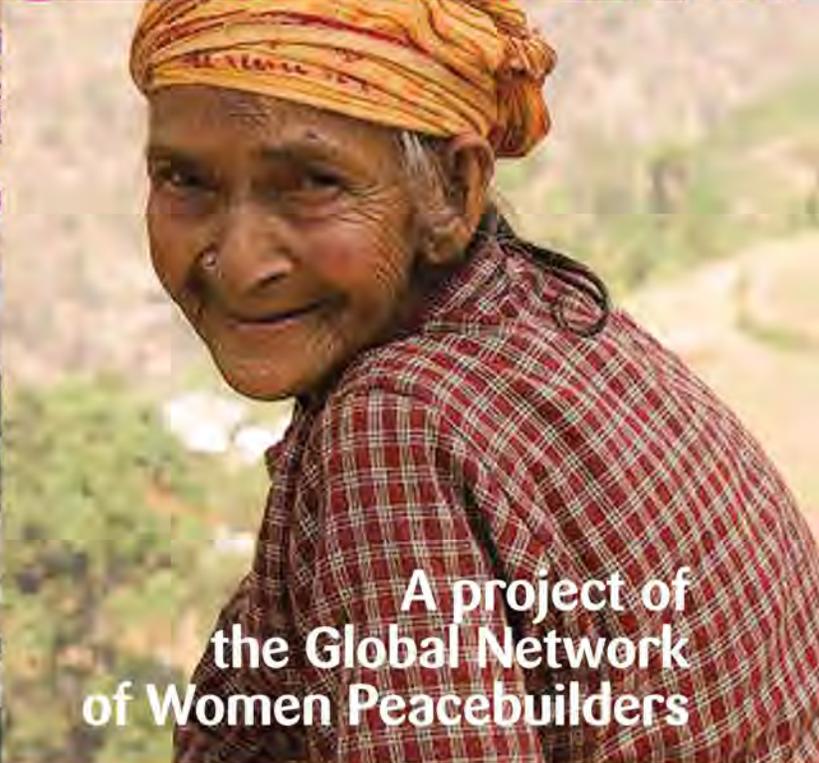


Security Council Resolution 1325: Civil Society Monitoring Report 2014



A project of
the Global Network
of Women Peacebuilders

Afghanistan, Azerbaijan, Burundi, Canada, Colombia, Democratic Republic of Congo, Fiji, India, Kenya, Libya, Iraq, Nepal, Netherlands, Nagorno-Karabakh, Philippines, Serbia, Sierra Leone, South Sudan, Sri Lanka, Sweden, and Uganda

Libya

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List of acronyms

CEDAW	Convention on the Elimination of the Discrimination against Women
CSO	Civil Society Organization
FGM	Female Genital Mutilation
GNWP	Global Network of Women Peace builders
IDP	Internally Displaced People
INAP	Iraqi National Action Plan
ISIS	Islamic State of Iraq and Syria
IWN	Iraqi Women Network
I-WISH	Iraqi Woman Integrated Social and Health Survey
KRG	Kurdistan Regional Government
MENA	Middle East and North Africa
NAP	National Action Plan on the Implementation of the Resolution 1325
NGO	Non-Governmental Organization
SGBV	Sexual and Gender-Based Violence
UNSCR	United Nations Security Council Resolution
UNFPA	United Nations Population Funds
USA	the United States of America
WILPF	Women's League for Peace and Freedom
WPS	Women, Peace and Security

I. Women, peace and security profile

A. Nature of the conflict

The monarchy era following Libya's independence from Italy in 1951 was the real beginning of building a modern and unified Libya, especially after King Idris Al-Sanusi, the first king of independent Libya, introduced the constitutional amendment of 1963, which cancelled federalism and transformed Libya into a unified, centralized kingdom. This reform was part of the changes happening within the region that followed the fall of the monarchy in the Arab Republic of Egypt in 1952.

In 1969, Colonel Gaddafi overthrew King Idris Al-Sanusi in a coup d'état, and became the ruler of Libya. He remained in power for 42 years; a period generally considered peaceful, and free of civil wars. Gaddafi abolished Libya's Constitution, and replaced it with *Jamahiriyah* – a system of “direct democracy,” governed through a network of local people's councils and congresses, which elected members for the national General People's Congress. However, the lack of an official constitution, political parties, and free media led to lack of transparency and accountability. This, together with the prominent role played by the Military Revolutionary Councils, and the restrictions placed on the civil society and human rights activists, made the regime highly oppressive.

In February 2011, public protests emerged in the eastern Libyan city of Benghazi. They were encouraged by the revolutions that took place in Tunisia and Egypt, provoking enthusiasm and hopes among many Libyans. The protests began through a Facebook page informing people about the day for a national public movement against Gaddafi on February 17, 2011. On February 15th, The Libyan government had detained a lawyer who had been entrusted with the case of victims' of Abu-Salim prison massacre, the incident of executing 1200 political prisoners by the Gaddafi regime in 1996, in a prison located in Tripoli.¹ He was arrested, together with a few other activists, in response to the announcement of the public anti-Gaddafi movement. The families of Abu-Salim victims gathered in a peaceful demonstration in Benghazi and demanded that the government release him. This demonstration in Benghazi fuelled public protests in several other cities within Libya. The intensity of the public uprising, and the government's inability to deal with the public demands, accelerated the rage and the movement began on February 15th. Violence demonstrated by the government transformed the public civil movement into an armed movement within four days. Demonstrators were subjected to shooting, which motivated them to respond with violence and attack the military of Gaddafi's regime with “bare chests,” which later led to a civil war in Libya. The protesters were supported by the international community – the United Nations Security Council Resolution (UNSCR) 1970 condemned the use of lethal force against the protesters, and imposed sanctions on Gaddafi, including referring him to the

International Criminal Court for investigation². In March 2011, a NATO-led campaign of airstrikes was carried out to aid the civilian protesters³. The protesters finally captured the capital, Tripoli, forcing Gaddafi to flee to his hometown of Sirte, where he was killed. The National Transitional Council (NTC),⁴ established on February 27, 2011, became the *de facto* government of Libya; NTC handed over the power to the General National Congress (GNC), elected in popular elections on July 7, 2012. The GNC was charged with transitioning the country to permanent democracy, but it has failed to move the country forward due to political bickering and the stalemate between political blocks.

In June 2014, elections produced an internationally recognized parliament with a strong representation of moderates, liberals and federalists; that angered the Islamist political blocks, which seized Tripoli two months later, depriving the central government of control over the capital city. On November 6, 2014, Libya's Supreme Court declared the elected, internationally recognized parliament as unconstitutional, in a ruling likely to fuel political instability. At the time of writing this report, Libya is in chaos as two rival governments and parliaments are struggling for power control.

B. Impact of conflict on women

Tradition dictates different roles for women and men in the society, yet a temporary change of the identified roles is expected to happen during wars and conflicts. During conflict, the man is usually the one who carries weapons and leaves the house and family in the woman's hands. This means that during conflict many women act as heads of their families, and are responsible for the household, food, income, as well as being the defender of women and human rights; thus, they enter an area that they were not traditionally allowed to participate in. Libyan women have proven that they are more than capable to assume these responsibilities even in the most adverse conditions. In general, Libyan women were not denied access to education or work during the old regime; the conflict experienced by Libya for the past four years has limited the possibilities available to them, and has had a negative impact on women's everyday lives.

Ever since the beginning of the February 2011 revolution, women have played leadership roles in manifestations against the previous government that began in Benghazi. Mothers and sisters of the Abu-Salim prison massacre victims organized the protests to call for the release of the lawyer and activists detained on February 15, 2011. In fact, women were the fuel for the uprising, and actively participated in political activities, which made them victims of imprisonment and torture. Women played important roles in transporting weapons to the rebels, and motivating people to revolt within areas under Gaddafi

² United Nations Security Council, United Nations Security Council Resolution 1970, S/RES/1970, (United Nations: New York, February 26, 2011), accessed February 16, 2014: <http://www.icc-cpi.int/NR/rdonlyres/2B57BBA2-07D9-4C35-B45E-EED275080E87/0/N1124558.pdf>.

³ “Libya: NATO steps up air strikes on Tripoli”, *BBC News Africa*, May 24, 2011, accessed November 16, 2014, <http://www.bbc.com/news/world-africa-13514788>.

⁴ Foreign & Commonwealth Office and The Honorable William Hague MP, UK Government announcement, Head of the Libyan National Transitional Council Visits UK, May 12, 2011, accessed November 25, 2014, <https://www.gov.uk/government/news/head-of-the-libyan-national-transitional-council-visits-uk>.

¹ Amnesty International, *Rising from the shadows of Abu Salim Prison*, June 2014, accessed October 25, 2014, <http://www.amnesty.org/en/news/rising-shadows-abu-salim-prison-2014-06-26>.

control. Some women joined the anti-Gaddafi movement and contributed to the military operations, while others worked in the field hospitals, attending to the injured and casualties, worked as food distributors at the frontlines, or joined the international communication center in order to serve the Libyan cause, support the opposition and the NTC.

After the end of the civil war, women were neglected as partners in the revolution, and found themselves marginalized and excluded, because of the extremely conservative ideology of certain politicians and religious groups that deprived women of previous freedoms. Furthermore, many women human rights activists and civil society organizations (CSOs) were exposed to threats, attacks, murder and recently, assassinations, such as the case of legal activist Mrs. Salwa Bugaighis⁵ and former GNC member Mrs. Fariha al-Berkawi.⁶ Salwa Bugaighis was stabbed and shot through the head by gunmen who broke into her house in Benghazi city east of Libya on June 25, 2014; Fariha Al-Berkawi was assassinated by an armed group near a gas station in her city Derna, east of Libyan, on July 17, 2014.

Currently, Libyan women are unable to find anyone to speak on their behalf about the crimes committed against them, and are not guaranteed protection from the previous legislative body, GNC, or from the government, despite many appeals from human rights activists to end violence against women post-February revolution.

Several reasons may have contributed to the changes in women's situation after the conflict. These are: the extremist religious groups that dominated the state institutions; absence of a legal authority, which made the law and judiciary meaningless and a lack of security. There is a decline in awareness of women's rights and propagation of extremist ideas that are opposing women's emancipation, or even the idea of their participation in the reconstruction of the country, a problem that has worsened the situation of women in Libya.

In the post-conflict period, Libya seems to have maintained the rhythm and criteria of a modern democracy. However, it has not dealt with the complexities of the popular thought of "masculine legacy." This legacy constitutes a barrier to the progress of women in all spheres of life, including economy. Furthermore, the acceptance and implementation of these rights and guarantees that were legislated within the former regime are not in line with the general perceptions and awareness of Libyan citizens. The previous regime did not pay serious attention or make efforts to deal with the gap between the concept of these laws, culture and norms that exist within Libyan society. This gap led to the public rejecting the provisions for gender equality and empowerment of women. Although the situation of women in Libya was not perfect under the old regime, after the 2011 uprising it worsened significantly, and there has been a considerable loss of rights that were enjoyed by women before.

5 Amnesty International, *Libya must ensure proper investigation after prominent lawyer shot dead*, June 26, 2014, accessed November 25, 2014, <http://www.amnesty.org/en/news/libya-must-ensure-proper-investigation-after-lawyer-salwa-bugaighis-shot-dead-2014-06-26>.

6 "Former Derna Congress-Women murdered," *Libya Herald*, July 17, 2014, <http://www.libyaherald.com/2014/07/17/former-derna-congresswomen-murdered/#axzz3JxxdIHxS>.

C. Relevant legal and policy framework

Laws and policies into effect related to women peace and security in Libya

There are many provisions within the Libyan Penal Code and Libyan Personal Status Law, which promote the right of a man to intervene in a woman's affairs. For example, if a man kills a female relative or his wife, who was caught having an affair, the penalty for the murder (the so-called "honor killing") would not be more than two years of jail, instead of execution or a life sentence, which is the usual penalty for murder, as provided by Article 375 of the Libyan Penal Code.⁷

The current supreme law in Libya is the Transitional Constitutional Declaration, issued on August 3, 2011. The Declaration is gender-blind and does not include any provisions for gender equality, or women's participation, despite the important role played by women during the revolution.

Libya acceded to the Convention on the Elimination of all forms of Discrimination against Women (CEDAW) in 1989, and to its Optional Protocol in 2004. However, the accession is subject to a reservation, formulated in 1995, which states that the accession to the Convention cannot conflict with the laws on personal status, derived from the Sharia law. Women's organizations in Libya have been advocating for full and unconditional ratification of the Convention, as well as its full implementation.

Libya does not have a National Action Plan for the implementation of UNSCR 1325 and the subsequent resolutions on Women, Peace and Security.

Evaluation of women's situation post-February 2011

Some of the legislative changes that followed the regime change had a negative impact on women. The first outcome of the overthrowing Gaddafi was the Declaration of Liberation⁸ on October 23, 2011, took place in the city of Benghazi east of Libya, and presented in a speech by Counselor Mustafa Abdul Jalil, the President of the NTC, who announced Libya's liberation from Gaddafi and gave men liberty from the provisions of the Gaddafi-era law. This law stipulated certain conditions for men, who wanted to exercise polygamy; these were: 1) written consent of the current wife/wives, given before the competent summary court; 2) approval verdict issued by a competent summary court, based on the current wives' testimony, as well as the man's physical and financial capacity. In February 2013, Libya's Supreme Court lifted these restrictions on polygamy from the Marriage Act, enabling a man to marry up to four wives without consent of his first wife⁹.

7 Immigration and Refugee Board of Canada, *Responses to Information Requests LB42988.E*, September 21, 2004, accessed November 25, 2014, <http://www.irb-cisr.gc.ca/Eng/ResRec/RirRdi/Pages/index.aspx?doc=430469>.

8 "Libya's new Leaders declare Liberation", *CNN International*, October 23, 2014, accessed November 25, 2014, <http://edition.cnn.com/2011/10/23/world/africa/libya-main/>.

9 Human Rights Watch, *Country Summary Report on Libya*, January 2014, accessed November 25, 2014, <http://www.hrw.org/sites/default/files/relatedmaterial/libya5.pdf>.

II. Data presentation and analysis

A. Participation

Indicator 1 – Index of women's participation in governance

Currently, the political participation of women in Libya is limited, yet in the future it will depend on the degree of freedom, democracy and political stability in the country. Women's participation in decision-making is a serious challenge under the current circumstances; however, it is essential to guarantee that Libyan women obtain their rights. Despite the important role played by women during the revolution, their significant contributions during the transitional period, the degree of participation in political life including decision-making positions after the revolution, it did not increase proportionally to their important role during the transitional phase. Women are a fundamental pillar of the construction of the state, but their participation has been negatively influenced on several occasions by the different opinions of the current members of the executive and legislative power, who are in control of the political scene. An example of such hampering of women's participation was the fact that GNC only granted women six seats, out of the total of 60, in the Constitution Drafting Assembly (CDA), elected on February 20, 2014, and tasked with the drafting of Libya's new constitution.

Women in Libya still suffer from the masculinized culture and conservative perceptions within the society. The overthrowing of the dictatorial regime in Libya created an atmosphere of freedom for Libyans to express themselves, especially within the period that directly followed the liberation. Although a generally good development, it gave some religious extremist groups the opportunity to express in public their opposition to women's empowerment and participation in decision-making. One of the most controversial incidents was a statement by a GNC member, who said that, "due to mixing inside the congress Hall, which we will be held accountable for on Judgment Day, the unveiled sisters and the wearing of tight clothes, leads to the wrath of God, and for this Congress is not moving forward."¹⁰

Libyan women are involved at several levels of governance, but their participation is limited and there are no guarantees to maintain it. The Libyan legal framework provides a stable basis for women's participation in politics, since Libya ratified most of the international and regional conventions, including the International Convention for Civil & Political Rights, and CEDAW, to which it has expressed reservations, as discussed earlier.

National legislature

In the election of the GNC in 2012, women won 33 seats, representing 16.5 percent out of the 200 GNC members. However, the number of women assigned to write a permanent constitution is six seats, representing only 10 percent out of the total number of 60 members of the CDA. Recently, elections

¹⁰ "Zawia Congressman attributes GNC failures to lack of gender segregation," *Huda Eksenari Blog*, January 9, 2013, accessed November 25, 2014, <http://hudaelsenari.blogspot.ca/2013/01/libya-zawia-congressman-attributes-gnc.html>.

to the interim parliament took place on June 25, 2014. Men were allocated 168 seats, leaving 32 seats for women. The exact number of women elected to the parliament is uncertain, since only 188 members were elected, with 12 seats remaining vacant because of the election boycott by Libyan Amazighy ethnic group. Violence erupted in some cities held by extremist, such as Derna. The chaos resulting from the violence, as well as the fact that some members of parliament are boycotting parliament sessions, since the parliament moved from Benghazi to the city of Tobruk, makes it impossible to obtain data on the exact number of women in the parliament.

In the 2012 GNC election, which was the first election in Libya in 42 years, out of the 80 percent of registered voters, 45 percent were women, and more than 600 women competed in the elections. In spite of the challenges that hindered their participation, within the first draft of the electoral bill, 10 percent of the seats were allocated to women. However, the bill was amended before the quota was implemented, and at the end of February 2012 the allocation was cancelled.

The number of women among registered voters and candidates illustrates the high level of women's determination to participate in the elections: 634 women ran as candidates; 549 from party lists; and 85 as independent candidates. Out of the 33 women, who won seats, and represented 16.5 percent of the legislative power (GNC), 32 were from party lists and one was an independent candidate. The victory of only one woman who ran as an independent candidate is an indication of the challenges that Libyan women are facing in the conservative society. Unfortunately, this woman later lost her position because of the Political Isolation Law¹¹ adopted by the GNC in 2013, which prevents people who worked with the previous regime from participating in politics for ten years.

In the CDA, the percentage of women's representation was lower, since only six seats were allocated to women out of the total of 60. This was considered a backward step with regards to women's rights. Since the GNC elections, the parliament has endorsed an election bill for the election of members of the new parliament, which allocated 16 percent of seats to women.¹²

The experience of Libyan women in the elections, and their poor representation in the legislative suggests that the Libyan legislative and executive powers should adopt special measurements (quotas), as temporary measures in order to improve women's participation and allow them to have equal opportunities with men.

National executive power

I. Number of women in NTC

The first interim government, National Transitional Council (NTC), included only two women among its estimated 75-100

¹¹ General National Congress, The Political Isolation Law, *13 / 2013*, May 2013, http://www.gnc.gov.ly/legislation_page.aspx.

¹² General National Congress, *Bill no. 10 for the election of the transitional parliament, 10/2014, Article 18*, 2014, http://www.gnc.gov.ly/legislation_page.aspx.

members. In December 2011, Libyan activists demanded greater transparency from the NTC and staged a camp in Benghazi, calling for the interim government to make its membership and voting decisions public. The exact number of NTC members has never been confirmed up to this moment.

II. Number of women in successive governments

Mr. Abdulrahman Al-Keab served as interim Prime Minister of Libya from November 24, 2011 to November 14, 2012. His cabinet consisted of 24 ministries, two of which were headed by women, namely the Ministry of Health and Ministry of Social Welfare. The cabinet of Mr. Ali Zidan was composed of 30 ministries, within which two ministers (Ministry of Tourism and Ministry of Social Welfare) and three deputies were women. The cabinet of Mr. Ahmed Maaetig, which has been declared by the Supreme Court as not legitimate, included three female ministers out of 23 ministries: Ministry of Culture; Ministry of Education; Ministry of Social Welfare.

Local governance

Legislations that regulate local administration¹³ allocate one seat for women upon the formation of a provincial council,¹⁴ as well as one seat for women upon the formation of a municipal council.¹⁵ Although only one seat per council is allocated to women, the establishment of the executive power in the 99 municipal districts will allow the establishment of new municipal councils based on their needs and requirements¹⁶, which in the long run will provide the opportunity to 99 or more women to occupy positions in the local government. However, research indicates that the potential participation of women is negatively influenced by various factors, mainly the deterioration of the security situation. In addition to the security factor, cultural and traditional aspects also limit the participation of women in local governments. The local governance system (municipalities) has only been introduced in Libya recently, so there's not much awareness or incentive among women to run for office in municipal councils.

The general insecurity increased the social pressure on women, which led to the reluctance of some of them to run for the municipal office. Furthermore, due to the tradition and cultural factors, some families deprive women of the opportunity to run in the municipal elections. Lack of security serves as a strong barrier posed on women's participation. Saferworld¹⁷ reported that fear of violence and crime reduces women's mobility, and decreases their presence in public spaces, and women's safety concerns are not taken into consideration by political party elites or informal local power brokers. Recently, unconfirmed reports stated that

13 General National Congress, Law no. 59 for 2012 concerning the system of local administration, law no. 9 for the year 2013 that amended law no. 59 for 2012 concerning local administration system, available at: http://www.gnc.gov.ly/legislation_page.aspx.

14 General National Congress, Law no. 59 for 2012, article no. 11 concerning the system of local administration, available at: http://www.gnc.gov.ly/legislation_page.aspx.

15 General National Congress, Law no.59 for 2012, article no. 26 concerning the system of local administration available at: http://www.gnc.gov.ly/legislation_page.aspx.

16 Libyan Government, Resolution issued by the government cabinet no. 180 for the year 2013, concerning the creation of municipal districts, available at: <http://www.pm.gov.ly/>.

17 Saferworld. *It's dangerous to be the first - Security barriers to women's public participation in Egypt, Libya, and Yemen*, (London, October 2013), accessed November 17, 2014, <http://www.saferworld.org.uk/resources/view-resource/768-its-dangerous-to-be-the-first>.

based on religious and safety reasons, some of the registry and election supervision committees in some cities hindered the registration of women who wanted to run for municipal council elections.

The absence of a national strategy to monitor the progress of the women's participation partly contributes to women's low representation in decision-making institutions and structures. The transition government did not adopt progressive policies that could motivate women's political participation and guarantee them their right to participation in the future. This made the degree of women's representation in decision-making positions limited, and therefore it is difficult to describe women's participation as increasing, incomplete or fixed as compared to the previous years.

Rating: No change

Indicator 2: Percentage of women in peace negotiating teams and detailed breakdown of gender issues addressed in peace agreements

Table 2.1: Number and percentage of women in peace negotiating teams in 2013

Name of the peace negotiating team	Number of women	Number of men	Percentage of women
Formal			
Temporary committee to follow up the security situations in GNC (Crises Committee)	0	10	0%
Preparatory Committee for National Dialogue (government)	3	13	18.75%
The Advisory group in the Committee for National Dialogue	5	34	12.8%
National Security Committee in the GNC	0	10 (number is not confirmed; not included in total)	0%
Reconciliation Committee in the Libyan army (such as rebels army)	0	Number is not confirmed	0%
Informal			
The Libyan Reconciliation Council of Elders and Notables	0	100 (number is not confirmed)	0%
Libyan Council of Wise people	0	100 (number is not confirmed)	0%
Total	8	257	3 %

Source: The National Dialogue Preparatory Committee, 2013, <http://ndpc.ly/commission-en/>.

Libyan women are excluded from formal and informal peace talks, as well as from the national and local peace negotiation initiatives. In Libya, most of the peace efforts and teams are non-governmental and civil society initiatives. One of the well-known teams is the “Libyan Council of Wise People”, which comprises of members representing local councils from regions all over Libya. Each local council has created a committee known as a “Reconciliation Committee”, from which one person has been nominated to represent that particular council within the Libyan Council of Wise People. A member from each Reconciliation Committee is selected to solve and handle the internal conflicts within the region they represent. Sometimes, they also act as speakers or negotiators if their area/town is a party in conflict with another one, while at other times they act as mediators. However, women are excluded from these Committees.

In addition to these informal structures, there exist some executive reconciliation committees, such as the “Crises Committee”, formed by the GNC, whose duties and responsibilities include reporting about conflicts and security; however, conflicts that recently transpired in Libya showed that this committee is not trusted or respected by the conflict parties, and the representatives of the Crises Committee are often dismissed or expelled from the negotiations.

A Deputy of the Libyan Reconciliation Council of Elders claimed that the reason behind excluding women from Reconciliation Committees and peace negotiation teams is that women are incapable of undertaking such tasks because of cultural beliefs. Women’s mobility is decreased by social norms, since it is unacceptable for a woman to travel on her own with other men. Women are usually not accepted by conflict parties as mediators, or members of mediation teams. In addition, the peace negotiation team is chosen by the conflict parties who usually find it unacceptable for women to take part in a peacemaking process. One such example was reported in the south of Libya, where some women attempted to participate in peace talks within their region, but were excluded and expelled from the local council’s Reconciliation Committees and the tribal negotiation delegation.

Women participation in the National Dialogue, supported by the government, represent 18.75 percent of the National Dialogue Preparatory Committee (NDPC) and 12.8 percent of the Committee’s advisory group. NDPC is an independent group of volunteers, who were appointed by the Prime Minister and funded by the government, with a task to build consensus among Libyans on the common values and responsibilities that will be included in the National Charter. There are no peace agreements that were announced by the government or GNC, but there were some attempts to arrive at an agreement by the reconciliation committees or troops in areas of conflict such as the south of Libya (Sabha), south east of Libya (Kofra) and the Mezda city. There is usually no mechanism for accountability, and parties may agree to temporarily or permanently stop fighting. Likewise, the government and the GNC release statements when there is turmoil but gender issues are never addressed or mentioned. Libyan women did not participate in the international conferences

in Paris and London that were calling for the need of heightened inclusion of women in peace negotiations at international level.

Rating: No change

Indicator 3 – Index of women’s participation in the justice, security sector, and peacekeeping missions

Table 3.1: Women’s participation in the justice sector for 2013

	Number of Women	Number of Men	Percentage of Women
Judiciary	130	808	13.8%
Public Prosecution	121	601	16.8%
Case Department	397	242	62.1%
Defense Department	759	325	70%
Law Department	18	67	21.1%
Total	1,425	2043	41%

Source: Jabril Naima Jabril, Judge in the Primary courts, Benghazi (personal communication, May 31th, 2014).

Table 3.2: Women participation in army and police for 2013

	Number of Women	Number of Men	Percentage of Women
Police			
Police (Ministry of Interior)	1200	118,000	1%
Supreme Security Commission	0	10,575	0%
Judiciary Police	1000	20,000	4.8%
Police Total	3200	148,575	2.1%
Army			
Libyan Army	600	Unknown	Unknown
Military of Chief of Staff	Unknown	Unknown	Unknown

Source: UNSMIL, Baseline study on women peace and security in Libya, 2014, 30.

The level of women’s participation in the judiciary is much higher than in the security sector, as women represent more than 41 percent of the total number of personnel in the judiciary sector. In general, the society is more accepting of female lawyers and judges than police officers or soldiers, claiming that women are not fit enough to fulfill requirements to join the national army or police.

According to the Libyan law, women became eligible to sit as judges in 1989. The first female judge was appointed in 1991, and as of 2012 there have been an estimated number of 130 female judges. Although there are no female judges in the Supreme Court, women’s participation in the judiciary system was promising before the revolution. However, the current moment is critical for the situation of women. After nearly 25 years, the

constitutionality of the law allowing women to become judges in Libya is still being challenged, with a view of exclusion of Libyan women from the bench. In June 2013, a male lawyer claimed that, based on the Sharia law, women should not be appointed as judges. He raised this case before the Supreme Court, arguing against the first article of Law no. 8, which provides that “women have the right to hold office in the judiciary, public prosecution and case management, under the same regulations applied to men.”¹⁸

During the Gaddafi regime, women’s participation in the security sector was encouraged and women were recruited to both the police and military. Furthermore, women were involved in Gaddafi’s personal protection team as well. After the revolution, the percentage of women in the security sector decreased, and women who previously worked in the security sector were transferred from their positions as police and army officers to administrative roles.

The dominant challenge to women’s participation in the security sector is the social stigma that it carries; for example, the women within Gaddafi’s personal protection team were rumored to have been having intimate relationships with Gaddafi, which led to a very negative general perception of women’s participation in the security sector. In addition, strong social beliefs regarding the differences between men and women led to a debate over whether women have the ability to serve in the police and military. It is worth to mention that a number of women from Tobroug city, east of Libya, are reluctant to being transferred to administrative positions, and are demanding to go back to work in their original positions.¹⁹ These women claim that authorities forced them to retire, resign or accept the transfer to other positions in response to the call from extreme religious groups. However, Libyan authorities claim that safety and security reasons are behind their decision to close the Women’s Military Training Academy, an action that contributed to the decrease in the level of women’s participation in the security sector. There were approximately 200 female students in the military school, who could not finish their studies due to the closure of the school post-liberation war.

There were insufficient sources of information in the post-revolution time, because of the collapse of governmental institutions and the resulting difficulty in determining the percentage of women participating in the security sector. However, the biggest obstacle is that the state has no permanent standing army. Many fighters joined the Libya Shields, an army formed by the Ministry of Defense, and the Ministry of Interior formed a body known as the Supreme Security Committee to fill the security vacuum in Tripoli after the fall of the Gaddafi regime. Having different groups in charge of security in Libya has made determining the exact number of women in the army or police impossible. It should also be noted that militias do not include any women.

18 Menna Omar, “Libya’s Judiciary: the Gender Ceiling (II)”, *The Legal Agenda*, December 10, 2013, accessed November 17, 2014, <http://english.legal-agenda.com/article.php?id=564&folder=articles&lang=en>.

19 Head of Human Rights Committee in the GNC (Personal Communication, March 3, 2014).

Libya does not currently participate in any peacekeeping missions.

Rating: Deterioration

Indicator 4 – Number and percentage of women participating in each type of constitutional or legislative review (including security sector review)

After the revolution of February 17, 2011 and, in particular, in the Declaration of Liberation speech in October 2011, the president of the NTC announced that all Libyan laws would be reviewed, amended or nullified if they are in contradiction with the Islamic Sharia law. An example of this was the decision to nullify the law that obligates a man to seek approval from his first wife before he can exercise polygamy. This decision was considered by lawyers and activists to be an illegal and illegitimate intervention. Furthermore, after the declaration, members of the NTC commented that it was a personal decision made by the head of the NTC, and that it had not been discussed by the NTC members. Nonetheless, the Supreme Court endorsed and ratified the decision, incorporating it into the Marriage Act.

Constitutional Review

For a period of 42 years during Gaddafi’s rule, Libya did not have a formal constitution that would include provisions for governing the state. After the February 17th revolution, writing of a new constitution became a priority for Libya and Libyans. In February 2014, a Constitution Drafting Assembly (CDA) was elected. It is also known as “the Commission of 60” because of the number of its members, pursuant to the Constitutional Charter issued by the NTC. Six out of the sixty seats were allocated to women in the electoral law for the CDA elections, which took place in February 2014. However, this number was not achieved, due to the decision of one of the minority groups (Amazighy) to refrain from participation in the elections. In addition, the voting could not take place in Derna city in the east of Libya, due to deterioration of security situation, as armed groups attacked voting stations and forced their closure on the day of the election. Due to these problems, some seats, including one seat allocated to women, have not been filled. Nonetheless, in spite of the non-conclusion of the total number of members of the commission, it officially began its formal work on March 14, 2014, with fifty-six members, of which five are women. One seat allocated to women, two seats allocated to minority representatives, and one general seat remains vacant.

According to the electoral law for the CDA, women were supposed to occupy six seats, which would constitute 10 percent of the commission’s total member’s number. However, currently there are only five women, and it will remain so until the election takes place in Derna, or another solution is found.

In terms of women’s background and efficiency, in comparison with men in the CDA, it is similar, since they had been elected through direct public voting, rather than being appointed based on their qualifications and capacities. Women within

the CDA come from different backgrounds and have varying competencies. Their professions include: media (hosting TV shows on National Channels); university teacher (School of Law); medical field (physician); legal profession (lawyer); and employee in the middle government.

Taking into consideration that the commission is a new body, it is impossible to determine what role women have played so far. However, there are some indicators that there has been effective participation of women members in the activities of the commission. A member of CDA told our team that while “it is difficult to judge the role being played by female members in advocating for women’s rights within the assembly, the presence of the women seems to be strong and they have been participating actively and efficiently in the activities of the body in general.”²⁰

Formal legislative review

The formal legislative review process that is currently ongoing is conducted by a special commission, established by the Minister of Justice to review all legislation and propose amendments in compliance with all definite provisions and basic principles of Islamic Sharia law. It is worth mentioning that all members of the committee are men, as the resolution that brought it to life did not include any tool or instrument to secure the presence and participation of women within the committee. There are currently fourteen members in the commission and four others are to be nominated from the civil society. However, since there are no provisions for participation of women, there is no guarantee that any of the civil society representatives will be female.

Other forms of legislative review

In March 2013, the Libyan Supreme Court issued a verdict suspending Article 13 of law no. 10/1984, as an endorsement of the decision of former president of NTC to make polygamy legitimate in Libya without any regulations or restrictions. The regulations imposed before effecting the amendment were: i) wife approval before the summary court; ii) an approval verdict issued by competent summary court in proceeded lawsuit.

In April 2013, the Ministry of Social Welfare froze the licenses of marriage for Libyan women intending to marry foreigners, after the Grand Mufti of Libya demanded to prevent Libyan women from marrying foreigners due to reasons related to religious ideologies.

Security Sector Review

Resources and data are unavailable aside from state institutions concerned with security. Requesting such knowledge from them would have a negative impact on the research team with regard to their safety.

Rating: Slight progress

²⁰ The head of the Committee of Rights and Liberties, and Transitional Measures (Personal communication April 24, 2014).

Indicator 5 – CSOs in task forces/committees/working groups on UNSCR 1325 and 1820 (out of total task force members)

The Libyan government has not yet adopted a National Action Plan (NAP) for implementing UNSCR 1325 or any other specific agenda on women peace and security. According to Wafa Bugaighis, “Gender is not included in any of the official governmental discussions, nor has the topic of women, peace and security been discussed on other national-level forums or during the meeting of Libyan ministers with the international community.”²¹

No rating (not applicable)

B. Prevention and protection

Indicator 6 – Number and percentage of SGBV cases reported, investigated, prosecuted and penalized

In Libya there is widespread social stigma towards women who have been victims of violence, especially sexual and gender-based violence (SGBV). It is common for victims of violence to become outcasts in their family and the community. This widespread social stigma discourages women from reporting the occurrences of violence and sexual violence. As such, it is difficult to estimate the extent of the problem. During the liberation war, there were rumors of widespread sexual violence, but based on the reports from Human Rights Committee of the GNC and the reports from international organizations that worked in Libya during and after the revolution, no cases of such violence were reported; according to Asma Sariba, a former GNC member, “Reports should be submitted through the committee, but only one woman officially reported to us with a rape complaint.”²² The reporting system has a weak structure and lacks confidentiality, which is reflected in a lack of privacy and special arrangements for vulnerable groups at police stations, as well as in the widespread lack of confidentiality.

SGBV during the revolution

Despite the lack of official reports, a citizen initiative by Rabab Halab, a female lawyer from Zawara, western Libya, led to the documentation of 15 cases of sexual violence during the revolution in her city. The cases fall under the category of rape and other forms of sexual abuse, and were submitted by the lawyer to the prosecutor and referred for investigation. However, nothing has happened so far. In an interview with the research team, Ms. Halab admitted that, “some of those women have later denied that they are victims of sexual violence after they officially assigned me to represent them in court.”²³ One of the main reasons why some of these women changed their minds was the weak response from the government.

²¹ Wafa Bugaighis, Former Deputy Minister for political affairs, Ministry of Foreign Affairs (personal communications, June 13th, 2014).

²² Seriaba, Asma, former congress-woman, head of human rights committee in GNC. Interviewed by: Dr. Rida Al Tubuly, Inas Miloud and Hajer Al Sharief, Human rights committee office in GNC Campus, April 2, 2014.

²³ Halab, Rabab, lawyer and human rights activist. Interviewed by Hajer Al Sharief, UNSMIL workshop in Corinthia Hotel, May 5, 2014.

The Minister of Justice has released a decree,²⁴ recognizing the use of rape as a weapon during the uprising. It recognizes victims of sexual violence perpetrated during the revolution in Libya as victims of war, and enables them to access reparations necessary to enable them to rebuild their lives. The Minister of Justice called on the GNC to assume its responsibility towards the victims by adopting the decree as a law. Eventually, the decree was adopted by the Prime Minister as a resolution. Due to the GNC's weak response to it, although the decree is considered a landmark step in Libya, challenges with its implementation, in particular with regards to maintaining the privacy of the victims, still persist and worry many.

Many activists welcomed the decree, but were disappointed that it only refers to women who suffered sexual violence during the liberation war or by the Gaddafi's regime, dismissing the victims of sexual violence after the revolution, which resulted from the lawless status of Libya and the spread of illegal militias.

SGBV in the post-revolution Libya

Another problematic aspect of the government's response is the current Penal Code, classifying sexual violence as a crime against a woman's "honor" rather than against the woman as an individual, or as a violation of her bodily integrity. The law's current focus perpetuates the notion that a rape survivor has lost her "honor", and undermines justice, by leading courts to focus on examining a woman's sexual history, rather than alleged violence committed against her, and enforcing a culture of stigmatization.

The Penal Code provides equality between women and men with regards to crime and punishment in general, with exception of some issues related to honor; as mentioned earlier, article 375 of the Penal Code includes provisions, related to murder, or harm, committed to protect one's honor. It states that if a man finds himself caught by surprise to see his wife, daughter, sister, or mother committing adultery, or having illegal sex affair and kills her, her partner or both, he is to face temporary imprisonment, whereas the usual penalty for murder under Libyan penal code is life imprisonment or execution. Furthermore, if the man causes serious harm to the women having a "sexual affair" and/or her partner, his prison sentence should not exceed two years, and if he causes minor physical harm in such situations there is no punishment or penalty of any sort. There is no exact data for the so-called "honor killings" that would allow to evaluate the exact scope of this phenomenon.

Rating: No change

Indicator 7 – Number and quality of gender-responsive laws and policies

Libyan law is characterized by equality in its headlines and discrimination between the lines. As Hanan Mustafa put it, "Libyan laws seem in the first instance fair to women but an in-depth study

²⁴ Ministry of Justice, Decree on sexual violence victims, 2014. Available at: <http://www.aladel.gov.ly/main/>.

may reveal a degree of discrimination against women observed in almost all branches."²⁵

Article 5 of the interim Constitutional Declaration of Libya guarantees "the protection of motherhood, childhood, and the elderly." However, its main purpose is to protect traditional family and "encourage marriage," which is an expression of the conservative nature of the document, and can prove harmful to women by constraining them to their traditional roles. Article 6 of the Constitutional Declaration, states that Libyans shall be equal before the law; it further prohibits discrimination based on a variety of features, such as religion, race, social status. However, it does not refer to gender-based discrimination.²⁶ Below, we provide the list of the main gender-responsive Libyan laws and policies, and the analysis of their impact and the challenges in their implementation.

1. Libyan Labor Law

The Libyan Labor Law was adopted in 1970, and amended in 2010 by law no. 12. The law made women and men equal with regards to benefits, payroll, leaves and vacations, and working hours. The law makes no indication of any discrimination in terms of the rights or the way of speech and addressing of male and female employees. It also takes into consideration the particularity of some issues related to women's rights, such as birth delivery. The Libyan Labor Law contains a whole chapter dedicated to regulations on women and minors' employment. The chapter states, among other things, that employment of women in hard or risky jobs, as defined by a competent authority, should be granted according to their desire and capabilities.²⁷ It further states that a woman cannot be asked to work more than 48 hours a week, including overtime hours, and cannot be employed between the hours of 8:00pm and 7:00am, except under special circumstances, as defined by the Minister of Labor and Social Welfare.²⁸

2. Provisions of Libyan Nationality Law

The Provisions of Libyan Nationality Law provide equality between men and women in terms of preconditions for obtaining and granting Libyan nationality, except for article 3, which states that a Libyan national is a person born to Libyan mother and Libyan father, or to a Libyan mother and a father who has no nationality, or whose nationality is unknown. It does not, however, grant Libyan nationality to children born to a Libyan mother and a father of other (not Libyan) nationality.²⁹

Another discriminatory provision is the article 10 of the same law, which gives certain groups preferential treatment, by exempting them from some of the pre-conditions for applying for Libyan

²⁵ Hanan Mustafa, lawyer and women activist (Personal communication, April 15, 2014).

²⁶ Transitional National Council of Libya, *the Constitutional Declaration for the Transitional Stage*, (Benghazi, August 3, 2011).

²⁷ Libyan Labor law (No. 58 / 1970) cl 95 (paragraph A) and cl 96. The law is available in Arabic at <http://www.aladel.gov.ly/main/modules/sections/item.php?itemid=93>.

²⁸ Libyan Labor Law (No. 58/1970) cl 96. The law is available in Arabic at <http://www.aladel.gov.ly/main/modules/sections/item.php?itemid=93>.

²⁹ Provisions of the Libyan nationality Law (No. 24 / 2010), cl 3. The law is available in Arabic at <http://www.aladel.gov.ly/main/modules/sections/item.php?itemid=93>.

citizenships. These groups include: female foreigners who are married to Libyans, provided that marriage lasted for at least two years before applying for nationality, as well as widows and divorcee women of Libyan nationals. However, such privileges are not granted to husbands, widowers and male divorcees of Libyan women, regardless of the period of marriage, or residence in Libya³⁰.

Article 11 of the law³¹ can be seen as an important improvement in terms of gender equality. It gives women the right to pass their nationality on to their children, subject to restrictions imposed by executive regulations. However, no such regulations have been issued by executive bodies up to date. Nonetheless, this article seems to be at odds with Article 3, discussed earlier, creating an obstacle for its implementation.

Previous laws on nationality did not grant Libyan women the right to pass Libyan nationality on to their children. Therefore, while there are still no executive regulations for the implementation of article 11 in place, this right is often unreasonably denied. This puts the children of Libyan women in a difficult position with regards to education and their rights, and results in their being treated as second-class citizens, which may be considered a serious constitutional violation and presents an apparent discrimination between rights and treatment of women and men in terms of nationality.

3. Provisions of inheritance and legacy in Libyan law

Libyan law defines heirs and their shares. Women receive equal shares if they have no brothers, but if there are any, the brother shall be entitled to double the share received by his sister. However, in practice women are deprived of inheritance, especially in rural areas where leaving inheritance to females is seen as wasting family's fortune and wealth, since their in-laws and their children are considered to be strangers.

4. Social Security Law

Libya ratified international treaties concerning social security, as well as the Arab Convention for Social Security, and it also issued the Social Security Law no.13, meant to fill the gap, since it was believed that previous laws were not sufficient to realize social justice.

Law no. 13, issued in 1980, sets the retirement age at 65 years for men; and at 60 years for women, as well as men working in industries that cause damage to health, and for ordinary working men, subject to their approval and consent from their entities of employment.

The law grants certain benefits and advantages to women, such as a fully paid maternity leave, covering three months pre or post-delivery. It stipulates that support is available to pregnant women from the fourth month of pregnancy until the delivery. However, many of these advantages and rights cannot be accessed by most

³⁰ Provisions of the Libyan nationality Law, (No. 24 / 2010), cl 10. The law is available in Arabic at <http://www.aladel.gov.ly/main/modules/sections/item.php?itemid=93>.

³¹ Provisions of the Libyan nationality Law, (No. 24 / 2010), cl 11. The law is available in Arabic at <http://www.aladel.gov.ly/main/modules/sections/item.php?itemid=93>.

self-employed women, or women working in the private sector, due to lack of awareness about legal rights among these women.

Despite including certain provisions for women, the laws listed above include text that discriminates against women, even if they seem to take women's particular needs into consideration. In terms of the implementation of these laws, most women lack awareness and knowledge about the laws that protect them, and give them rights similar to those enjoyed by Libyan men. Moreover, the difficult and long judicial procedures, as well as the perception of male superiority within the judiciary further impede women's access to their rights. As a result, many women get frustrated and decide not to demand their rights through the judiciary. In addition, due to lack of security personnel and forced application of laws caused by the absence of a reliable executive authority, the justice system is currently non-functioning.

Before the February revolution, laws protecting women were more effective. However, the absence of an executive authority and the detailed individual decrees, which came to supersede the original laws, make the application and implementation of most of such laws impossible at the present time. The situation is further aggravated by the fact that some decisions and decrees were made by religious entities, such as the Libya Fatwa House "Dar Ifta", which forbid many female Libyans to marry non-Libyans, in spite of the fact that such decision violates the right guaranteed to women in the Libyan Family Law. In addition, the Supreme Court decided to lift the restrictions related to polygamy, resulting in polygamy being permitted in Libya without any regulations, and in violation of the original law. Moreover, further protection of women's rights in the Libyan law is required. More guarantees, securing women's rights, in particular in terms of work conditions, protection from discrimination and sexual harassment, and financial independence, are necessary.

Rating: Deterioration

Indicator 8 – Number and nature of provisions/ recommendations in the truth and reconciliation commission (TRC) and other transitional justice reports on women's rights

There are two transitional justice bodies in Libya: the Truth-finding and Reconciliation Commission (TRC), established by the Transitional Justice Law of 2013, and the Fact Finding Reconciliation Commission (FFRC), set up by the NTC.

The FFRC is intended as a quasi-judicial body, adjudicating disputes between individuals or communities on an ongoing basis, facilitating reconciliation, and deciding on compensation. Unlike other truth commissions, there is no timeline for the work of the commission and it is not required to produce an overall report.³² On the contrary, TRC committee has a four-year timeline for its work and it is required to produce an overall report and a detailed report on each issue. Under law No.29 for year 2013, the TRC should include nine members, but they have not been named to date.

³² UK scooping mission-PSVI, 2013.

Neither of the two bodies includes women. Due to the current situation in Libya, it has been impossible to obtain more specific information about other measures aimed at mainstreaming gender into the work of TRC and FFRC, and including provisions on women's rights in their reports.

Rating: No change

Indicator 9 – Percentage of women (versus men) who receive economic packages in conflict resolution and reconstruction processes

Different official bodies adopted several mechanisms and models for compensating citizens for damages caused by the previous regimen or during the liberation war.

Reparations for victims of Gaddafi's Regime

Compensation covers the period between 1969 and February 17, 2011. The compensation for the victims of Gaddafi rule includes: (i) payments to political prisoners held under the old regime (the victims started receiving them on February 9, 2014); and (ii) restitution for properties seized by Gaddafi. A special committee was formed within the GNC with the purpose of distributing the compensations; its mandate is to review complaints submitted by citizens, concerning damages caused during the Gaddafi rule. According to the Deputy Chairman of the Committee, "The type of compensation differs based on the request of the complaining party. For example, there is a woman who was suspended from university due to her political activities opposing Gaddafi and who preceded a complaint and demanded moral not financial compensation."³³ Some of the provisions for the compensation of the victims have already been implemented, such as reparations for political prisoners, whereby 17 women and 192 men received compensations.³⁴

Reconstruction and compensating victims of the Liberation War, 2011

Reparations are available to people whose buildings were damaged during the war. One billion Libyan Dinars was allocated for the year 2013 to cover the reconstruction of buildings and houses that were damaged during the liberation war; one and half billion Libyan Dinars were allocated for the year 2014-15, to compensate for assets, mechanical equipment and vehicles lost by citizens. The Ministry of Housing also formed a committee for reviewing files related to the reconstruction and Liberation War damages, and confirmed the presence of major damages in certain areas, as approximately 27,000 files were submitted.³⁵ There is no gender-disaggregated data available regarding these submissions.

There are currently no reparations of financial packages available to SGBV victims that suffered during the Liberation War. In

³³ Deputy Chairman Complaints Response Review Committee - GNC. Interviewed by Inas Miloud, GNC campus, May 15, 2014.

³⁴ Ministry of Justice, *Lists of political prisoners receiving compensations*. Available at: <http://www.aladel.gov.ly/main/>.

³⁵ The Ministry of Housing, Committee for Housing Compensation. Available at: <http://www.pm.gov.ly/>.

February 2014, the Libyan Minister of Justice presented to GNC a draft bill proposing a solution to the cases of female victims of rape and violence. The main objective of the bill is to recognize the victims of sexual violence as "victims of war", and thus enabling them to receive reparations, as well as access to different forms of support, such as the psychological support center, established by the government in 2013, to assist wounded and ex-fighters in their rehabilitation. Unfortunately, the draft has not been officially discussed at the GNC. No official statement was made by GNC to explain the reason behind postponing the discussion of the bill.

A member of the GNC told the researchers in an interview that the main reasons for delaying the discussion of the bill are: the sensitivity of the issue and reluctance to discuss it in the public; and fear that women would lie to benefit from the provisions of the law. Such excuses are unacceptable. Instead of ignoring the bill submitted by the Minister of Justice, GNC should work on the bill to improve the mechanism for implementation.

While waiting for the GNC to commence the discussion on the draft, and in the light of the intended delay showed by the GNC, the government issued a draft law on the compensations and support for the victims of rape in a form of a resolution in March 2014. Pursuant to the resolution, a committee was formed, consisting of three females and two males to implement its provisions. The committee is tasked with developing a database of rape victims and other groups covered by the law, and with listing individuals eligible to receive part or all benefits stipulated by the law. The benefits include a monthly grant, provision of medical, psychosocial and other services, educational opportunities, and monthly financial support for families, access to legal support, as well as other provisions.

However, the GNC's unwillingness to discuss the bill, as well as lack of stable state institutions, contributes to shortage of data on the implementation of these compensation mechanisms.

Rating: Slight progress

C. Promotion of a gender perspective

Indicator 10 – Number and percentage of pre-deployment training and post-deployment programs for military and police incorporating UNSCR 1325, UNSCR 1820, international human rights instruments and international humanitarian law

There are no trainings related to UNSCR 1325 and 1820 conducted within the military and police training programs in Libya. Very little training on human rights was delivered to the Libyan army, but the issues of women's safety and security were not covered. The Human Development Committee within the Ministry of Defense is responsible for organizing educational programs, lectures, and training delivery related to ethics and self-development to army and police personnel.

Recently, a few Libyan soldiers have been sent abroad to Turkey, Italy, France, Sudan, USA and United Kingdom for training. The

UK agreed to train 2000 troops for the Libya Armed Forces³⁶. In the first phase, 200 soldiers were sent to the UK for training, and the UNSCR 1325 & 1820 was to be included in the trainings. However, due to “poor discipline”, as well as allegations of sexual assault, the trainings have been terminated early.³⁷ Therefore, the future of the UK training is uncertain.

In addition to the support programs, undertaken by the British Embassy in cooperation with the Ministry of Interior, there will be training programs for police focusing on women safety and security. It is worth mentioning that the Libyan government did not select any women to undergo the training, which contributed to the absence of females in the troops. Libya has not yet adopted a NAP for the implementation of UNSCR 1325, or a specific policy for women’s involvement and participation in peace building. It also lacks special mechanisms for the protection of women and girls during conflict.

Rating: Slight progress

Indicator 11 – Allocated and disbursed funding marked for women, peace and security (WPS) programs to CSOs and government

At the time of the writing of this report, Libya is on the edge of collapse, with vulnerable institutions, no access to information, and extremely poor documentation. The government is very weak and busy with the ongoing violence resulting from clashes between the different Libyan militia groups in Tripoli.

The weakness of the government and other institutions, as well as the unstable political and security situation, result in lack of interest, or debate surrounding the women, peace and security agenda. Libya does not have a NAP and information about funding for both the CSOs and the government is not available.

No rating (insufficient data)

III. Conclusion and recommendations

Conclusion

The armed conflict in Libya has had a negative impact on the society generally, and caused serious changes to social welfare, as demonstrated by the divisions and polarization of the society. In the post-conflict Libya, there is a domination of extreme ideologies, lack of respect for the law, and the economy is greatly impoverished. Furthermore, the conflict has drastically increased the crime rates and acts of terrorism. Women in particular have been devastatingly affected by the armed conflict in Libya, and

³⁶ Diane Taylor and Robert Booth, “Libyan troops sent home after sexual assault allegations,” *The Guardian*, November 4, 2014, accessed November 17, 2014, <http://www.theguardian.com/uk-news/2014/nov/04/lansley-criticises-ministry-defence-serious-failure-libyan-military-training>.

³⁷ Ibid.

therefore addressing women’s needs in the post-conflict period is extremely important.

Under the previous regime, Libya ratified international treaties and adopted national laws in support of women. No progress has been made towards gender equality since the February 17 revolution, and drafting of the constitution is still in progress. Libyan women continue to face many challenges, including lack of implementation of national and international laws, terrorism acts against women and assassination of women activists (for example, assassination of Ms. Salwa Bugaighis and of a former GNC member, Fariha Barqauy). There are voices within society calling to exclude and prohibit women from participation in politics and the judiciary.

Libyan women are not on the government’s agenda, and no positive steps to ensure women’s participation in decision-making have been undertaken. No special measures have been adopted to ensure an increased level of women’s participation. It is evident that the majority of women in the public service and the government are in the bottom-rank positions. On the other hand, women activists and women CSOs fighting to support participation of women within the political space have been putting more emphasis on capacity-building to get more women empowered in order to participate, rather than pressuring the government to guarantee the women’s right to participate.

In terms of prevention and protection of women against sexual and gender based violence, a lot remains to be done regarding documentation, training police officers to deal with SGBV cases, and introducing them to the content of international law, and the tools and laws that protect women against SGBV. There is also a need for the adoption and implementation of a NAP on UNSCR 1325, development of a Family Protection Unit, and improvement of health-service points to provide women with medical care.

The role of Libyan women in conflict prevention, conflict management and peace building is very limited. After the revolution, women soldiers were forced to step aside from their positions and for the time being they are not part of the national army or police force.

The widespread availability and prevalence of weapons all over Libya, as a result of the armed conflict, lack of security, and absence of effective laws in Libya, negatively impacted women’s participation in politics and civil society activities. Nonetheless, although Libyan women are very new to participation in the civil society, they formed the majority of civil society organizations working on women issues, human rights and humanitarian aid.

The current situation requires encouragement of women’s movement through empowering women leaders, as well as support to grassroots women communities. They need to come together and organize themselves into coalitions and networks to get their voices heard, make significant steps towards the implementation of UNSCR 1325, and push the government towards the development of a National Action Plan.

Recommendations

To the Government:

- ▶ 1. Effectively implement and fully fund national policies and legislation to ensure women's participation, and support adopting especial measures (quotas) to increase women's representation at all levels of governance, so that they achieve a minimum number of at least 30 percent in all agencies of government.
 - ▶ 2. Support the establishment and development of the national gender machinery to monitor women's issues, and to represent Libyan women nationally and internationally, for example through the creation of the Supreme Council of Women, or a Ministry of Women.
 - ▶ 3. Consolidate efforts by the different government ministries and agencies in relation to UNSCR 1325 implementation, and develop effective national coordination mechanisms.
 - ▶ 4. Organize and deliver trainings for the police, military and judiciary on how to include women's perspectives in reforms, and establish legal targets for including women in the security sector (the police, military and judiciary), while ensuring that internal procedures in these institutions promote equality.
 - ▶ 5. Organize and deliver trainings for the police, prosecutors, courts, and front-line medical personnel, on proper reporting and documentation of SGBV cases, and ways to respond effectively to cases of violence against women.
 - ▶ 6. Establish specific units in the police stations or courts to address issues of SGBV and provide support for both victims and their families.
 - ▶ 7. Ensure that the training for the police, national army and troops participating in peace missions, as well as the judiciary, involves subjects related to UNSCR 1325, UNSCR 1820, and other international human rights instruments.
 - ▶ 8. Integrate gender and peace issues into the curriculum at all levels of the educational system.
 - ▶ 9. Protect the existing laws that provide many entitlements to women and that are in apparent decrease under the currents of Islamic extremism that dominate Libya at the present time.
 - ▶ 10. Ensure that there are strict trade unions regulations that tackle all forms of discrimination, such as harassment, especially at work and in public areas.
 - ▶ 11. Place legal guarantees that preserve the rights of female employees, and prevent the arbitrariness of employers.
 - ▶ 12. Introduce legal safeguards to guarantee women's financial independence and prevent men from claiming control over their acquired revenue.
- ▶ 2. Support women's organizations to document success stories of role model women and experiences of women in politics.
 - ▶ 3. Push the government to include a substantial percentage of women in the national dialogue, reconciliation and peacekeeping missions (through the UNSMIL).
 - ▶ 4. Work towards comprehensively incorporating UNSCR 1325 in all UN activities in Libya.
 - ▶ 5. Provide political support to women, by including women's issues in the agendas of meeting with Libyan politicians and government.
 - ▶ 6. Encourage the government and provide support to develop the NAP on UNSCR 1325.
 - ▶ 7. Support potential women CSOs to build their capacity and develop short-term and long-term strategy plans on women, peace and security.

To the international donors and partners:

- ▶ 1. Support the establishment of regional and international networks of women and women CSOs to facilitate exchange of experiences and the development of strategic alliances.
- ▶ 2. Support CSOs working to collect data on SGBV, by providing funding and technical assistance.
- ▶ 3. Partner with women's organizations to provide them with financial and technical assistance to systematize monitoring of the government in relation to implementation of UNSCR 1325 and reporting to CEDAW committee and the Universal Periodic Review of the Office of the High Commissioner on Human Rights.
- ▶ 4. Increase funding for women's CSOs engaged in the empowerment of women, to support political participation of women.
- ▶ 5. Set the criteria and priorities for the funding allocated to the Libyan civil society, based on the needs of the Libyan society, and separately from their general priorities, in order to make the funds meet Libya's needs.
- ▶ 6. Provide core funding to the local Libyan CSOs, so as to guarantee stability and sustainability of the CSOs work.

To Civil Society:

- ▶ 1. Organize awareness-raising campaigns that promote the importance of women's participation in politics and decision-making, through advocating for women issues in general, and avail the women's agenda to all women in the parliament and newly elected women MPs.
- ▶ 2. Extend the programs to women at the grassroots level all over Libya, especially those who live in remote and rural areas, to raise awareness on their rights in accordance with the national laws and international treaties, and advocate for the importance of their role in the society.
- ▶ 3. Work on strengthening the Libyan women's movement, which will lead to an increase in the number of women leaders and role models, as well as to the empowerment of women

To the UN:

- ▶ 1. Cooperate with the CSOs to monitor all post- and pre-deployment training for police and troops in peacekeeping missions, and ensure that they incorporate UNSCR 1325, UNSCR 1820, and other international human rights instruments.

through a bottom-up approach, focusing on issues such as education and increased economic opportunities.

- ▶ 4. Train women on assertiveness, election campaign skills, public speaking, negotiation, lobbying, advocacy, fundraising and gender equality issues, to increase and strengthen women's political participation
- ▶ 5. Participate in the development of active media campaigns to change cultural stereotypes, perspectives and attitude of the society towards women's participation and leadership.
- ▶ 6. Advocate for the implementation of the UNSCR 1325 in Libya, and push the government towards the development of a NAP on this resolution.
- ▶ 7. Train local and national authorities and officials on gender-sensitive planning and UNSCR 1325 implementation, to enable the development of a NAP.
- ▶ 8. Seek to join task forces and form coalitions on women, peace and security issues, make your voices heard by the government.
- ▶ 9. Seek technical assistance from multilateral and bilateral donors and international CSOs to enhance your capacity.
- ▶ 10. Stay vigilant in ensuring that national and international laws are enacted and implemented. The civil society should learn how to monitor the government and work on civil society reporting to international bodies with regard to international treaties such as CEDAW and UNSCR 1325 besides reporting for Universal Periodical Review (UPR).
- ▶ 11. Advocate for the inclusion women's rights in the constitution that is currently being written.
- ▶ 12. Work with the government to ensure that the new constitution guarantees equality and does not discriminate against women, and that it respects international treaties such as CEDAW.

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