

**Law No. (20) of 1991  
on the promotion of freedom**

**The General People's Congress**

In execution of the Basic People's Congresses resolutions issued in its second ordinary session for the year 1397 FDP corresponding to 1988 AD, drafted by the General Forum of People's Congresses and People's Committees (General People's Congress) in its fifteenth ordinary session for the period of 25 Rajab to 2 Shaaban 1998 FDP, corresponding to the period from 2 to 9 March 1989 AD;

In execution of the Basic People's Congresses resolutions issued in its second ordinary session for the year 1400 FDP corresponding to 1990 AD, drafted by the General Forum of People's Congresses, People's Committees, Trade Unions, Syndicates and Professional Leagues (General People's Congress) in its ordinary session for the period of 29 Dhu al-Qaada to 5 Dhu al-Hijja 1400 FDP, corresponding to the period from 11 to 17 June 1991 AD;

Upon review of:

- The Declaration on the Establishment of the Authority of the People;
- The Great Green Charter of Human Rights of the Jamahiriya Era;
- International charters and conventions on human rights and fundamental freedoms;
- Law No. (9) of 1948 on the organisation of People's Congresses;
- The resolutions of People's Congresses and gatherings abroad;

**hereby drafts the following law:**

**Article (1)**

Citizens of the Great Jamahiriya, men and women, shall be free and enjoy equal rights. Rights shall not be violated.

**Article (2)**

Every citizen shall have the right to exercise power and to self-determination within the People's Congresses and the People's Committees. Citizens may not be deprived of membership therein nor of the right to be selected in the secretariat thereof upon meeting the relevant requirements.

**Article (3)**

National defence is a right and honour. No citizen, man or woman, may be deprived thereof.

**Article (4)**

Life is a natural right of every human being. The death penalty may only be ruled as a punishment or against an individual whose very existence constitutes a danger or is deleterious to society. The perpetrator may request a mitigation of his sentence by offering blood money in compensation for his life. The court may approve such request if this decision is neither prejudicial to society nor conflicting with human sentiment.

**Article (5)**

Religion is a direct relationship with the Creator, without any intermediary. The monopoly of religion and its exploitation for any purpose is prohibited.

#### **Article (6)**

Physical safety is a right of every human being. Scientific experiments shall not be conducted on any human being unless he volunteers to do so.

#### **Article (7)**

Any hostile dealing of society with foreign countries is high treason.

#### **Article (8)**

Every citizen shall have the right to publicly express his thoughts and opinions in People's Congresses and Jamahiriyan media. The exercise of this right shall not be questioned unless it is exploited to prejudice the authority of the people for personal purposes.

Secret instigation to thoughts and opinions or the attempt to spread or impose the same on others by enticement, force, intimidation, or falsification shall be prohibited.

#### **Article (9)**

Citizens are free to form and join trade unions, syndicates, professional and social leagues, as well as charities, whether to protect their interests or achieve the legitimate purposes for which they are established.

#### **Article (10)**

Every citizen is free to choose the work that suits him, whether individually or in association with others, without exploiting the efforts of others or causing physical or moral damage to others.

#### **Article (11)**

Every citizen shall have the right to enjoy the outcome of his work. Such outcome may only be deducted to the extent stipulated by law as a contribution to public outlays or in exchange for the services provided by society.

#### **Article (12)**

Private property is sacred. It shall not be violated if it results from a legitimate cause without exploiting or causing physical or moral damage to others. Private property shall not be used in contravention of public order and morals. No one may be divested of his private property save in the public interest and in return for fair compensation.

#### **Article (13)**

Every citizen shall have the right to profit from the land through labour, agriculture or grazing during his lifetime and the lives of his heirs, within the limits of his own efforts and the fulfilment of his needs, and without exploitation of others. No one shall be deprived of this right unless he causes the deterioration of such land or disrupts its exploitation.

#### **Article (14)**

Human freedom may not be taken away or restricted. No human being may be searched or questioned unless accused of an act punishable by law and by order of the competent judicial entity in accordance with the cases and periods stipulated by law.

Preventive isolation shall be carried out in an identified place made known to the family of the accused. It shall last the minimum period required for investigation and preservation of evidence.

#### **Article (15)**

The confidentiality of correspondence shall be guaranteed. Correspondence may only be monitored in limited circumstances as required by society's security, upon obtaining the authorisation of a judicial entity.

#### **Article (16)**

Personal life is sacred. It may not be infringed upon save in the event of contravention of public order and morals, damage to others, or complaint from one of the parties involved.

#### **Article (17)**

A suspect shall be deemed innocent until proven guilty by a judicial ruling. However, legal action may be taken against him insofar as he is still accused. The accused person shall not be subjected to any form of physical or moral torture or to any cruel or humiliating treatment that violates human dignity.

#### **Article (18)**

The goal of punishment is reform, adjustment, rehabilitation, education, discipline and warning.

#### **Article (19)**

A house is sacred. It may not be entered, monitored, or inspected unless it is used to conceal a crime, harbour criminals, or cause physical or moral damage to others, or if it is used for purposes that explicitly conflict with morals and social traditions. Except in cases of distress calls and *in flagrante delicto*, a house may only be entered with the authorisation of the duly competent entity.

#### **Article (20)**

Every citizen shall be, in times of peace, free to travel and choose his place of residence. He shall be free to leave the Jamahiriya and return to it whenever he pleases.

As an exception to the provision of the previous paragraph, the competent court may issue a temporary travel restriction order preventing departure from the Great Jamahiriya.

#### **Article (21)**

The Great Jamahiriya is the refuge of the persecuted and freedom-seekers. Refugees in the Great Jamahiriya may not be extradited to any entity.

#### **Article (22)**

The freedom of invention, creation, and innovation shall be guaranteed within the limits of public order and morals, unless it is physically or morally harmful.

#### **Article (23)**

Every citizen shall have the right to instruction and knowledge. Any individual is entitled to select the instruction that suits him. Monopoly or distortion of knowledge for any reason shall be prohibited.

#### **Article (24)**

Every citizen is entitled to welfare and social security. Society is the guardian of all those without protection. It guarantees the protection of the needy, elderly, handicapped and orphans, and provides means of decent living to those incapable of working for reasons beyond their control.

#### **Article (25)**

Every citizen, man or women, has the right to start a family on the basis of a marriage contract concluded by the mutual consent of both parties. Such contract shall only be dissolved by mutual consent or by order of the competent court.

#### **Article (26)**

Custody is the right of a mother insofar as she is worthy. A mother may not be deprived of her children nor children of their mother.

#### **Article (27)**

Nursing women shall have the right to stay in the marital home during the nursing period. The man shall have the right to keep his personal properties.

The house, contents or part thereof may not be taken in return for divorce or *khula* (wife-initiated divorce) or as part of a deferred dowry.

#### **Article (28)**

A woman shall have the right to choose the work that suits her. She shall not be put in a position that requires her to engage in a job that is inconsistent with her nature.

#### **Article (29)**

It is prohibited to employ children in jobs that are inconsistent with their abilities, hinder their normal development, or damage their morals or health, whether by their parents or others.

#### **Article (30)**

Every person shall have the right to resort to courts in accordance with the law. The court shall provide all necessary guarantees, including an attorney. Everyone shall be entitled to choose an attorney from outside the court and bear the expenses thereof.

#### **Article (31)**

Judges shall be independent. The only authority they shall be subject to in their rulings is the power of the law.

#### **Article (32)**

No public entity may exceed the limits of its jurisdiction and interfere in matters that are not assigned thereto. No entity may interfere in judicial officer affairs unless entitled by law.

#### **Article (33)**

Public funds and facilities are the property of society. They may only be used for their intended purposes defined by the people. Public positions are a service to society. It is prohibited to abuse such positions and use the capacity it entails for illegitimate purposes.

#### **Article (34)**

The rights stipulated by this law shall not be subject to prescription, impairment, or waiver.

#### **Article (35)**

The provisions of law are fundamental. No contrary provisions may be issued, and any contravening legislation shall be amended.

#### **Article (36)**

Any person who uses illegal methods to achieve his goals shall lose his right to benefit from this law.

**Article (37)**

Criminal acts shall be punishable in accordance with the provisions of this law by the penalties stipulated in the Penal Law and the supplementary laws thereof, and those set forth in execution of the provisions of the Great Green Charter of Human Rights of the Jamahiriyan Era.

**Article (38)**

This law shall be published in the Official Gazette and various media.

**General People’s Congress – Libya**

**Issued on 22 Safar 1041 FDP [sic]  
Corresponding to 1 September 1991 AD**