

<b>Country/entity</b>	Libya
<b>Region</b>	Middle East and North Africa
<b>Agreement name</b>	Draft Constitutional Charter for the Transitional Stage: The Constitutional Declaration
<b>Date</b>	3 Aug 2011
<b>Agreement status</b>	Agreement with subsequent status
<b>Interim arrangement</b>	Yes
<b>Agreement/conflict level</b>	Intrastate/intrastate conflict

### Libyan Conflicts (1969 - 1994) (2011 - )

Agreements relate to two distinct conflict dyads.

Libya-Chad. Since the 1970s, Libya under Colonel Muammar Gaddafi had a tense relationship with its neighbour Chad, predominantly focused on the resource-rich Aouzou Strip in northern Chad. Libyan claims of the Aouzou Strip were held in an unratified treaty between France and Italy in 1935, similarly Chadian claims of the Strip were argued with support of a 1955 treaty between Libya and France. In 1973, Libya effectively annexed the Strip to gain access to natural resources. This spurred cross-border clashes between 1979 until 1987 until escalated to a brief war known as the Toyota War, wherein Chadian government troops succeeded in repelling Libyan forces. A brief and repeatedly violated ceasefire was held from 1987-88, followed by a series of unsuccessful negotiations, until an International Court of Justice ruling in 1994, which granted sovereignty of the Strip to Chad.

Libya post-Gaddafi. Gaddafi's downfall following the Libyan Civil War in 2011-2012, led to several factions fighting for the country's leadership. Since 2013, the country effectively split into three entities, with the National Army controlling the east including the city of Benghazi, and the New General National Congress and their militias such as the Golden Dawn controlling the northwest including the capital of Tripoli. Significant portions of the country in the south-west are currently held by Tuareg forces. The civil war and chaos continued into 2014 as the General National Congress refused to disband after the expiry of its mandate, resulting in eruption of mass protests. The UN efforts continue to broker peace between the Libyan Army and the Libya Dawn factions, and a partial ceasefire was declared in January 2015. A new interim-government (Tunisia-based) called 'Government of National Accord' is formed with the backing of UN despite the refusal of the other forces to recognise its authority and arrived to Tripoli with the UN in 2016. A state of emergency was declared by the UN backed government amid clashed between rival militia in Tripoli's southern suburbs. Since April 2019 there has been sustained fighting between the Libyan National Army and the UN-backed government in Tripoli as the Libyan National Army aims to seize Tripoli.

Close

Libyan Conflicts (1969 - 1994) (2011 -

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<b>Stage</b>	Framework/substantive - comprehensive
<b>Conflict nature</b>	Inter-group
<b>Peace process</b>	Libyan transitional process
<b>Parties</b>	The Interim Transitional National Council
<b>Third parties</b>	-
<b>Description</b>	Constitutional declaration laying out a roadmap for the establishment of a constitutional government, places the Interim Transitional Council as the central political body until Tripoli is liberated, after which it will establish itself there and form an interim government which will provide the framework for the election of a National Public Conference. The document also provides a wide scope of rights to citizens.

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**Agreement document** [LY\\_110803\\_Draft Constitutional Charter for the Transitional Stage.pdf \(opens in new tab\)](#) | [Download PDF](#)

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## Groups

<b>Children/youth</b>	Groups→Children/youth→Rhetorical Page 3, Part One: General Provisions, Article (5) ... The State shall guarantee the protection of motherhood, childhood and the elderly. The State shall take care of children, youth and the handicapped.
<b>Disabled persons</b>	Groups→Disabled persons→Rhetorical Page 3, Part One: General Provisions, Article (5) ... The State shall take care of children, youth and the handicapped.
<b>Elderly/age</b>	Groups→Elderly/age→Rhetorical Page 3, Part One: General Provisions, Article (5) ... The State shall guarantee the protection of motherhood, childhood and the elderly... Groups→Elderly/age→Substantive Page 8, Part Three, Form of State Governance during the Transitional Stage: Article (30) • The Interim Transitional National Council shall be dissolved upon holding the first meeting of the National Public Conference. The oldest members shall undertake the chairmanship of the meeting. The youngest member shall assume the position of the secretary of the meeting. During such meeting, the President of the National Public Conference and his Vice shall be elected by direct, secret balloting by relative majority. The Provisional Government shall continue carrying on its works until an interim government is formed.
<b>Migrant workers</b>	No specific mention.

<b>Racial/ethnic/ national group</b>	<p>Groups→Racial/ethnic/national group→Rhetorical Page 4, Part Two, Rights and Public Freedoms: Article (9) Defense of the motherland, safeguarding national unity, keeping the civil, constitutional and democratic system, abiding by civil values, combating tribal, kindred and eminent bias shall be the duty of each and every citizen.</p> <p>Groups→Racial/ethnic/national group→Anti-discrimination Page 3, Part One: General Provisions, Article (6) Libyans shall be equal before the law. They shall enjoy equal civil and political rights, shall have the same opportunities, and be subject to the same public duties and obligations, without discrimination due [...] race, [...] language, [...] tribal [...] loyalty.</p>
<b>Religious groups</b>	<p>Groups→Religious groups→Anti-discrimination Page 3, Part One: General Provisions, Article (6) Libyans shall be equal before the law. They shall enjoy equal civil and political rights, shall have the same opportunities, and be subject to the same public duties and obligations, without discrimination due to religion, doctrine, [...].</p> <p>Groups→Religious groups→Substantive Page 3, Part One: General Provisions, Article (1) ...The State shall guarantee for non-Moslems the freedom of practicing religious rituals.</p>
<b>Indigenous people</b>	No specific mention.
<b>Other groups</b>	<p>Groups→Other groups→Anti-discrimination Page 3, Part One: General Provisions, Article (6) Libyans shall be equal before the law. They shall enjoy equal civil and political rights, shall have the same opportunities, and be subject to the same public duties and obligations, without discrimination due to [...] political opinions, [...].</p>
<b>Refugees/displaced persons</b>	<p>Groups→Refugees/displaced persons→Substantive Page 4, Part Two, Rights and Public Freedoms: Article (10) The State shall guarantee the right of asylum by virtue of the law. The extradition of political refugees shall be prohibited.</p>
<b>Social class</b>	<p>Groups→Social class→Anti-discrimination Page 3, Part One: General Provisions, Article (6) Libyans shall be equal before the law. They shall enjoy equal civil and political rights, shall have the same opportunities, and be subject to the same public duties and obligations, without discrimination due to...wealth,...social status,...</p>

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## Gender

### Women, girls and gender

Page 3, Part One: General Provisions, Article (5)  
... The State shall guarantee the protection of motherhood, childhood and the elderly.

Page 6, Part Three, Form of State Governance during the Transitional Stage: Article (21)  
A member may neither be appointed in a Board of Directors of any company nor may he contribute to obligations made by the government or made by one of the public institutions. Further, during the term of his membership, the member, his wife or his sons may not buy or rent any State property or lease or sell to or barter with the State any of his own property, or conclude a contract with the Sate in his capacity as obligator, supplier or contractor.

### Men and boys

Gender→Men and boys→Other  
Article (21)

It shall be impermissible for any member of the Interim Transitional National Council to assume any executive public office. It shall also be impermissible to combine the membership of the National Council with the membership of the Local Council. A member may neither be appointed in a Board of Directors of any company nor may he contribute to obligations made by the government or made by one of the public institutions. Further, during the term of his membership, the member, his wife or his sons may not buy or rent any State property or lease or sell to or barter with the State any of his own property, or conclude a contract with the Sate in his capacity as obligator, supplier or contractor.

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### LGBTI

No specific mention.

### Family

Page 3, Part One: General Provisions, Article (5)  
The family is the basis of society and shall be entitled to protection by the State. The State shall also protect and encourage marriage...

Page 3, Part One: General Provisions, Article (6)  
Libyans shall be equal before the law. They shall enjoy equal civil and political rights, shall have the same opportunities, and be subject to the same public duties and obligations, without discrimination due to [...] kinship, [...] or familial loyalty.

Page 4, Part Two, Rights and Public Freedoms: Article (9)  
Defense of the motherland, safeguarding national unity, keeping the civil, constitutional and democratic system, abiding by civil values, combating tribal, kindred and eminent bias shall be the duty of each and every citizen.

## State definition

<b>Nature of state (general)</b>	<p>Page 3, Part One, General Provisions: Article (1)          Libya is an independent Democratic State wherein the people are the source of powers. ... Islam is the Religion of the State and the principal source of legislation is Islamic Jurisprudence (Shari'a). ... Arabic is its official language. ... and its [Libyan society] languages shall be deemed national ones.</p> <p>Page 3, Part One: General Provisions, Article (4)          The State shall seek to establish a political democratic regime to be based upon the political multitude and multi party system in a view of achieving peaceful and democratic circulation of power.</p> <p>Page 4, Part Two, Rights and Public Freedoms: Article (9)          Defense of the motherland, safeguarding national unity, keeping the civil, constitutional and democratic system, abiding by civil values, combating tribal, kindred and eminent bias shall be the duty of each and every citizen.</p>
<b>State configuration</b>	<p>Page 5, Part Three, Form of State Governance during the Transitional Stage : Article (17)          ... The Transitional National Council shall be entrusted to guarantee the national unity, the safety of the national territory, to embody and circulate values and morals, to ensure the safety of citizens and expatriates, to ratify the international agreements and to establish the bases of the civil constitutional democratic state.</p>
<b>Self determination</b>	No specific mention.
<b>Referendum</b>	No specific mention.
<b>State symbols</b>	<p>Page 3, Part One, General Provisions: Article (1)          The city of Tripoli shall be the capital of the State.</p> <p>Page 3, Part One: General Provisions, Article (2)          The law shall prescribe the emblem and national anthem of the State.</p> <p>Page 3, Part One: General Provisions, Article (3)          The national flag shall have the following shape and dimensions:          Its length shall be double its width, it shall be divided into three parallel colored stripes, the uppermost being red, the centre black and the lowest green, the black stripe shall be equal in area to the two other stripes together and shall bear in its centre a white crescent, between the two extremities of which there shall be a five-pointed white star.</p>
<b>Independence/ secession</b>	No specific mention.
<b>Accession/ unification</b>	No specific mention.
<b>Border delimitation</b>	No specific mention.
<b>Cross-border provision</b>	No specific mention.

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**Governance**



**Political institutions (new or reformed)**

Governance→Political institutions (new or reformed)→Temporary new institutions  
Page 5, Part Three, Form of State Governance during the Transitional Stage : Article (17)  
The Interim Transitional National Council is the supreme power in the State of Libya and shall undertake the works of the supreme sovereignty including legislation and laying down the general policy of the State. The Transitional National Council shall be deemed as the sole legitimate representative of the Libyan people and it shall derive its legitimacy from the Revolution of February 17th. The Transitional National Council shall be entrusted to guarantee the national unity, the safety of the national territory, to embody and circulate values and morals, to ensure the safety of citizens and expatriates, to ratify the international agreements and to establish the bases of the civil constitutional democratic state.

Page 5-6, Part Three, Form of State Governance during the Transitional Stage : Article (18)  
• The Interim Transitional National Council shall consist of representatives for the Local Councils. It must be taken into consideration in determining the representatives of each Local Council the population density and the geographical standard of the city or the area which it represents. The Council shall have the right to add ten (10) members for the sake of national interest. The Council shall nominate and elect those members.  
• The Interim Transitional National Council shall elect a president, first and second vices thereof. If the post of the President or of his vice becomes vacant, a successor shall be elected by the Council. In all cases, election shall be effected by relative majority of those present. In case more than one nominee equaled in obtaining the majority votes, the member who is given a casting vote by the President shall be elected.

Page 6, Part Three, Form of State Governance during the Transitional Stage : Article (20)  
The Interim Transitional National Council shall have its own statutes which shall regulate the method of work therein and the manner to exercise the duties and functions thereof.

Page 6, Part Three, Form of State Governance during the Transitional Stage: Article (22)  
No membership in the National Council shall be revoked except on the grounds of loss of one of the conditions of membership or the violation of his obligations as a member. The membership shall be deemed invalid on the grounds of a decision taken by two-thirds of the Interim Transitional National Council members. The membership shall end in cases of death, acceptance of resignation by the Interim Transitional National Council, losing of legal competence or disability to perform duty. In case of revoking or expiration of the membership, the National Council shall elect the new member in replacement of the member whose membership was revoked or expired.

Page 6, Part Three, Form of State Governance during the Transitional Stage: Article (23)  
The seat of the Interim Transitional National Council shall be in the city of Tripoli and it may establish an interim seat in the city of Benghazi. However, the Council may, meet in another place upon the request of the majority of its members.

Page 7, Part Three, Form of State Governance during the Transitional Stage: Article (24)  
• The Transitional National Council shall appoint an Executive Office or an Interim Government consisting of a Chairman and sufficient number of members in order to manage the different sectors of the State. The Interim Transitional National Council shall have the right to dismiss the Chairman of the Executive Office or the Interim Government or any member thereof provided that such resolution shall be issued and adopted by the majority of two thirds of the members of the Council.  
• The Chairman of the Executive Office or the Interim Government and the members thereof shall be jointly liable before the Interim Transitional National Council for carrying out the general policy of the State in accordance with the instructions and directions of Interim Transitional National Council. Each and every member shall further be responsible for the works of the sector presided by him before the Executive Office or the

**Elections**

Page 9, Part Three, Form of State Governance during the Transitional Stage: Article (30)

- The National Public Conference shall issue the Law of public elections in accordance with the Constitution within thirty days.
- The public elections shall be conducted within a period of one hundred eighty days from the date the laws regulating the same are promulgated. Both the National Public Conference and the interim government shall oversee the preparation of all the requirements of conducting the election process in a democratic and transparent manner.
- The National supreme Commission for Elections, which shall be reformed by the National Public Conference, shall conduct the public elections under the supervision of the National Judicial authority, the United Nations and the international and regional organizations.
- The National Public Conference shall ratify and announce the results of the elections, and shall convoke the Legislative Authority for meeting within a period not exceeding thirty days. In the first session thereof, the National Public Conference shall be dissolved and the Legislative Power shall fulfill its legislative tasks.

**Electoral  
commission**

Page 9, Part Three, Form of State Governance during the Transitional Stage: Article (30)

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**Political parties  
reform**

Governance→Political parties reform→Other political parties reform

Page 5:

Article (15)

The State shall guarantee the freedom of forming political parties, societies and other civil

societies, and a law shall be promulgated to regulate same. The establishment of clandestine or

armed societies, or societies in violation of public system or of public morals and others which

may be detriment to the State or the unity of the State shall be prohibited.

**Civil society** Page 2, untitled preamble, Based on the legitimacy of this Revolution, and in response to the desire of the Libyan people and their hopes to achieve democracy, establish the political multitude and the estate of institutions, to create a society wherein all of us can live in stability, tranquility and justice; a society that can raise by science, culture, welfare and health, and that can bring up the new generations according to the Islamic spirit and love of goodness and home.

Page 4, Part Two, Rights and Public Freedoms: Article (9)  
Defense of the motherland, safeguarding national unity, keeping the civil, constitutional and democratic system, abiding by civil values, combating tribal, kindred and eminent bias shall be the duty of each and every citizen.

Page 4, Part Two, Rights and Public Freedoms: Article (11)  
... Caring for the public and private funds shall be duty of each and every citizen.

**Traditional/  
religious leaders** No specific mention.

**Public  
administration** No specific mention.

**Constitution** Governance→Constitution→Constitutional reform/making  
Page 2, untitled preamble,  
... The interim Transitional National Council has decided to promulgate this Constitutional Declaration in order to be the basis of rule in the transitional stage until a permanent Constitution is ratified in a plebiscite.

Page 8, Part Three, Form of State Governance during the Transitional Stage: Article (30)  
• The National Public Conference shall, within a period not later than thirty days as of the date thereof, shall:  
2. Opt for a Constitutional Power in order to formulate the constitution draft for the State which Power shall be called "the Constitutional Power for Formulating the Constitution" provided that such Power shall finish submitting the constitution draft to the Conference within a period not exceeding sixty (60) days from the date of holding its first meeting.

Page 9, Part Three, Form of State Governance during the Transitional Stage: Article (30)  
• The constitution draft shall be approved by the National Public Conference and shall be referred to the people for a plebiscite with (Yes) or (No) within thirty days from the date of the approval thereof by the Conference. If and when the Libyan people approve the Constitution by two thirds of the majority of the voters, the Constitutional Power shall then approve the constitution draft as being the Constitution for the State. The National Public Conference shall also approve the same. In case of disapproval of the Libyan people, the Constitutional Power shall then be assigned to reformulate the constitution draft and the constitution draft shall be re-referred to the people for a plebiscite within a period not exceeding thirty days.

Page 10, Part Five, Conclusive Provisions: Article (34)  
The constitutional documents and laws which were applicable before applying this Declaration shall be repealed.

## **Power sharing**

### **Political power sharing**

Power sharing→Political power sharing→General  
State level

Pages 5-6, Form of Stage Government during the Transition

Article (17)

The Interim Transitional National Council is the supreme power in the State of Libya and shall undertake the works of the supreme sovereignty including legislation and laying down the general policy of the State. The Transitional National Council shall be deemed as the sole legitimate representative of the Libyan people and it shall derive its legitimacy from the Revolution of February 17th. The Transitional National Council shall be entrusted to guarantee the national unity, the safety of the national territory, to embody and circulate values and morals, to ensure the safety of citizens and expatriates, to ratify the international agreements and to establish the bases of the civil constitutional democratic state.

Article (18)

The Interim Transitional National Council shall consist of representatives for the Local Councils. It must be taken into consideration in determining the representatives of each Local Council the population density and the geographical standard of the city or the area which it represents. The Council shall have the right to add ten (10) members for the sake of national interest. The Council shall nominate and elect those members.

The Interim Transitional National Council shall elect a president, first and second vices thereof. If the post of the President or of his vice becomes vacant, a successor shall be 5 of 11 elected by the Council. In all cases, election shall be effected by relative majority of those present. In case more than one nominee equaled in obtaining the majority votes, the member who is given a casting vote by the President shall be elected.

Power sharing→Political power sharing→Proportionality in legislature  
State level

Page 5-6, Part Three, Form of State Governance during the Transitional Stage : Article (18)

- The Interim Transitional National Council shall consist of representatives for the Local Councils. It must be taken into consideration in determining the representatives of each Local Council the population density and the geographical standard of the city or the area which it represents. The Council shall have the right to add ten (10) members for the sake of national interest. The Council shall nominate and elect those members.

### **Territorial power sharing**

Power sharing→Territorial power sharing→Local/municipal government

Article (18)

- The Interim Transitional National Council shall consist of representatives for the Local Councils. It must be taken into consideration in determining the representatives of each Local Council the population density and the geographical standard of the city or the area which it represents. The Council shall have the right to add ten (10) members for the sake of national interest. The Council shall nominate and elect those members.

- The Interim Transitional National Council shall elect a president, first and second vices thereof. If the post of the President or of his vice becomes vacant, a successor shall be elected by the Council. In all cases, election shall be effected by relative majority of those present. In case more than one nominee equalled in obtaining the majority votes, the member who is given a casting vote by the President shall be elected.

**Economic power sharing** No specific mention.

**Military power sharing** No specific mention.

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## **Human rights and equality**

**Human rights/RoL general** Page 2, untitled preamble, 1. ... living with dignity on the land of home as well as retrieving all the rights looted by Al-Gaddafi and his collapsed regime.

2. Based on the legitimacy of this Revolution, and in response to the desire of the Libyan people and their hopes to achieve democracy, establish the political multitude and the estate of institutions, to create a society wherein all of us can live in stability, tranquility and justice; a society that can raise by science, culture, welfare and health, and that can bring up the new generations according to the Islamic spirit and love of goodness and home.

3. In the hope of seeking a society of citizenship, justice, equality, booming, progress and prosperity wherein there is no place for injustice, tyranny, despotism, exploitation and dictatorship. The interim Transitional National Council has decided to promulgate this Constitutional Declaration in order to be the basis of rule in the transitional stage until a permanent Constitution is ratified in a plebiscite.

Page 3, Part One: General Provisions, Article (6)

Libyans shall be equal before the law. They shall enjoy equal civil and political rights, shall have the same opportunities, and be subject to the same public duties and obligations, without discrimination [...].

Page 4, Part Two, Rights and Public Freedoms: Article (7)

Human rights and his basic freedoms shall be respected by the State. The state shall commit itself to join the international and regional declarations and charters which protect such rights and freedoms. The State shall endeavor to promulgate new charters which shall honor the human being as being God's successor on Earth.

**Bill of rights/similar** Page 4, Part Two Rights and Public Freedoms Article (7) Human rights and his basic freedoms shall be respected by the State. The state shall commit itself to join the international and regional declarations and charters which protect such rights and freedoms. The State shall endeavor to promulgate new charters which shall honor the human being as being God's successor on Earth.

**Treaty incorporation** No specific mention.

## Civil and political rights

Human rights and equality→Civil and political rights→Equality

Page 2, untitled preamble, 3. In the hope of seeking a society of citizenship, justice, equality, booming, progress and prosperity wherein there is no place for injustice, tyranny, despotism, exploitation and dictatorship. The interim Transitional National Council has decided to promulgate this Constitutional Declaration in order to be the basis of rule in the transitional stage until a permanent Constitution is ratified in a plebiscite.

Page 3, Part One: General Provisions, Article (6)

Libyans shall be equal before the law. They shall enjoy equal civil and political rights, shall have the same opportunities, and be subject to the same public duties and obligations, without discrimination due to religion, doctrine, language, wealth, race, kinship, political opinions, and social status, tribal or eminent or familial loyalty.

Page 4, Part Two, Rights and Public Freedoms: Article (8)

The State shall guarantee for every citizen equal opportunities and shall provide an appropriate standard of living. . . Page 4, Part Two, Rights and Public Freedoms: Article (8)

... The State shall further guarantee the fair distribution of national wealth among citizens, and among the different cities and districts thereof.

Human rights and equality→Civil and political rights→Freedom of movement

Page 4, Part Two, Rights and Public Freedoms: Article (14)

Freedom of opinion for individuals and groups, freedom of scientific research, freedom of communication, liberty of the press, printing, publication and mass media, freedom of movement, freedom of assembly, freedom of demonstration and freedom of peaceful strike shall be guaranteed by the State in accordance with the law.

Human rights and equality→Civil and political rights→Freedom of association

Page 4, Part Two, Rights and Public Freedoms: Article (14)

Freedom of opinion for individuals and groups, freedom of scientific research, freedom of communication, liberty of the press, printing, publication and mass media, freedom of movement, freedom of assembly, freedom of demonstration and freedom of peaceful strike shall be guaranteed by the State in accordance with the law.

Page 5, Part Two, Rights and Public Freedoms: Article (15)

The State shall guarantee the freedom of forming political parties, societies and other civil societies, and a law shall be promulgated to regulate same.

Human rights and equality→Civil and political rights→Fair trial

Page 9, Part Four, Judicial Guarantees: Article (31)

There shall be no crime or penalty except by virtue of the text of the law. Any defendant shall be innocent until he is proved guilty by a fair trial wherein he shall be granted the guarantees necessary to defend himself. Each and every citizen shall have the right to recourse to the judiciary authority in accordance with the law.

Human rights and equality→Civil and political rights→Privacy and family life

Page 4, Part Two, Rights and Public Freedoms: Article (12)

The law shall protect the inviolability of the private life of citizens and the State shall not spy on the same except by a causal judicial warrant in accordance with the provisions of the law.

Page 4, Part Two, Rights and Public Freedoms: Article (13)

Correspondence, telephone calls and other means of communication shall have their own sanctity and their secrecy shall be guaranteed. They may not be confiscated or monitored except by a causal judicial warrant and for a definite period in accordance with the provisions of the law.

Human rights and equality→Civil and political rights→Thought, opinion, conscience and religion

**Socio-economic rights**

Human rights and equality→Socio-economic rights→Property

Page 4, Part Two, Rights and Public Freedoms: Article (8)

... The State shall also guarantee the right of work, education, medical care, and social security, the right of intellectual and private property.

Page 4, Part Two, Rights and Public Freedoms: Article (11)

Dwelling houses and homes shall have their sanctity and they may not be entered or inspected except in cases prescribed by the law and according to the manner set forth therein.

Page 5, Part Two, Rights and Public Freedoms: Article (16)

Property shall be inviolable. No owner may be prevented from disposing of his property except within the limits of the law.

Human rights and equality→Socio-economic rights→Work

Page 4, Part Two, Rights and Public Freedoms: Article (8)

... The State shall also guarantee the right of work, education, medical care, and social security, the right of intellectual and private property.

Human rights and equality→Socio-economic rights→Health

Page 4, Part Two, Rights and Public Freedoms: Article (8)

... The State shall also guarantee the right of work, education, medical care, and social security, the right of intellectual and private property.

Human rights and equality→Socio-economic rights→Education

Page 4, Part Two, Rights and Public Freedoms: Article (8)

... The State shall also guarantee the right of work, education, medical care, and social security, the right of intellectual and private property.

Human rights and equality→Socio-economic rights→Adequate standard of living

Page 4, Part Two, Rights and Public Freedoms: Article (8)

The State shall guarantee for every citizen equal opportunities and shall provide an appropriate standard of living...

Human rights and equality→Socio-economic rights→Social security

Page 4, Part Two, Rights and Public Freedoms: Article (8)

... The State shall also guarantee the right of work, education, medical care, and social security, the right of intellectual and private property.

Human rights and equality→Socio-economic rights→Other

Page 5, Part Two, Rights and Public Freedoms: Article (14)

Freedom of opinion for individuals and groups, freedom of scientific research, freedom of communication, liberty of the press, printing, publication and mass media, freedom of movement, freedom of assembly, freedom of demonstration and freedom of peaceful strike shall be guaranteed by the State in accordance with the law.

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## Rights related issues

<b>Citizenship</b>	No specific mention.
<b>Democracy</b>	<p>Page 2, untitled preamble, Based on the legitimacy of this Revolution, and in response to the desire of the Libyan people and their hopes to achieve democracy, establish the political multitude and the estate of institutions, to create a society wherein all of us can live in stability, tranquility and justice; a society that can raise by science, culture, welfare and health, and that can bring up the new generations according to the Islamic spirit and love of goodness and home.</p> <p>Page 3, Part One: General Provisions, Article (4) The State shall seek to establish a political democratic regime to be based upon the political multitude and multi party system in a view of achieving peaceful and democratic circulation of power.</p> <p>Page 4, Part Two, Rights and Public Freedoms: Article (9) Defense of the motherland, safeguarding national unity, keeping the civil, constitutional and democratic system, abiding by civil values, combating tribal, kindred and eminent bias shall be the duty of each and every citizen.</p>
<b>Detention procedures</b>	No specific mention.
<b>Media and communication</b>	<p>Rights related issues→Media and communication→Media roles Page 4, Part Two, Rights and Public Freedoms: Article (14) Freedom of opinion for individuals and groups, freedom of scientific research, freedom of communication, liberty of the press, printing, publication and mass media, freedom of movement, freedom of assembly, freedom of demonstration and freedom of peaceful strike shall be guaranteed by the State in accordance with the law.</p>
<b>Mobility/access</b>	No specific mention.
<b>Protection measures</b>	<p>Rights related issues→Protection measures→Protection of groups Page 3, Part One: General Provisions, Article (5) ... The State shall guarantee the protection of motherhood, childhood and the elderly. The State shall take care of children, youth and the handicapped.</p> <p>Page 3, Part One: General Provisions, Article (5) The family is the basis of society and shall be entitled to protection by the State. The State shall also protect and encourage marriage...</p>
<b>Other</b>	No specific mention.

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## **Rights institutions**

**NHRI** No specific mention.

**Regional or international human rights institutions** No specific mention.

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## **Justice sector reform**

**Criminal justice and emergency law** No specific mention.

**State of emergency provisions** No specific mention.

**Judiciary and courts** Page 10, Part Four, Judicial Guarantees: Article (32)

- The Judiciary Authority shall be independent. It shall be exercised by courts of justice of different sorts and competences. They shall issue their judgments in accordance with the law. Judges shall be independent, subject to no other authority but the law and conscience.
- Establishing Exceptional Courts shall be prohibited.

Page 10, Part Four, Judicial Guarantees: Article (33)

- Right of resorting to judiciary shall be preserved and guaranteed for all people. Each and every citizen shall have the right to resort to his natural judge. The State shall guarantee to bring the judiciary authorities near the litigants and shall guarantee the swift determination on lawsuits.
- Laws shall not provide for the prohibition of judiciary authority to control any administrative decree.

**Prisons and detention** No specific mention.

**Traditional Laws** Page 3, Part One, General Provisions: Article (1)  
Islam is the Religion of the State and the principal source of legislation is Islamic Jurisprudence (Shari'a).

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## **Socio-economic reconstruction**

**Development or socio-economic reconstruction** Socio-economic reconstruction→Development or socio-economic reconstruction→Socio-economic development  
Page 2, untitled preamble, 3. In the hope of seeking a society of citizenship, justice, equality, booming, progress and prosperity wherein there is no place for injustice, tyranny, despotism, exploitation and dictatorship. The interim Transitional National Council has decided to promulgate this Constitutional Declaration in order to be the basis of rule in the transitional stage until a permanent Constitution is ratified in a plebiscite.

Page 7, Part Three, Form of State Governance during the Transitional Stage: Article (27)  
The general budget of the State shall be issued by law.

**National economic plan** No specific mention.

**Natural resources** No specific mention.

**International funds** No specific mention.

**Business** No specific mention.

**Taxation** No specific mention.

**Banks** No specific mention.

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## **Land, property and environment**

**Land reform/rights** No specific mention.

**Pastoralist/  
nomadism rights** No specific mention.

**Cultural heritage** Land, property and environment→Cultural heritage→Intangible  
Page 2, untitled preamble, ... a society that can raise by science, culture, welfare and health, and that can bring up the new generations according to the Islamic spirit and love of goodness and home.  
Land, property and environment→Cultural heritage→Promotion  
Page 3, Part One, General Provisions: Article (1)  
... Arabic is its official language. The State shall guarantee the cultural rights for all components of the Libyan society and its languages shall be deemed national ones.

**Environment** No specific mention.

**Water or riparian  
rights or access** No specific mention.

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## **Security sector**

**Security  
Guarantees** No specific mention.

**Ceasefire** No specific mention.

**Police** No specific mention.

**Armed forces** No specific mention.

**DDR** No specific mention.

**Intelligence  
services** No specific mention.

**Parastatal/rebel  
and opposition  
group forces** Page 5, Part Two, Rights and Public Freedoms: Article (15)  
The establishment of clandestine or armed societies, or societies in violation of public system or of public morals and others which may be detriment to the State or the unity of the State shall be prohibited

**Withdrawal of  
foreign forces** No specific mention.

**Corruption** No specific mention.

**Crime/organised crime** No specific mention.

**Drugs** No specific mention.

**Terrorism** No specific mention.

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## **Transitional justice**

**Transitional justice general** No specific mention.

**Amnesty/pardon** No specific mention.

**Courts** No specific mention.

**Mechanism** No specific mention.

**Prisoner release** No specific mention.

**Vetting** No specific mention.

**Victims** No specific mention.

**Missing persons** No specific mention.

**Reparations** No specific mention.

**Reconciliation** No specific mention.

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## **Implementation**

**UN signatory** No specific mention.

**Other international signatory** No specific mention.

**Referendum for agreement** No specific mention.

<b>International mission/force/similar</b>	No specific mention.
<b>Enforcement mechanism</b>	No specific mention.
<b>Related cases</b>	No specific mention.
<b>Source</b>	National Democratic Institute website - <a href="https://www.ndi.org/files/Handout%204%20-%20Libya%20Draft%20Interim%20Constitution.pdf">https://www.ndi.org/files/Handout%204%20-%20Libya%20Draft%20Interim%20Constitution.pdf</a>

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