



LIBYA

MENA Gender Equality Profile
Status of Girls and Women in the
Middle East and North Africa

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1. BACKGROUND

| Demographics | Value | Year |
|--|--------|-----------|
| Total population (000) | 6,420 | 2009 |
| Total adolescent (10-19) population (000) | 1,122 | 2009 |
| Total under-18 population (000) | 2,258 | 2009 |
| Total under-5 population (000) | 709 | 2009 |
| Population annual growth rate (%) | 2.3 | 2000-2009 |
| Total fertility rate (births per woman) | 2.6 | 2009 |
| Under-five mortality rate (per 1000 live births) | 19 | 2009 |
| Life expectancy at birth (years), male | 72 | 2009 |
| Life expectancy at birth (years), female | 77 | 2009 |
| Singulate mean age at marriage, male | 32 | 1995 |
| Singulate mean age at marriage, female | 29 | 1995 |
| Economic indicators | | |
| GNI per capita (current US\$) | 12,320 | 2009 |
| % share of income held by lowest 20 % | - | - |
| % share of income held by highest 20 % | - | - |
| Sources: UNICEF, The State of the World's Children 2011. Life expectancy and economic indicators from The World Bank, Data Catalog, http://data.worldbank.org/ , [accessed in September 2011] Marriage data from UNPD, World Marriage Data 2008, www.un.org/esa/population/ | | |

| Gender Gap Index 2010 | | |
|---|--------|------|
| For overview of the region, Libya is not included | | |
| Rankings of MENA countries with available data | Score | Rank |
| United Arab Emirates | 0.6397 | 103 |
| Kuwait | 0.6318 | 105 |
| Tunisia | 0.6266 | 107 |
| Bahrain | 0.6217 | 110 |
| Lebanon | 0.6084 | 116 |
| Qatar | 0.6059 | 117 |
| Algeria | 0.6052 | 119 |
| Jordan | 0.6048 | 120 |
| Oman | 0.5950 | 122 |
| Iran (Islamic Republic of) | 0.5933 | 123 |
| Syrian Arab Republic | 0.5926 | 124 |
| Egypt | 0.5899 | 125 |
| Morocco | 0.5767 | 127 |
| Saudi Arabia | 0.5713 | 129 |
| Yemen | 0.4603 | 134 |
| Source: World Economic Forum, The Global Gender Gap Report 2010 (rankings of in total 134 countries) | | |

2. LEGAL FRAMEWORK

Legal system. Libya does not have a constitution. Instead, the country's legal framework is based on a series of laws and declarations, which include the 1977 Declaration of the Authority of the People and the 1988 Great Green Charter of Human Rights in the Age of the Masses. Following Colonel Muammar al-Qadhafi's coming to power in 1969, the civil and Shari'a courts were merged and civil courts with jurisdiction over family matters were created. The personal status laws (which govern legal procedures that pertain to matters such as marriage, divorce and inheritance) are still derived from Islamic law. Women are mostly considered full persons before the court, but in some cases a woman's testimony will be worth only half of that of a man, according to Islamic principles.¹

Convention on the Elimination of All Forms of Discrimination against Women. Libya acceded to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1989 and maintains reservations to articles 2 and 16 (c) and (d). Upon accession Libya also made a general reservation that accession to the CEDAW "...cannot conflict with the laws on personal status derived from the Islamic Shariah."² The CEDAW Committee has indicated that articles ² and 16 contain provisions that are central to the purpose of the convention and that: "...reservations to article 16, whether lodged for national, traditional, religious or cultural reasons, are incompatible with the Convention and therefore impermissible..."³

Convention on the Rights of the Child. Libya acceded to the Convention on the Rights of the Child (CRC) in 1993 without reservations. Libya has also acceded to the Optional Protocol to the CRC on the sale of children, child prostitution and child pornography and to the Optional Protocol to the CRC on the involvement of children in armed conflict (both in 2004).

¹ Freedom House, Women's Rights in the Middle East and North Africa 2010 (report, online version, www.freedomhouse.org)

² See United Nations Treaty Collection (<http://treaties.un.org>) for declarations and reservations made by State Parties

³ Report of the Committee on the Elimination of Discrimination against Women, Eighteenth and Nineteenth Session, A/53/38/Rev.1, 1998, p.49

Nationality rights. A new law approved in 2010 opens up the possibility for women to pass on their nationality to children they have with a foreign-born spouse. A Human Rights Watch news report notes that although the new law represents a step in the right direction, the law remains ambiguous and the exact implementation of the provision is not clarified as of September 2010.⁴ At the time of preparing this profile, current information on the status of the implementation of the law could not be found. Previously, Libyan women married to foreign men could not pass their Libyan nationality to their children, while Libyan men married to foreign women had the right to do so.⁵

Divorce rights. The court will grant divorce if the man or woman who has filed for divorce can establish grounds for divorce based on a number of specified reasons, or if both the husband and wife agree to the divorce. A woman can also seek divorce for other reasons, but in exchange she will then have to give up any financial rights. According to the law, after a divorce has been granted, it is the man's duty to support the woman financially for a limited period of time; however, this rule is rarely enforced.⁶

Guardianship and custody rights. According to Libya's combined second, third, fourth and fifth periodic CEDAW report (2008), both mothers and fathers have legal guardianship of their minor children. Upon a divorce, if the separation was mutually agreed, the mother is given custody of her daughters until they marry and of her sons until they reach puberty. The father must provide financial support for the children, unless they have private assets.⁷

Inheritance rights. Following Islamic law, women have the right to inherit, but will generally inherit a smaller share than men. For instance, a daughter has the right to a share of the inheritance that is half of her brother's share.⁸

Freedom of movement. Libyan women can obtain a passport and travel without the consent of their husband or a male relative.⁹

Protection from child marriage. The minimum age of marriage is 20 in Libya for both women and men, but a court can allow persons younger than 20 to marry with the consent of their guardian.¹⁰ No data exist on the prevalence of child marriage in Libya in the UNICEF global database. Polygyny is legal in Libya.¹¹

Protection from gender-based violence. The law stipulates that husbands should not cause physical or mental harm to their wives, but the penal code requires evidence of injury to prove assault. Domestic violence, rape and other forms of gender-based violence inside and outside the home are considered private matters that carry a great deal of shame and are rarely discussed publicly. A victim of rape risks being prosecuted herself for extramarital relations if she presses charges and may instead have to marry the perpetrator to save her and her family's honour. Although rape is a crime, spousal rape is not. "Honour-killings" are not common in Libya according to the Freedom House report *Women's Rights in the Middle East and North Africa 2010*. Yet, the penal code allows for a reduced sentence for a man who kills his wife or female relative that is caught in the act of "unlawful sexual relations".¹²

4 Human Rights Watch, *Libya: Step Ahead for Women on Nationality Rights* (news article, 2 September 2010, <http://www.hrw.org/en/news/2010/09/02/libya-step-ahead-women-nationality-rights>)

5 Freedom House, *Women's Rights in the Middle East and North Africa 2010* (report, online version, www.freedomhouse.org)

6 Ibid.

7 Ibid.

8 Ibid.

9 Ibid.

10 Committee on the Elimination of Discrimination against Women, Second, Third, Fourth and Fifth periodic reports of Libya, CEDAW/C/LBY/5, 2008

11 Freedom House, *Women's Rights in the Middle East and North Africa 2010* (report, online version, www.freedomhouse.org)

12 Ibid.

3. INSTITUTIONS AND MECHANISMS

Governmental response. Libya's combined second, third, fourth and fifth periodic CEDAW report (2008) was prepared under the supervision of the Secretariat of the General People's Congress/Women's Affairs by a technical committee with members from a number of sectors including Women's Affairs, Social Affairs, Justice and others. The CEDAW Committee raised concerns regarding the lack of a national machinery dedicated to promoting the advancement of women and monitoring the implementation of the CEDAW in its concluding observations to the country report and recommended that the government put in place such an institutional mechanism.¹³

Strategies and services responding to gender-based violence. Libya's combined second, third, fourth and fifth CEDAW report (2008) does not provide any information on strategies and services responding to gender-based violence. According to the 2010 Freedom House report there are no shelters that offer protection for women who are victims of domestic violence in Libya. There are instead "social rehabilitation facilities" where some women enter voluntarily while some are detained against their will. The centres have been criticised for human rights abuses. The girls and women held in these facilities include, for example, girls who have broken moral codes and girls who have become pregnant without being married as well as girls and women that have been raped. Some attempts have been made to raise awareness on violence against women in Libyan society.

4. WOMEN'S POLITICAL PARTICIPATION

Political representation. Women in Libya received the right to vote and stand for election in 1964.¹⁴ Following the 2009 election, 36 out of the 468 seats in the lower house of parliament were filled by women (8 per cent of the seats).¹⁵ According to information from 2010, there were no female ministers in the government.

Representation in the legal system. Women were first allowed to become judges in 1981 and the first female judge was appointed in 1991. Women's representation in the legal field as lawyers, public prosecutors and case administrators is increasing, according to the 2010 Freedom House report.¹⁶

Civil society. During the al-Qadhafi regime freedom of association was restricted and membership in any organisation not sanctioned by the state was punishable by death. The women's rights movement in Libya was not independent as all organisations had links to the state.¹⁷ No shadow report was submitted to the CEDAW Committee by national women's organisations with respect to Libya's latest CEDAW report.

5. EDUCATION AND ECONOMIC PARTICIPATION

Education. No data exist on school net enrolment or attendance ratios in Libya in the UNESCO Institute for Statistics (UIS) database or the UNICEF global database. According to UIS estimates the youth literacy rate is 100 per cent for both male and female youth.

Access to financial credit. Libyan women have access to bank loans and other forms of financial credit. They are not required to have their husband's consent to obtain financial credit.¹⁸

Participation in the labour market. In recent years, women's economic participation has been encouraged. Women outnumber men at the country's universities.¹⁹ Still, women's labour force participation rate (that is, the proportion

¹³ Committee on the Elimination of Discrimination against Women, Concluding observations of the Committee on the Elimination of Discrimination against Women, CEDAW/C/LBY/CO/5, 2009

¹⁴ UNDP, Human Development Report 2007/2008

¹⁵ Inter-Parliamentary Union, <http://www.ipu.org/wmn-e/classif.htm> (data updated as of 30 June 2011) [accessed in August 2011]

¹⁶ Freedom House, Women's Rights in the Middle East and North Africa 2010 (report, online version, www.freedomhouse.org)

¹⁷ Ibid.

¹⁸ Ibid.

¹⁹ Ibid.

of the working-age population that actively engages in the labour market either by working or looking for work) is low. The labour force participation rate among young women aged 15-24 is 19 per cent, while the corresponding percentage for young men is 53 per cent. For women aged 15 years and above, the labour force participation rate is 25 per cent (compared to 79 per cent for men). Globally, the labour force participation rate of women is 52 per cent.²⁰

6. REPRODUCTIVE HEALTH

Maternal health. Libya is categorized as “making progress” towards improving maternal health (MDG5), according to analyses of the reduction of the Maternal Mortality Ratio conducted by the Maternal Mortality Estimation Inter-agency Group (MMEIG) in 2008. Maternal mortality is estimated at 64 maternal deaths per 100,000 live births.²¹ The most recent available estimates on key interventions for safe motherhood are from 1995. These show: 81 per cent antenatal care (at least once) coverage and 94 per cent skilled attendance at birth coverage.

Early childbearing. In Libya, the adolescent birth rate is 4 births per 1,000 adolescent girls aged 15-19.

7. KEY INDICATORS ON THE SITUATION OF GIRLS AND WOMEN

| MATERNAL AND NEWBORN HEALTH | YEAR | TOTAL | URBAN | RURAL | POOREST 20% | RICHEST 20% | SOURCE |
|---|------|-------|-------|-------|-------------|-------------|---|
| Contraceptive prevalence (%) | 1995 | 45 | - | - | - | - | UNFPA, UNPD, MDG database http://unstats.un.org [accessed in August 2011] |
| Antenatal care coverage at least once by skilled personnel (%) | 1995 | 81 | 85 | 71 | - | - | UNICEF global database/ PAPCHILD 1995 |
| Skilled attendant at birth (doctor, nurse or midwife) (%) | 1995 | 94 | 97 | 89 | - | - | UNICEF global database/ PAPCHILD 1995 |
| Adolescent birth rate (number of births per 1,000 girls aged 15–19) | 2002 | 4 | | | | | UNFPA, UNPD, MDG database http://unstats.un.org [accessed in May 2011] |
| Maternal Mortality Ratio (adjusted) (maternal deaths per 100,000 live births) | 2008 | 64 | | | | | WHO, UNICEF, UNFPA, World Bank, Maternal Mortality Estimation Inter-agency Group (MMEIG) / UNICEF global database |
| Lifetime risk of maternal death, 1 in: | 2008 | 540 | | | | | |

²⁰ United Nations, DESA, The World's Women 2010, p. 76

²¹ See WHO, UNICEF, UNFPA and The World Bank, 2010, Trends in Maternal Mortality: 1990-2008. The report categorizes countries' progress towards MDG5. (Countries with MMR \geq 100 in 1990 are categorized as “on track” if there has been 5.5% decline or more annually, “making progress” if MMR has declined between 2% and 5.5%, making “insufficient progress” if MMR has declined less than 2% annually, and having “no progress” if there has been an annual increase in MMR. Countries with MMR <100 in 1990 are not categorized)

| EDUCATION | YEAR | MALE % | FEMALE % | GENDER PARITY INDEX (F/M) | SOURCE |
|--|------|--------|----------|---------------------------|--|
| Net enrolment ratio primary school (%) | - | - | - | - | - |
| Net enrolment ratio secondary school (%) | - | - | - | - | - |
| Youth (15-24) literacy rate (%) | 2009 | 100 | 100 | | UIS, online database, http://stats.uis.unesco.org , [accessed in August 2011], UIS estimates |
| | YEAR | TOTAL | | | SOURCE |
| Share of females among teaching staff (%) in primary education | - | - | | | - |
| Share of females among teaching staff (%) in secondary education | - | - | | | - |

| CHILD PROTECTION | YEAR | TOTAL | URBAN | RURAL | POOREST 20% | RICHEST 20% | SOURCE |
|---|------|-------|-------|--------|-------------|-------------|--------|
| % of women aged 20-24 who were married/ in union before the age of 18 | - | - | - | - | - | - | - |
| Female genital mutilation/cutting among women 15-49 (%) | - | - | - | - | - | - | - |
| | YEAR | TOTAL | MALE | FEMALE | | | SOURCE |
| % of children aged 5-14 engaged in child labour | - | - | - | - | | | - |

| ATTITUDES TOWARDS DOMESTIC VIOLENCE | YEAR | % WHO AGREE WITH AT LEAST ONE SPECIFIED REASON | SOURCE |
|---|------|--|--------|
| Women (15-49) who think that a husband is justified in hitting or beating his wife under certain circumstances (%) | - | - | - |
| Adolescent girls (15-19) who think that a husband is justified in hitting or beating his wife under certain circumstances (%) | - | - | - |

| HIV/AIDS | YEAR | TOTAL | MALE | FEMALE | | SOURCE |
|---|------|-------|------|--------|---|--------|
| HIV prevalence among young people (15-24) | - | - | - | - | - | - |
| % of young people (15-24) who have comprehensive knowledge of HIV | - | - | - | - | - | - |

| USE OF ICT | YEAR | TOTAL | | SOURCE |
|--|------|-------|--|--------|
| % of young women (15-24) who used a computer during the last 12 months | | - | | |
| % of young women (15-24) who used the internet during the last 12 months | | - | | |

| WOMEN'S POLITICAL PARTICIPATION | YEAR | TOTAL | | SOURCE |
|--|------|-------|--|---|
| Number of women in parliament (single/ lower house) | 2011 | 36 | | IPU, http://www.ipu.org/wmn-e/classif.htm (data updated as of 30 June 2011) [accessed in August 2011] |
| % women in parliament | 2011 | 8 | | |
| Legislated quotas for women for single/ lower house (yes/no) | * | No | | Libya is not listed in The Quota Project database on www.quotaproject.org [accessed in August 2011*] which lists all countries with legislated quotas |
| Quota type | | n/a | | |
| Number of women in ministerial positions | 2010 | 0 | | DAW/DESA, IPU, Women in Politics: 2010 (reflecting appointments up to 1 January 2010) |
| % women in ministerial positions | 2010 | 0 | | |

Notes:

Since the fall of the Al-Gadhafi regime the parliament is not functioning and therefore information on women's political participation in the Inter-Parliamentary Union's global database (<http://www.ipu.org/wmn-e/classif.htm>) might not reflect the current situation as of November 2011.

| WOMEN'S ECONOMIC PARTICIPATION | YEAR | TOTAL | SOURCE |
|---|------|-------|---|
| Labour force participation rate (%), male 15+ | 2009 | 79 | ILO, Key Indicators of the Labour Market (KILM), 6th Edition http://kilm.ilo.org Table 1a (ILO estimates), [accessed in August 2011] |
| Labour force participation rate (%), female 15+ | 2009 | 25 | |
| Labour force participation rate (%), male 15-24 | 2009 | 53 | |
| Labour force participation rate (%), female 15-24 | 2009 | 19 | |
| Total unemployment rate (%), male 15+ | | - | |
| Total unemployment rate (%), female 15+ | | - | |
| Youth (15-24) unemployment rate (%), male | | - | |
| Youth (15-24) unemployment rate (%), female | | - | |

| MATERNITY LEAVE | YEAR | SOURCE |
|-----------------------------------|-----------|---|
| Maternity leave duration | 2004-2009 | 50 days |
| % of wages paid in covered period | 2004-2009 | 50 (for self-employed women: 100% for a period of 3 months) |
| Provider of benefit | 2004-2009 | Employer Social-security for self-employed women |

United Nations Statistics Division,
<http://unstats.un.org/unsd/demographic/products/indwm/tab5g.htm#tech>, Table 5g, [accessed in August 2011]. Data compiled between 2004-2009.

Notes:

The UNICEF global databases are available on www.childinfo.org

For indicator definitions and further information on data sources please see "Guide to MENA Gender Profiles"

n/a = not applicable

8. RATIFICATION OF TREATIES

| TREATY | YEAR OF SIGNATURE | YEAR OF RATIFICATION, ACCESSION (A), SUCCESSION (S) | RESERVATIONS |
|---|-------------------|---|---|
| Convention on the Political Rights of Women (1953) | | 1989 (a) | |
| Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (1962) | | 2005 (a) | |
| International Covenant on Economic, Social and Cultural Rights (1966) | | 1970 (a) | |
| International Covenant on Civil and Political Rights (1966) | | 1970 (a) | |
| Convention on the Elimination of All Forms of Discrimination against Women (1979) | | 1989 | Articles: 2, 16 (c) (d) General reservation: “ [Accession] is subject to the general reservation that such accession cannot conflict with the laws on personal status derived from the Islamic Shariah” |
| Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (1999) | | 2004 (a) | |
| Convention on the Rights of the Child (1989) | | 1993 | |
| Amendment to article 43 (2) of the Convention on the Rights of the Child (1995) | n/a | 2004 Acceptance | |
| Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (2000) | | 2004 (a) | |
| Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (2000) | | 2004 (a) | |
| Convention on the Rights of Persons with Disabilities (2006) | 2008 | | |

n/a = not applicable

Source: United Nations Treaty Collection, <http://treaties.un.org> [accessed in April 2011]

