

**Law No. (5) of 1427 FBP
on childhood protection**

The General People’s Congress:

In execution of the resolutions adopted by the Basic People’s Congresses in their ordinary session of 1427 FBP, and formulated by the General Forum of Basic People’s Congresses, syndicates, professional associations, and unions (the General People’s Congress) in their ordinary session from 25 to 29 Shaaban, corresponding to 25 to 29 December 1427 FBP;

And 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;
- Law No. (20) of 1990 on promoting freedom;
- The Civil Code;
- The Penal Code and the Code of Criminal Procedure;
- The law of the financial system of the State and its amendments;
- Law No. (36) of 1968 on civil status;
- Law No. (5) of 1969 on urban and rural planning;
- Labour Law No. (58) of 1970;
- Law No. (106) of 1973 on the health system;
- Law No. (95) of 1975 on compulsory education;
- The Civil Service Law issued by virtue of Law No. (55) of 1976;
- Law No. (13) of 1980 on social security;
- Law No. (10) of 1984 on marriage, divorce, and their effects;
- Law No. (17) of 1992 regulating the status of minors and their equivalents;
- Law No. (1) of 1430 FBP on the work system of People's Congresses and People's Committees.

drafted the following law:

Article (1)

In the application of the provisions of this law, “child” shall refer to children who are less than sixteen years old, including foetuses in the womb.

Article (2)

Marriage contracts shall be concluded after confirming the spouses do not suffer from genetic or infectious diseases, or genetic diseases resulting from inbreeding, which may impact the children's physical and mental health. The diseases referred to shall be determined by virtue of a decision issued by the General People's Committee for Health and Social Security.

Article (3)

The implementation of custodial penalties may be postponed for pregnant and breastfeeding women for a period not exceeding one year after birth, provided the punishable crime does

not affect State security. In any case, the provision of appropriate health conditions for pregnant and breastfeeding women in prison shall be taken into account.

Article (4)

The health facility where birth is taking place shall perform medical examinations on the newborn to make sure he does not suffer from any genetic or natal cause of disability. It shall refer the newborn to the specialist centre as soon as it discovers any kind of disease or disability.

Article (5)

Health facilities at all levels shall provide necessary vaccines and vaccinations free of charge. Failure to provide children with vaccinations or administer them without justification shall be considered as an abuse of minors and is punishable under the Penal Code.

Article (6)

Those who have the status of judicial officers in applying the provisions of this law shall monitor the parties and individuals who care for orphaned children affairs, as well as children reported to be subjected to ill-treatment by their parents or others in any manner or shown to have been exposed to such a treatment by any means, and verify the nature of their treatment and care provided to them.

Article (7)

Through institutions it establishes, society shall ensure the right to provide full shelter to children who have no caretakers.

Article (8)

Children of unknown parents shall be given a first, middle, and last names and registered in a record prepared for such purposes in the competent civil registry office. They shall be entitled to receive identity cards, passports, and family booklets, without the condition of conclusion of marriage contracts.

Article (9)

Primary education shall be a right that society ensures for its members who are capable of receiving it, whether they are healthy or suffer from disabilities. It shall be compulsory and children may not be deprived of it.

Article (10)

Subject to the provisions stipulated in the aforementioned Labour Law No. (58) of 1970, child employment shall be prohibited in any work, unless it is for the purpose of teaching a craft and the child wishes to do so.

Article (11)

Urban and rural plans shall include squares, playgrounds, parks, child service facilities, and kindergartens necessary for work status of women, provided their child services collect a fee. Their aim shall be to provide healthy and disabled children alike bases for growth, freedom of movement, running, and playing amid healthy and safe conditions.

Article (12)

A committee called the Higher Committee for Children shall be formed. It shall prepare the plans and programs necessary to care for children, monitor the authorities concerned with the implementation of the provisions of this law, and issue the necessary instructions in this regard. The formation of the committee, its work system, and its affiliation shall be regulated by a decision issued by the General People's Committee.

Article (13)

The financial amounts necessary to cover the expenses of activities and benefits prescribed under the provisions of this law, including care for children's culture, the encouragement of writing and publication on childhood, and care for children's theatres, libraries, and shows, shall be allocated annually in the State's general budget within the allocations of sectors concerned with the implementation of the provisions of this law, so as to achieve a media and cultural message with a content that contributes to the preparation of youth and provides children with an opportunity to shine and be creative.

Article (14)

Social and psychological experts determined by virtue of a decision from the General People's Committee shall have the status of judicial officers in the implementation of the provisions of this law.

Article (15)

The provisions of this law shall not impair any provisions or benefits that are better for children and stipulated by legislation in force.

Article (16)

The General People's Committee shall issue the decisions necessary for the implementation of the provisions of this law.

Article (17)

This Law shall be published in the Official Gazette and various media outlets and shall enter into force from its date of publication in the Official Gazette.

The General People's Congress – Libya

Issued in Sirte

On 6 December 1427 FBP