

In the Name of God, the Merciful, the Compassionate

**Memorandum Regarding the Presentation of Proposed
Legislation to Redress the Situation of Victims of Rape and Violence:**

Although the dark reign of al-Ghadhafi, and repressive actions committed during the Revolution of 17th February produced various groups of numerous victims, those who suffered torture and sexual violence continue to endure bitter humiliation silently and patiently. We are therefore concerned that members of this group of victims may suffer victimization twice. They should be among the highest priorities for care as our sisters, daughters and mothers who are recommended by God and the Messenger (God's blessing be upon him) for concern and protection of their rights.

Since Transitional Justice requires removal of all injustice and redressing the consequences of violations, we request that the Council of Ministers approve the attached proposed legislation to redress the situation of victims of rape and sexual violence.

Signed

Salah Bashir al-Mirgani
Minister of Justice

Bill Concerning Care for Victims of Torture and Violence

General National Congress

- Having considered the Constitutional Declaration of 03/08/2011 and its Amendments;
- And in the process of implementing necessary redress for the atrocities committed during Gaddhafi's dark reign and during the War of Liberation, and redress of the consequences of those atrocities;
- And in recognition of victims of injustice who did not receive any level of concern like other categories of victims;
- In order that victims of torture and violence do not suffer twice,

We hereby enact this legislation:

Article One

The category of victims of rape and violence within the scope of the implementation of this legislation are those who suffered gross bodily assault or sexual attack, or suffer the attempt to do that, during the War of Liberation. As well as those adult women who were abducted or minors who were coerced into becoming part the groups of victims who suffered the lustful acts of Mu'amar al-Gadadhfi and his sons during his dark reign.

Article Two

Victims of rape and violence are to be divided into the following categories:

1. Victims of attack;
2. Victims of attack which resulted in birth of a child who remains in her care;
3. Victims of attack who suffered severe bodily injury, such as the removal of ovary or permanent impotence or other chronic disease;
4. Victims who suffer grievous bodily injury such as (a) removal of the breast, (b) severe bodily burns of the first degree, or (c) gross bodily deformation;
5. Victims who suffer permanent psychological disorder as a result of the attack, which hinders their ability to engage in normal activities in their communities. Victims who belong to this category are to be determined by a resolution of the specialized committee identified in Article Four of this legislation.

Article Three

Members of all categories of victims shall be entitled to the following benefits:

1. Monthly grant as specified by the Council of Ministers;
2. Provision of physical and psychological health services for herself, her husband, children and her parents, if applicable, by establishing a system of medical insurance that is parallel to the system of social insurance;
3. Opportunities for training and academic education and study in the country or abroad;

4. Priority in appointment to work at any of the institutions of the state according to their specialization;
5. Priority in getting housing loan in accordance with current legislation;
6. Monthly grants to families fostering the children of victims of violence until they reach the age of legal majority;
7. Establish shelter facilities to accommodate victims of violence lacking housing or being rejected by their families, at least on the short term;
8. Establish legal mechanism for providing legal identity to children born out of rape, while protecting the identities of their biological mothers in accordance with the norms of Islamic Sharia and without creating stigma for mothers or their children;
9. Priority in purchase of new vehicle for each beneficiary who will pay the price in each installments, and free from all applicable fees;
10. Discount of tickets by half for all land, air and sea of domestic and international means of transport;
11. Designated percentage of members of each group of victims for pilgrims to perform Haj to Mecca once in a life time;
12. Provide assistance for victims of rape and violence in pursuing the perpetrators of those crimes and putting them on trial.

Determination of Members of Each Group of Victims

Article Four

With reference to item number 8 in Article Three, the Ministry of Local Government shall be charged with establishing a legal mechanism according to the following requirements:

1. Secure the privacy of true identity of the biological mothers of children;
2. Refrain from using such terms as “of unknown paternity” in birth certificates and documents;
3. Ensure that fostering families are appropriate for the environment of the foster child and provide continuous periodic inspection of foster parents to protect the safety of the child.

Article Five

A Specialized Committee shall be appointed by the Minister of Social Affairs from among the members of associations from various cities in Libya, which were working directly with these cases prior to the enactment of this legislation. The chairperson of this Committee shall be nominated by the Minister of Justice. Regulations for the implementation of this legislation shall explain the organizational structure and operation of this Committee, which shall finish its mission within two years from the date of the commencement of its operations.

Article Six

This Committee (established under Article Five) shall be charged with the following tasks:

1. Establish a system for demographic information about victims of rape and sexual violence encompassed by legislation;
2. Ensure the precise application of the criteria and regulations laid down by this legislation upon its intended subjects;
3. Determination of the intended beneficiaries of all or part of the benefits provided for by this legislation, while ensuring the confidentiality of the information used by the Committee to perform its functions.

Article Seven

The Committee may accept similar cases and apply the same process regarding male victims under Article 2.1 and 2.5 of this legislation.

Article Eight

The Council of Ministers shall enact the regulations for the application of this legislation, which include implementation mechanisms, ways of financing the process, and means for delivering the benefits the law established in addition to providing sufficient safeguards against the abuse of this legislation.

Article Nine

This legislation shall come into force from the date of its publication in the Official Gazette.

The General National Congress

Date of enactment

.././2013