, with substantive support from Salma Waheedi and students at the International Human Rights Clinic, Harvard Law School. For this Libya country table, we would also like to thank Alyssa Oravec from Harvard Law School, and Zahra Langhi for their inputs in its preparation.

<sup>2</sup> Article 6 of Libya's Constitution (2011), [https://www.constituteproject.org/constitution/Libya\\_2011.pdf](https://www.constituteproject.org/constitution/Libya_2011.pdf)

<sup>3</sup> Article 5 of Libya's Constitution (2011), [https://www.constituteproject.org/constitution/Libya\\_2011.pdf](https://www.constituteproject.org/constitution/Libya_2011.pdf)

<p><i>Are there specific laws that recognise marriage as a partnership of equals i.e. are family laws and/or other laws relating to marriage and family relations codified or uncodified? If codified, what are the titles of all the applicable laws?</i></p>	<p>The MDL provides for a marital framework based on “reciprocal” or “complementary” rights (as opposed to “equal” rights) between the two spouses that in turn is based on the concept of male guardianship over women and children. Thus:<sup>4</sup></p> <p>Those laws include the following:</p> <ol style="list-style-type: none"> <li>1- The law No 1 of 1958 pertaining to the Procedures of shari'a Courts.</li> <li>2- Law No. 10 of 1984 regarding provisions relating to marriage and divorce, their effects, and its amendments. The amendments include</li> <li>3- Law No. 22 of 1991 amending some provisions of Law No. 10 of 1984 regarding provisions relating to marriage and divorce and their effects.</li> <li>4- Law No. 14 of 2015, amending some provisions of the law No 10 of 1984 regarding provisions relating to marriage and divorce issued by the defunct General National Congress.</li> </ol> <p>Law No. 10/1984 on Marriage and Divorce (Marriage and Divorce Law or MARRIAGE AND DIVORCE LAW) is the main codified law that governs matters</p>		<p>Islamic shari'a.</p> <p>Libya's reservations regarding Articles 2 and 16 (d) of CEDAW were as follows:</p> <ul style="list-style-type: none"> <li>● Article 2 of the Convention will be implemented with due regard to the peremptory norms of <i>the shari'ah</i> principles relating to inheritance;</li> <li>● The implementation of Articles 16(c) and (d) will be without prejudice to any of the rights guaranteed to women by the Islamic <i>Shari'ah</i>.<sup>10</sup></li> </ul> <p>On 5/7/1995, Libya informed the Secretary-General of the United Nations of its decision to amend its reservation and make it more specific. It stated that</p> <p>“Libya declares its accession to the Convention on the Elimination of All Forms of</p>		<p>constitutionalism in which equalities, including family equalities, are to be underpinned.</p> <p>****</p> <p>According to the 2016 UNDP Human Development Report, Libya ranked 102 on the UNDP Human Development Index and 38 on the UNDP Gender Inequality Index.<sup>12</sup></p>
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<sup>4</sup> Articles 2, 17-18 of the Marriage and Divorce Law (1984), <http://aladel.gov.ly/home/?p=1246> as amended by Law No. 14/2015, <http://aladel.gov.ly/home/wp-content/uploads/2015/12/-14-قانون-رقم-14-لسنة-2015-م-بتعديل-بعض-احكام-القانون-ن-رقم-10-لسنة-1984-م-بشأن-الاحكام-الخاصة-بالزواج-والطلاق-وانثار-هما.pdf>; Lynn Welchman, “Women and Muslim Family Laws in Arab States: A Comparative Overview of Textual Development and Advocacy”, (Amsterdam: Amsterdam University Press, 2007), pp. 173-174, <https://goo.gl/AeQSDU>. Before 2015, Article 18(a) required a wife to provide her husband with financial maintenance if he is destitute and the wife is wealthy.

<sup>10</sup> United Nations Treaty Collection Website, [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-8&chapter=4&clang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&clang=en)

<sup>12</sup> UNDP, “Human Development Report 2016”, Table 5, pp. 214-217, [http://hdr.undp.org/sites/default/files/2016\\_human\\_development\\_report.pdf](http://hdr.undp.org/sites/default/files/2016_human_development_report.pdf)

	<p>relating to marriage and divorce.<sup>5 6</sup></p> <ul style="list-style-type: none"> <li>● Article 2 defines marriage as a shari'a-based covenant based on foundations of affection, compassion and serenity which warrants the relation between a man and a woman who are not forbidden to the one another.</li> <li>● Article 17 provides that the wife is entitled to the following from her husband: (i) financial maintenance; (ii) non-interference with her personal properties; and (iii) not causing her physical or mental injury;</li> <li>● Article 18 tasks the wife with:             <ol style="list-style-type: none"> <li>i. Spending on the household if the husband was insolvent and she was solvent.</li> <li>ii. Taking care of the husband's comfort and his physical and moral stability;</li> <li>iii. Supervising the household, managing it and maintaining it in an organized manner.</li> <li>iv. Raising, protecting and nursing their children, except in case she suffers a medical impediment which prevents her from doing so</li> </ol> </li> </ul>		<p>Discrimination against Women adopted by the United Nations General Assembly on 12/18/1979 with The following reservation:</p> <p>Article (2) of the agreement shall be applied taking into account the peremptory provisions of Islamic law related to determining the shares of the heirs in the estate of a deceased person, whether female or male.</p> <p>The Government of Libya in its 2009 report to the CEDAW Committee said that the Marriage and Divorce Law does not provide for equality in respect to the rights and responsibilities during marriage and at its dissolution. Instead, Articles 17 and 18 of the Marriage and Divorce Law tasks the husband and wife with different rights and responsibility towards each</p>		
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<sup>5</sup> Marriage and Divorce Law (1984), <http://aladel.gov.ly/home/?p=1246> as amended by Law No. 14/2015, <http://aladel.gov.ly/home/wp-content/uploads/2015/12/-أحكام-بعض-بتعديل-14-لسنة-2015م-بتعديل-بعض-أحكام-.pdf>

<sup>6</sup> Articles 2, 17-18 of the Marriage and Divorce Law (1984), <http://aladel.gov.ly/home/?p=1246> as amended by Law No. 14/2015, <http://aladel.gov.ly/home/wp-content/uploads/2015/12/-14-قانون-رقم-14-لسنة-2015م-بتعديل-بعض-أحكام-القانون-رقم-10-لسنة-1984م-بتعديل-بعض-أحكام-الخاصة-بالزواج-والطلاق-وأثارهما.pdf>; Lynn Welchman, "Women and Muslim Family Laws in Arab States: A Comparative Overview of Textual Development and Advocacy", (Amsterdam: Amsterdam University Press, 2007), pp. 173-174, <https://goo.gl/AeQSDU>. Before 2015, Article 18(a) required a wife to provide her husband with financial maintenance if he is destitute and the wife is wealthy.

<p>****</p> <p><i>If codified, do these laws apply to all citizens irrespective of religion? If not, do these laws apply to all Muslims or are there different codified laws for different sects within Islam?</i></p> <p>****</p> <p><i>If uncodified, or if codified laws do not sufficiently address a particular issue, how is the issue addressed e.g. what Muslim school of law is applicable?</i></p> <p>****</p>	<p>v. Refraining from harming the husband physically and morally.</p> <p>****</p> <p>The laws regulating marriage and divorce do not recognize the marriage between a Muslim woman and a non-Muslim man.</p> <p>The laws regulating marriage and divorce do not recognize the marriage between a Muslim man and an explicitly “polytheist” woman.</p> <p>The laws regulating marriage and divorce apply to all Muslims including the different sects within Islam.</p> <p>According to Constitution 1951 Article 192:</p> <p>The State shall guarantee respect for the systems of personal status of non-Moslems.<sup>7</sup></p> <p>****</p> <p>According to Article 72 of the marriage and divorce law, in the absence of codified laws that sufficiently address a particular matter of personal status of Muslims, according to law 14 of 1989 the principles of the Islamic shari'a that are most accepted apply whereas after the amendment of 2015 the articles states that the rules of the Islamic shari'a that</p>		<p>other.<sup>11</sup></p>		
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<sup>7</sup> Article 192 Libya Constitution 1951, <https://www.refworld.org/docid/3ae6b4e420.html> .

<sup>11</sup> Libya State party report, U.N. Doc. CEDAW/C/LBY/5 (2009), pp. 36-37, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

<p><i>Do these laws explicitly state gender-stereotypical roles between husbands and wives e.g. the husband is the head of the household or the wife is the primary caregiver?</i></p> <p><u>Applicable CEDAW Provision</u> Article 16(1)(c) Paras. 17-18 GR21 Paras. 54-55 GR29</p>	<p>are most accepted apply.<sup>8</sup></p> <p>The laws regulating marriage and divorce apply rules produced by various Muslim schools of law including the Maliki School the Hanafi school, the Hanbali school, and the Ibadhi school. They are not limited to one school. However, predominantly, they are underpinned by the Maliki school of law.<sup>9</sup></p> <p>****</p> <p>The laws regulating marriage and divorce provide for a marital framework based on three principles:</p> <ol style="list-style-type: none"> <li>1- Complementarity.</li> <li>2- Reciprocity</li> <li>3- Equality.</li> </ol> <p>The wife is entrusted with guardianship. The husband is entrusted with overall guardianship.</p> <p>The Law treats men and women as equal partners with reciprocal duties in many aspects. For example, pursuant to rules produced by many schools of jurisprudence, in case of the insolvency of the husband and the solvency of the wife, the wife is expected to spend on the household throughout the insolvency period.</p>				
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<sup>8</sup> Article 72 of the Marriage and Divorce Law (1984), <http://aladel.gov.ly/home/?p=1246>; Lynn Welchman, "Women and Muslim Family Laws in Arab States: A Comparative Overview of Textual Development and Advocacy", (Amsterdam: Amsterdam University Press, 2007), p. 45, <https://goo.gl/AeQSDU>

<sup>9</sup> Alison Pargeter, "Libya", in *Women's Rights in the Middle East and North Africa: Progress Amid Resistance*, eds. Sanja Kelly and Julia Breslin (New York, NY: Freedom House; Lanham, MD: Rowman & Littlefield, 2010), pp. 8, 10, [https://freedomhouse.org/sites/default/files/inline\\_images/Libya.pdf](https://freedomhouse.org/sites/default/files/inline_images/Libya.pdf)

	<p>HOWEVER, Law No. 14 of 2015 amended by the defunct General National Congress:</p> <ul style="list-style-type: none"> <li>• expands the scope of underage marriage,</li> <li>• Polygamy is allowed without restriction,</li> <li>• It allows and facilitates divorce without restriction on the part of the man,</li> <li>• Restricts a woman's will to divorce</li> <li>• The law makes divorce at the will of the man alone and cancels the will of the woman to divorce,</li> <li>• Cancels the validity of women's testimony on contracts,</li> <li>• It does not recognize the Qiwama of a woman,</li> <li>• It does not equal the responsibilities between the two parties.</li> </ul>				
<p><b>Minimum and equal legal age for marriage</b> <i>Is there a minimum age of marriage? Are there exceptions to the minimum age (e.g. min. age at 18, with</i></p>	<p>Between 1984 and 2015, Minimum age of marriage was twenty (20) pursuant to the Law No. (10) of 1984 regarding provisions relating to marriage and divorce, their effects, and its amendments.</p> <p>As of October 14<sup>th</sup>, 2015, the minimum age of marriage is eighteen (18) for females and males pursuant to Article 6 (b) of the Marriage and Divorce Law (1984) as amended by the Law No. 14 of 2015, amending some provisions of the</p>				<p>In 2006/07 only 2% of women aged 20-24 were married by 18.<sup>16</sup></p> <p>Under-age marriages increased during the phase which followed the 2012 elections. This was due to the deterioration of the economic situation, the spread of armed extremist groups and the deterioration of the security situation and rule of law. The problem of child brides emerged,</p>

<sup>16</sup> Farzaneh Roudi-Fahmi and Shima Ibrahim, "Ending Child Marriage in the Arab Region", (Girls Not Bride Policy Brief, 2013), Figure 1, p.1, <http://www.prb.org/pdf13/child-marriage-arab-region.pdf>

<p>exceptions to 16)?</p> <p>Is there an absolute minimum age without exceptions?</p> <p>Is there equality in the minimum age of marriage?</p> <p>Does the minimum age of marriage match the age of majority?</p> <p>Is there a minimum age verification process before the marriage is concluded?</p> <p><u>Applicable CEDAW Provision</u></p> <p>Article 16(2)</p> <p>Paras. 36-39</p>	<p>law No 10 of 1984 regarding provisions relating to marriage and divorce issued by the defunct General National Congress.<sup>13</sup> Because of the political division, Personal Status Law No. 10 of 1984 is still in force in the east of the country, which sets the age of marriage at twenty.<sup>14</sup></p> <p>- Article 6 (b) provides that the competent judge will certify the marriage of girls and boys below 18 upon the guardian's consent if it is beneficial to the parties or there is a necessity.<sup>15</sup></p> <p>- The law does not specify an absolute minimum below which a marriage cannot be authorised.</p> <p>- The marriage age as a right is the same with the age of majority which is 18 years old.</p> <p>- Age verification processes include requiring the birth certificate, identification card, passport, or other documents. Verification measures applied in other countries are not applied in Libya.</p>				<p>with ISIS fighters reportedly forcefully marrying girls as young as 12.<sup>17</sup></p> <p>In the Eastern region, granting permission to persons under twenty, that is at the age of 19 or 18, does not pose a particular problem as it conforms to international standards.</p> <p>In the eastern and Western regions the danger lies in granting permission to those under 18 years of age. As for the southern region of the country, statistics and data are acutely scarce. There are indicators that underage marriage is more widespread.</p> <p>Authorities face constraints in obtaining a comprehensive statistics of the cases of underage given the difficulty of compiling numbers and statistics due to the lack of digital documentation. The Statistics and Census Authority announced that it did not have any documented numbers due to the chaos and political division.</p>
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<sup>13</sup> <http://aladel.gov.ly/home/wp-content/uploads/2015/12/قانون-رقم-14-لسنة-2015-م-بتعديل-بعض-احكام-القانون-رقم-10-لسنة-1984-م-بشأن-الأحكام-الخاصة-بالزواج-والطلاق-وأثارهما.pdf>

<sup>14</sup> Article 6(a) of the Marriage and Divorce Law (1984) as amended by Law No. 14/2015, <http://aladel.gov.ly/home/wp-content/uploads/2015/12/قانون-رقم-14-لسنة-2015-م-بتعديل-بعض-احكام-القانون-رقم-10-لسنة-1984-م-بشأن-الأحكام-الخاصة-بالزواج-والطلاق-وأثارهما.pdf>; Before 2015, the original Article 6(a) had 20 as the minimum marriage age

<sup>15</sup> Article 6(b) of the Marriage and Divorce Law (1984) as amended by Law No. 14/2015, <http://aladel.gov.ly/home/wp-content/uploads/2015/12/قانون-رقم-14-لسنة-2015-م-بتعديل-بعض-احكام-القانون-رقم-10-لسنة-1984-م-بشأن-الأحكام-الخاصة-بالزواج-والطلاق-وأثارهما.pdf>

<sup>17</sup> Heather Saul, "Isis in Libya: Families forced to marry girls as young as 12 to fighters for protection as clinics see growing number of miscarriages and STDs", *Independent*, 12 May 2015, <http://www.independent.co.uk/news/world/europe/isis-in-libya-families-forced-to-marry-girls-as-young-as-12-to-fighters-for-protection-as-clinics-10244257.html>

GR21				<p>According to press reports based on judicial sources in the Tripoli Courts Complex, 186 marriages for underage girls were registered by the Courts Complex between 2011 and 2017 in Tripoli alone, including 36 marriages between two children, in which the husband was under 16 years old and the wife was 14 years old.</p> <p>The phenomenon of marriage of girls under the age of eighteen is widespread in Badia and rural areas, and it is shielded by local custom.<sup>18</sup></p> <p>In the city of Benghazi, during the period between 2013 and 2018, within Al-Baraka District Court and the Al-Fuwaihat District Court in the South Benghazi Court of First Instance,</p> <p>The number of underage marriage permissions increased in 2013 and then decreased in 2015 largely due to the interruption of judicial work due to the war. Then, it gradually increased to reach a high rate in 2018.<sup>19</sup></p>
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<sup>18</sup> Intisar S. Azzuz, "Libyan Women: Past, Present and Future", in *A New Paradigm: Perspectives on the Changing Mediterranean*, eds. Sasha Toperich and Andy Mullins, (Washing DC: Center for Transatlantic Relations SAIS, 2014), p. 154, <https://sashatoperich.com/wp-content/uploads/2016/09/A-New-Paradigm-COMPILED-TEXT.pdf>

<sup>19</sup> Jazia Sheitir and Marwan Tashani (2016) Underage Marriage in Libya – between societal disregard and absence of protections. Marwan Tashani, Jazia Gibril (2019) Child Marriage in Libya: Ignored by Society, Unprotected by Legislation. <https://english.legal-agenda.com/child-marriage-in-libya-ignored-by-society-unprotected-by-legislation/#:~:text=Child%20Marriage%20in%20Libya%3A%20Ignored%20by%20Society%2C%20Unprotected%20by%20Legislation,-Marwan%20Tashani%2C%20Jazia&text=He%20asks%20the%20judge%20to,surprised%20by%20the%20child's%20age>



					Some guardians falsify the girl's age by filing a lawsuit to adjust the age. Some guardians forge the girl's age in the marriage contract.
<p><b>Women's consent to marriage</b></p> <p><i>Is a marriage valid without the woman's consent? Is the practice of forcing women to marry against their will (ijbar) prohibited?</i></p> <p><i>Is there a standard marriage contract? If so, what are its broad provisions and is there anything particular in the</i></p>	<p>Regardless of their age, the prospective bride and groom must consent to the marriage. Coercive marriage is prohibited.</p> <p>Article 8 (a) prohibits a guardian from coercing a young man or a woman into marriage against their will.<sup>20</sup></p> <p>Article 9 of the Marriage and Divorce Law requires the consent of the prospective bride and the guardian for the marriage to be valid.<sup>21</sup></p> <p>The mandatory registration of a marriage is provided for in Article 29 of the Civil Status Law No. 36/1968.<sup>22</sup></p>			<p>A marriage contract must be registered with the civil registry secretary of the jurisdiction in which the marriage takes place within seven days of its conclusion.<sup>23</sup></p>	<p>A women who was raped is prone to be pressured to approve marrying the rapist to ward off shame and to save the family's honour. This practice is carried out based on Article 424 of the Penal Code which exempts a rapist from criminal liability if he marries the victim.<sup>24</sup></p>

<sup>20</sup> Article 8(a) of the Marriage and Divorce Law (1984), <http://aladel.gov.ly/home/?p=1246>; Lynn Welchman, "Women and Muslim Family Laws in Arab States: A Comparative Overview of Textual Development and Advocacy", (Amsterdam: Amsterdam University Press, 2007), p. 163, <https://goo.gl/AeQSDU>

<sup>21</sup> Article 9 of the Marriage and Divorce Law (1984), <http://aladel.gov.ly/home/?p=1246>; Lynn Welchman, "Women and Muslim Family Laws in Arab States: A Comparative Overview of Textual Development and Advocacy", (Amsterdam: Amsterdam University Press, 2007), p. 163, <https://goo.gl/AeQSDU>

<sup>22</sup> Article 29 of the Civil Status Law (1968), [http://security-legislation.ly/sites/default/files/files/lois/26-Law%20No.\(36\)%20of%201968\\_EN.pdf](http://security-legislation.ly/sites/default/files/files/lois/26-Law%20No.(36)%20of%201968_EN.pdf)

<sup>23</sup> Article 29 of the Civil Status Law (1968), [http://security-legislation.ly/sites/default/files/files/lois/26-Law%20No.\(36\)%20of%201968\\_EN.pdf](http://security-legislation.ly/sites/default/files/files/lois/26-Law%20No.(36)%20of%201968_EN.pdf); Netherlands Office of the Commissioner General for Refugees and Stateless Persons et al., "Libya: Nationality, Registration and Documents", 2014, p. 19, <http://www.refworld.org/docid/54afda3d4.html>

<sup>24</sup> Article 424 of the Penal Code (1953), <http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/97659/115997/F-671669284/LBY97659%20Ara.pdf>; UK Home Office, "Libya: Violence Against Women", *Country Information and Guidance*, p. 10, [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/362008/CIG\\_-\\_Libya\\_-\\_Women\\_-\\_October\\_8\\_2014.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/362008/CIG_-_Libya_-_Women_-_October_8_2014.pdf)

<p><i>contract that ought to be highlighted on the basis that it advances women's rights or otherwise? Is it mandatory to register a marriage?</i></p> <p><u>Applicable CEDAW Provision</u></p> <p>Article 16(1)(b)</p> <p>Paras. 15-16 GR21</p> <p>Paras. 25-26, 33-34 GR29</p>					
<p><b>Women's capacity to enter into marriage</b></p> <p><i>Is consent of a marital guardian (wali) required? If so, can a woman choose her own wali? Can a woman</i></p>	<p>Regardless of her age, a prospective bride needs the consent of a guardian (<i>wali</i>) to enter into marriage. The guardian must be a male relative (father, uncle, etc.).<sup>25</sup></p> <p>A judge can act as guardian in the absence of a male relative. If the guardian opposes the marriage, the prospective bride may request from the court to act as her guardian to get married. The court may execute the marriage if it finds same</p>				

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Articles 7-9 of the Marriage and Divorce Law (1984), ), <http://aladel.gov.ly/home/?p=1246>; Lynn Welchman, "Women and Muslim Family Laws in Arab States: A Comparative Overview of Textual Development and Advocacy", (Amsterdam: Amsterdam University Press, 2007), p. 163, <https://goo.gl/AeQSDU>

<p><i>go before a court or other competent authority to seek permission to marry if her wali refuses to consent to her marriage? Can a woman negotiate her martial rights prior to marriage and can these rights be changed during marriage? If so, who can change these rights and under what circumstances e.g. mutual consent?</i></p> <p><u>Applicable CEDAW Provision</u></p> <p>Articles 16(1)(a), 16(1)(b)</p>	<p>appropriate.<sup>26</sup></p> <p>Article 8 (b) prohibits a guardian (<i>wali</i>) from unreasonably withholding his consent to the marriage of a prospective bride.<sup>27</sup></p> <p>Pursuant to Article 3 of the Marriage and Divorce Law, both spouses may stipulate any condition in their marriage contract so long as: (i) the conditions are explicitly stated; and (ii) they do not contradict the essential purposes of marriage.<sup>28</sup></p>				
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<sup>26</sup> Articles 7-9 of the Marriage and Divorce Law (1984), ), <http://aladel.gov.ly/home/?p=1246>; Lynn Welchman, "Women and Muslim Family Laws in Arab States: A Comparative Overview of Textual Development and Advocacy", (Amsterdam: Amsterdam University Press, 2007), p. 163, <https://goo.gl/AeQSDU>

<sup>27</sup> Article 8(b) of the Marriage and Divorce Law (1984), <http://aladel.gov.ly/home/?p=1246>; Lynn Welchman, "Women and Muslim Family Laws in Arab States: A Comparative Overview of Textual Development and Advocacy", (Amsterdam: Amsterdam University Press, 2007), p. 163, <https://goo.gl/AeQSDU>

<sup>28</sup> Article 3 of the Marriage and Divorce Law (1984), <http://aladel.gov.ly/home/?p=1246>; Lynn Welchman, "Women and Muslim Family Laws in Arab States: A Comparative Overview of Textual Development and Advocacy", (Amsterdam: Amsterdam University Press, 2007), p. 181, <https://goo.gl/AeQSDU>

Paras. 15-16 GR21 Para. 34 GR29					
<p><b>Polygamous marriages</b></p> <p><i>Does the law prohibit polygamy or impose strict conditions on such practice? Is the permission of the court required for a polygamous marriage? Is the permission of an existing wife required for a polygamous marriage? Is it necessary to inform an</i></p>	<p>Between 1951 and 1984, a Muslim man was able to marry up to four wives at once without much restrictions.</p> <p>Between 1984 and 2011, pursuant to Article 1 of Law No. 9 of 1994, amending Article 13 of Law 10 of 1984 on Marriage and Divorce, in order to marry another woman while being married, the husband was required to meet two conditions:</p> <ol style="list-style-type: none"> <li>1- The consent of the wife before the competent district court.</li> <li>2- Issuance of a judgment with approval from the competent district court in a suit filed against the wife.<sup>29</sup></li> </ol> <p>The court would verify the social circumstance, financial and physical abilities of the husband.<sup>30 31</sup></p> <p>In 2011, upon ousting Qaddafi's</p>	<p>In 2013, the Constitutiona l Chamber of the Supreme Court held that Article 1 of Law No. 9 of 1994, amending Article 13 of Law 10 of 1984 on Marriage and Divorce was unconstitutional</p> <p>Hence, the approval of the court and</p>			<p>According to Human Rights Watch, polygamous marriages do occur in Libya but are relatively uncommon. However, feminist groups are concerned that polygamous marriage may increase due to the political rhetoric that encourage it.<sup>33</sup> Statements by the executive authority are indicative that in spite of the modification of the law, marriage has decreased significantly during the past few years, let alone polygamous marriage.</p>

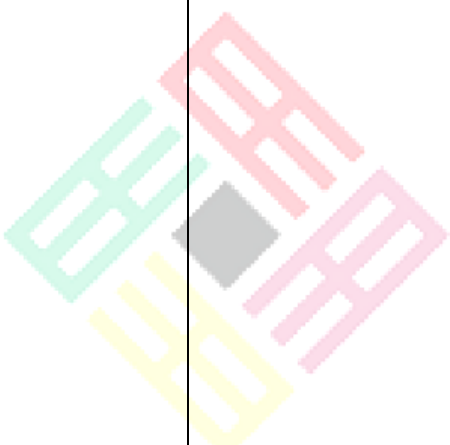
<sup>29</sup> جازية شعيتير (2020) نظرة " نسوية" لدستورية قوانين الأحوال الشخصية في ليبيا.

<https://bit.ly/3zWMnKF>

<sup>30</sup> Before 2015, Article 13 of the Marriage and Divorce Law (1984) provided that a man may take another wife with the permission of a competent court after his social circumstance as well as financial and physical abilities have been ascertained. Law No. 14/2015 repealed Article 13 of the MARRIAGE AND DIVORCE LAW, <http://aladel.gov.ly/home/wp-content/uploads/2015/12/قانون-رقم-14-لسنة-2015-م-بتعديل-بعض-أحكام-القانون-رقم-10-لسنة-1984-م-بشأن-الأحكام-الخاصة-بالزواج-والطلاق-وأثارهما-14-لسنة-2015-م-بتعديل-بعض-أحكام-القانون-رقم-10-لسنة-1984-م-بشأن-الأحكام-الخاصة-بالزواج-والطلاق-وأثارهما.pdf>; Jazya Gebri, "Women's Rights in Libya: Preserving Past Gains, Fearing for the Future", *The Legal Agenda*, 19 December 2015, <http://legal-agenda.com/en/article.php?id=3113>; Hanan Dakhil, "5 years after the revolution that toppled Muammar Qaddafi, Libya's missing link is its women", *New York Times*, 22 December 2016, <http://nytlive.nytimes.com/womenintheworld/2016/12/22/5-years-after-the-revolution-that-toppled-muammar-qaddafi-libyas-missing-link-is-its-women/>

<sup>31</sup> Suliman Ibrahim, "Libya's Supreme Court and the Position of Sharia, in the Perspective of Constitutional and Legal History", in *Searching for Justice in Post-Gaddafi Libya*, eds. Jan Michiel Otto, Jessca Carlisle and Suliman Ibrahim, (Leiden/Benghazi: Leiden University, 2013), pp. 54-55, <http://media.leidenuniv.nl/legacy/otto-jm.-j-carlisle-and-s-ibrahim-2013-searching-for-justice-in-post-gaddafi-libya.pdf>; Al Arabiya, "Libyan men now allowed to marry without consent of first wife: court rule", *Al Arabiya*, 7 February 2013, <http://english.alarabiya.net/articles/2013/02/07/264927.html>

<sup>33</sup> Human Rights Watch, "A Revolution for All: Women's Rights in the New Libya", 2013, p. 30. [https://www.hrw.org/sites/default/files/reports/libya0513\\_brochure\\_LOWRES\\_0.pdf](https://www.hrw.org/sites/default/files/reports/libya0513_brochure_LOWRES_0.pdf)

<p><i>existing wife of the polygamous marriage? Are temporary marriages such as traveler's marriages (misyar) recognised? Is it necessary to register a polygamous marriage? Can a woman stipulate in the marriage contract that her intended husband cannot enter into a polygamous marriage?</i></p> <p><u>Applicable CEDAW Provision</u> Para. 14 GR21</p>	<p>autocratic regime, the President of the transitional Council announced the cancellation of the laws limiting the husband's decision to marry another wife.</p> <p>In 2015, the Law No. 14 was issued amending some provisions of the Marriage and Divorce Law No. 10 of 1984. It included limitations regarding polygamy.</p> <p>Accordingly, at present a Muslim man may marry up to four wives at once without much restrictions.<sup>32</sup></p>	<p>the present wife – wives would not be required. The court held that the article contravened the Islamic <i>shari'ah</i>.</p>			
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Before 2015, Article 13 of the Marriage and Divorce Law (1984) provided that a man may take another wife with the permission of a competent court after his social circumstance as well as financial and physical abilities have been ascertained. Law No. 14/2015 repealed Article 13 of the MARRIAGE AND DIVORCE LAW, <http://aladel.gov.ly/home/wp-content/uploads/2015/12/قانون-رقم-14-لسنة-2015-م-بتعديل-بعض-احكام-القانون-رقم-10-لسنة-1984-م-بشأن-الاحكام-الخاصة-بالزواج-والطلاق-بأثارهما-14-لسنة-2015-م-بتعديل-بعض-احكام-القانون-رقم-10-لسنة-1984-م-بشأن-الاحكام-الخاصة-بالزواج-والطلاق-بأثارهما.pdf>; Jazyza Gebriil, "Women's Rights in Libya: Preserving Past Gains, Fearing for the Future", *The Legal Agenda*, 19 December 2015, <http://legal-agenda.com/en/article.php?id=3113>; Hanan Dakhil, "5 years after the revolution that toppled Muammar Qaddafi, Libya's missing link is its women", *New York Times*, 22 December 2016, <http://nytlive.nytimes.com/womenintheworld/2016/12/22/5-years-after-the-revolution-that-toppled-muammar-qaddafi-libyas-missing-link-is-its-women/>

Para. 34 GR29					
<p><b>Divorce rights</b></p> <p><i>Is there equal right to divorce between women and men? Can the husband divorce without reason and without having to go to court? What are the main forms of divorce? Can all forms of divorce be sought only through the courts? Are the grounds for divorce the same for the husband and wife? Is unilateral divorce by repudiation (talāq) prohibited? If unilateral</i></p>	<p>The wife is entitled to one final divorce through redemptive divorce (Khula).</p> <p>The law grants the husband and the wife the right to divorce.</p> <p>There are five main mechanisms for divorce:</p> <p>(i) Revocable divorce by the husband.<sup>34</sup></p> <p>(ii) Third irrevocable divorce by the husband.</p> <p>(iii) Final Divorce by the husband entailing exemption by the wife of the husband to pay divorce alimony.</p> <p>(iv) Redemptive divorce by the wife (<i>khul'</i>) based on request to competent judge.<sup>35</sup></p> <p>(v) Judicial divorce by the competent judge.</p> <p><b><u>Revocable divorce and third divorce</u></b></p> <p>The husband may conduct revocable divorces twice. The third will be final. The former spouses may not get married again except after the former wife had married another person and was</p>				

<sup>34</sup> Article 28 of the Marriage and Divorce Law (1984) as amended by Law No. 14/2015, <http://aladel.gov.ly/home/wp-content/uploads/2015/12/-القانون-م-بتعديل-بعض-أحكام-القانون-14-لسنة-2015-م> قانون رقم-14-لسنة-2015-م بتعديل بعض أحكام القانون-14-لسنة-1984-م بشأن الأحكام الخاصة بالزواج والطلاق وآثارهما <http://aladel.gov.ly/home/wp-content/uploads/2015/12/-القانون-م-بتعديل-بعض-أحكام-القانون-14-لسنة-2015-م> pdf. Before 2015, divorce can only be effected by a court order

<sup>35</sup> Jessica Carlisle, "Her Day in Court: The Work of a Judge on Family Law Cases in Tripoli", in *Searching for Justice in Post-Gaddafi Libya*, eds. Jan Michiel Otto, Jessca Carlisle and Suliman Ibrahim, (Leiden/Benghazi: Leiden University, 2013), p. 110, <http://media.leidenuniv.nl/legacy/otto-jm,-j-carlisle-and-s-ibrahim-2013-searching-for-justice-in-post-gaddafi-libya.pdf>

<p><i>divorce is not prohibited, what is the procedure i.e. is the presence of the spouse to be divorced required, are witnesses required, does the spouse seeking divorce need to go to court, is the divorced spouse informed of the divorce? Is the unilateral right to divorce delegated to the wife? If so, is it by law or through the marriage contract? Is it mandatory to register a divorce?</i></p> <p><u>Applicable CEDAW Provision</u></p>	<p>divorced.</p> <p><b><u>Redemptive Divorce</u></b></p> <p>A wife maybe granted redemptive divorce (<i>khul'</i>) in exchange for a compensation to be paid to the husband equivalent to, or in light of, the marriage dowry and gifts.</p> <p>The competent judge may award the redemptive divorce over the objection of the husband if the judge finds that the husband's refusal is unreasonable.<sup>36</sup></p> <p><b><u>Judicial divorce</u></b></p> <p>A judicial divorce may be decided by the competent judge based on the request of one of the spouses, or the request of a third party with capacity and interest.</p> <p>Valid grounds for seeking judicial divorce by a wife include:</p> <p>(i) Failure by the husband to provide financial maintenance.</p> <p>(ii) A health condition preventing consummation of the marriage.</p> <p>(iii) Prolonged unjustified absence.</p> <p>(iv) Abandonment of the marital bed for over four months.</p> <p>Harm caused by the husband.<sup>37</sup></p>				
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<sup>36</sup> Articles 48-49 of the Marriage and Divorce Law (1984) as amendment by Law No. 14/2015, <http://aladel.gov.ly/home/wp-content/uploads/2015/12/-10-القانون-رقم-14-لسنة-2015م-بتعديل-بعض-احكام-القانون-رقم-10-1984م-بشأن-الاحكام-الخاصة-بالزواج-والطلاق-واتارهما.pdf>

<sup>37</sup> Articles 39-43 of the Marriage and Divorce (1984), <http://aladel.gov.ly/home/?p=1246>; Libya State party report, U.N. Doc. CEDAW/C/LBY /5 (2009), pp. 36-37, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

<p>Article 16(1)(c) Paras. 17-18 GR21 Paras. 34, 39-40 GR29</p>	<p>The mandatory registration of a divorce is provided for in Article 29 of the Civil Status Law No. 36/1968.</p> <p>Article 30 states that divorce court rulings must be registered within 10 days of their issuance.<sup>38</sup></p> <p>The laws regulating marriage and divorce apply rules produced by various Muslim schools of law including the Maliki School the Hanafi school, the Hanbali school, and the Ibadhi school. They are not limited to one school. However, predominantly, they are underpinned by the Maliki school of law.<sup>39</sup></p> <p>****</p> <p>The laws regulating marriage and divorce provide for a marital framework based on three principles:</p> <ul style="list-style-type: none"> <li>4- Complementarity.</li> <li>5- Reciprocity</li> <li>6- Equality.</li> </ul> <p>The wife is entrusted with guardianship. The husband is entrusted with overall guardianship.</p> <p>The Law treats men and women as equal partners with reciprocal duties in many</p>				
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<sup>38</sup> Articles 29-30 of the Civil Status Law (1968), <http://security-legislation.ly/ar/node/31796>

<sup>39</sup> Alison Pargeter, "Libya", in *Women's Rights in the Middle East and North Africa: Progress Amid Resistance*, eds. Sanja Kelly and Julia Breslin (New York, NY: Freedom House; Lanham, MD: Rowman & Littlefield, 2010), pp. 8, 10, [https://freedomhouse.org/sites/default/files/inline\\_images/Libya.pdf](https://freedomhouse.org/sites/default/files/inline_images/Libya.pdf)



	<p>aspects. For example, pursuant to rules produced by many schools of jurisprudence, in case of the insolvency of the husband and the solvency of the wife, the wife is expected to spend on the household throughout the insolvency period.</p> <p>HOWEVER, Law No. 14 of 2015 amended by the defunct General National Congress:</p> <ul style="list-style-type: none"> <li>• It allows and facilitates divorce without restriction on the part of the man,</li> <li>• Restricts a woman's will to divorce</li> <li>• The law makes divorce at the will of the man alone and cancels the will of the woman to divorce,</li> <li>• Cancels the validity of women's testimony on contracts,</li> </ul>				
<p><b>Women's financial rights after divorce</b></p> <p><i>Is there a legal concept of matrimonial</i></p>	<p>Generally, upon divorce, a woman may be entitled to:<sup>40</sup></p> <ul style="list-style-type: none"> <li>• Financial maintenance during the waiting period upon the lapse of which the divorce becomes effective (<i>iddah</i>). Regarding non-pregnant women, the waiting period (<i>iddah</i>) is three months.</li> </ul>				<p>According to reports by UNICEF and Human Rights Watch as well as academic research:<sup>42</sup></p> <ul style="list-style-type: none"> <li>• The husband's duty to support the woman financially during the waiting period (<i>iddah</i>) is rarely</li> </ul>

<sup>40</sup> Articles 51-52 Marriage and Divorce Law (1984), <http://aladel.gov.ly/home/?p=1246>

<sup>42</sup> UNICEF, "Libya", *MENA Gender Equality Profile*, 2011, p. 2, <https://www.unicef.org/gender/files/Libya-Gender-Eqaulity-Profile-2011.pdf>; Human Rights Watch, "A Revolution for All: Women's Rights in the New Libya", 2013, p. 30. [https://www.hrw.org/sites/default/files/reports/libya0513\\_brochure\\_LOWRES\\_0.pdf](https://www.hrw.org/sites/default/files/reports/libya0513_brochure_LOWRES_0.pdf); Jessica Carlisle, "Her Day in Court: The Work of a Judge on Family Law Cases in Tripoli", in *Searching for Justice in Post-Gaddafi Libya*, eds. Jan Michiel Otto, Jessca Carlisle and Suliman Ibrahim, (Leiden/Benghazi: Leiden University, 2013), p. 112, [http://media.leidenuniv.nl/legacy/otto-jm,-j-carlisle-and-s-ibrahim-2013-searching-for-justice-in-post-g"addafi-libya.pdf](http://media.leidenuniv.nl/legacy/otto-jm,-j-carlisle-and-s-ibrahim-2013-searching-for-justice-in-post-g)

<p><i>assets? Is there equal division of marital property upon dissolution of the marriage? Is the woman's role as wife and mother recognised as contribution to the acquisition of assets? What spousal maintenance are available to the wife after a divorce? Is she entitled to maintenance during the waiting period after the divorce (iddah)? Is she entitled to a consolatory gift or compensation upon divorce (mut'ah)? Who is responsible for the financial maintenance of children following a</i></p>	<p>Regarding women who are divorced during pregnancy, the divorce shall become effective the moment the child is born.</p> <ul style="list-style-type: none"> <li>• The court shall decide the maintenance amount during the waiting period (iddah).</li> <li>• A consolatory gift or compensation (<i>mut'ah</i>), if the divorce was initiated by the husband. The court shall decide the amount of the consolatory gift (<i>mu'tah</i>), taking into account the divorcee's financial status.</li> </ul> <p>There is no legal concept of matrimonial assets.</p> <p>Following a divorce, the father is responsible for the financial maintenance of his children if the children do not have funds of their own. If the mother is the custodian, the father is obligated to house both the mother and his children and pay the mother maintenance to cover the expenses of his children. A daughter is entitled to maintenance until she is married or is able to earn sufficient income for her expenses. A son is entitled to maintenance until he is able to earn a living of his own, or, if he is a student, until the successful completion of his education.<sup>41</sup></p>			<p>enforced;</p> <ul style="list-style-type: none"> <li>• Upon divorce, men typically keep the marital home and other property, and women are often left only with their personal items and whatever assets that were agreed upon in the marriage contract;</li> <li>• Post-divorce child maintenance and housing are the biggest problems in the <i>shari'a</i> courts. The average amount awarded by the courts is around 100-150 Libyan dinars per month. This amount is acutely insufficient. Even this amount is difficult to enforce. Child maintenance can be directly deducted from the wages of fathers who work in the public sector. Many fathers who do not work for the government avoid paying at all. Whereas fathers are legally obligated to house the custodian mother and children after divorce, in practice, many fathers and their lawyers intimidate and bully their former wives into giving up this right by making their lives intolerable.</li> </ul>
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<sup>41</sup> Article 51, 69-71 of the Marriage and Divorce Law (1984), <http://aladel.gov.ly/home/?p=1246>; Jessica Carlisle, "Her Day in Court: The Work of a Judge on Family Law Cases in Tripoli", in *Searching for Justice in Post-Gaddafi Libya*, eds. Jan Michiel Otto, Jessca Carlisle and Suliman Ibrahim, (Leiden/Benghazi: Leiden University, 2013), p. 112, <http://media.leidenuniv.nl/legacy/otto-jm-j-carlisle-and-s-ibrahim-2013-searching-for-justice-in-post-gaddafi-libya.pdf>

<p><i>divorce? Can the couple agree to the division of assets acquired during marriage in the marriage contract? Can this stipulation be amended? If so, by who and on what basis e.g. mutual consent?</i></p> <p><u>Applicable CEDAW Provision</u></p> <p>Articles 16(1)(c), 16(1)(h)</p> <p>Paras. 30-33 GR21</p> <p>Paras. 34-35, 43-48 GR29</p>					
<p><b>Custody of Children</b></p> <p><i>Do parents have equal rights over the custody of their children? If no,</i></p>	<p>During marriage, both parents have custodial rights over their children. In the event of a divorce, a mother has priority right over the custody of her children (followed by the children’s maternal grandmother, father, etc. as stipulated in the law) until her daughter gets married</p>				<p>While the law favours the mother in custody disputes, traditional norms favour the father. Judges sometimes use their discretion to grant fathers custody over the children on this basis sometimes will grant it based off of this, especially if the mother is not</p>

<p><i>who has priority right over the custody of the child? Is custody decided based on the best interest of the child? Do mothers automatically lose custody upon remarriage or if she is deemed disobedient or when the child reaches a designated age when custody goes to father?</i></p> <p><u>Applicable CEDAW Provision</u></p> <p>Articles 16(1)(d), 16(1)(f)</p> <p>Paras. 19-20 GR21</p>	<p>and her son reaches puberty.<sup>43</sup></p> <p>A court may decide otherwise based on interests of the child, so long as it does not infringe on the custody rights of the mother, father, or grandparents.<sup>44</sup></p> <p>A mother loses custody of her child in the following cases: (i) if she is deemed to be insane; (ii) if she is not in good health; (iii) if she is unable to adequately care for the child: or (iv) if she remarries and her new husband is not closely related to the child (<i>mahram</i>).<sup>45</sup></p>			<p>Libyan.<sup>46</sup></p>
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<sup>43</sup> Article 62 of the Marriage and Divorce Law (1984), <http://aladel.gov.ly/home/?p=1246>

<sup>44</sup> Article 62 of the Marriage and Divorce Law (1984), <http://aladel.gov.ly/home/?p=1246>

<sup>45</sup> Article 65-66 of the Marriage and Divorce Law (1984), <http://aladel.gov.ly/home/?p=1246>

<sup>46</sup> Alison Pargeter, "Libya", in *Women's Rights in the Middle East and North Africa: Progress Amid Resistance*, eds. Sanja Kelly and Julia Breslin (New York, NY: Freedom House; Lanham, MD: Rowman & Littlefield, 2010), p. 13, [https://freedomhouse.org/sites/default/files/inline\\_images/Libya.pdf](https://freedomhouse.org/sites/default/files/inline_images/Libya.pdf)

<p><b>Guardianship of Children</b></p> <p><i>Do parents have equal rights over the guardianship of their children? If no, who has priority right over the guardianship of the child? Is guardianship decided based on the best interest of the child?</i></p> <p><u>Applicable CEDAW Provision</u></p> <p>Articles 16(1)(d), 16(1)(f)</p> <p>Paras. 19-20 GR21</p>	<p>A father is considered to have natural guardianship rights over the children, providing him with the authority to make decisions in matters such as the children's education or finances.<sup>47</sup></p>				
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Article 32 of Law No. 17/1992 on the Regulation of the Situation of Minors; Jessica Carlisle, "Her Day in Court: The Work of a Judge on Family Law Cases in Tripoli", in *Searching for Justice in Post-Gaddafi Libya*, eds. Jan Michiel Otto, Jessca Carlisle and Suliman Ibrahim, (Leiden/Benghazi: Leiden University, 2013), p. 11', <http://media.leidenuniv.nl/legacy/otto-jm,-j-carlisle-and-s-ibrahim-2013-searching-for-justice-in-post-gaddafi-libya.pdf>

<p><b>Family Planning</b></p> <p><i>Do women require the consent of the husband to practise family planning, including abortions and sterilisation in law or in practice?</i></p> <p><u>Applicable CEDAW Provision</u></p> <p>Articles 16(1)(e), 12 Paras. 21-23 GR21</p>	<p>A woman is required to seek the permission of her husband to obtain contraceptives because they are only issued to a couple where there is mutual consent.<sup>48</sup></p> <p>Abortion is prohibited under Articles 390-395 of the Penal Code, including in cases of rape except when it is necessary to save the pregnant woman's life.<sup>49</sup> The penalty is reduced if the abortion is performed to save the honor of the person performing it or the honor of one of his relatives.<sup>50</sup></p>		<p>The Government of Libya stated in its 1999 report to the CEDAW Committee that the decision of number and spacing of children should be taken by the spouses.<sup>51</sup></p>		<p>According to World Bank data, the total fertility rate decreased from 7.2 children per woman in 1960 to 2.4 in 2015.<sup>52</sup></p> <p>According to the UN Population Division's 2015 Trends in Contraceptive Use Worldwide:<sup>53</sup></p> <ul style="list-style-type: none"> <li>● 49% of married women aged 15-49 are using a method of contraception, with 28% of women using a modern method;</li> <li>● 20% of married women aged 15-49 have an unmet need for family planning services; and</li> <li>● 42% of married women aged 15-49 had their demands for family planning satisfied by modern methods of contraception.</li> </ul>
<p><b>Personal rights of spouses</b></p>	<p>Article 7 of the Constitutional Declaration obligates the State to safeguard human</p>			<p>Women do not need their</p>	<p>According to World Bank data, female labour force participation</p>

<sup>48</sup> Article 18 of Law No. 17/1986; Alison Pargeter, "Libya", in *Women's Rights in the Middle East and North Africa: Progress Amid Resistance*, eds. Sanja Kelly and Julia Breslin (New York, NY: Freedom House; Lanham, MD: Rowman & Littlefield, 2010), p. 22, [https://freedomhouse.org/sites/default/files/inline\\_images/Libya.pdf](https://freedomhouse.org/sites/default/files/inline_images/Libya.pdf)

<sup>49</sup> Centre for Reproductive Rights, "The World's Abortion Laws", 2014, <https://www.reproductiverights.org/sites/crr.civicactions.net/files/documents/AbortionMap2014.PDF>

<sup>50</sup> Article 394 of the Penal Law (1953), <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/97659/115997/F-671669284/LBY97659%20Ara.pdf>

<sup>51</sup> Libya State party report, U.N. Doc. CEDAW/C/LBY/2 (1999), p. 48, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

<sup>52</sup> World Bank, "Fertility rates, total (births per woman)", <http://data.worldbank.org/indicator/SP.DYN.TFRT.IN>

<sup>53</sup> United Nations Population Division, "Trends in Contraceptive Use Worldwide 2015", Annex Table 1, pp. 36-42, <http://www.un.org/en/development/desa/population/publications/pdf/family/trendsContraceptiveUse2015Report.pdf>

<p><i>Does a woman need the consent of her spouse or guardian to work, choose a profession, leave the house, travel, drive, receive various health services, study, etc. on her behalf?</i></p>	<p>rights and fundamental freedoms.<sup>54</sup></p> <p>Article 8 of the Constitutional Declaration obligates the State to ensure the right to work, education, medical care and social security of every Libyan.<sup>55</sup></p> <p>Article 14 of the Constitutional Declaration guarantees the freedom of movement.<sup>56</sup></p> <p>In addition, while the law allows a wife to stipulate conditions in the marriage contract,<sup>57</sup> a fatwa issued by Dar al-Ifta in 2015 stated that even if a wife stipulates a condition to work outside the home after marriage, a husband is not bound by this condition, as it contradicts his “inherent rights” of <i>qiwama</i> in the marriage and obedience by his wife.<sup>58</sup></p>			<p>husband’s permission to obtain passports or travel.<sup>59</sup></p> <p>Married women in Libya retain their maiden names.<sup>60</sup></p>	<p>increased from 18% in 1990 to 28% in 2016.<sup>61</sup> During the same period, male labour force participation decreased from 79% to 73%.<sup>62</sup></p> <p>According to the 2016 UNDP Human Development Report:<sup>63</sup></p> <ul style="list-style-type: none"> <li>• 66% of women over 25 have at least some secondary education as compared to 44% of men of the same age group; and</li> <li>• The ability of females and males to read and write a short simple sentence is almost universal.</li> </ul> <p>While the law allows a wife to stipulate conditions in the marriage contract,<sup>64</sup> a fatwa issued by Dar al-Ifta’ in 2015 stated that even if a wife stipulates a condition to work outside the home after marriage, a husband is not bound by this condition, as it contradicts his “inherent rights” of <i>qawama</i> in the</p>
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<sup>54</sup> Article 7 of Libya’s Constitution (2011), [https://www.constituteproject.org/constitution/Libya\\_2011.pdf](https://www.constituteproject.org/constitution/Libya_2011.pdf)  
<sup>55</sup> Article 8 of Libya’s Constitution (2011), [https://www.constituteproject.org/constitution/Libya\\_2011.pdf](https://www.constituteproject.org/constitution/Libya_2011.pdf)  
<sup>56</sup> Article 14 of Libya’s Constitution (2011), [https://www.constituteproject.org/constitution/Libya\\_2011.pdf](https://www.constituteproject.org/constitution/Libya_2011.pdf)  
<sup>57</sup> Article 3 of the Marriage and Divorce Law (1984), <http://aladel.gov.ly/home/> (site in Arabic)

<sup>58</sup> Libyan Dar al-Ifta’, “Fatwa No. 2235 of 2015”, <https://bit.ly/3oaKEKy>

<sup>59</sup> Alison Pargeter, “Libya”, in *Women’s Rights in the Middle East and North Africa: Progress Amid Resistance*, eds. Sanja Kelly and Julia Breslin (New York, NY: Freedom House; Lanham, MD: Rowman & Littlefield, 2010), p. 9, [https://freedomhouse.org/sites/default/files/inline\\_images/Libya.pdf](https://freedomhouse.org/sites/default/files/inline_images/Libya.pdf)

<sup>60</sup> Libya State party report, U.N. Doc. CEDAW/C/LBY/2 (1999), p. 4, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

<sup>61</sup> World Bank, “Labour force participation rate, female (% of female population ages 15+) (modelled ILO estimate)”, <http://data.worldbank.org/indicator/SL.TLF.CACT.FE.ZS>

<sup>62</sup> World Bank, “Labour force participation rate, male (% of male population ages 15+) (modelled ILO estimate)”, <http://data.worldbank.org/indicator/SL.TLF.CACT.MA.ZS>

<sup>63</sup> UNDP, “Human Development Report 2016”, Tables 5, 9, 14, pp. 214-217, 230-233, 250-253, [http://hdr.undp.org/sites/default/files/2016\\_human\\_development\\_report.pdf](http://hdr.undp.org/sites/default/files/2016_human_development_report.pdf)

<sup>64</sup> Article 3 of the Marriage and Divorce Law (1984), <http://aladel.gov.ly/home/?p=1246>

<p><i>Does a woman have the right to retain her birth name upon marriage or to choose her family name? Can a woman protect her personal rights through her marriage contract?</i></p> <p><u>Applicable CEDAW Provision</u></p> <p>Article 16(1)(g) Para. 24 GR21 Para. 34 GR29</p>					<p>marriage and obedience by his wife.<sup>65</sup></p>
<p><b>Inheritance rights</b></p> <p><i>Are women and men in the same degree of relationship to a deceased</i></p>	<p>Inheritance rights differ according to the identity of the dead person and the family map at the death moment. In a set of cases, males are entitled to a greater share. In a second set of cases, females are entitled to a greater share. In a third set of cases, the share of males in the inheritance and the share of females are</p>		<p>In order to address the practice of taking over by males of the shares of females ("habs"), the Libyan Mufti issued a fatwa in 1973 explaining that the shari'a prohibits this</p>		<p>Many women are deprived from their inheritance rights, especially when it comes to land and real estate in rural areas.<sup>68</sup></p>

<sup>65</sup> Libyan Dar al-Ifta', "Fatwa No. 2235 of 2015", <https://bit.ly/3oaKEKy>

<sup>68</sup> Al Zawya, "Libya Women Deprived of their Rights to Inherit", *Al-Zawya*, 18 March 2014, <http://www.correspondents.org/ar/node/4974>



<p><i>entitled to equal shares in the estate and to equal rank in the order of succession? Are there procedures to address any inequalities in inheritance between women and men e.g. can a will be written, can beneficiaries agree to inherit equal shares of the estate or can the children agree to forgo their inheritance in favour of their mother upon the death of their father?</i></p> <p><u>Applicable CEDAW Provision</u></p> <p>Paras. 34-35 GR21</p> <p>Paras. 49-53</p>	<p>equal.</p> <p>Females and males inherit in accordance with <i>shari'a</i> rules as interpreted and issued by the Libyan Dar al-Ifta'.</p> <p>The Law No. 16 of 1973 was issued to outlaw the practice of taking over by males of the shares of females ("habs") and to ensure that women receive and maintain their share in the inheritance.<sup>66</sup></p>		<p>practice. However, the practice continued. In 2013, the Libyan Mufti issued the fatwa, No. 810 of 2013 to reiterate the same explanation.<sup>67</sup></p>		
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<sup>66</sup> Law No. 16/1973 on the Cancellation of Non-Charity Endowments, <http://itcadet.gov.ly/wp-content/uploads/2015/12/law16-year1973.pdf>

<sup>67</sup> Fatwa No. 810 of 2013, Libyan Dar al-Ifta', <https://bit.ly/3zqzZo8>

GR29					
<p><b>Violence against women in the family</b></p> <p><i>Are there laws that define what constitute domestic violence such as battery, female circumcision, marital rape and other forms of sexual assault and violence that affect a woman's mental health which are perpetuated by traditional attitudes? Is</i></p>	<p>Article 17 of the Marriage and Divorce Law states that a woman has the right to expect her husband to refrain from causing her physical or psychological harm.<sup>69</sup></p> <p>Libya has not adopted specific legislation to criminalise acts of domestic violence.</p> <p>The Penal Code contains some general prohibitions that are applicable to domestic violence including slander, hitting, defamation, torture, murder and sexual exploitation.<sup>70</sup> The penal code does not include provisions that specifically address domestic violence, or harmful traditional practices.</p> <p>In 2013, the Ministry of Justice submitted a draft law aimed at supporting victims of domestic violence.<sup>71</sup></p> <p>The Penal Code does not specifically criminalise marital rape.</p> <p>The Penal Code exempts rapists who</p>			<p>Libya has social rehabilitation facilities for victims of domestic violence.<sup>73</sup></p>	<p>According to Libya's 2014 National Family Health Survey:<sup>74</sup></p> <ul style="list-style-type: none"> <li>• 8% of women reported being subjected to abuse;</li> <li>• 79% reported having experienced verbal abuse;</li> <li>• Half of the surveyed women said their husbands were the main abusers;</li> <li>• 49% of women were affected by the abuse, with 74% reported having affected with depression;</li> <li>• 26% of women surveyed asked for solutions to abuse.</li> </ul> <p>According to information gathered by the UK Home Office:<sup>75</sup></p> <ul style="list-style-type: none"> <li>• The prevalence of domestic violence and societal acceptance of it is relatively</li> </ul>

<sup>69</sup> Article 17 of the Marriage and Divorce Law (1984) as amended by Law No. 14/2015, <http://aladel.gov.ly/home/wp-content/uploads/2015/12/-لسنة-10-القانون-رقم-14-لسنة-2015م-بتعديل-بعض-أحكام-القانون-رقم-10-لسنة-10>

<sup>70</sup> <http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/97659/115997/F-671669284/LBY97659%20Ara.pdf>

<sup>71</sup> UK Home Office, "Libya: Violence Against Women", *Country Information and Guidance*, p. 10, [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/362008/CIG\\_-\\_Libya\\_-\\_Women\\_-\\_October\\_8\\_2014.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/362008/CIG_-_Libya_-_Women_-_October_8_2014.pdf)

<sup>73</sup> UK Home Office, "Libya: Violence Against Women", *Country Information and Guidance*, p. 15, [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/362008/CIG\\_-\\_Libya\\_-\\_Women\\_-\\_October\\_8\\_2014.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/362008/CIG_-_Libya_-_Women_-_October_8_2014.pdf)

<sup>74</sup> Abdullah Ben Ibrahim, "Bureau of Statistics and Census issues 2014 family health survey", *Libya Observer*, 28 December 2015, <https://www.libyaobserver.ly/news/bureau-statistics-and-census-issues-2014-family-health-survey>

<sup>75</sup> UK Home Office, "Libya: Violence Against Women", *Country Information and Guidance*, pp. 5, 15, [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/362008/CIG\\_-\\_Libya\\_-\\_Women\\_-\\_October\\_8\\_2014.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/362008/CIG_-_Libya_-_Women_-_October_8_2014.pdf)

<p><i>there specific legislation that recognises domestic violence as a crime? Is the husband allowed to discipline his wife? Can a suspected perpetrator marry his alleged abused victim to avoid punishment? Are there support services for women who are the victims of aggression or abuses?</i></p> <p><u>Applicable CEDAW Provision</u></p> <p>GRs 12 &amp; 19 Para. 40 GR21</p>	<p>marry their victims from criminal liability.<sup>72</sup></p>				<p>high;</p> <ul style="list-style-type: none"> <li>• The social rehabilitation facilities are often described by women who stay there as a detention centre, rather than a voluntary shelter.</li> <li>• Societal organizations demanded the promulgation of criminal laws on domestic violence and gender based violence.</li> <li>• However, there has been no response.</li> </ul> <p>In 2013, the Ministry of Justice submitted a draft law aimed at supporting victims of domestic violence.<sup>76</sup></p>
<p><b>Nationality</b></p>	<p>The first Libyan Constitution promulgated in October 1951, regulated citizenship in</p>				<p>According to information gathered by the Netherlands Office of the</p>

<sup>72</sup> Article 424 of the Penal Code (1953), <http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/97659/115997/F-671669284/LBY97659%20Ara.pdf>

<sup>76</sup> UK Home Office, "Libya: Violence Against Women", *Country Information and Guidance*, p. 10, [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/362008/CIG - Libya - Women - October 8 2014.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/362008/CIG_-_Libya_-_Women_-_October_8_2014.pdf)

<p><b>rights</b></p> <p><i>Does a wife have the right to confer her citizenship on foreign husbands and children? Can the nationality of an adult woman be arbitrarily removed because of marriage or dissolution of marriage or because her husband or father changes his nationality?</i></p> <p><u>Applicable CEDAW Provision</u></p>	<p>its eighth, ninth, and tenth articles. Under 1951 Constitution, anyone who [has no other nationality and] is born in Libya, has a Libyan-born parent, or has lived in Libya for at least ten years, was deemed Libyan.<sup>77</sup></p> <p>A Libyan man may pass his nationality to his non-Libyan wife upon marriage. However, the law does not specifically provide for a Libyan woman to confer her nationality to her foreign husband.<sup>78</sup></p> <p>A Libyan woman does not lose her nationality upon marrying a foreigner.<sup>79</sup></p> <p>A Libyan father passes his citizenship to his children wherever they are born. A Libyan mother may only confer her nationality on her children if they are born in Libya of a father who is either stateless or whose nationality is unknown.<sup>80</sup></p> <p>Children of a Libyan mother who is married to a non-Libyan could obtain Libyan nationality according to conditions to be set in executive rules.<sup>81</sup> Article 11 of Law 24 of 2010 provides that the children</p>				<p>Commissioner General for Refugees and Stateless Person and others, in practice:<sup>86</sup></p> <ul style="list-style-type: none"> <li>• The ability of Libyan women to pass nationality to their children is unclear;</li> <li>• Women must obtain permission from the government to marry a non-Libyan man. Such permission is difficult to obtain.</li> <li>• In 2013, the grand mufti issued a religious ruling (<i>fatwa</i>) against Libyan women marrying foreigners. The Ministry of Social Affairs suspended the issuance of marriage licenses in an endorsement of the <i>fatwa</i>.<sup>87</sup></li> </ul>
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<sup>77</sup> Article 8, 9, 10, Constitution 1951, <https://constitutionnet.org/sites/default/files/1951-libyan-constitution-english.pdf>

<sup>78</sup> Section 10 of the Nationality Law (2010), <http://www.refworld.org/pdfid/4e2d8bf52.pdf>

<sup>79</sup> Nationality law Number 24 of 2010, sec. 5, <http://www.refworld.org/pdfid/4e2d8bf52.pdf>

<sup>80</sup> Articles 3-4 of the Nationality Law (2010), <http://www.refworld.org/pdfid/4e2d8bf52.pdf>; Netherlands Office of the Commissioner General for Refugees and Stateless Persons et al., "Libya: Nationality, Registration and Documents", 2014, p. 8, <http://www.refworld.org/docid/54afda3d4.html>

<sup>81</sup> Article 11 of the Nationality Law (2010), <http://www.refworld.org/pdfid/4e2d8bf52.pdf>

<sup>86</sup> Article 5 of the Nationality Law (2010), <http://www.refworld.org/pdfid/4e2d8bf52.pdf>; Netherlands Office of the Commissioner General for Refugees and Stateless Persons et al., "Libya: Nationality, Registration and Documents", 2014, pp. 8-9, <http://www.refworld.org/docid/54afda3d4.html>

<sup>87</sup> Netherlands Office of the Commissioner General for Refugees and Stateless Persons et al., "Libya: Nationality, Registration and Documents", 2014, p. 9, <http://www.refworld.org/docid/54afda3d4.html>

<p>Article 9 Para. 6 GR21</p>	<p>of a Libyan mother married to a non-Libyan father may be granted Libyan nationality. “It further added that the executive regulations to this law shall determine the guidelines to the implementation of this article. However, when looking at articles 6, 7 and 8 of the executive regulations number 594 of 2010 to Law 24 of 2010, they show that they are too administratively burdensome and it is almost impossible for the children to get the Libyan nationality.”<sup>82</sup> Pursuant to the Executive Order Implementing the Nationality Law:<sup>83</sup></p> <ul style="list-style-type: none"> <li>• Article 6 provides that children of a Libyan mother and a foreign father may apply for citizenship only upon reaching the age of majority (18) and submission of an application;</li> <li>• Article 7 states that minor children of a Libyan mother and a foreign father whether born in Libya or outside, may apply for citizenship only if the father was deceased or missing which must be proven by court order, and by permission of their guardian. The order categorically prohibits awarding the Libyan citizenship to children of a Libyan mother if the father was Palestinian.</li> <li>• The Constitutional Drafting Assembly (CDA) in Constitution <b>draft 2016</b></li> </ul>				
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<sup>82</sup> Stakeholder report United Nations Human Rights Council Universal Periodic Review 2019 Libya Women’s Rights - Submitted by I am Libyan, but My Child is Foreigner Organisation.

<sup>83</sup> Articles 6-7 of the Executive Order No. 594 of 2010 Implementing the Nationality Law of 2010, <http://nuoralhoda-72.blogspot.com/2016/02/24-2010.html>

	<p>stipulated<sup>84</sup>:</p> <p><b>Article 12. Nationality</b></p> <ol style="list-style-type: none"> <li>1. Every person who acquired Libyan citizenship in accordance with the provisions of the Libyan Constitution issued on 7 October 1951 and the laws passed thereunder shall be Libyan, and every person born to a Libyan father shall be Libyan.</li> <li>2. Every person who acquired Libyan citizenship by law shall be Libyan.</li> <li>3. Libyan nationality may be combined with another nationality.</li> </ol> <p><b>Article 13. Acquiring Nationality</b> The regulatory law shall take into account national interest, demographics, and the ease of integration into Libyan society when granting citizenship. This shall be done according to the following:</p> <ol style="list-style-type: none"> <li>1. The law shall define preferential stipulations for children of Libyan women. <ul style="list-style-type: none"> <li>• The Constitutional Drafting Assembly (CDA) in Constitution <b>draft 2017</b> stipulates:<sup>85</sup></li> </ul> </li> </ol>				
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<sup>84</sup> Constitution Draft 2016. [https://www.constituteproject.org/constitution/Libya\\_2016D?lang=en](https://www.constituteproject.org/constitution/Libya_2016D?lang=en) .

<sup>85</sup> <https://www.icj.org/wp-content/uploads/2021/10/Libya-Women-in-Constitution-publications-legal-briefings-2021-ENG.pdf> According to ICJ report, “This provision is a step forward compared to the 2016 Draft Constitution, which openly discriminated women with respect to the passing of Libyan nationality to their children.<sup>85</sup> However, article 10 of the 2017 Draft Constitution fails to expressly mention that women and men should enjoy full equality with regard to their right to nationality, including transmission thereof to their children and spouses. While any discrimination against women

	<p>The law shall regulate the provisions of Libyan nationality and how it is conferred and withdrawn. The law shall take into consideration the national interest, preservation of the demographic composition, and ease of integration into the Libyan society. Libyan nationality may not be revoked for any reason whatsoever.</p>				
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**ACCESS TO JUSTICE (please include sources to information as much as possible)**

<p><b>How are Muslim family law (i.e. marriage and family related) cases administered in your country? (E.g. Do you have a Quazi/Kadhi court system, family courts or civil courts?)</b></p> <p>Civil courts. Family cases are administered in front of partial courts, which rulings can be petitioned to elementary courts. In some cases of claims to prove parentage or to claim to return the wife, the case is administered in the elementary court and their rulings are petitioned to appeal courts. In some rare cases of claims of invalidation of procedures, petitions are administered by the High Court.</p>	<p><b>Are the procedures pertaining to family matters (e.g. divorce, maintenance etc) defined in the family law and/or are there guidelines/policies available for judges/Kadhis?</b></p> <p>In general practice, do judges/Kadhis follow procedures?</p> <p>It depends on the Qadi himself or herself.</p> <p>There are special issues (Amr wilai') without suits like the</p>	<p><b>What are some key challenges that Muslim women face in accessing justice on family law matters?</b></p> <p>(E.g. lack of accessibility, costly, bad procedures, delayed processes, gender insensitive judges, etc?)</p> <ul style="list-style-type: none"> <li>• Delayed processes</li> <li>• Costly for some marginalized groups. Women who cannot fill the petition papers themselves, find themselves forced to deal with outside services offices who charge high fees. There's a need for a public service office inside the courts or a legal</li> </ul>	<p><b>Are there any good practices, procedures or policies that you would like to share pertaining to how courts in your country deal with family law cases?</b></p> <p>(E.g. prioritising certain types of cases, timely delivery of decisions, clear procedure, etc)</p> <p>There is usually a judicial inspection which would raise concerns and make recommendations and in some cases the High court would announce certain procedures.</p> <p>There was an initiative by the Supreme Court to form a special family court. However, this has been rejected by Dar Ifta'.</p>
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in this respect would be prohibited in light of articles 7, 16 and 50 of the 2017 Draft Constitution,<sup>86</sup> article 10 fails to protect Libyan women from the historical discrimination they have suffered,<sup>87</sup> and which is entrenched in Law No. 24 of 2010 in relation to the right to transmit nationality to their children and spouses.”

**How many courthouses/court rooms around the country that administer Muslim family law cases?**

There are generally 9 appeal courts and 30 elementary courts. There are no special family courts. They were introduced for a short time and abolished. In some courts, there are special circles for Personal Status Law. There is no special rule. It differs from one court to another. Usually, the Qadi would hold the arbitration in a closed session in his office.

**If civil or Kadhi courts - what cases are handled by what courts? .**

Family cases are administered in front of partial courts, which rulings can be petitioned to elementary courts. In some cases of claims to prove parentage or to claim to return the wife, the case is administered in the elementary court and their rulings are petitioned to appeal courts. In some rare cases of claims of invalidation of procedures, petitions are administered by the High Court.

**How many Muslim family law-related judges? Are there women working within the court system as judges/marriage registrars e.t.c?**

Yes, there are women judges, judicial clerks, and general attorneys in all fields including Personal Status Law.

According to Law No. (8) of 1989, regarding the right of women to hold judicial positions, the first article stipulates the right for women to assume the functions of the judiciary, public prosecution and case management under the same conditions prescribed for men, and immunization by the text of the second article: "Any provision

permission of marriage of an underage (under 20/under 18 now since 2015), which are left to the discretion of the Qadi. The lack of clear procedures is due to **gaps in the Personal Status law.**

**How much judicial discretion do judges/Kadhis have over marriage and family matters?**

Not much but to significate issues like the permission of marriage to an underage and to a married man (before the amendment of 2015).

**Are there appeal processes? Yes.**

Family cases are administered in front of partial courts, which rulings can be petitioned to elementary courts. In some cases of claims to prove parentage or to claim to return the wife, the case is administered in the elementary court and their rulings are petitioned to appeal courts. In some rare cases of claims of invalidation of procedures, petitions are administered by the High Court.

aid system to help women incapable of filling their petitions.

- There are gaps in the MDL.
- There are no clear procedures. In many cases, matters are left to the discretion of judges.
- Lack of law enforcement.
- Lack of accessibility especially in remote rural places where the judges go only once a week.
- Cultural barriers especially in small rural places where women are embarrassed to make petitions to administrators and judicial clerks whom they personally know. It is recommended that in such cases, judicial clerks are appointed from outside of the city.



that contradicts the provisions of this law shall be nullified.”

This law granted the Libyan woman the right to become a judge to settle disputes and lawsuits that were presented to him after it was the preserve of men only, and with the issuance of this law, the first decision was issued in the same year to appoint two female judges in the North Benghazi Court, which opened the door for women to take over the judiciary platform until it reached The number of women working in judicial bodies has reached 1431. Women have reached the highest judicial ranks, such as the presidency of the Court of Appeal, membership of the Supreme Judicial Council, and work in the Supreme Court, just like men when they meet the stipulated appointment condition and apply the criteria without discrimination.

According to the latest statistics issued by the Supreme Judicial Council, the total number of members of the judicial bodies in Libya is 3658, including 1,431 women and 2,227 men. The percentage of women’s participation is 39%.”

**Do lawyers represent clients?** Yes. However, there is no free legal aid system provided for the poor who can’t afford to pay lawyers, filing fees etc.

