LIBYA

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

Libya acceded to CEDAW in 1989 and maintains reservations to Article 2 and Article 16(c) and (d) as well as a general reservation that accession cannot conflict with personal status laws derived from Sharia. Libya is party to the CEDAW optional protocol allowing for individual complaints.

Constitution

Article 6 of the Constitutional Declaration of 2011 states that Libyans shall be equal before the law, enjoy equal civil and political rights, have the same opportunities in all areas, and be subject to the same public duties and obligations without distinction, including on the grounds of gender.

NATIONALITY LAW

NATIONALITY

Libyan women do not have the same rights as men to pass their nationality to a child or a foreign spouse.
## CRIMINAL LAWS

### Domestic violence
Libya does not have domestic violence legislation.

### Abortion for rape survivors
Abortion is prohibited by Articles 390–395 of the Penal Code, including for women who have been raped. The penalty is reduced if the abortion is performed to save the honour of the person performing it or the honour of a relative.

### Adultery
Law No. 70 of 1973 criminalizes adultery and zina, which is defined as sexual intercourse between a man and a woman who are not bound to each other by marriage. The penalty for zina is flogging with 100 lashes.

### Marital rape
Marital rape is not criminalized.

### Sexual harassment
Article 12 of the Labour Relations Law prohibits employees from performing or inciting acts of sexual harassment. Articles 368–398 of the Penal Code criminalize physical and sexual assaults in public.

### Female Genital Mutilation / Cutting (FGM/C)
There is no legal prohibition. There are no documented cases.

### Sexual orientation
Law No. 70 of 1973 criminalizes all forms of consensual sex and indecent acts outside of marriage. Articles 407 and 408 of the Penal Code were amended in 1973 to criminalize consensual sex and indecent acts.

### Rape (other than of a spouse)
Article 407 of the Penal Code criminalizes rape as an offence against honour and morals. The penalty for having carnal connection by force or threats is imprisonment for a period not exceeding ten years.

### Exoneration by marriage
Article 424 of the Penal Code exonerates a rapist if he marries his victim and does not divorce her for a period of three years.

### Femicide: Mitigation of penalty (so called ‘honour’ crimes)
Article 375 of the Penal Code allows for reduced punishment of eight years’ imprisonment for a man who kills his wife, daughter, or sister if the crime is perpetrated immediately upon finding the woman engaged in adultery.

### Protective detention
The government operates Social Rehabilitation Centres for the mandatory detention of women and girls who have been raped or abandoned by their families. This form of protection is not supportive of gender justice because it restricts the liberty of women and girls.

### Human trafficking
Libya does not have comprehensive anti-trafficking legislation. The Penal Code punishes international trafficking of women for sexual exploitation in some circumstances.

### Sex work and anti-prostitution laws
Prostitution is prohibited by the Penal Code, and the Law against adultery and zina, Law No. 70 of 1973.

## PERSONAL STATUS LAWS

### Minimum age of marriage
Article 6 of the Family law stipulates that the minimum age for marriage for women and men is 20. The court may allow persons under 20 to marry if there is a specific reason, benefit, or necessity for the marriage.

### Male guardianship over children
A woman requires consent of her male guardian to enter marriage. However, a guardian cannot force a woman to marry against her will or prevent her from marrying the husband of her choice. The guardian’s consent is needed if the woman wants to travel.

### Custody of children
The mother has custody of her sons until they reach puberty and her daughters until they marry. However, a divorced woman who remarries risks losing custody of her daughter.

### Marriage and divorce
A wife has domestic responsibilities and must ensure the comfort of her husband. In return, she is entitled to maintenance from her husband and to be free from violence. Only judicial divorces are recognized. A woman can divorce on specified grounds, or through a khul’a divorce if she forgoes her financial rights.

### Inheritance
Sharia rules of inheritance apply. Women have a right to inheritance, but in many cases receive less than men. Daughters receive half the share that sons receive.

## LABOUR LAWS

### Right to equal pay for the same work as men
Article 21 of the Labour Relations Law No. 12 of 2010 states that there should be no discrimination in wages based on sex.

### Domestic workers
Domestic workers are included within labour legislation. Chapter 3 of the Labour Relations Law addresses domestic work. Employers must ensure equality of domestic workers with other workers in areas such as leave entitlements and social protection rights.

### Dismissal for pregnancy
Article 25 of the Labour Relations Law prohibits employers from dismissing women because of pregnancy.

### Paid maternity leave
Article 25 of the Labour Relations Law provides that women are entitled to 14 weeks of maternity leave, which the government is required to pay. This conforms to ILO recommendations.

### Legal restrictions on women’s work
Women are restricted from being employed in some occupations. Article 24 of the Labour Relations Law states that women shall not be employed in types of work that are unfamiliar to their nature as women.