

# **ACCESS TO JUSTICE FOR CHILDREN: LIBYA**

*This report was produced by White & Case LLP in June 2015 but may have been subsequently edited by Child Rights International Network (CRIN). CRIN takes full responsibility for any errors or inaccuracies in the report.*

## **I. What is the legal status of the Convention on the Rights of the Child ("CRC")?**

### **A. What is the status of the CRC and other relevant ratified international instruments in the national legal system?**

Libya acceded to the CRC on 15 April 1993, with no reservations or declaration.

<sup>1</sup> It also ratified the Optional Protocol of the CRC on the involvement of children in armed conflict<sup>2</sup> and the Optional Protocol on the sale of children, child prostitution and child pornography,<sup>3</sup> but it has not signed or ratified the third Optional Protocol on a communications procedure.

The latest State report to the UN Committee on the Rights of the Child refers to a principle pronounced by the Libyan Supreme Court, which is binding on all courts and other authorities in Libya, that the application of the provisions of international conventions to which Libya is a party is mandatory.<sup>4</sup> Accordingly, the CRC is treated in the same way as national legislation.<sup>5</sup> It has not, however, been possible to locate any codified source of the principle referred to, such as the Supreme Court pronouncement itself.

### **B. Does the CRC take precedence over national law?**

The supreme law in Libya is currently the ‘Libyan Interim Constitutional Declaration’, which was introduced by the National Transitional Council on 3 August 2011 following the overthrow of Colonel Muammar Qadhafi's regime.<sup>6</sup> Whilst Article 7 of the Interim Constitutional Declaration sets out Libya's commitment to joining international declarations and charters which protect human rights and freedoms, there is no explicit reference to the status of international conventions as compared to national law or the Constitution, nor any clarification about which takes precedence in the event of a conflict.

Since the ratification of the CRC various political and legislative changes have occurred, including parliamentary resolutions declaring Libya a Muslim country subject to the legal and moral code of Shari'ah.<sup>7</sup> The Constitutional Drafting

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<sup>1</sup> [https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-11&chapter=4&lang=en](https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11&chapter=4&lang=en).

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[https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-11-b&chapter=4&lang=en](https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11-b&chapter=4&lang=en).

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[https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-11-c&chapter=4&lang=en](https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11-c&chapter=4&lang=en).

<sup>4</sup> *Combined third and fourth periodic reports of Libya to the UN Committee on the Rights of the Child*, CRC/C/LBY/3-4, 2 June 2010, paras. 15 and 18, available at:

<http://www.refworld.org/publisher.CRC.STATEPARTIESREP.LBY.51efa45d4.0.html>.

<sup>5</sup> *Ibid.*

<sup>6</sup> Available at: [https://www.constituteproject.org/constitution/Libya\\_2011.pdf](https://www.constituteproject.org/constitution/Libya_2011.pdf).

<sup>7</sup> <http://www.reuters.com/article/2014/04/21/us-libya-constitution-idUSBREA3K0NS20140421>.

Assembly (CDA) (established by the Constitutional Amendment No (7) 11th of March 2014 of the Constitutional Charter of the Transitional Stage) created a new Draft Constitution in December 2014.<sup>8</sup>

C. Has the CRC been incorporated into national law?

According to the report submitted by Libya to the UN Committee on the Rights of the Child in 2010, the provisions of the CRC became mandatory and on par with domestic legislation at the moment the Convention was ratified by the State.<sup>9</sup> Furthermore, elements of the CRC have been incorporated into a number of laws and regulations including the Child Protection Act No. 5 of 1997 and Act No. 17 of 1992 on the Regulation of the Situation of Minors.<sup>10</sup>

D. Can the CRC be directly enforced in the courts?

Libyan courts are under an obligation to apply the provisions of the CRC in the same way as they would apply domestic legislation.<sup>11</sup>

E. Are there examples of domestic courts using or applying the CRC or other relevant international instruments?

The research did not identify any cases in which domestic courts made reference to or applied the CRC.

## II. **What is the legal status of the child?**

A. Can children and/or their representatives bring cases in domestic courts to challenge violations of children's rights

According to a State report to the UN Committee on the Rights of the Child submitted in 2000 (“2000 Libyan Report”), Article 9 of Act No. 17 of 1992 on the Regulation of the Situation of Minors sets the legal age of majority at 18 years old.<sup>12</sup>

In order to institute proceedings a person must have attained the legal age of majority, otherwise proceedings must be brought through a guardian. A person of any age can however lodge ‘a genuine complaint with the administrative and

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<sup>8</sup> Constitutional amendment available at:

[http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/98865/117770/F941152411/56-Constitutional%20amendment%20No%20%287%29%20of%202014\\_EN.pdf](http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/98865/117770/F941152411/56-Constitutional%20amendment%20No%20%287%29%20of%202014_EN.pdf).

<sup>9</sup> [http://www.refworld.org/publisher.CRC.STATEPARTIESREP.LBY\\_51efa45d4,0.html](http://www.refworld.org/publisher.CRC.STATEPARTIESREP.LBY_51efa45d4,0.html), para 15.

<sup>10</sup> Child Protection Act No. 5 of 1997, available in Arabic at: <http://aladel.gov.ly/home/?p=1231>.

<sup>11</sup> See Part I.A above.

<sup>12</sup> *Second periodic report of Libya to the UN Committee on the Rights of the Child*, CRC/C/93/Add.1, 8 August 2000, para. 18, available at:

[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2f93%2fAdd.1&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2f93%2fAdd.1&Lang=en).

criminal authorities' but there is no further detail as to what would be considered such a complaint.<sup>13</sup>

B. If so, are children of any age permitted to bring these cases by themselves in their own names/on their own behalf, or must the case be brought by or with the assistance of a representative?

A person under the age of 18 cannot initiate proceedings, nor appeal any court judgment, on their own, and instead this must be carried out on their behalf by their legal guardian.<sup>14</sup>

According to the 2000 Libyan Report, Article 32 of Act No. 17 of 1992 on the Regulation of the Situation of Minors provides that both parents have legal guardianship over a child.<sup>15</sup> If neither parent is able to be a guardian, then the child's female relatives assume guardianship on the basis of their order of inheritance and closeness.<sup>16</sup> In the event of uncertainty or dispute, the court has the power to appoint a suitable person to assume legal guardianship, being a person who is a rational, reliable adult, of the same religion as the minor, and capable of fulfilling the requirements of guardianship.<sup>17</sup>

If a child does not have a guardian or representative, or the child's interests conflict with the interests of their guardian or representative, the Department of Public Prosecutions may stand in as their representative in instances where the child has submitted a complaint.<sup>18</sup>

As an exception to the general rule that it is not possible to bring an action without a guardian, Libyan law does provide for the right of children under the age of 18 to institute legal proceedings against their guardians for actions taken during the period of guardianship.<sup>19</sup>

C. In the case of infants and young children, how would cases typically be brought?

As mentioned above, a child requires their legal guardian to represent them when initiating proceedings, or in the absence of a guardian or representative, the Department of Public Prosecutions may stand in.<sup>20</sup>

D. Would children or their representatives be eligible to receive free or subsidised legal assistance in bringing these kinds of cases?

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<sup>13</sup> Ibid., at para. 33.

<sup>14</sup> [http://www.unicef-irc.org/portfolios/documents/406\\_libyan-aj.htm](http://www.unicef-irc.org/portfolios/documents/406_libyan-aj.htm).

<sup>15</sup> *Second periodic report of Libya to the UN Committee on the Rights of the Child*, para. 138.

<sup>16</sup> Ibid., para. 137.

<sup>17</sup> Ibid., para. 138.

<sup>18</sup> Ibid., para. 129.

<sup>19</sup> Ibid., para. 76.

<sup>20</sup> Ibid., para. 129.

Legal advice can be obtained without parental consent by children who have reached the age of discernment, which is seven years old.<sup>21</sup>

A report prepared by Libya for the UN Committee on the Rights of the Child refers to a legal aid system in Libya which was set up in 1981.<sup>22</sup> According to the report, the system operates via the People's Advocacy Department, which provides pro bono defence to citizens before all courts and the Department of Public Prosecutions in any type or level of proceedings or case.<sup>23</sup> However, no legislation on legal aid could be identified, and there are reports that individuals arrested are frequently denied access to legal counsel.<sup>24</sup>

- E. Are there any other conditions or limits on children or chosen legal representatives bringing cases (e.g. would a child's parents or guardian have to agree to a case being brought)?

There are no other such conditions or limits.

### III. How can children's rights violations be challenged before national courts?

- A. If there is a potential violation of the Constitution or other principles established in domestic law or with the CRC or other relevant ratified international/regional instruments, how can a legal challenge be brought?

The 2000 Libyan Report suggests that the way in which the law protects children whose CRC rights have been violated depends on the nature of those rights.<sup>25</sup> For example, if the rights relate to personal status (i.e. protection of minors, custody issues, maintenance etc.), the Code of Shari'ah Procedure and Code of Civil Procedure applies; if the matter is civil (i.e. culpable liability), the Code of Civil Procedure sets out the method to be followed; and if the matter is criminal, the Penal Code and the Code of Criminal Procedure is applicable.

Constitutional and administrative claims may be filed on behalf of children and can be heard in the administrative division of Court of Appeal, or ultimately in the Supreme Court. In the case of an administrative violation, where an authority fails to to enforce a decision correctly, the concerned party may attempt to seek remedial compensation from the administrative division in the Court of Appeal to settle the administrative and civil elements of his/her claim.<sup>26</sup> The 2011

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<sup>21</sup> Ibid., para. 19.

<sup>22</sup> *Combined third and fourth periodic reports of Libya to the UN Committee on the Rights of the Child*, para. 16.

<sup>23</sup> Ibid.

<sup>24</sup> See, eg., *Report of the Special Rapporteur on the human rights of migrants, Jorge Bustamante*, A/HRC/17/33/Add.1, 17 May 2011, paras 137-143, available at: [http://www2.ohchr.org/english/bodies/hrcouncil/docs/17session/A.HRC.17.33.Add.1\\_EFSonly.pdf](http://www2.ohchr.org/english/bodies/hrcouncil/docs/17session/A.HRC.17.33.Add.1_EFSonly.pdf).

<sup>25</sup> Ibid., para. 8.

<sup>26</sup> *Combined third and fourth periodic reports of Libya to the UN Committee on the Rights of the Child*, para. 8.

Interim Constitution specifies that legal decisions exempting any administrative decision from review by the courts shall be prohibited.<sup>27</sup>

The Great Green Charter on Human Rights provides that any individual has the right to challenge any law that contradicts the provisions therein.<sup>28</sup> This Charter is still recognised after the revolution.

The Libya Code of Criminal Procedures 1953 does not acknowledge private criminal prosecution; rather, all crimes are prosecuted by the State.<sup>29</sup> The 2000 Libyan Report states that the Penal Code provides for instances where a criminal claim (for example, when a child needs protection from abuse within the family and home) will be treated as a public matter to be pursued by the Department of Public Prosecutions. If the Department of Public Prosecutions does not institute proceedings, a party may do so by submitting an initiatory pleading of misdemeanour.<sup>30</sup>

Moreover, pursuant to the GNP Decision No. 557 of 2007, the National Human Rights Committee (NHRC) was established as an administratively and financially independent national institution for the promotion and protection of human rights. According to the 2010 Libya Report, the NHRC is equipped to receive complaints and reports of human rights violations and refer them to the competent authorities to assume charge of the necessary legal procedures in that regard.<sup>31</sup>

B. What powers would courts have to review these violations, and what remedies could they offer?

The 2000 Libyan Report suggests compensation is available for any moral or physical damage which a child has suffered as a result of a violation of that child's rights, as granted under the CRC.<sup>32</sup>

With regard to crimes inflicted on children, the Libyan Penal Code 1953 sets out fines and imprisonment as punishments for the perpetrator. In extreme cases, if the parent or guardian is responsible for the crime, custody of the child would be transferred to the state, and the child would be placed in a children's shelter.<sup>33</sup>

In the case of an administrative violation, remedial compensation may be granted.<sup>34</sup>

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<sup>27</sup> Libya's Constitution of 2011, Article 33.

<sup>28</sup> The Great Green Charter on Human Rights; available in English at:

<http://www.ilo.org/dyn/natlex/docs/SERIAL/57641/65910/F702695289/LBY57641.PDF>.

<sup>29</sup> Libyan Code of Criminal Procedures 1953, available in Arabic at: <http://aladel.gov.ly/home/?p=1348>.

<sup>30</sup> *Second periodic report of Libya to the UN Committee on the Rights of the Child*, para. 6.

<sup>31</sup> *Combined third and fourth periodic reports of Libya to the UN Committee on the Rights of the Child*, paras. 15 and 18.

<sup>32</sup> *Second periodic report of Libya to the UN Committee on the Rights of the Child*, para. 8.

<sup>33</sup> Libyan Penal Code 1953, available in English at: <https://archive.org/details/LibyanPenalCodeenglish>.

<sup>34</sup> *Combined third and fourth periodic reports of Libya to the UN Committee on the Rights of the Child*, para. 8.

The Supreme Court has the capacity to interpret constitutional matters and render a law ‘unconstitutional’.<sup>35</sup> Although the (current) 2011 Interim Constitution does not explicitly empower the Supreme Court to render legislation ‘unconstitutional’, the Court has repeatedly done so during the post-revolutionary transitional period.<sup>36</sup>

The draft 2014 Constitution provides for a Constitutional Court (formerly referred to as the Constitutional Division in the Supreme Court), which will be the sole body with judicial oversight over the constitutionality of legislation, interpretation of constitutional text and review of international agreements that Libya is a party to. The rulings of the Constitutional Court shall be final and binding on all.<sup>37</sup>

- C. Would such a challenge have to directly involve one or more individual child victims or is it possible to challenge a law or action without naming a specific victim?

Research did not identify any ways in which an individual victim need not be named in a legal challenge.

- D. Is any form of collective action or group litigation possible, with or without naming individual victims?

Group litigation orders are permissible under the Code of Criminal Procedure 1953 if the State Prosecution finds that the crimes cover similar or related issues.<sup>38</sup> Under the Code of Civil Procedure 1973, group litigation orders are also permitted for personal status matters concerning the same provisions and related issues.<sup>39</sup>

- E. Are non-governmental organisations ("NGOs") permitted to file challenges to potential children's rights violations or to intervene in cases that have already been filed?

No information has been found that properly addresses this question. There is a shortage of information regarding independent NGOs operating in Libya concerned with children's rights, so it has not been possible to confirm the level of their involvement in such cases.

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<sup>35</sup> <http://www.country-data.com/cgi-bin/query/r-8211.html>

<sup>36</sup> See, e.g.,

<http://www.theguardian.com/world/2014/nov/06/libya-court-tripoli-rules-anti-islamist-parliament-unlawful>; <http://www.atlanticcouncil.org/blogs/menasource/a-legal-look-into-the-libyan-supreme-court-ruling>.

<sup>37</sup> Article 24, The Initial of the Libyan Constitution 2014, available in English at:

<http://www.constitutionnet.org/vl/item/libya-initial-draft-constitution-2014-english>

<sup>38</sup> Libyan Code of Criminal Procedures 1953.

<sup>39</sup> Article Libyan Code of Civil Procedures, 1973.

**IV. Practical considerations** - please detail some of the practical issues, risks and uncertainties that might be involved in bringing a case to challenge a violation of children's rights, such as:

- A. Venue - in what courts could a case be filed (e.g., civil, criminal, administrative, etc)? What would the initial filing process entail?

The court system in Libya is comprised of four tiers: the summary courts, the courts of first instance, the courts of appeal and the Supreme Court.<sup>40</sup> The Supreme Court has five chambers: civil and commercial, criminal, administrative, constitutional and Shari'ah.<sup>41</sup>

All civil, constitutional and administrative claims must be filed with a Local Registry Office by the child's parent, guardian or legal representative. When filing a claim, the parent or guardian must provide the name, date of birth and nationality of themselves, their lawyer and the defendant. The Local Registry Offices must then pass on the claim to the relevant competent court.<sup>42</sup>

The Juvenile Court and the Department of Juvenile Prosecutions deal with children in conflict with the law. The Government has established a juvenile court in the jurisdiction of every criminal court. Children under 18 are not subjected to the same level of punishment as an adult. Instead, for children between 14 and 18, the punishment set out in the Penal Code is reduced by two-thirds. Children under 14 are exempt from any punishment, and a judge may take 'necessary measures' to prevent the recurrence of such an incident, including by ordering rehabilitation or counselling.<sup>43</sup>

- B. Legal aid / court costs - under what conditions would free or subsidised legal aid be available to child complainants or their representatives through the court system (i.e. would the case have to present an important legal question or demonstrate a likelihood of success)? Would child complainants or their representatives be expected to pay court costs or cover other expenses?

Although the People's Advocacy Department undertakes cases on a pro bono basis, research did not identify any information in relation to the accessibility of this form of legal assistance or the eligibility requirements for it. It is unclear whether court costs can be waived.

- C. Pro bono / financing - if legal aid is not available would it be possible for child complainants or their representatives to obtain legal assistance from practising

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<sup>40</sup> Globalex, *UPDATE: Libya's Legal System and Legal Research*, November/December 2010, available at: <http://www.nyulawglobal.org/globalex/Libya1.htm>.

<sup>41</sup> Ibid.

<sup>42</sup> Libyan Code of Civil and Commercial Procedures 2006, available in Arabic at: <http://aladel.gov.ly/home/wp-content/uploads/2015/04/%D9%85%D9%88%D8%B3%D9%88%D8%B9%D8%A9-%D8%A7%D9%84%D9%82%D9%88%D8%A7%D9%86%D9%8A%D9%86-%D8%A7%D9%84%D9%82%D8%B6%D8%A7%D8%A6%D9%8A%D8%A9.pdf>.

<sup>43</sup> [http://www.aladel.gov.ly/main/uploads/ahdath\\_research.pdf](http://www.aladel.gov.ly/main/uploads/ahdath_research.pdf)

lawyers on a pro bono basis, through a children's rights organisation or under an agreement that does not require the payment of legal fees up front?

There is at least one organisation which provides legal assistance to asylum seekers and refugees.<sup>44</sup> No other information could be found on this subject.

- D. Timing - How soon after a violation would a case have to be brought? Are there any special provisions that allow young adults to bring cases about violations of their rights that occurred when they were children?

The statute of limitations under the Libyan Criminal Code is 10 years for crimes and three years for misdemeanours.<sup>45</sup> The Civil Code specifies various limitation periods for actions that do not involve insurance contracts, but the general limitation period is 15 years (unless specified otherwise).<sup>46</sup> The Military Penal Code specifically precludes statutory limitations.<sup>47</sup>

- E. Evidence - What sort of evidence is admissible / required to prove a violation? Are there particular rules, procedures or practices for dealing with evidence that is produced or presented by children?

According to the 2000 Libyan Report, Article 183 of the Code of Civil and Commercial Procedures provides that in civil cases, the statements of any person under the age of 14 are heard unsworn and are used for evidentiary purposes only.<sup>48</sup> In criminal cases, Article 256 of the Code of Criminal Procedure provides that witnesses under the age of 14 may give unsworn testimony for evidentiary purposes only, and witnesses aged 14 or over must take an oath before giving testimony.<sup>49</sup>

- F. Resolution - How long might it take to get a decision from the court as to whether there has been a violation?

We have not been able to find any information as to the period of time it takes the courts to determine cases concerning violations of children's rights under the CRC. However, in a 2012 report by the UN Human Rights Council, the issue of delays in courts and in the administration of justice has been raised as a concern in Libya, as it tends to result in individual victims or their families taking the law into their own hands or seeking their own form of revenge.<sup>50</sup>

- G. Appeal - What are the possibilities for appealing a decision to a higher court?

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<sup>44</sup> Libyan Organization International for cooperation and Emergency Aid (OICEA), available at: <http://www.refugeelegalaidinformation.org/libyan-arab-jamahiriya-pro-bono-directory>.

<sup>45</sup> Libyan Criminal Code 1953, Article 107.

<sup>46</sup> Libyan Civil Code 1954, Article 361.

<sup>47</sup> *Report of the International Commission of Inquiry on Libya*, A/HRC/19/68, 8 March 2012, para. 102.

<sup>48</sup> *Second periodic report of Libya to the UN Committee on the Rights of the Child*, CRC/C/93/Add.1, 8 August 2000, para. 32.

<sup>49</sup> *Ibid.*

<sup>50</sup> *Report of the International Commission of Inquiry on Libya*.



There is an appeal process within the Libyan court system but, as stated above, there is difficulty in identifying the procedure involved in any appeal due to a general lack of information.

- H. **Impact** - What are the potential short-term and long-term impacts of a negative decision? Is there a possibility for political backlash or repercussions from a positive decision?

Several cities in Libya are controlled by forces opposed to the new parliament, therefore the implementation of judicial decisions may face political obstacles.<sup>51</sup> Please see part V for more information.

- I. **Follow up** - What other concerns or challenges might be anticipated in enforcing a positive decision?

See part V.

- V. **Additional factors** - please list any other national laws, policies or practices you believe would be relevant to consider when contemplating legal action to challenge a violation or children's rights

The impact of the supremacy of Shari'ah Law over provisions of the CRC is apparent in Article 82 of the Law Regulating the Situation of Minors No.17 of 1992, which states that Shari'ah Law shall apply in matters of guardianship, trusteeship and custodianship.<sup>52</sup>

Under Article 5 of the Interim Constitutional Declaration, the State guarantees the protection of childhood and undertakes a duty to take care of children. Presumably as part of this obligation, the "Higher Committee for Children" was established under the Child Protection Act No. 5 of 1997. This national authority is in charge of monitoring the implementation of the CRC,<sup>53</sup> and with investigating any contravention affecting the interests and rights of the child.<sup>54</sup> In addition, the Secretariat of Legal Affairs and Human Rights, established in 2002, plays a complementary role in monitoring and investigating violations of children's rights.<sup>55</sup> Neither of these authorities has any accessible complaints mechanisms for children or their representatives.

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<sup>51</sup> Freedom House, 'Libya', 2015, available at:

<https://freedomhouse.org/report/freedom-world/2015/libya#.Vd8iV7xVK1F>.

<sup>52</sup> See <http://www.reunite.org/edit/files/Islamic%20Resource/Libya%20Text.pdf>.

<sup>53</sup> <http://www.law.yale.edu/rcw/rcw/jurisdictions/afn/libyanarabjamahiriya/frontpage1.htm>.

<sup>54</sup> *Second periodic report of Libya to the UN Committee on the Rights of the Child*, para 3(b).

<sup>55</sup> Child's Rights Situation Analysis for Middle East and North Africa Region. available at:

[https://www.essex.ac.uk/armedcon/story\\_id/Child%20Rights%20Situation%20Analysis%20for%20Middle%20East%20and%20North%20Africa%5B1%5D.pdf](https://www.essex.ac.uk/armedcon/story_id/Child%20Rights%20Situation%20Analysis%20for%20Middle%20East%20and%20North%20Africa%5B1%5D.pdf).

With respect to complaints procedures, a helpline number (1515) was recently set up to receive complaints about violence against women and children. This helpline is under the supervision of the Waatasemu Charity Association.<sup>56</sup>

The government of Libya currently faces a number of challenges, some of which are the result of Libya's recent history of corruption, serious human rights violations, and prolonged repression of any opposition.<sup>57</sup> The judicial system carries a legacy of being used as a tool of repression.<sup>58</sup> Libya does not have an official Constitution yet as it is still in its interim phase, therefore the role of the judiciary remains unclear. This has led to non-state dispute mechanisms replacing the official state courts.<sup>59</sup> Some cities' courts are functioning, but those in Darna, Benghazi, and Sirte were suspended for much of 2014, and facilities in Tripoli stopped functioning amid the civil conflict in August.<sup>60</sup> Militia attacks on state officials such as judges and politicians weakened the judiciary and resulted in a near breakdown of the justice sector in cities such as Tripoli, Benghazi, Sirte, Sebha, and Derna.<sup>61</sup> Libya also has two conflicting national legislatures - the General National Congress and the newly elected House of Representatives. The Supreme Court declared the latter unconstitutional in June 2014.<sup>62</sup>

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<sup>56</sup> *Combined third and fourth periodic reports of Libya to the UN Committee on the Rights of the Child*, paras. 15 and 18.

<sup>57</sup> *Report of the International Commission of Inquiry on Libya*, A/HRC/ 19/68, 8 March 2012, para. 10 and Annex I, available at:

<http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session19/A.HRC.19.68.pdf>.

<sup>58</sup> *Ibid.*, para. 12.

<sup>59</sup> Freedom House.

<sup>60</sup> *Combined third and fourth periodic reports of Libya to the UN Committee on the Rights of the Child*, paras. 15 and 18.

<sup>61</sup> Human Rights Watch, 'World report 2015: Libya', available at:

<https://www.hrw.org/world-report/2015/country-chapters/libya>.

<sup>62</sup> *Ibid.*