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Decree on Libyan Women's Non-Citizen Children Fails Discrimination Test

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Non-citizen Children of Libyan Women Still Blocked From Citizenship

On October 19, the Council of Ministers of the [Libyan](#) Government of National Unity (GNU) [issued a new Decree stating](#) that non-citizen children of Libyan women would be granted “all rights entitled to Libyan citizens.” The decree mentions access to free education, free medical treatment, and visa-free entry to Libya, but falls short of guaranteeing the right of children of Libyan women to obtain nationality like children of Libyan men on an equal basis.

Without Libyan nationality, non-citizen children of Libyan women face difficulties including in obtaining identity documents. Their civil and political rights are severely limited, preventing them from voting in elections and shutting them out of public sector jobs.

Obtaining Libyan citizenship is governed by [Nationality Law 24/2010](#) which defines a Libyan as one who is born to a Libyan father or born in Libya to a Libyan mother and a non-Libyan father who is either stateless or whose nationality is unknown. Otherwise, the law provides that children of Libyan women married to non-Libyans may be granted citizenship, but this is not automatic. Such children can only [request nationality](#) after they reach the age of majority unless their father has died or is legally deemed missing, and their parents and an official body approve the request. Children of Libyan women married to Palestinians cannot obtain nationality.

Libyan women not only face discrimination relating to their children but also face hurdles in obtaining marriage licenses to marry non-Libyans after Libya's Grand Mufti called on authorities to ban women from marrying foreigners in 2013. Libyan men have no restrictions on marrying non-Libyans, can automatically confer citizenship to their children, and their non-Libyan spouses can easily obtain it.

Libyan women face other [discrimination](#) on issues pertaining to marriage, inheritance, and divorce, and have no effective legal protection against domestic and sexual violence.

Discrimination on the basis of gender contravenes Libya's 2011 [Constitutional Covenant](#) which guarantees that “Libyans shall be equal before the law [...] without distinction on the grounds of religion, belief, language, wealth, gender, kinship [...]” It also breaches Libya's international law obligations not to discriminate against women and their children.

Until the country's legislative authority, the dysfunctional eastern-based House of Representatives, amends Libya's Nationality Law, the new decree should be considered an interim measure. The onus is now on the authorities to guarantee effective protection of human rights, including by ensuring equality and nondiscrimination for Libyan women and their children.

ecoi.net summary:

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Austrian Red Cross

Austrian Centre for Country of Origin and
Asylum Research and Documentation (ACCORD)

Wiedner Hauptstraße 32, 1041 Wien

T (Telefon) +43 1 589 00 583

F (Fax) +43 1 589 00 589

info@ecoi.net

Contact

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