Libyan Youth's Demands for the Constitution

Introduction:

Libyan Youth’s Demands for the Constitution included hereunder is the outcome of the workshop organized in Tunisia from 11th to 16th of May 2015, and facilitated by UNDP, UNESCO, UNICEF, UNSMIL and DRI, with participation of 30 representatives of Libyan youth organizations from all the regions of Libya. During the workshop the participants discussed and analyzed the preliminary works of particular constitutional chapters prepared by the Constitution Drafting Assembly (CDA) thematic committees and published on 24th December 2014. These demands have been phrased along with the proposal of alternatives of some of the thematic committee’s texts after deliberating on the best methods to mobilize support and advocacy.

The texts of the preliminary proposals issued by the CDA were analyzed from the point of view of providing guarantees for engaging with youth and ensuring their participation in decision-making as basic citizens’ rights. The texts were analyzed on the bases of the best international practices and standards and agreement of the participants on the proposed new formulations to be presented to the CDA.

The demands in general were related to the importance of proposing changes in the different aspects related to youth: political, social, economic, cultural and called for forsaking the approach that limits youth participation on the public life. Furthermore the demands emphasized the necessity of breaking the cycle of deciding on behalf of youth and on building a real partnership with the youth through guaranteeing their effective participation. These demands include also those related to the procedural dimensions in the drafting process especially regarding the transparency of the CDA’s work, youth access to the Assembly and its communication with the CSOs. The participants expect that these demands will be embodied in the rules of procedure at the CDA.

It was agreed that the youth demands for the constitution advocacy will continue following the agreed plan for the campaign to be organized in Libya. Activists within the upcoming period will directly communicate with the CDA members to advocate for inclusion of their demands in the constitution and they will also mobilize support of more civil society groups and individuals.

This document was phrased to include all the demands the youth participants present at the Tunis workshop want to include in the constitution to be adopted by the Libyan people in the referendum.
# Libyan Youth’s Demands for the Constitution

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<tr>
<td>Chapter I: Form of State and Fundamental Cornerstones</td>
<td>Article 10 Nationality</td>
<td>Moving the article on the nationality to the chapter of rights and liberties with a suggestion to delete all the details related to granting citizenship as it'd be regulated by law.</td>
<td>1. Whosoever obtains the Libyan nationality in accordance with provisions of the Constitution of Libya issued on 07/10/1951 and laws enacted thereunder shall be Libyan national. 2. Whosoever born to a Libyan father or obtains the Libyan nationality subsequently under a law in force shall be Libyan national. 3. The Libyan nationality may be combined with any other nationality. However, the Libyan holding another nationality or a naturalized person who has not completed ten (10) years of naturalization may not assume the following positions: - President of State. - Prime Minister, minister and deputy minister. - Member of legislative and judicial authority. - Governor and deputy governor of Libya Central Bank. - Representative of permanent diplomatic missions. - Qualitative and general Libyan Army Chief of Staff. - Director of intelligence service, investigations, passports, customs, public security and police. - High electoral commission, head and member of independent constitutional bodies. - The Head of Civil register</td>
<td>Searching for the more methodology and clarity in the composition of the constitution’s chapters and the sequence of its provisions in reference with comparative constitutional experiences. The 10th article enshrines the original nationality by ancestry. But it does not enshrine the equality between mother’s descent and father’s descent, such distinction is not in line with the principles of equality and non-discrimination stipulated in the same chapter as they’re stipulated in the international treaties specifically in the international convention to eliminate discrimination against women which is binding for Libya specially on this point that is not included in the state’s conservation on some of the convention articles. The second paragraph’s content is not consistent with other articles proposed in the constitution that explicitly enshrine the principle of equality between male and female citizens in rights and duties. The generalization of the equality principle upon all the constitution articles and avoiding conflict and contradiction between articles. A relatively long list of prohibited sovereign posts A non-conclusive list of posts that is open and extendable</td>
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<td>● Any other position set forth by law.</td>
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<td>Article 11 Invalidation and withdrawal of Nationality</td>
<td>It is prohibited to invalidate Libyan citizenship and the law specifies the cases of withdrawing it, which is done by a judicial verdict provided that such procedure does not result into statelessness.</td>
<td>Invalidation of Libyan nationality for any reason whatsoever shall be prohibited. It may be withdrawn within twenty years following naturalization. Cases of withdrawal shall be established by law.</td>
<td>Ambiguity and vagueness on the concept of sovereign post that opens the door for interpretations and explanations. The necessity to accurately specify the prohibited sovereign posts.</td>
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<td>Article 12 Naturalisation</td>
<td>Deleting the first point as it’s deemed as redundancy - As for the second paragraph it must be amended in terms of reducing the duration of residency necessary for obtaining citizenship.</td>
<td>1. Enacted law regulating granting the Libyan nationality shall take into account national interest considerations, maintenance of demographic structure regionally and nationally and ease of integration within the Libyan society. 2. Among the conditions for granting nationality shall be waiver of original nationality, legal entry and continuous legal residency for a period no less than 20 years unless the applicant is a unique and distinguished expertise at the regional and international level. The other requirements shall be defined by law.</td>
<td>Unjustified and unreasonable period of time. A period that is not necessarily guaranteeing for society integration/ to develop a loyalty for homeland The period of time is not consistent with the general trends of the comparative law (enshrined 5 years period)</td>
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*Unofficial translation by UNDP. Translation of the current provisions of the CDA preliminary works text based on IDEA 2 http://www.constitutionnet.org/vl/item/libya-initial-draft-constitution-2014-english*
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<tr>
<td>Article 29 Children and Youth</td>
<td>Adding a paragraph that includes state's obligation to support youth's participation in public life also in political representation.</td>
<td>The State shall ensure child and youth care and shall provide the conditions necessary for development of their educational, scientific, psychological and innovative capacities and participation in building the State. It shall take the necessary measures to protect children and youth from all negative phenomena.</td>
<td>Youth rate is 65% of the Libyan society.</td>
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<td>The emergence of a new political elite from the youth can put a limit to citizens and current political lack of confidence in youth.</td>
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<td>The failure of current politicians in the peaceful steering of the transitional transformation poses an extra reason of opening doors to new political elites.</td>
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<td>The nature of public life in a democratic society makes the Libyan youth more capable of dealing with modern time necessities and to react to the different variables in contrary to the part that grew and lived in the non-democratic governance which may put some considerations and accounts ahead of the public interest.</td>
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<td>Youth’s ratio of education is high.</td>
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<td>The presence of youth in decisions making positions has important value.</td>
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<td>Participating in the political decision making process enables to make a tangible impact in terms of youth’s status in the society ad ensures that public policies reflects the youth’s reality and expectations.</td>
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<td>Comparative constitutions Moroccan constitution (article 33) the Egyptian constitution (article number 82)</td>
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| Chapter II: The form and system of governance | Inserting quota system | Adding a new article: the state is obliged to take the measures necessary to guarantee youth representation with no less than 30% in both legislative chambers with an obligation of fair representation of youth in the seats reserved for cultural components. The legislator is obliged to endorse an electoral system that guarantees youth participation in that rate. | Not Available | - Youth represent 65% of the population is Libya.  
- Excluding youth from the decision making process leads to the phrasing of legislations and policies that don't take into account youth needs and ambitions and doesn’t benefit from their capacity as one of the key elements of change in their societies.  
- Youth’s absence from the decision making process makes it hard for the legislature to take into account modern time necessities and to engage the ordinary citizen in the decision making process, this is at a time when youth attempts to revive public discussion with transparent intentions.  

The guarantee of the existence of an influential group of youth in the parliament without stipulating a quota system cannot be provided under the current political and social culture, which limits the political leadership to the elderly males. |
| Article 5 The House of Representatives | Suggesting reducing candidacy age for the parliament to 21 years. | A candidate for the membership of the House of representatives should be: a Libyan Muslim, doesn't hold another nationality, enjoys his civil and political rights, has an educational qualification, has completed twenty five years of age upon registering candidature, and has his name enlisted on the election lists in the electoral district, not convicted of any felony or dishonourable misdemeanour, in addition to the other conditions provided for in the election law. | This article is not in line with the international tendency towards reducing the age of candidacy: a recommendation of the international parliamentarian union for example to have consistency between the voting age and the age of competency to candidate for elections.  

The French law 18 years / Tunisian constitution 23 years. |
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<td>Article 15 Shura Council</td>
<td>Suggesting to reduce voter's age to 18 years</td>
<td>The Shura Council consists of seventy two members elected through secret, free, direct, public and individual voting in accordance with the election law, provided that voters have completed at least twenty five years of age.</td>
<td>Conditioned voter’s age is not consistent with the voter’s age conditioned for the HoR elections. The voter age conditioned is not consistent with the general orientation in the comparative constitutions / voter’s age is unified for all elections/ usually consistent with the age of adulthood.</td>
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<td>Representation should be equal among the three geographical regions, and equality should be considered in distributing seats among the governorates within these regions, while ensuring appropriate representation for every section and social, cultural and linguistic component of the Libyan people (The Tamazight, Tabu and Tuareg).</td>
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<td>Inserting an extra article that explicitly enshrines the principle of election and the representation of the Libyan diaspora</td>
<td>Not Available</td>
<td>Equality among citizens and non-discrimination. The Libyan Diaspora abroad includes a large number of youth. Example: Tunisian constitution Article 55</td>
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<tr>
<td>Article 16</td>
<td>Suggesting to reduce candidate's age to 25 years</td>
<td>A candidate for Membership of the Shura Council should be a Libyan Muslim, who does not hold another nationality, has his name listed in the election tables of the electoral district, enjoys his civil and political rights, has at least a higher education qualification, has completed forty years of age upon the date of candidature, has not been convicted in a final judicial ruling in a felony or misdemeanor which undermines honour or trust, in addition to the other conditions provided for in the election law.</td>
<td>With the condition of 40 years for nomination of the Shura council membership the youth’s direct and actual participation within the Shura council will be non-existent. Referring to comparative constitutions where there is a general trend towards the reduction of nomination age (American constitution, French constitution...)</td>
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*Unofficial translation by UNDP. Translation of the current provisions of the CDA preliminary works text based on IDEA 5 [http://www.constitutionnet.org/vl/item/libya-initial-draft-constitution-2014-english](http://www.constitutionnet.org/vl/item/libya-initial-draft-constitution-2014-english)*
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| Article 49                | executive authority | Reducing president’s age to 30 years | The candidate for the presidency of the state should have the following:  
1. The conditions for membership in the Shura Council  
2. Be recommended by twelve members of the House of Representatives, or ten thousand voters from at least two thirds of the governorates with a minimum of five hundred voters from each governorate. Recommendations for more than one candidate shall not be taken into account. | The age of nomination (40 years) remains relatively high comparing to some comparative constitutions. Tunisian constitution, American constitution and African constitutions…. |
| Article 50                |       | Amending the article to make the electing of the president of the state made freely and directly by the people in secret ballots. | Speaker of the Shura Council announces opening the process of receiving candidacies and elections for the office of President of the State in accordance with the following:  
1. The candidacies which meet the conditions laid down in article 49 shall be presented to a special committee which consists of three judges with the rank of councillor chosen by President of the High Court, who also appoints their president, and is called the Presidential Elections Committee;  
2. The Presidential Elections Committee presents the candidacies which meet the conditions to the Shura Council held in an ordinary session to elect the President of the State;  
3. Electing the President of the State takes place in direct, secret and free voting under the supervision of the Presidential Elections | The president in the proposed system does not enjoy a direct concrete democratic legitimacy as both legislative councils do and it’s a necessary legitimacy considering his powers. However the condition of two thirds +1 majority does not seem preferred as it’s difficult to obtain which leads to the instability of the political life and the emerging of circumstantial and instable majorities (refer to the current crisis in Lebanon despite the difference in the electing rules)  
The direct and free election of the president is consistent with the proposed system of governance (amended parliamentarian) |

Unofficial translation by UNDP. Translation of the current provisions of the CDA preliminary works text based on IDEA 6  
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<td>Suggesting the participation of young judges in the forming of the Higher council of judiciary and representing youth in this council through:</td>
<td>Committee, and the winner is the candidate who obtains two thirds plus one of the votes of the House.</td>
<td>The current composition eliminates the young judges (judges of courts of first instance) The necessity of the council's composition to be mixed to include representatives of the judicial professions and also individuals from outside including representatives of civil society which allows in part for youth representation. The reason: these councils were established in the comparative systems in order to balance two basic principles of democracy which are the guarantee of judiciary independence of the legislative and executive powers on one hand and to ensure judges accountability on the other had and it's important to hold accountable all who occupies a public post in a rule of law society.</td>
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<td>1. Allocating a fixed percentage for young judges through opening the door of membership to the members of courts of first instance.</td>
<td>4. If none of the candidates obtains the majority of two thirds plus one in the first round, a run off round is conducted between the two candidates who obtain the highest votes, and the winner shall be the candidate who wins the largest number of valid votes. If the votes are equal, the side which includes the Speaker wins. In all cases, the results shall be considered final and cannot be challenged before any authority.</td>
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<td>2. Electing all the representatives of the judiciary in the council by a general assembly of judges.</td>
<td>The elected president announces, upon his victory, his withdrawal from any political party or block, and provides a written assurance of that.</td>
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<td>Chapter III: Judiciary and constitutional court.</td>
<td>Article 8</td>
<td>Judicial authority</td>
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<td>3.</td>
<td>Demanding the executive authority not to intervene in the composition of the higher council of judiciary (objecting on the membership of the minister of justice).</td>
<td>The most senior head of a court of first instance, as member.</td>
<td>Guaranteeing the independence of the judiciary aims to protect citizens interest (litigants) and to safeguard their rights. Where judges unions and professional organizations ensure their other material and moral rights. The necessity of judge’s representatives in the council to be elected to guarantee their real representation of judges – and most of them are youth – and also to guarantee the council’s independence. Reserving seats from the quota allocated to judges in the council for the judges of courts of first instance who are usually young. Guaranteening the impartiality of the higher council of judiciary and its independecne from the executive authority requires deleting the memberships of executive authority members.</td>
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<td>4.</td>
<td>Engaging members of non-judiciary bodies in the membership of the high judiciary council.</td>
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<td>It should be taken into consideration to review the general structure of the administrative judiciary (inserting the levels of first instance, appeal and supreme court) which allows the participation of young judges especially in the early phases.</td>
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<td>Article 12 The State’s Council</td>
<td>Providing an opportunity for membership of young judges in the state council.</td>
<td>1. The State’s Council is an independent judicial body based in Tripoli. Its general assembly might decide to convene it in any other place inside Libya. It consists of a president, vice-president and a sufficient number of counsellors of the level of Chief of Appellate Court or its equivalent shall be is created upon a decision of the High Judicial Council.</td>
<td>Not including the high council of judiciary in the selection or appointment of the constitutional court members. It is preferred to incline towards the election of the constitutional judges. The Court consists of eleven members, including its president and vice-president. The High Judicial Council nominates five counsellors with the rank of head of an appeals court, the President of the State nominates three members and the legislative authority nominates three</td>
<td>Avoiding the conflict of interest between justice, administrative and constitutional judiciary. The election of the constitutional judges by the legislative authority is the case in many of the comparative constitutions such as the German constitution.</td>
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<td>Article 22 The Constitutional court</td>
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*Unofficial translation by UNDP. Translation of the current provisions of the CDA preliminary works text based on IDEA 8 http://www.constitutionnet.org/vl/item/libya-initial-draft-constitution-2014-english*
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<td>members. The nominees of the President of the State and the legislative authority should be highly qualified and competent in the law, Islamic Sharia law or political science with at least twenty years of practical experience in their fields, or lawyers accepted before the High Court for fifteen uninterrupted years. The president and vice-president of the court should be among the members nominated by the High Judicial Council. Vacancies in membership are filled using the same standards.</td>
<td>Constitutionalizing of the national assembly of youth as an Independent body will have a positive impact in supporting policies related to youth in Libya. In order to achieve this objective, it’s important to compulsory consult with it on the bills of laws and to have it propose legal texts and follow up on the implementation of laws and public policies, monitor the governmental bodies involved with the youth policies, assess legislations and policies, issue periodical reports and conduct studies. An example the Higher council for youth (Article 170 of Moroccan constitution)</td>
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<tr>
<td>Chapter IV: Independent Institutions</td>
<td>Adding a new constitutional body: The National Commission of Youth including the representation of Libyan youth from all cultural components of the Libyan society and disabled.</td>
<td>Adding a new article to the chapter &quot; Independent constitutional bodies &quot;</td>
<td>Not Available</td>
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<td>The establishment of an independent constitutional body for sustainable development and the rights of the upcoming generations</td>
<td>Adding a new article in the chapter of independent constitutional bodies</td>
<td>Not Available</td>
<td>An effective mechanism to guarantee third generation of human rights Example article 129 of the Tunisian constitution</td>
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<td>Article 2</td>
<td>To be added to article 2 of chapter 8” independent constitutional bodies &quot; A provision introducing a fixed percentage of 30% of women and youth representatives in all independent bodies</td>
<td>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.</td>
<td>Support the participation of youth in all state institutions through the endorsement of the quota system (30% minimum ) The Independent bodies are one of the basic guarantees of democracy and good governance and rights and liberties. Under this ratio youth’s participation will not be effective and will not allow for the alternative and renewed vision to surface which is usually proposed by youth.</td>
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<td>The Right to Equality and non-discrimination</td>
<td>Only stating in the article the principles of equality and non-discrimination and omitting all other details and parts which doesn’t make additions on the legal level on the article.</td>
<td>The State shall ensure equality between male and female citizens within and before the law. To this end, it shall take the following measures: 1. Prohibit discrimination whether by deprivation, reduction, increase or restriction. 2. Prohibit assumption of public functions by those convicted of a crime of discrimination. 3. Empower disabled persons in order to enjoy their rights and develop their capacities.</td>
<td>Constitution’s job is to guarantee rights and liberties clearly and accurately, details are usually stated in the law. stipulating the prohibition of discrimination ‘in addition’ means the inapplicability of positive discrimination like (quota system)</td>
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*Unofficial translation by UNDP. Translation of the current provisions of the CDA preliminary works text based on IDEA 10 http://www.constitutionnet.org/vl/item/libya-initial-draft-constitution-2014-english*
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<td>5. Right to equal consequences of being Libyan for women on the same basis as men. The State shall also commit to the acquired rights of women and shall work to support and develop thereof.</td>
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<td>The endorsement of quota system to support youth participation in the leadership structures of political parties to contribute to the emergence of youth leaderships in the political arena. An example: article 26 of the regulatory law concerning political parties (Morocco) and the law of Equality in the assuming of public posts in France.</td>
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<td>Political parties</td>
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<td>Guaranteeing 30% representation of youth in the steering departments of political parties</td>
<td>Political Parties Every person shall have the right to choose political directions. The State shall guarantee the right to the establishment, joining of and withdrawal form political parties while undertaking the following: 1. Non-affiliation of party members with trends outside the country. 2. Preservation of national unity by the party. 3. Prohibition of foreign funding of parties and [show] transparency of funding sources. 4. Prohibition of exercise of commercial activities by parties. 5. Contribution by the State to the funding of political parties. This shall be regulated by law. 6. Parties shall denounce violence, terrorism, hatred and discrimination, and they shall be prohibited from utilizing tribes and regions. 7. Prohibition of affiliation of parties with any armed or semi-armed formation. 8. Prohibition of affiliation of judges, prosecutors, military and police personnel with parties.</td>
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<td>Equality between men and women in terms of nationality rights</td>
<td>Moving article 10 from the chapter of cornerstones to the rights and liberties and amending its 2nd paragraph by stipulating the equality between Libyan men and women in terms of granting their nationality to their children: It is a Libyan who is born to a Libyan father or mother or obtained the citizenship later by a law in force.</td>
<td>10. 2. Whosever born to a Libyan father or obtains the Libyan nationality subsequently under a law in force shall be Libyan national.</td>
<td>Same reasons that were mentioned hereinabove in the form of state and its basic cornerstones chapter</td>
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<td>Civil organizations Paragraph 3</td>
<td>An amendment to the paragraph 3 as follows: CSOs in case of receiving foreign governmental funding must submit a notification to the competent governmental authorities, non-legitimatized, or unknown source funding is prohibited.</td>
<td>Civil Society Organizations</td>
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<td>The importance of the CSOs role in building a democratic life and the promotion of citizenship values. The necessity of balancing the freedom of the work and organization of these CSOs on one hand and it respecting the transparency and integrity on the other hand.</td>
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<td>Suggesting a general text stipulates that CSOs must respect laws and regulations in place provided that the latter regulates funding.</td>
<td>Not Available</td>
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<td>Same reasons mentioned hereinabove .</td>
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*Unofficial translation by UNDP. Translation of the current provisions of the CDA preliminary works text based on IDEA 12*

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<td>The Right to Education</td>
<td>The education is mandatory till the age of 18 The right of equality and equal opportunities in education: suggesting to not limit this right with age category with the necessity of state work to guarantee lifelong education.</td>
<td>Every person shall have the right to education, which shall aim to build personality, maintain national identity, engrain scientific research, develop talents, encourage innovation, establish Islamic and humanity values as well as values of citizenship, tolerance, solidarity and peace, respect of human and basic rights, and provide education opportunities to every individual in accordance with mental and scientific capabilities. To this end, the State shall ensure the following:</td>
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<td>1- Develop scientific curricula ensuring prosperity and stability according to global quality standards.</td>
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<td>2- Compulsory education until the age of eighteen.</td>
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<td>3- Spread of schools and institutes all over the Libyan Region.</td>
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<td>4- Promotion and development of vocational and technical education.</td>
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<td>5- Continuous training for male and female teachers taking into account their physical and moral rights.</td>
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<td>6- Openness of education institutions to all humanitarian experiences.</td>
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<td>7- Education on human rights and basic rights.</td>
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<td></td>
<td>Suggesting the allocation of a percentage of the national income to fund scientific research.</td>
<td>Not Available</td>
<td>Provide the youth with the ability to demand rights and participate in the decision making and to create employment opportunities. The compulsory education in the limits of a certain age can protect children and teenagers from economic exploitation (child labour), abuse, marginalization and deviation. The freedom of choice for youth at the age of adulthood (18 years), when they reach this age they can choose to continue with their education or not.</td>
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<td>The Rights of Disabled Persons</td>
<td>Suggesting to phrase the article as follows: the state guarantees all the rights relevant to protecting disabled persons and prohibits discrimination against them and provides them with the opportunity of full integration into society their through the equiping of public and private facilities to enable them to practice all their health educational and political rights and to guarantee representation in elected councils, the state takes all necessary measures to ensure the issuance and implementation of laws relevant and to ratify and sign international treaties that includes the rights of disables persons.</td>
<td>The State shall undertake the necessary measures to enable disabled persons to practice all their rights and enjoy a decent life, especially through the following: 1. Enable equal opportunity in employment and public posts, as well as their rehabilitation so as to enable them to perform or regain such posts, or compensate them. 2. Consider the specificities of disabled persons as an integral part of the education system and educational planning; [disabled persons] shall not have a special system unless the public system is deemed unsuitable, and only for the objective of their gradual integration into the public system. 3. Ensure their access to all places, provided that the construction criteria of public facilities and private places correspond to their needs. 4. Commit to sufficient support for their incomes, ensuring their treatment as well as providing support for those who care for them.</td>
<td>Guaranteeing the right of the disabled persons obliges the state through a set of commitments and mandates it to take a number of necessary measures in accordance with the international standards in order to enable this social category to practice all of its human rights with no discrimination in compliance with the principal of equality and equal opportunities. Libya is a signatory to the United Nations treaty on the rights of disabled persons in 2008 yet it has not yet ratified it. Examples: Article 81 of the Egyptian constitution, Article 48 of the Tunisian constitution.</td>
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<td>Prisoners’ rights</td>
<td>Suggestion of adding a new article: prisoner’s right - the state guarantees the right of prisoners in education and rehabilitation and vocational development inside prison and provides them with work opportunities to engage them into society.</td>
<td>Not Available</td>
<td>The prison is an establishment for reform and rehabilitation: to guarantee the rehabilitation and integration of the prisoner after the completion of his sentence in addition to the guarantee of the basic rights of the prisoner during his sentence. Example: Article 56 of the Egyptian constitution, article 30 of the Tunisian constitution.</td>
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## Libyan Youth’s Demands for the Constitution

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<td>The enjoyment of temporary unemployment allowance</td>
<td>Suggestion to add an article on providing grants for youth till the state provides them with work opportunities</td>
<td>Not Available</td>
<td>Providing the unemployed youth with a temporary income with specified conditions that preserves their dignity and protects them from marginalization and deviation. This is done within the resources available and in accordance with the principle of reasonability as the comparative jurisprudence have defined it.</td>
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<tr>
<td>Transitional measures chapter</td>
<td>Deleting the individual system from the text</td>
<td>The article: Candidature for the Elections in Accordance with the Individual System: The electoral system shall ensure that candidature is only possible in accordance with the individual system for three elections. (Second proposal: Candidature for parties cannot be frozen). Chapter 1: Transitional Justice Measures Article ( ) The State shall be committed to put in place the necessary measures and mechanisms to hold community dialogue, uncover the facts, achieve fairness, reconciliation and constitutional and legislative reform. These mechanisms shall be independent, neutral, objective and conducted by individuals who have diverse competencies, expertise and integrity and in a manner that ensures they do not involve any kind of political liquidation. Not available</td>
<td>The individual system leads to personal considerations overriding programs, which negatively influences the youth chances in the elections. It also leads to distracted loyalty parliaments and restrains the emerging of clear and stable majorities that is capable of steering public affairs in accordance with a previously known electoral program of which voters have delegated it the power to run the country in accordance with. This system leads to deepening the disagreements as it results a winner or a loser in a semi artificial manner, which should be avoided in transitional context societies. Leads to the existence of elected bodies, which does not enjoy the legitimacy, representation and necessary public support. The state must select the proper electoral law, which shall guarantee the representation of all different categories and groups in terms of results, not only in terms of nominations (List electoral system, proportional representational system, quota system.) The transitional justice system is crucial for national reconciliation and to guarantee civil peace and will be a determining phase in the</td>
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<td>Chapter VII: Local Governance Proposals 1 &amp; 2</td>
<td>Youth representation in local authority councils</td>
<td>Amending articles by inserting a quota (not less than 30%) for youth representation in provinces councils and regions councils with a guarantee of their representation in the rest of the local governance councils.</td>
<td>Provincial system proposal - Article 4 (provincial system): The Governorate Council shall be elected by direct secret public ballot and the Chairman should be the one receives the highest vote. Region system proposal - article 8: The Region’s Council and Chairman of Executive Council of the region shall be elected through direct secret ballot. Fair representation of all Libyan social, cultural and linguistic components (Tamazight, Tabu, Twareg) shall be taken into account. This shall be regulated by law.</td>
<td>Libyan history, of which youth shall participate in. Local democracy is considered as the basic cell of democracy and it participates in the upbringing of a citizen to the conduct of public affairs on local level. Youth represent 65% of the population in Libya and must therefore be involved in the decision-making process at the local level, in order for policies and programs to be responsive to their needs and aspirations. Phrasing the quota system is necessary as it is the only mean that allows the support of the political representation for youth in the scope of the current political culture which considers the political leadership to be limited to the traditional leaderships. Example: Article 180 of the Egyptian constitution.</td>
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<tr>
<td>Chapter V: Army and police</td>
<td>Legal terms the army and police abide to.</td>
<td>Inserting an article in the beginning of the chapter that is related to the regulations that governs the army and security forces: abiding to law and political neutrality and respecting human rights and adhering to the democratically elected civic institutions. The state’s monopoly of legitimate force and to the establishment of armed and security forces. These bodies’ commitment to implement the law and political neutrality and respecting human rights and</td>
<td>Not Available</td>
<td>Military and security forces embody the state’s monopoly of legitimate force, yet these forces don’t enjoy a democratic legitimacy, in some cases they can try to impose its opinion by force. These forces and considering its nature and duty are tools under the disposal of the political democratically elected authority and are not institutions outside the political constitutional system. Hence it’s important for these forces to submit to elected civil institutions and to respect law and human rights and to remain at absolute neutrality in political life and not to engage in its conflicts.</td>
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*Unofficial translation by UNDP. Translation of the current provisions of the CDA preliminary works text based on IDEA 16 http://www.constitutionnet.org/vi/item/libya-initial-draft-constitution-2014-english*
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<td></td>
<td>Legal terms the army and police abide by.</td>
<td>Phrasing the principle of oversight by the legislative authority on security and military institutions in terms of their budget.</td>
<td>Not Available</td>
<td>The military power submits to the civil power in the state (the superiority of the democratically elected civic authorities).</td>
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<tr>
<td>Chapter: Natural Resources</td>
<td>Youth representation in the bodies overseeing the utilization of natural riches.</td>
<td>Amending Article 1 by adding a paragraph discussing the state guaranteeing the youth representation with no less than 30% in the establishments that oversees the utilization of natural wealth.</td>
<td>Article 1 - The state shall be committed to managing these resources through the institutions charged with planning and exploitation, managing their revenues and exercising oversight and follow up in accordance with the law. - The institutions charged with managing natural resources shall be committed to report directly to the legislative and executive authorities on the measures they have taken and the progress they have achieved.</td>
<td>The youth participation effectively in the decision making processes related to the management of natural wealth and the distribution of its revenues is an essential issue to determine their needs and priorities which is a condition for development, democracy and civil peace. Achieves a fair distribution of the country’s wealth among everyone without any discrimination or marginalization.</td>
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<tr>
<td>Public participation in the constitutional building process</td>
<td>Ensuring that the constitution-making process is transparent and participatory</td>
<td>CDA rules of regulations 1. Guarantee right of the civil society to monitor and document CDA sessions. 2. Develop a clear and specific mechanism of communication between the constituent assembly and the people and ensuring transferring the</td>
<td>Not Available or inactive</td>
<td>Modern experiences show an inclination towards the codification of the public participation process by phrasing it into the core of a legal official text (such as the rules of regulations of the structure assigned with drafting the constitution) and clarifying the ways of which it will be organized in order to ensure the openness of the structures assigned with constitutional drafting to the ideas and proposals of the citizens.</td>
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<td>people's proposals to the CDA.</td>
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<td>3. Develop methods to publish CDA's work to the people.</td>
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<td>4. The Assembly must work in a clear and transparent manner.</td>
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<td>5. Suggest a specific and transparent mechanism that guarantees to follow on the proposals in CDA's custody by its owners.</td>
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<td>6. Suggest to amend the Bylaws in terms of stipulating hearings for Civil society activists regarding constitutional drafting proposals specially by youth.</td>
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<td>Public participation reinforces the national ownership of the constitutional instrument</td>
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<td>Not Available</td>
<td>The definition of terminology</td>
<td>Including an article on defining terms used in the constitution within the final provisions chapter:</td>
<td>Not Available</td>
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<td>- to determine what is meant by youth in a certain specification ex: by 30 years of age.</td>
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<td>- Phrases in the constitution written in the masculine gender include women and men alike.</td>
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<td>Not Available</td>
<td>Constitutional amendment Transitional provisions</td>
<td>Adding chapters on the provisions regulating constitutional amendments and on transitional provisions</td>
<td>Not Available</td>
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<td>- One of the fixed chapters in all constitutions (worldwide)</td>
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<td>- The significance of the chapter relevant to the amendment of the constitution, as the protection of the constitution depends on it</td>
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<td>It's one of the procedural guarantees in order to respect the constitution.</td>
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<td>- The importance of the chapter relevant to the transitional measures as it guarantees the smooth transfer from the old legal system into the new one. It also allows for separating between the time the constitution enters into force on the one hand and the time of its implementation on the other hand. The implemented will then be specified according to a precise timeline.</td>
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