

Constitutional Drafting Assembly

Thematic Committee on the Part of Independent Institutions

Part Eight

Independent Institutions

Chapter One

General Provisions

Article 1

Independent constitutional institutions stipulated in this part shall enjoy legal personality as well as technical, administrative and financial independence. They shall practice their relevant tasks with objectivity, and without fear or favoritism. They shall be consulted on draft laws related to their terms of reference; and they shall be organized by law.

Article 2

The legislative authority shall elect with two-thirds majority independent persons who have competency and integrity to manage those institutions. They shall not be removed [from office] before the end of their term unless they lose one of the conditions of their election, or in cases stipulated by law.

Article 3

Those institutions shall be accountable to the legislative authority; they shall submit to it one or more reports during the year, which shall be discussed in a public session within a period not exceeding sixty days since the date of its submission; the report shall be published to the public. Those institutions shall also be under the oversight of the competent authorities.

Article 4

The legislative authority may establish other independent institutions with two-thirds majority.

Chapter Two

Special Provisions for Each Institutions

First

High National Electoral Commission

Article 5

The High National Electoral Commission shall exclusively deal with the management and organization of elections, as well as all stages of general and local referenda, in a transparent and credible manner, including the announcement of the final results.

Article 6

The Commission shall be managed by a council comprising nine members; its chairperson shall be one of the members and shall be elected by the legislative authority. The members shall assume their duties for one term which duration shall be six years; one third of the members shall be renewed bi-annually.

Second

Audit Bureau

Article 7

The Audit Bureau shall be the highest authority for financial audit and accountancy in the State. The Bureau shall undertake overall oversight over the State's assets and different institutions, as well as any other entity owned fully or partially by the State or specified by the law.

Article 8

The Bureau shall be managed by a chairperson in the capacity of a General Auditor and one or more deputies in the capacity of vice-chairperson. They shall assume their duties for six years that may be renewed once.

Third

Administrative Oversight Commission

Article 9

The Administrative Oversight Commission shall undertake the conduct of an effective administrative oversight over all bodies funded, fully or partially, by the public treasury, as well as private firms and establishments working for the public benefit, and follow-up their work, in order to ensure the fulfilment of their duties and commitment to the different legislations.

The Commission shall also undertake investigation of administrative crimes and violations committed by entities falling under its oversight, whether it uncovers them [crimes] or they are referred to it by other entities; and shall refer them to the competent authorities.

Article 10

The Commission shall be managed by a chairperson and a deputy; both shall assume their duties for six years that can be renewed once.

Fourth

Good Governance and Anti-Corruption Commission

Article 11

The Good Governance and Anti-Corruption Commission shall work in cooperation with other commissions and institutions towards developing and activating good governance and anti-corruption policies, as well as consolidating the values of transparency, integrity and accountability.

Article 12

The Commission shall conduct enquiries on, and uncover, cases of corruption in the public and private sectors, as well as investigating such cases and launching public lawsuits in this regard. The law shall specify corruption crimes that fall under its jurisdiction and its relation with public prosecution and the Administrative Oversight Commission and the Audit Bureau.

Article 13

The Commission shall be managed by a council comprising five members; the legislative authority shall elect a chairperson from among them. They shall perform their duties for six years that can be renewed once.

Fifth

The National Council for Public Liberties and Human Rights

Article 14

The National Council for Public Liberties and Human Rights shall undertake the consolidation of promotion and mainstreaming of human rights and public liberties values. It shall also undertake the following:

- Observe human rights situation and and monitor human rights violations as well as report and follow up such violations with the relevant authorities.
- Support citizens to enable them to acquire their constitutionally and legally stipulated rights.
- Recommend ratification of, or accession to international human rights covenants in a manner that does not contradict with constitutional texts.

Article 15

The Council shall comprise nine members; the legislative authority shall elect a chairperson from among them at the rank of a commissioner as well as a deputy; they shall assume their duties for one term of six years; one third of the members shall be renewed biannually.

Article 16

The Commissioner shall be have the right to:

- Challenge constitutionality of legislations related to human rights and public liberties.
- Challenge before the courts rules of procedure of public and private institutions, as well as decisions issued by them in contradiction with constitutional and legal human rights related provisions based on a request by those concerned.

Sixth

National Council on Education

Article 17

The National Council on Education shall undertake drawing plans and developing programmes with the aim to prepare young people, as well as reform and develop basic and intermediate education, especially with relation to methods of management, development of curricula as well as preparation teachers and increasing their capacity. The objective shall be to produce generations at the highest level of proper education and creative and scientific capacity that fulfil the needs of society.

The Council shall coordinate with the concerned ministry to follow-up the implementation of its plans and programmes.

Article 18

The Council shall be managed by seven members; the legislative authority shall elect a chairperson from among them.

Seventh

National Council on Media

Article 19

The National Council on Media shall undertake increasing the capacity of media workers; it shall also develop a media code of ethics that takes into consideration unity of the country, Islamic values, ethics of the profession as well as pluralistic and honest media; it shall work towards imposing it on public and private media institutions; it must approve the issuance or renewal of their licenses.

Article 20

The Council shall be managed by six members; the legislative authority shall elect a chairperson from among them; they shall assume their duties for one term of six years; one third of the members shall be renewed biannually.

Eighth

Statistics and Census Authority

Article 21

The Statistics and Census Authority shall undertake the management and implementation of the general population census as well as other statistical surveys; it shall also scrutinize statistical data submitted by public bodies; it is the sole source for the state's official statistics; it shall commit to their publication while maintaining the confidentiality of personal data.

Article 22

The Authority shall be managed by a council comprising seven members; the legislative authority shall elect a chairperson from among them.

Ninth

The Libyan Broadcasting Authority

Article 23

The Libyan Broadcasting Authority is a national authority that is concerned with visual, audio and digital media that is based on objectivity, integrity and impartiality so as to ensure diverse views and offer correct information; it shall work towards supporting peaceful coexistence and human rights culture.

Article 24

The Authority shall be managed by a council comprising six members; the legislative authority shall elect a chairperson from among them; one third of the members shall be renewed biannually.

Tenth

National Council on the Protection of Cultural and Linguistic Heritage

Article 25

The Council shall undertake the development and advancement of Arabic, Amazighi, Tebbai, Targhi as well as other languages; it shall also preserve the diverse cultural heritage of the Libyan people and works towards its documentation, identification and revival.

Article 26

The Council shall be managed by seven members, provided that they include representatives of linguistic components (Amazigh, Tebu and Touaregh); the legislative authority shall elect a chairperson for the Council from among its members.