

Comprehensive National Review of the
Progress Made Towards the
Implementation of
the Beijing Declaration and Platform for
Action +25

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INTRODUCTION

This report highlights the progress made over the past five years in implementing the decisions of the Beijing Declaration and Platform for Action that seek to achieve gender equality in Libya. The Declaration and the Platform for Action were included in the document of the Fourth World Conference on Women: Action for Equality, Development and Peace, held in Beijing, China, in September 1995. This report focuses on the priorities that were adopted and their implementation. The report also describes the challenges and constraints encountered in the implementation process. As is known, 189 countries and over 4,000 civil society organizations from all around the world contributed in the Declaration in the light of a critical review of progress towards gender equality, empowerment of women and in identifying requirements for accelerating the process globally. The Declaration was intended to reflect the commitment of the international community to the advancement of women and the implementation of the Platform for Action, so as to ensure gender equality in all policies and programmes at the national, regional and international levels. The Platform for Action sets out measures for national and international action in the 12 Critical Areas of Concern for the advancement of women: the growing burden of poverty on women, education and training of women, violence against women, women and armed conflict, women and the economy, women in power and decision-making, institutional mechanisms for the advancement of women, human rights of women, women and the media, women and the environment and the girl-child. Since the adoption of the Beijing Declaration and Platform for Action, it was decided that it should be reviewed every five years. In 2020, the world will celebrate the twenty-fifth anniversary of the Fourth World Conference on Women, the adoption of the Beijing Declaration and Platform for Action 1995 and the completion of the fifth review.

The five-year review is a multi-faceted assessment of the implementation of the Beijing Declaration and Platform for Action. The aim of the review is to identify the achievements that have been made over the past five years since 2014. It is also intended to explore the challenges and obstacles faced by States in implementing these commitments, as well as to prepare for the future in the short term, i.e. over the next five years. The reviews also focus on the importance of cooperation among official institutions and social forces, especially civil society organizations. The five-year review has yielded many fruits, most notably the fact that it has created platforms for dialogue among actors, providing new opportunities for further partnerships. Indeed, this is necessary with regard to the implementation of any long-term, inter-generational platform, such as the Beijing Platform for

Action, as it contributes to promoting the sustainability of sound implementation and preventing any deviation from the right track.

Libya acceded to the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Consequently, the State of Libyan assumes the fulfilment of “international obligations and responsibilities”, in addition to its obligations and responsibilities with respect to the Libyan society. This report shows Libya’s fulfilment of these obligations and responsibilities. Libya joined CEDAW on 16 May 1989. Some Libyan women expressed reservations about some of the terms of the Convention. During the period of breach of constitutional order, which lasted more than 40 years, there were no specialized studies on the socioeconomic situation, women’s status issues and empowerment and gender equality. This period was also characterized by the scarcity of interaction with UN experts in relation to the socio-economic situation and development. This was reflected in the comments of the CEDAW Committee on the National Report on the Implementation of the Beijing Declaration and Platform for Action issued in 2009. In 2015, Libya released a National Report that highlighted the progress made between 2010 and 2015. The preparation of the previous report coincided with the peak of violence of armed conflict.

The report was overseen by the Women’s Support and Empowerment Unit of the Presidential Council, which is the national institution for women’s affairs. Also, representatives of official institutions and independent experts of both genders contributed in the preparation of this report with the coordination and support of the Economic and Social Commission for Western Asia (ESCWA) and under the supervision of Pr. Zahra’ Langhi, Senior Social Affairs Officer. Contribution institutions included:

- The Ministry of Labour and Rehabilitation, under the direct supervision of the Minister, Mr. Mahdi El Amine.
- The Ministry of Social Affairs, under the direct supervision of the Minister, Fadhi Mansour Al-Shafi’i, and from the Technical Cooperation Bureau in this Ministry headed by Ms. Naima Ahmed, Director of the Technical Cooperation Bureau in the Ministry.
- The Office of the Minister of State for Institutional Reform, headed by the Minister Dr Iman Ben Younes.
- The Director of Planning and Strategy, Dr Ayman Al-Mahmoudi, at the Ministry of Education.
- The Press Support and Promotion Authority, headed by Ms. Khadija Al-Basikri.

A number of Libyan women experts on women’s affairs and gender equality from around Libya contributed in the report. The list of ladies and gentlemen included:

- Advisor Naima Jibril, member of the Political Dialogue and Peace Negotiations of Skhirat and former President of the Court of Appeal.
- Dr Jazia Jibril Shuaitir, professor of law at Benghazi University, vice-president of the Law and Society Unit.
- Dr Amal Al-Obaidi, faculty member and professor of political science at Benghazi University.

The report preparation process faced considerable challenges and difficulties, including:

- a. Continued instability during the transitional period starting from 2011, which the Libyan society and its political forces have not so far been able to overcome to reach a stage of constitutional and political stability. In other words, the preparation of the report took place in particular circumstances and was not conducted in a situation of stability, as was the case in several countries of the region. Moreover, the process of preparing the report at hand happened in the midst of renewed military confrontations that disrupted the functioning of a number of official institutions. The transitional period undermined the performance of all official institutions, which suffered from the lack of stability. This situation made it difficult to communicate, hold meetings and conduct interviews for the preparation of the report.
- b. Besides, the preparation of the report was affected by the lack of updated information, statistics and data. Despite these challenges and constraints, all stakeholders were determined to complete the preparation of this report, regardless of the risks, and with available resources and information.

Precautionary Statement

Although the report is a review of the implementation of the Beijing Declaration and Platform for Action over the past five years only, some considerations should be taken into account and there is a need to go back earlier to reflect the situation in the three years prior to the relevant period, i.e. from 2012. To understand events and achievements in the period from 2015 to 2019, and to look to the short-term future, it is necessary to put things into perspective in the context of the transitional phase starting from 2012.

Acknowledgements

The Women’s Support and Empowerment Unit of the Presidential Council expresses its thanks to all official institutions, civil society organizations, their representatives and experts who contributed in the preparation of the report.

Dr Leila Al-Lafi

Head of the Women’s Support and Empowerment Unit of the Presidential Council

Question 1

What are the main achievements, challenges and obstacles in the progress made towards gender equality and the empowerment of women over the past five years?

A. Challenges

1. Scarce Financial Resources

- ❖ **Scarce financial resources allocated to the implementation of plans and tasks aiming to promote gender equality and the empowerment of women in general represented a major challenge in the face of the implementation of the Beijing Declaration, due to the overall economic decline resulting from the conflict and the allocation of a large amount of available resources for other purposes.**
- ❖ Over the past seven years, the government has not been able to control a large number of oil refineries as a result of continuous attacks. As is known, oil is the main source of public income. This has led to a decline in Gross Domestic Product (GDP) for years. Libyan revenues have also been affected by lower oil prices on the global market. In addition, Libyan society in the east, west and south suffered from severe shortage of financial liquidity.
- ❖ Households have been unable to make remittances.¹ The war economy, which was a parallel economy controlled by warlords, continued. Owing to the lack of liquidity, the salaries of public sector employees were often paid several months late. Many families lost their breadwinners. According to estimates, one-third of the population lives close to or below the national poverty line.² Inflation increased. The purchasing power of the local currency declined. Huge domestic and foreign capital and deposits fled Libya. Foreign direct investment declined. Foreign currency inflow dropped. Households consumed a considerable amount of their savings, sold some of their assets and saw their indebtedness increase. The level of ordinary poverty and multidimensional poverty increased.
- ❖ A war economy developed. The arms trade and human trafficking spread in countries affected by conflict. Large segments of society moved from formal to informal economy. Unemployment rose.
- ❖ The government had to spend large amounts of the budget on military items at the expense of development, in general, and the empowerment of women, in particular. As a result, the government delayed budget allocations for some national institutions in charge of women's affairs, such as the Women's Support and Empowerment Unit of the Government of National Accord.

¹ Humanitarian Needs Overview 2017, p. 8

² Libya Population below Poverty Line. Index Mundi.

https://www.indexmundi.com/libya/population_below_poverty_line.html

- ❖ The scarcity of financial resources allocated to the implementation of plans and actions that promote gender equality and the empowerment of women disrupted many of these plans and necessitated the adoption of new plans and tasks.

2. Lack of awareness of the intrinsic link between women's roles and peace and security

- ❖ **Lack of awareness in official spheres about the intrinsic link between women's affairs, on the one hand, and the issues of peace and security, on the other, was a serious challenge.**
- ❖ There is a common perception among many government officials that women's issues are not as important as conflict resolution and the restoration of stability.
- ❖ There is a lack of awareness that women played crucial roles in ending conflict and restoring stability in a number of conflict-stricken countries such as South Africa.

3. Failure of the judiciary to regain its role and absence of many elements of transitional justice

- ❖ **Failure of the judiciary to regain its role and absence of many elements of transitional justice have been major challenges.**
- ❖ Terrorism targeted judges and judicial institutions. Some judges were assassinated while others were intimidated and pressured under the threat of weapons. As a result, many courts remained inactive for years and citizens were reluctant to recourse to law.
- ❖ At the same time, the combination of several factors prevented the implementation of many transitional justice mechanisms. As a result, law enforcement was poor and many women who suffered moral and material damage were not granted their rights at various levels.

B. Obstacles

1. Instability and deterioration of the security situation

- ❖ **It is an indisputable fact that instability and the deterioration of the security situation have been the greatest impediments to the implementation of the decisions contained in the Beijing Declaration and Platform for Action.**
- ❖ The country faced an unprecedented breakdown of law and order resulting in the proliferation of illegal weapons in the hands of countless armed groups. Following the 2011 uprising and the subsequent rule of law vacuum, many foreign terrorist organizations tried to establish headquarters for their activities in Libya. Libya became a regional and transnational hub for terrorists.
- ❖ Security deterioration and instability made it difficult to implement many policies and programmes, especially in remote and conflict areas, where adequate protection was lacking. It was observed that women left their work in conflict areas.
- ❖ More interventions that threaten stability in the next phase will be an obstacle to the application of laws.

2. Machismo rhetoric

Other obstacles include machismo rhetoric and resulting practices. Because of the prevailing stereotypical culture, women have been subjected to a lot of harassment at work. In some professions this phenomenon negatively affected their employment rate. In particular, in areas of conflict and remote areas, women were direct victims as the weakest link. Such oppression and injustice are exacerbated in situations of breakdown of law and order and the absence of deterring laws. Machismo discourse and practices also targeted women, in general, through internal networks, and targeted women contributing in the public space, in particular. Targeting included countless criminal offenses, such as calumny, insults, defamation, blackmail and threats.

3. The Rhetoric of Intellectual Extremism

- ❖ The rhetoric of intellectual extremism and the practices resulting from were also obstacles.
- ❖ The leaders of extremism continued to spread distorted perceptions of women in order to restrict their movement in society. Extremist leaders intimidated women to prevent them from playing their role in the public space. They also promoted anti-women fatwas. The extremist discourse contributed to limiting or preventing many of the planned actions in the context of women's empowerment and gender equality.
- ❖ Given limited state control, things have worsened and new concepts have been introduced in contradiction with the values of Libyan society and the need for stability in the next stage to achieve the desired objectives.

C. Priorities

In the light of these challenges and obstacles, a number of priorities have been adopted by the authorities that have undertaken to implement the Beijing Declaration and Platform for Action.

- ❖ **The utmost priority is to contribute in the restoration of minimum security and stability, including the provision of protection for women.**
- ❖ The aim is to provide personal protection for women during the transitional period, which witnessed an unprecedented rise in violence against women, and to provide protection for girls, children, the elderly and men.
- ❖ **The list of priorities also includes the reduction of violence against women and girls.**
- ❖ Because of war and instability in state institutions, many women in Libya have been subjected to systematic violence, discrimination and persecution. This temporary factor is linked to the period of crisis and calls for action to eliminate the causes of this great injustice. This situation requires cooperation for establishing support mechanisms. Many women live in precarious and difficult situations, which make them vulnerable to extortion.
- ❖ **The list of priorities includes the development of a comprehensive health care system.**
- ❖ This comprehensive system comprises a health system for motherhood and childhood, a system for sexual and reproductive health rights, a system for periodic vaccinations of children and a system for tumour control. The health sector has suffered severe decline in the provision of medical services to citizens as a result of acute shortage of funding for medicines, logistics and medical equipment. The main reason for this situation is the renewed conflicts

that have caused the departure of the majority of medical and paramedical staff. These problems have increased, especially the delivery of medical supplies to remote areas, which have not been able to work as armed conflicts are getting close to the capital Tripoli.

- ❖ **Another priority is care for women with disabilities.**
- ❖ There were serious problems related to the displacement of these groups and the system for reporting accidents, especially for the deaf and the persons whose hearing is impaired.

D. Achievements

1- Increased women's political representation in executive and legislative authorities

- ❖ Appointment of three women ministers in the Government of National Accord (Minister of Social Affairs, Minister of State for Institutional Reform, Minister of State for Women's Affairs and Community Development).
- ❖ Creation of official offices to support and empower women in government and sovereign ministries (Ministries of Labour, Ministry of Education, Ministry of Local Government, Ministry of Interior, Ministry of Economy, the General Authority for Culture, Ministry of Finance).
- ❖ Increased number of women members in parliamentary committees, including national security committees.

2. Women's participation in peace negotiations

- ❖ Women's participation in political dialogue was a great victory and evidence of what could be achieved in the least favourable conditions for political empowerment:
 1. Women's attendance indicators, performance, active discussions and outputs for women.
 2. Women contributed to creating an environment conducive to rapprochement and dialogue.
 3. Objective media participation to highlight the course and rounds of dialogue.
 4. Establish a network of relationships with the participants in the dialogue in order to make it successful.
 5. The ability of women to express the interests of the national community in achieving reconciliation and the ability to reconcile points of views and the actual desire to reach an agreement.
 6. Three women were among the signatories to the Libyan Political Agreement (the Skhirat Agreement). The participation of Libyan women in the political dialogue was the first of its kind in the Arab world in situations of national conflict. It was also a first in the signing of a national agreement under the auspices of the United Nations. From 1990 to 2018, only 5% of the signatories to peace agreements were women. Also, according to the American Foreign Policy Council's study "Participation of Women in Peace Operations", women accounted for only 8% of all negotiators.

7. The participation of women in the political movement was strong, especially within the framework of civil society.

3. Establishment of a National Institution for Women's Affairs

- ❖ During the past years, the Women's Support and Empowerment Unit of the Presidential Council was established to play the role of national machinery for the advancement of women in accordance with the Beijing Declaration and Platform for Action. The Unit was established under Article 11 of the Libyan Political Agreement, which provides for its supervision by the Presidency Council.
- ❖ The establishment of this Unit was a consolidation of the formal decision on women's affairs and gender equality. In addition, other official institutions contribute in supporting women's issues in Libya, whose presence reflects the interest of the Libyan official decision to empower women and gender equality. These are:
 - The Ministry of Social Affairs in the Government of National Accord. It is currently headed by Ms. Fadhi Mansour El-Shafi'i.
 - The Ministry of State for Women's Affairs and Community Development of the Government of National Accord. Currently headed by Ms. Asma Al-Asti.
 - In addition, a woman has been appointed as a Minister of State for Institutional Reform, Dr Iman Ben Younes.

The goal of this appointment is that the policies and procedures developed by the Minister of Institutional Reform should achieve gender equality and the empowerment of women in those institutions.
- ❖ Some felt that this multiplicity in institutions was dictated by the nature of the phase, and that it offered a variety of performance and a measure of complementarity. On the other side, others saw an overlap in the tasks among these institutions.

4. Council of Minister's Decision No. 119 of 2014 on the situation of victims of sexual violence.

- ❖ This bill was unprecedented at the regional and international levels. It is an important step in the path of transitional justice. It deals with victims who were treated unjustly and did not enjoy their right to care like other groups. The ministerial decision guarantees civil protection under the bill on victims of sexual violence. It also ensures criminal protection guaranteed by the draft law to victims of sexual violence.

5. Emergence of an elite specialized in women's issues

- ❖ **Perhaps the most important achievement made in previous years is the emergence of an "elite specialised in women's issues, women's empowerment and gender equality. These elite have a high level of technical knowledge in this field in official spheres and in the community space to allow partnership between the two sides.**
- ❖ These elite consist of experts and activists of both genders and of all generations. A number of these experts have imposed themselves in official spheres, as a significant

number of them have been appointed in ministries and official bodies. Also, many civil society platforms have been established, and a number of initiatives have been launched.

- ❖ A partnership was established between the elite specialized in empowering women in the formal sector and the elite concerned with the empowerment of women in civil society. It is worth noting that the movement that led to the emergence of this elite specialized in women's issues and gender equality was a grassroots movement that rose to the summit of the pyramid.
- ❖ One of the characteristics of these Libyan elite, which are concerned with women's issues and gender equality, is that it includes people who advocate the concept of inclusion and inclusiveness at different levels and reject the ethnocentric discourse.
- ❖ Over the past years, there was an increase in the interaction of the elite specialised in gender equality and the empowerment of women in the formal sector and civil society with the staff of UN specialized organizations present on the field. The involvement of the above-mentioned institutions representing the formal sector as well as the experts representing civil society in the preparation of this report is a fruit of this partnership.

6. Women's empowerment and gender equality has become a key issue in the national public agenda

- ❖ **The issue of women's empowerment and gender equality has become a key issue in the national public agenda.**
- ❖ The legitimacy of women's claims is entrenched in collective awareness. Women's issues, empowerment and gender equality can no longer be ignored either in the formal sector agenda or in the community agenda.
- ❖ This achievement was made despite obstacles encountered in the pursuit of women's empowerment and gender equality.
- ❖ This achievement has been made possible thanks to the sacrifices and resilience of women in facing challenges and obstacles.

Question No. 2

Which of the following were among the top five priorities to accelerate the progress of women and girls in your country over the past five years through laws, policies and / or programmes? (Please check the relevant categories)

Answer

Equality and non-discrimination under the law

- ❖ Over the past five years, one of the top five priorities has been to accelerate the advancement of women and girls in Libya by promoting equality and non-discrimination under the law.

- ❖ In 2015, the parties in conflict signed the Libyan Political Agreement (LPA). Some provisions of the agreement dealt with the status of women. Principle 8 of the Agreement provides for equality among Libyans in the enjoyment of civil and political rights, equal opportunities and the rejection of discrimination, but the Agreement does not address gender discrimination.
- ❖ Principle 5 of the Agreement states that “Sharia (Islamic law) is the source of all legislation and all that violates it is invalid.” This principle is broader in interpretation than the text of the Libyan Constitutional Declaration, which does not make Sharia the sole source of legislation and does not go so far as to invalidate everything that conflicts with it, including legislation.³
- ❖ Article 2 of the Libyan Political Agreement stipulates that the Government of National Accord shall adopt the principle of equitable representation of women.
- ❖ But the agreement does not include quotas for women. The Libyan Political Agreement also ignores the basics of the status of women in relation to peace and security. It also fails to address the principles governing the protection of internally displaced women and girls or any related measures.
- ❖ The agreement does not deal with the status of women in government and state agencies, and also fails to address measures to protect women in conflict.

The right to work and rights in the workplace

- ❖ **Over the past five years, one of the top five priorities has been to accelerate the advancement of women and girls in Libya by promoting the right to work and rights in the workplace.** Examples of actions taken are as follows:
- ❖ First, establishment of official offices to support and empower women in government and sovereign ministries (Ministry of Labour and Rehabilitation, Ministry of Education, the Ministry of Higher Education, the Authority for Research, Sciences and Technology, Ministry of Local Government, Ministry of Interior, Ministry of Economy and Industry, Ministry of Finance, Ministry of Transport, the National Organization of Libyan Youth, the General Authority for Culture).
- ❖ Second, support of second line leaders of both genders, especially preparing women and supporting them with development and training courses. Indeed, 1,700 women have benefited from capacity building programmes sponsored by the Ministry of Labour, Rehabilitation and Cooperation with the European Union and the British Council (training courses were organized in different regions in Libya).

³ This section is taken from the report on the law and gender in Libya UNWOMEN, UNDP, ECWA Article 2 of the Libyan Political Agreement (LPA) stipulates that the Government of National Accord shall adopt the principle of equitable representation of women, but does not include the provision of quotas for women. It also ignored [issues] of peace and security (including confidence-building measures and security arrangements), though women and girls are the most vulnerable persons and need protection in situations of civil war, crises and insecurity. Besides, the LPA does not mention in particular the importance of protecting women and girls that are displaced persons or refugees. Article 11 of the LPA stipulates that the Government of National Accord shall form a Unit to support and empower women placed under the authority of the Office of the Council of Ministers. Therefore, the LPA gives some importance to the rights of women related to empowerment within the government as well as political rights, but it does not address the status of women or their rights to protection in the context of the conflict and the consequences of war, including war crimes.

Sectors											
	Name of the sector	Total number	%	Nb of males	%	Nb of females	%	Youth 18-45	%	Older persons 45-46	%
1	Ministry of Defence	235883	0.13	229015	0.226	6868	0.011	172642	0.162	52000	0.097
2	Ministry of Interior	228572	0.126	215515	0.226	130057	0.020	184554	0.173	39240	0.073
3	Ministry of Health	176076	0.097	75641	0.224	100435	0.156	128765	1.121	40912	0.076
4	Ministry of Education	622649	0.343	213897	0.224	408752	0.635	372707	0.349	215272	0.400
5	Ministry of Labour and Rehabilitation	90866	0.050	34963	0.037	55903	0.087	55439	0.052	31412	0.058
6	Ministry of Transport	16480	0.009	13061	0.014	3419	0.005	9154	0.009	5696	0.011
7	Ministry of Utilities and Housing	14363	0.008	9876	0.010	4487	0.007	7977	0.007	5175	0.010
8	Ministry of Planning	3017	0.002	1659	0.002	1358	0.002	1130	0.001	856	0.002
9	Ministry of Justice	42523	0.023	35567	0.037	6956	0.011	30043	0.028	10336	0.019
10	Ministry of Local Government	21608	0.012	20060	0.021	1548	0.002	15430	0.014	5517	0.010
11	Ministry of Tourism	6703	0.004	3325	0.003	3378	0.005	4218	0.004	2165	0.004
12	Ministry of Economy and Industry	21679	0.012	13629	0.014	8050	0.013	11400	0.011	8336	0.015
13	Ministry of Agriculture	45799	0.025	36925	0.039	8874	0.014	26967	0.025	101228	0.188
14	Ministry of Finance	240970	0.133	21168	0.022	3802	0.006	17543	0.016	5868	0.011
15	Ministry of Youth and Sport	2734	0.002	1970	0.002	764	0.001	1723	0.002	846	0.002
16	Ministry of Foreign Affairs	3747	0.002	3328	0.003	419	0.001	1944	0.002	1279	0.002
17	Ministry of Social Affairs	16268	0.009	8114	0.009	8154	0.013	10877	0.010	4098	0.008
18	Ministry of Endowments and Islamic Affairs	2882	0.002	2300	0.002	582	0.001	1552	0.001	1060	0.002
19	General Authority for Culture and Civil Society	14542	0.008	8848	0.009	5694	0.009	9005	0.008	4665	0.009
20	Ministry of Information	6318	0.003	5009	0.005	1309	0.002	3570	0.003	2044	0.004
21	General Authority of Water resources	849	0.000	697	0.001	152	0.000	476	0.000	269	0.000
Total		1814528		954567		643961		1067116		538274	
1	General Electricity Company	116169	National figures need updating – these data have not been classified								
2	Al Nahr Construction and Pipe Manufacturing Co.	11538									

- ❖ Fourth, Libya's written law No. 12 on labour no longer discriminates among workers in terms of colour, ethnicity or sex when it comes to pay, despite the existence of considerable differentiation and substantial differences in the current salary system, which were due to a period of political change in the country. This period has been characterized by unprecedented disorder and external interventions that affected the operational system of some official bodies, especially newly created ones, which are in charge of absorbing armed youth after the war. Another factor is the subsidy of the salaries of some regulators. However, this includes both women and men. The circumstances that lead to some discrimination in social treatment are not related to the law. More attention has been paid to training and raising awareness among all these categories through the programmes implemented by the government and included in ministries work plans, joint programmes with international organizations and the work of the United Nations Support Mission in Libya in this area.

- ❖ Fifth, some indicators show an increase in employment from this perspective compared with previous years, especially with regard to female employment outside the administrative system (companies) in the past five years.
- ❖ Sixth, significant increase in the involvement of women in the media sector; programme and TV progress in recent years. In addition, Amazigh, Tubu and Tuareg women from the far south also participated in the programmes supervised by the Ministry of Labour in the capital, something that did not happen prior to the past ten years.
- ❖ Seventh, compulsory retirement age has been raised to 60 for women and 65 for men, though discrimination between men and women still exists.
- ❖ Eighth, implementing the national project for youth empowerment and reinvigorating entrepreneurial projects through external partnerships in many countries (Bahrain, Portugal, etc.).
- ❖ Ninth, supporting and promoting female officers and non-commissioned officers of the Ministry of Interior through the holding of the first forum for female officers of the Ministry of the Interior in Libya to revive the role of women in the field of security and to showcase the leadership capacities of Libyan female officers.
- ❖ Tenth, setting up of the Women's Sport Committee, one of the committees operating in the Libyan Olympic Committee, whose tasks include studying the reality of the Libyan women's leadership in sports through the holding of scientific conferences.

Improving the status of women by reforming many work concepts

- ❖ **In addition to the above, the status of women has improved thanks to the reform of many working concepts. In the past, women's employment was limited to the fields of education and health. The role of women in private business has been reinvigorated, which contributed to reducing poverty and improving agricultural productivity and food security.**
- ❖ Private businesses have contributed a great deal to providing food and dealing with some crises. Women's contribution in this area has been critical. Most shops in Libya are now full of Libyan products, especially after the departure of foreign workers from the country during the war period and the decrease in production. Exhibitions were organized with broad participation of municipalities and the support of the Ministry of Labour and Rehabilitation.
- ❖ Training courses have been organized in women's training centres in the municipalities. Information technology has also contributed to remote working and the necessary protection.
- ❖ The high demand for local food commodities contributed to the creation of many employment opportunities for women, especially in the context of border insecurity, the proliferation of smuggling and the spread of non-compliant products.

Fighting sexual violence

Over the past five years, one of the top five priorities has been to accelerate the advancement of women and girls in Libya through the fight against sexual violence.

When the armed conflict broke out in 2011,⁵ there was talk about sexual abuse, something that was previously a taboo subject. [1] This phenomenon appeared first in Tunisia among Libyan families displaced by the war. A group of Libyan lawyers noted that among those fleeing Libya to Tunisia were victims subjected to sexual violence who suffered from health, [2] social, [3] financial, [4] and even administrative, [5] problems because of such abuse.

After the end of the armed conflict and the success of the first legislative elections, in early 2013, the Minister of Justice, Salah al-Marghani, submitted a bill on women subjected to violence and rape. The bill focused on two matters:

1. The victims directly expressed their wishes and expectations from the state.
2. The benefits provided for in Article 3 of Law No. 4 of 2013 [6] on persons with permanent disability who are victims of the War of Liberation. The drafters decided that these victims should enjoy the same benefits provided by the state to the persons wounded during the war.

When the bill was tabled by the Ministry of Justice in May 2013 before the legislature (the outgoing General National Congress), the members of the legislature refused to endorse it in an effort to deny these violations. They argued that the law was contrary to the social values and the true religion of the Libyans, which orders to keep such things covered up. They also argued that the law, if approved, would allow some delinquents to claim to have been raped because of their positions regarding the former regime. Some members required that the victims themselves should attend a session of the General National Congress to demand the adoption of the law so that their claims could be confirmed. Of course, it was impossible to accept such requirement because it conflicted with the principle of confidentiality which is necessary in order to gain the trust of the victim.[7]

Thanks to the ministers' understanding of the importance of the bill and the credibility of the case behind it, the Presidency Council decided to adopt the bill in the form of a Resolution of the Presidency Council No. 119 of 2014 on the treatment of victims of sexual violence. The decision clearly revealed a difference in the legislative policy on which the legislative and executive powers relied at the time of its introduction in 2013/2014. The parliament favoured a policy that upheld the traditional values of discretion and non-reference to sexual abuse of Libyan women during armed conflict in order to preserve public morals and order. On the other hand, the government adopted a progressive legislative policy. It adopted a modern concept of values: the right of the victim to obtain society's recognition of the violation to which they were subjected and to obtain society's apology and compensation for the harm they suffered as a prerequisite for national reconciliation, the establishment of social hierarchy and the rule of law.[8]

The bill was unprecedented at the regional and international levels. It was an important step in the path of transitional justice.

⁵ Jazia Jibril Shaitar, "Bill on Violence Against Women in Libya". Legal Agenda, Issue No. 4 <https://www.legal-agenda.com/article.php?id=4251>

First: Civil protection guaranteed by the bill to victims of sexual violence: The law basically provides for financial compensation and benefits, including: [9] a monthly allowance, medical insurance, priority in appointment, priority in obtaining a housing loan, opportunity to benefit from training and scientific qualification and study at home and abroad, and a specific annual quota for performing pilgrimage. Some of these benefits may be needed to redress the harm done to the victim and to give her a new start for a decent life. However, some of these benefits can be dispensed with without affecting the desired goal of the law and to alleviate the financial burden on the state. Besides, the bill did not seek to establish a supportive infrastructure for the psychological and social care of victims, especially in training doctors and psychologists to deal with this type of victims. Emphasis should be placed on the importance of following up the victim and her family psychologically and socially. The victim of rape in conservative societies, such as the Libyan society, pays the price twice; first because she was not protected in the first place, and second, when she is held accountable for the inhumane violation she has suffered. Moreover, there was mention to the establishment of charitable societies and civil society institutions which would be in charge of supporting those victims materially and morally.

Second: Criminal protection guaranteed by the bill to victims of sexual violence: The list of benefits to the victims timidly included a reference to assistance rape victims in legal action against offenders to bring them to justice. Libyan civil society organizations sought to gather evidence against the former prime minister of the former regime, Baghdadi al-Mahmoudi, of the violations committed against a number of Libyan women during the armed conflict. The Libyan Attorney General forwarded the investigation file to the Tunisian judiciary [10] on the basis of this. Although it is difficult to determine a number of cases of rape due to the war, this matter is being investigated in secret without mentioning names regarding the facts referred to the Libyan Attorney General. Besides, several Libyan civil society organizations also claim to have medical reports confirming that the former regime had instigated rape, a fact recognized by Gaddafi's soldiers [11]. It should be noted that the Penal Code lacks an explicit provision referring to sexual violence in times of war. It only provides for the crime of sexual intercourse, without mentioning the circumstances, in Article 407 of the Libyan Penal Code. The law makes a single distinction to determine the punishment: whether the act was committed by consent or by force. This provision seems inappropriate for the facts at hand, because of the inaccuracy of the material element since the act was committed in wartime, or the moral element since the act was committed with a particular criminal intent, which is to defeat the enemy and win the battle by this immoral act. In addition, the punishment is not commensurate with the severity of the offense. The punishment does not exceed ten years of imprisonment unless there are certain aggravating circumstances, none of which is the perpetration of the act in time of war.

2- Effectiveness of the ministerial decision: Finally, the piece of legislation was issued in the form of a ministerial decision. Its preamble states the objective as follows:

- 1. Dealing with the atrocities committed during the war by the former regime and the resulting consequences.**
- 2. Acknowledging the victims who were wronged and were not entitled to care like other groups.** However, the acknowledgement of the victims remains inadequate in light of the rejection of the bill by the legislative authority representing the people. Despite its importance, the ministerial decision remains inadequate because it was issued by an administrative authority. Its subject by no means falls within the competence of the administrative authorities, as it deals with the rights and duties of citizens. In additions, it entails financial obligations on the public treasury, which must be regulated by a legislative act. Moreover, the fact that the Executive power issues a regulation on any matter other than independent regulations, such as public utilities and administrative control is contrary to constitutional rules, [12] under the Constitutional Declaration issued by the Transitional Council on 3 August 2011.

3- The Future of the Decision: A prospective outlook on the future of the law on the treatment of victims of sexual violence may require an assessment of the current situation. It can be argued that the executive is satisfied by the ministerial decision on the executive stand point: externally, it can request and receive international advice and support, [13] and internally, it can issue executive decisions to enforce the law. An agreement has been made to prepare a statistical database of the persons concerned by the ministerial decision. On a financial executive level, the Minister of Justice issued Decree No. 904 of 2014 organizing a Fund for the treatment of victims of sexual violence. This fund is currently under the authority of the Ministry of Justice and it will be place later under the authority of the Ministry of Social Affairs (Article 5 of the Minister of Justice’s decision). The Ministry of Justice will start to fund this body. [14]

The main question is: Will it have the same legal strength as if it were adopted by the representatives of the people, i.e. the legislative authority, which is competent to issue legislation? In this regard, some representatives of the executive and legislative authorities in Libya today are optimistic, resulting from the unity of their legislative policy. The Ministry of Justice is optimistic about the future of this legislation, which will be submitted to parliament, to be passed as law. As for the legislative authority, some women parliamentarians in the House of Representatives declared that they had submitted a proposal to the Presidency of the House of Representatives to request the adoption of a law on victims of sexual violence. This proposition has been signed by more than 50 Representatives. I may be more pessimistic than before since the decision was issued under temporary, spatial and security conditions different from the current ones. Therefore, it has slim chances of being re-introduced. The legislative authority has its seat in the eastern region of Libya, where there are no cases of victims of sexual violence. Besides, the events of February 2011 are far back in time. Not to mention political events, security disturbances and the threat of terrorism in the country. For these reasons, the idea

of passing this ministerial decision as law by the legislative authority is far from the Libyan legislator's current priorities.

Question 3

Over the past five years, have specific measures been taken to prevent discrimination and promote the rights of women and girls who are subjected to multiple and complex forms of discrimination?

Answer

Combating discrimination and promoting the rights of migrant women

- ❖ **Measures have been taken to combat discrimination and promote the rights of migrant women.**
- ❖ As a result of the absence of an authority capable of controlling borders, enforcing law and maintaining order, Libya turned into an illegal immigration hub. This situation enabled external organized crime to operate in the area of illegal immigration in Libya. Internal criminals also established their frameworks for the same activity. External organized crime groups have been active in the exploitation and enslavement of women and migrants economically and physically. Internal leaders are also activating in this area.
- ❖ According to an Oxfam report in 2017, migrant women reported that they had been abducted by gangs who placed them in fortified areas, raped and forced to work. Militias exploited migrants physically and financially as trade in migrants represented a source of income for these militias.⁶ Many migrant women were killed.⁷ Migrants of both genders were sold as slaves according to the International Organization for Migration report.
- ❖ To face this situation, the government established shelters for migrants. It coordinated the provision of services for migrant women, including health services. However, many migrant women are detained indefinitely. In addition, some of the staff in these centres are not trained. Organized crime groups have tried to infiltrate these centres. For these reasons, migrant women are exposed during detention to discriminatory practices and violence. According to the report of the High Commissioner for Human Rights:

⁶ <https://www.dw.com/ar/%D9%85%D9%86%D8%B8%D9%85%D8%A9-%D8%A3%D9%88%D9%83%D8%B3%D9%81%D8%A7%D9%85-%D9%85%D8%B9%D8%B8%D9%85-%D8%A7%D9%84%D9%85%D9%87%D8%A7%D8%AC%D8%B1%D8%A7%D8%AA-%D8%A7%D9%84%D8%A5%D9%81%D8%B1%D9%8A%D9%82%D9%8A%D8%A7%D8%AA-%D9%81%D9%8A-%D9%84%D9%8A%D8%A8%D9%8A%D8%A7-%D8%AA%D8%B9%D8%B1%D8%B6%D9%86-%D9%84%D9%84%D8%B9%D9%86%D9%81-%D8%A7%D9%84%D8%AC%D9%86%D8%B3%D9%8A/a-40018933>

⁷ <https://www.dw.com/ar/%D9%85%D9%86%D8%B8%D9%85%D8%A9-%D8%A3%D9%88%D9%83%D8%B3%D9%81%D8%A7%D9%85-%D9%85%D8%B9%D8%B8%D9%85-%D8%A7%D9%84%D9%85%D9%87%D8%A7%D8%AC%D8%B1%D8%A7%D8%AA-%D8%A7%D9%84%D8%A5%D9%81%D8%B1%D9%8A%D9%82%D9%8A%D8%A7%D8%AA-%D9%81%D9%8A-%D9%84%D9%8A%D8%A8%D9%8A%D8%A7-%D8%AA%D8%B9%D8%B1%D8%B6%D9%86-%D9%84%D9%84%D8%B9%D9%86%D9%81-%D8%A7%D9%84%D8%AC%D9%86%D8%B3%D9%8A/a-40018933>

In the first half of 2014, the UNHCR Mission visited various migration detention centres, including those in Abu Salim, al-Zawiya, Al Twaisha, Al-Hamra, Al-Khams, Al-Jawiya, Abu Rashad, Al-Qatrun, Sarman, the Zoo Centre, and Zliten. The UNHCR Mission found conditions of serious concern, including chronic overcrowding, poor sanitation and health care, and inadequate food. There are also consistent reports of physical or verbal abuse and exploitation at work, sexual assault, extortion, confiscation of identity documents and detention of minors with adults.

- ❖ For these reasons, demands have been made for an end to detention. In April 2019, over 700 refugees and migrants were trapped in Libya and placed in a detention centre in the town of Qasr Bin Ghashir, in Tripoli.⁸ The measures that have been taken include the establishment of the Deterrent Force against Organized Crime and Terrorism pursuant to Presidential Decree No. 555 of 2018.
- ❖ While some felt that the existence of this Force is important in the fight against organized crime that targets migrants, displaced persons and citizens, others have called for amending the powers given to the Force on the grounds that it breaches the Constitutional Declaration, Libyan law and international human rights law.⁹ It should be noted that Libya did ratify the 1951 Convention relating to the Status of Refugees and the government did not establish an appropriate protection framework.

Combating discrimination and promoting the rights of displaced and refugee women

- ❖ **Measures have been taken to prevent discrimination and promote the rights of refugee and displaced women (internally displaced women).**
- ❖ The 2011 uprising was followed by the outbreak of regional conflicts that resulted in the migration and displacement of hundreds of thousands of men and women. Among those affected are the tribes of Mashashia, Qulayish, Jammala, Jeramla, Sai'an, as well as the Tubu and Tuareg communities. The population of Tawarga is the largest group of internally displaced persons, totalling up to 30,000.¹⁰ In mid-November 2014, the UNHCR estimated that nearly 400,000 people had been internally displaced by the fighting.¹¹ Camps and refugee centres where internally displaced and refugee women settled.
- ❖ In asylum centres, women and girls were subjected to many assaults, including harassment and heavy labour by international organizations such as Human Rights Watch and Oxfam.

Concern for persons with special challenges

- ❖ **According to the Statistical Yearbook 2009, the number of persons with disabilities reached more than 82,000. This figure increased to more than 103,000 in 2017, according to the Head of the Disabilities of the Ministry of Social Affairs.**

⁸ <https://www.amnesty.org/ar/latest/news/2019/04/libya-release-migrants-and-refugees-trapped-in-detention-centres-amid-escalating-clashes/>

⁹ <https://www.libyaakhbar.com/libya-news/656298.html>

¹⁰ Ibid.

¹¹ www.unhcr.org/5465fdb89.html

- ❖ On 24 February 2013, Libya decided to accede to the International Convention on the Rights of Persons with Disabilities under Law No. 2 of 2013 issued by the National General Conference. However, the instrument of accession to the Convention was only deposited on 13 February 2018. Therefore, Libya must now amend its domestic legislation to be compliant with the Convention or enact new legislation if necessary.

QUESTION 4

Have the growing number of humanitarian crises, arising from conflict, extreme weather or other events, affected the implementation of the Beijing Platform for Action in your country?

Answer

- ❖ **As a result of the conflicts that ravaged Libya over the past years, the major humanitarian crises that have gripped the country have had their toll on the country.**
- ❖ Among these crises is the “crisis of the wounded”. Because of the conflict, a large number of those involved in the fighting and civilians have been wounded or sustained permanent disabilities. There was an urgent need to provide treatment abroad, especially as the situation of health institutions in Libya deteriorated seriously during the period of constitutional break-up and health services were neglected.
- ❖ Another consequence is the “crisis of the families of the martyrs”. Many families lost their breadwinners. Besides, there was a “crisis of internally displaced persons”.¹²
- ❖ The conflict also resulted in the “crisis of illegal migrants” who used Libya as a corridor for illegal migration to Europe. One of the consequences of this situation is that many migrants drowned in the Mediterranean.
- ❖ Another consequence of this “crisis of illegal migrants” is that migrants became the prey of exploitation and enslavement. The International Organization for Migration (IOM) estimated that by the end of September 2017, there were 556,416 migrants in Libya, though the number was likely higher.¹³ Nearly half a million people crossed the sea between 2015 and 2017; and over 10,000 were killed during the crossing.¹⁴ In 2017, the number of stranded migrants wanting to cross the sea into Europe reached half a million.¹⁵ Because there was a power vacuum in Libya and the lack of an authority capable of controlling borders, enforcing the law and keeping order, Libya became a transit point for illegal migration. Foreign organized crime groups operating in the traffic of illegal migration extended their tentacles to Libya. Internal criminals also established their networks. Foreign criminals exploited migrants economically and physically and enslaved them. For these criminals, migrants became a resource and a commodity around which an entire industry was built.¹⁶
- ❖ **The government had to confront all these crises and allocate part of the available human and material resources to solve them. At the same time, it had to restore security and counter**

¹² Another result is the crisis of migration of a large number of Libyans as they fled to neighbouring countries, especially for political reasons.

¹³ <https://www.amnesty.org/download/Documents/MDE1975612017ARABIC.PDF>

¹⁴ November 2017

¹⁵ UNICEF, 2017

¹⁶ Ibid.

terrorism at the expense of the implementation of the Beijing Platform for Action. It should be noted that the government's readiness to implement the Beijing Platform did not reach the desired level.

- ❖ All these crises broke out when the resources declined as a result of the attacks on oil refineries and the decline in domestic trade, productivity and exports. Therefore, official bodies' attention for the implementation of the Beijing Platform for Action subsided along with the share of human resources and material resources available.
- ❖ These crises put pressure on the country's resources and the public budget. The amount of external aid provided to mitigate the effects of these crises was limited.
- ❖ **Over the past years, there was an urgent need for an integrated approach to dealing with humanitarian crises consistent with humanitarian standards for dealing with refugees and migrants. Police measures and procedures were not enough.**
- ❖ The absence of such a common work approach contributed to the deterioration of the situation of migrants, the emergence of corruption networks within official bodies. Migrants fell in the hands of armed groups that exploited them.
- ❖ **Some interventions by UN agencies to mitigate the effects of humanitarian crises were focused on gender mainstreaming.**
- ❖ This provided an opportunity to redefine society and the state by taking into account the mechanisms of integration of a gender perspective in a practical and realistic way. It also enabled local officials involved in the implementation of intervention programmes to train on the implementation of relief programmes based on gender mainstreaming.

Question 5

What actions has your government taken in the past five years to promote gender equality in relation to the role of women in paid work and employment?

Equal pay between legislation and reality

- ❖ **The government took legislative steps to reflect the concept of gender equal pay, there is still a need to promote equal pay in practice.**
- ❖ With respect to salaries, the Labour Law provides for the equal remuneration of women and men.
- ❖ In reality, however, State institutions compliance with this law varies from one institution to another. In some institutions, men's rewards are far higher than women's. This makes men's actual earnings greater than women's.
- ❖ Some argue that the government needs to promote equal pay in the private sector. There is a wide pay gap in the private sector.¹⁷ Others believe that men receive higher actual pay both in the public and private sectors because of societal misconceptions according to which it is normal for men to get paid more than women.

¹⁷ For more information, refer to: Hala Bugaigis and Mohamed Tantoush, "Women in the Libyan Job Market." Jusoor Center for Studies and Development and the Friedrich Ebert Foundation
<http://jusoor.ly/wp-content/uploads/2017/12/Women-in-Libyan-Workforce-.pdf>

Encourage the transition from informal to formal work

- ❖ **The government promotes the transition from informal to formal employment to encourage gender equality in the context of the role of women in paid work and employment.**
- ❖ Some official institutions launched public awareness campaigns on the most important actions to be taken to move from informal to formal work. Moreover, some relevant ministries promoted awareness campaigns launched by civil society organizations, such as the Jusoor Center, which deals with the economic empowerment of Libyan women and encourages women to move from informal to formal work.¹⁸
- ❖ They also streamlined the procedures leading to the transition to the formal economy.

Section II: Progress Made in the Twelve Critical Areas of Concern

Comprehensive Development, Joint Prosperity and Decent work

Question 6:

What actions has your country taken in the past five years to recognize, and/or limit and/or redistribute unpaid care and domestic work and promote reconciling family and work?

Answer

According to the Ministry of Labour, unpaid care and domestic work have been included in national statistics and accounting (e.g. time use surveys, assessments and sub-accounts). The Ministry considers housework to be the most prevalent job, though its size is not specified in the economic activity. The total number of work hours spent by housewives in housework ranges between 12-14 hours per day. The total number of hours spent by women in the household exceeds the hours worked in any industry. Statistics show that about 85% of the national income of any country passes into the hands of housewives and is spent with their knowledge. It should also be mentioned that women are important to their families and surroundings, as each individual in these families is affected by their behaviour, health and moral condition, which in turn affect their work and production.

In spite of this, the Ministry of Labour and the relevant government institutions are still unable to find ways to track housewife participation in the national economy and its inclusion in the different sectors. For example, women contribute in many manufacturing industries such as medicine, food, clothing, embroidery and knitting. The Ministry of Labour recognizes that women's education and

¹⁸ <http://www.libya-al-mostakbal.org/top/21582/%D9%84%D9%8A%D8%A8%D9%8A%D8%A7-%D8%AD%D9%85%D9%84%D8%A9-%D9%84%D8%AA%D8%B4%D8%AC%D9%8A%D8%B9-%D8%A7%D9%84%D9%86%D8%B3%D8%A7%D8%A1-%D9%84%D9%84%D8%A7%D9%86%D8%B6%D9%85%D8%A7%D9%85-%D9%84%D9%84%D8%A7%D9%82%D8%AA%D8%B5%D8%A7%D8%AF-%D8%A7%D9%84%D8%B1%D8%B3%D9%85%D9%8A-%D9%84%D8%A8%D9%86%D8%A7%D8%A1-%D8%A7%D9%82%D8%AA%D8%B5%D8%A7%D8%AF-%D9%85%D8%AF%D9%85%D8%AC.html>

proper preparation, even as housewives only, contribute in the generation of healthy habits, such as saving and increasing family income, by raising the level of family production.

Regarding maternity/paternity/parental leave, or any other type of family leave:

Law No. 12 of 2010 on Employment Relations in Chapter III on the Employment of Women and Juveniles, Article 24, 25 and 26, stipulates:

Chapter III Employment of Women and Juveniles

Article 24

Women workers shall not be employed in types of work that are unsuited to their nature as women, to be defined in regulations issued by the General People's Committee. There shall be no discrimination between men and women in treatment, employment or remuneration for work of equal value. Women workers' hours of work may be reduced for certain professions and occupations determined by the [former] General People's Committee [currently, the Presidency Council], taking into account the requirements of the work and the proportion of male and female workers, as set out in the implementing regulations under this Law.

Article 25

A woman worker is entitled to 14 weeks of paid maternity leave on presentation of a medical certificate indicating the presumed date of confinement. The period of leave shall include a compulsory postnatal period of not less than six weeks. If the woman is delivered of more than one child, her leave shall be extended to 16 weeks.

An employer shall not terminate a woman's employment while she is pregnant or on maternity leave except for justifiable reasons that are not connected to her pregnancy, confinement and their complications or breastfeeding.

During the eighteen months following her confinement, a woman worker shall be entitled to one or more nursing breaks of not less than an hour in total, which shall be considered as paid hours of work.

Article 26

An employer who employs women workers with children shall be required to provide a nursery for their children. More than one employer may collaborate to provide a nursery for their women workers' children.

The implementing regulations of this Law shall lay down the terms and conditions for organizing women's work.

Labour laws provide for leave and benefits for women in certain cases.

The Labour Law does not provide for paternity leave. The government did not include unpaid care and domestic work in national statistics and accounting. What is important in this context is that the concept of unpaid care itself is not rooted in social awareness. Awareness-raising campaigns or activities were not launched to encourage the participation of men and young men in unpaid care and domestic work. Not only that, but by large segments of society are amazed by this concept, even

though Islamic jurists dealt with it. One of the conditions for its inclusion in national statistics and accounting is that it should first become rooted in society's awareness. The prevailing perception in society is that the husband and the son have no obligations with respect to domestic care, and that a woman must combine the care of husband and children (and sometimes other members of an extended family) with work [outside the home] without this being an additional burden for her. This perception also means that the behaviour of the man and the male children remains as it is without them trying to participate in home care is an established right, simply because they are males. The media, whatever their tendencies, did not raise this issue for serious and calm social debate.

Regarding the expansion of child care services or the provision of existing services at more affordable prices, there is a spread of private nurseries for paid care of children, in addition to state-sponsored nurseries. Both sectors are subject to the supervision of the competent authorities.

However, according to the evaluation of women's and human rights organizations, childcare services or existing services at more affordable prices have not expanded. Moreover, support for vulnerable older persons and persons in need of intensive forms of care has not been expanded as required. Government efforts to invest in time and labour-saving infrastructure, such as public transport, electricity, water and sanitation, to reduce the burden of unpaid care and domestic work on women remain very small and barely tangible. In addition, decent work of paid care workers has not been promoted. A large proportion of women migrant workers work under unwritten submission contracts, which impose harsh conditions on them. No legal changes have been made with regard to the division of matrimonial assets or post-divorce pension benefits, which recognize the unpaid contribution of women to the family during marriage.

Question 7

Answer

Declining public sector employment as a result of public budget difficulties

Over the past years, the government took measures to reduce public spending and reduce public sector employment and then tried to increase spending again in recent times. The government was forced to take these measures as a result of rising public debt, lower foreign exchange reserves, repeated disruption of oil exports due to attacks on refineries, low oil prices on the global market and a large budget deficit. It should be noted that since 2016 the country has not had a balanced and integrated budget. Indeed, the general budget for 2019 was adopted more than three months late on 20 March, because of the dispute between the Government of National Accord and the Central Bank on a number of budget items and how to use funds. When the adoption of the budget is delayed, the government can only pay public salaries and fuel subsidies. It cannot allocate money for investment, which are badly needed to repair damaged schools, roads and hospitals. Oil revenues regained an upward trend only in 2018, as they rose by 78% to USD 24.5 billion when oilfield closures fell. As a

result, deficit was reduced to 4.6 billion dinars (USD 3.32 billion).¹⁹ In 2019, foreign reserves rose to 70 billion dollars.²⁰

In this situation, the government reduced public sector employment. A large number of public sector companies were forced to close. As a result, many workers were laid off. Alternative employment opportunities were not available in the private sector. There is no coordination between the public sector and the private sector in relation to employment. In some state-owned companies, like oil companies, the government denied workers a number of benefits and rights they enjoyed in the past. This resulted in labour protest movements such as the *Sixty-seven Movement*. The reduction in the budget deficit and the rise in foreign exchange reserves did not translate in the creation of new jobs. In addition, it must be recalled that since the 2011 uprising and the ensuing conflicts, too many women have left the labour market because of the security deterioration and many companies have shut down. In towns dominated by violent extremists, women were prevented from regaining their lost jobs or seeking new ones.

While there are no integrated studies on the impact of reduced employment on women and men, there are clear indications that their negative impact on women’s reality is much more severe than on men. The rate of women who lost their jobs in the public sector is much higher than the rate of men having met the same fate.

Turning to the private sector for jobs because of the saturation of the formal sector

It should be noted that large segments of society are still aspiring to work in the government sector, which is already heavily redundant. For this reason, the Ministry of Labour encouraged women to work in other productive work (industry and services). The government is supporting small and medium-sized enterprises that closed down because of renewed conflict in recent times. This trend is shown in the reports of the Ministry of Labour and Rehabilitation of the National Accord Government, which worked with the private sector in training partnerships and cooperation in entrepreneurship programmes.

Poverty eradication, Social Protection and Social Services

Question 8:

What actions has your country taken in the past five years to reduce/eliminate poverty among women and girls?

Answer

¹⁹ <https://uk.reuters.com/article/us-libya-economy-exclusive/exclusive-libya-government-central-bank-fail-to-agree-2019-budget-sources-idUKKCN1PC1L9>

²⁰ <http://www.libya-analysis.com/category/economy/>

High poverty rates, high inequality in poverty

Poverty-related statistics between 2014 and 2018 according to the Humanitarian Response Plans

- In September 2015, an overview of humanitarian needs assessed that “armed conflict and political instability affected more than 3 million people all over Libya.”
- Between July 2014 and May 2015, over 20,000 civilians were affected by conflict.
- In September 2015, it was estimated that the total number of people affected by the crisis reached 3.8 million, accounting for 49% of the population of Libya at that time (6.3 million), 2.44 million people; 79% of the total number of people affected were in need of humanitarian assistance.
- In 2015, the number of children in need of psychosocial support increased sharply to 270,000.
- In 2015, an estimated 250,000 refugees, asylum seekers and migrants in Libya had significant protection concerns, making them vulnerable to abuse, marginalization and exploitation.
- In September 2016, the total number of people in need of humanitarian assistance dropped to 1.3 million.
- In 2017, IOM estimated that there were 621,706 migrants in Libya, 9% of whom were minors (of these minors, 59% were accompanied and 41% were not).
- In 2017, an estimated 1.3 million people, including 439,000 children, were in need of urgent humanitarian assistance.
- The most recent Humanitarian Needs Overview for 2018 indicates that 1.1 million people, including 378,000 children and 453,000 women, require humanitarian assistance and life-saving protection.

- ❖ **Women and children who lost a husband and father during the conflict showed higher poverty rates across a number of poverty dimensions.**²¹
- ❖ A large number of women were widowed and suffered from loss of income. Many widows had to sell their material assets. Women were denied access to assets that would have enabled them to launch micro- and small enterprises within the family and obtain loans. The homes of these women were in a dire state because of the conflict. During the years of conflict, numerous families sold their assets at very low prices to compensate for the lack of liquidity. A combination of factors lowered the value of all types of assets to very low levels.
- ❖ Severe economic difficulties, changing economic roles and the absence of coping mechanisms led to the failure of households to maintain their livelihood, a fact linked to severe deprivation of assets.
- ❖ The shattered economy destabilised mainly patriarchal households. The number of women with new economic roles doubled as family breadwinners or as sole income earners. Traditionally, Libyan families affected by patriarchy are prepared to accept the phenomenon of female-led households as an exception and not as a widespread phenomenon. The failure of some men to deal

²¹ This section on multidimensional poverty is taken from Zahra' Langhi *Gender Inequality in Deprivation in Conflict-Torn Libya*, Background Paper, ESCWA, 2018

with this socio-economic change led to a wave of households failing to maintain their livelihoods because of high levels of anxiety, separation and divorce in the family.

- ❖ This trend became entrenched at a time when the justice system was almost paralyzed because many courts were dysfunctional throughout the country. Accordingly, women were often deprived of their rights to divorce, including alimony. In some cases, women were denied the retention of their personal belongings. Many women became homeless and without assets.
- ❖ As a result of instability, some women lost their jobs or suffered from job instability. In this case, too, women lost much of their bargaining power because of the absence of a formal judicial system and the sharp decline in customary family dispute settlement frameworks.
- ❖ **Libyan women were blatantly discriminated against on labour markets in terms of labour force participation and employment.**
- ❖ The years of conflict were characterized by wide disparities between women and men in terms of multidimensional poverty because the two main employers, the public and the private sectors, allocated the vast majority of vacant jobs to men.
- ❖ Also, the insufficient number of women working in the public and the private sectors received less income despite exercising the same duties.

Non-disarmament contributes to multidimensional poverty

- ❖ **Non-disarmament and non-rehabilitation exacerbated multidimensional poverty resulting in gender inequality and job deprivation.**
- ❖ Large towns and cities are controlled by militias. Their presence and self-assertion hampered normal movement and commuting to workplaces. More women were prevented from going to work than men.
- ❖ The number of women who lost their jobs for the same reason is higher than men.
- ❖ Militia abducted members of middle and poor families, including women and children, for huge ransoms, took control of industrial and commercial establishments and headquarters.
- ❖ **In September 2015, a large proportion of IDPs, mostly women, were unable to obtain assistance due to the loss of documents.**
- ❖ Accordingly, they were deprived of banking services. Most displaced persons who found jobs worked in indecent conditions and receive inadequate wages.

Lack of facilities

- ❖ **All segments of society have been deprived of basic facilities.**
- ❖ In 2017, UNICEF reported that 500,000 persons, including 200,000 children, needed safe water, sanitation and hygiene. The list includes IDPs and African migrants using Libya as transit to Europe, women and the elderly.
- ❖ **In general, IDPs accommodated in centres do not have homes and lack basic facilities.**
- ❖ In 2015, it was estimated that 435,000 persons had fled their homes in search of safety and security because of armed conflict and escalating violence since mid-2014. Most IDPs were staying “in urban centres among host communities, and just over 100,000 persons living in collective centres in open or temporary buildings, such as schools and empty warehouses.” The largest number of displaced persons is in Benghazi, Jebel Gharbi, Zawiya, Tripoli and Misrata.

- ❖ In October 2016, an estimated 310,000 persons were displaced. Of this number, 241,000 were in need of humanitarian assistance. The decline in the number of displaced persons is the result of the relative decrease in confrontations.
- ❖ **Most IDP camps suffer severe shortages of basic facilities including access to clean water, electricity, sanitation, garbage disposal and public infrastructure.**
- ❖ Regarding access to improved water at displacement centres, the situation appears to be better in centres close to major urban areas. Poor housing in displacement centres, overcrowding, lack of shelter, roof and poor roof quality, absence of walls and floors, poor quality of walls and floors have serious health effects and caused the spread of diseases and mental health problems among IDPs.
- ❖ The walls of most dwellings in IDP centres are built of non-durable materials. Over the past years, monitoring and improving shelter conditions were inadequate. Due to the lack of minimum sanitation systems in camps and sites hosting IDPs, families, including men, women and children, share the same bathroom, especially in Benghazi.
- ❖ **In cities, the lack of safe infrastructure is a major contributor in multidimensional deprivation suffered by children in a number of cities, particularly Benghazi and Sirte, and cities that were formerly war zones.**
- ❖ Owing to a lack of resources and response from international humanitarian bodies, demining operations was not conducted in the context of rehabilitation of roads and infrastructure despite the end of the fighting. Many civilians, including women and children walking to schools have been maimed by exploding mines.
- ❖ One family lost three children at a time. Other children lost their hands and their legs became permanently paralyzed. These children are beginning to face difficulties in education because of the lack of mechanisms for adaptation and acceptance of diversity and tolerance among students and teachers.
- ❖ **Deprivation of basic facilities is very high among students in primary and secondary schools.** According to the UNICEF LCO Water Quality Assessment in 2017, the National Centre for Disease Control (NCDC) and the Ministry of Education, 67% of schools surveyed (140) have limited access to drinking water supply and 95.8% have limited access to sanitation, while 4.2% lack sanitation. There is one working toilet for every 71 students, while the standard of the Ministry of Education is one toilet for every 25 students.

Lack of credit

- ❖ **The years of conflict saw various gender disparities with regard to access to credit.**
- ❖ Gender inequality in access to credit is the result of policies that are not gender-sensitive in the allocation of government support. Subsidy allocation policy considers men as heads of households and thus gives them the subsidies. The family identification card is used as a document required receiving benefits. Usually, this card is held by the husband. This policy does not take into account exceptional circumstances in which the husband lacks the capacity to be a reliable guardian of his family, such as husbands who criminal and/or misconduct records. Often, subsidies received by such husbands were not spent on the family. In some cases, subsidies for divorced women were handed to the ex-husband for delivery to the ex-wife. Studies reported cases of men who retained

the subsidies for themselves. In other cases, this policy was applied even if the woman is the foster parent.

Weak women's ability to open bank accounts

- ❖ **There is wide disparity between men and women with regard to the possession of bank accounts.**²²
- ❖ The number of women with bank accounts is much lower. This is due to a number of causes, including patriarchal social and economic culture. During the years of conflict, many families sold their assets at very low prices to compensate for the lack of liquidity.
- ❖ A combination of factors lowered the value of all types of assets to very low levels. First and foremost, inflation and the urgency to obtain credit for survival, not for social welfare. In addition, during the years of conflict a number of families throughout the country sold their assets to ease capital constraints and develop micro-income-generating activities, including catering and trade. Women and girls led those new lines of activities within the family.

Government efforts for women's access to decent work

- ❖ **In this situation, government bodies sought to promote, though not as much as expected, poor women's access to decent work through active labour market policies such as vocational training, capacity building and support to women's leadership in business and projects.**
- ❖ The involvement of women contributes to saving a very large segment of society from the abyss of poverty, especially extreme poverty. It also contributes to reducing dependency of women and the families they help support or support with the financial assistance provided by the government.
- ❖ The relevant authorities encouraged the initiatives launched by women leaders to establish entrepreneurial bodies. It also contributes to enhancing employment and productivity in the national economy.
- ❖ Women's involvement in business and entrepreneurship has other positive effects: enhancing women's economic independence and reducing their vulnerability to economic violence and physical violence in the family sphere.
- ❖ It is worth mentioning that much of the moral and material support that women received in business and projects was provided by UN and foreign bodies. There has been coordination between official bodies and some of those UN bodies.
- ❖ Women and girls were the leaders of those new projects within the family. For many households, these microenterprises provided access to credit as an input for survival not for well-being.

Question 9:

²² According to an IFES survey in 2013, 34% of women had personal savings while 59% did not. Ibid.

What actions has your country taken in the past five years to improve access to social protection for women and girls?

Answer

Steps taken by the Ministry of Social Affairs

The social security policy of the Ministry of Social Affairs tries to reduce this phenomenon among Libyan families, as they aim to:

1. Achieve self-sufficiency, justice, the protection of the individual, the family and the community in case of sickness, work injury, childbirth, old age and unemployment. In the event of disaster and emergency situations, this policy provides for a comprehensive social security system, which is made up of two bodies: the General Authority of Solidarity Fund and the Social Solidarity Fund.

In accordance with Law No. 20 of 2008, the General Authority of Solidarity Fund regulates social solidarity, which includes cash benefits: basic pension for low-income persons, families that lost their breadwinners, subsidies and grants, family allowances, housing for pensioners, and a basket comprising: social welfare for those citizens who do not have a guardian, care and guidance of juveniles, health care, education, housing and care for persons with disabilities, custody and hosting, aftercare, and insurance for non-citizens residing in Libya.

The policies of the General Authority of Social Solidarity Fund generally aim to materialise the principle of social protection for members of society who need assistance, such as, persons with disabilities and the elderly. They also provide education and guidance for male and female juveniles, needy persons, extended families, and assistance in the event of calamities and emergencies.

Social solidarity policies also adhere to the principles of the Islamic religion, which are based on righteousness, charity, brotherhood and compassion.

The policies of social solidarity mandated by the law cover: the provision of services to all citizens, including individuals without providers, persons with disabilities, the elderly, education and guidance to male and female juveniles, the needy, extended families, protection of citizens, provision of services and compensation in the event of natural disasters, main pensioners and the like, and needy families.

The categories specified in Article 7 of the Basic Pension Law, which provides for the categories of persons entitled to the basic pension for the categories of insured persons (elderly, disabled, widows, orphans, the needy), as well as persons with disabilities and extended and needy families, the persons whose retirement pension is insufficient, beneficiaries of block grants, victims of natural disasters.

Measures:

Successive governments have tried since 2012 to raise the standard of living of citizens by issuing a law to support extended families and children by providing an allowance of up to 100 dinars per child per month. This allowance is given to all families, not just needy ones.

In addition, the Social Solidarity Fund implements programmes and activities, including:

- Protection of individuals, including women, from social risks, preserving human resources, improving the quality of life, and consolidating the principle of social cohesion.
- Provision of services through various social welfare institutions, centres for educating and guiding juveniles, protection centres, centres for the rehabilitation of the disabled, boys, women and men alike.
- Conducting social studies and research, preparing proposals for rules and regulations of social solidarity, collecting solidarity contributions, providing solidarity benefits and managing and investing solidarity funds.
- Planning and directly supervising areas of joint investment, projects and channels.
- Implementing procedures and arrangements for the benefits services provided under the Social Solidarity Law.
- Implementing and following up the implementation of the decisions and instructions related to the implementation of the social solidarity system.
- Mitigating social risks and expanding opportunities for low-income, poor and vulnerable persons.
- Establish relations and contacts with organizations relating to social solidarity and participating in the preparation of bilateral and international agreements.
- Sponsoring social categories covered by care institutions by taking the following measures:

First: In the field of social welfare:

- Care for male and female citizens who do not have a guardian.
- Care for elderly male and female citizens.
- Care for male and female juveniles.
- Habilitation and rehabilitation of disabled men and women.

Second: Care for basic pensioners (non-contributory pensions), persons eligible for block grants, care for large and needy families, wealth distribution programmes, assistance in the event of natural disasters.

Third: Community development and social awareness programmes, contribution in community organization processes by supporting the transition to production, family planning, marriage, child protection and the advancement of women.

Fourth: Social studies and research on negative social phenomena to develop programmes of social solidarity and contribute in solving problems that hinder development programmes.

Actions taken by the Office of the Minister of State for Women’s Affairs and Community Development

The Office of the Minister of State for Women’s Affairs and Community Development has been implementing programmes to promote social protection. The Minister’s Office also represents Libya in relevant regional events and coordinates with regional and international bodies. In this context, the Minister of State for Women’s Affairs and Community Development, Ms. Asma Al-Asti participated in the 38th Session of the Arab Women’s Committee in Algiers on 19 March 2019 under the theme “Social Protection for the empowerment of women”, in the presence of ministers of Arab States, the Secretariat of the League of Arab States and representatives of regional and international organizations.²³

Actions taken by the Women’s Support and Empowerment Unit of the Presidential Council:

One of the tasks assigned to the Women’s Support and Empowerment Unit of the Presidential Council and its objectives is to represent the State of Libya in conferences, seminars, and local, regional, Arab and international activities held in the areas of support and empowerment of women and other related areas.

To achieve this task, the organizational structure of the Women’s Support and Empowerment Unit was designed to ensure specialized management of the global goals of sustainable development consistently with Goal 17 *Partnerships for the Goals*.

At the international level, the Unit took part in the 63rd Session of the UN Commission on the Status of Women in March 2019. During this event, a series of meetings were held with the Deputy Executive Director of UN Women, Ms. Åsa Regnér, on enhancing the role and status of women in all areas and increasing their participation in sustainable development programmes. A meeting was also attended by Deputy Secretary General Dr Haifa Abu Ghazaleh on the protection of widowed, divorced and disabled women, ensuring decent living for them and their children, the importance of food security for the family, especially in rural areas, support for education to eradicate illiteracy, in addition to topics that serve women in the public and private sectors.

A meeting was held with the UN Security and Safety Department and the UN Women on the challenges facing Libyan women and providing them with the opportunity to prove their ability to contribute.

²³ <http://www.newslibya.ly/%D9%88%D8%B2%D9%8A%D8%B1-%D8%A7%D9%84%D8%AF%D9%88%D9%84%D8%A9-%D9%84%D8%B4%D8%A4%D9%88%D9%86-%D8%A7%D9%84%D9%85%D8%B1%D8%A3%D8%A9-%D9%88%D8%A7%D9%84%D8%AA%D9%86%D9%85%D9%8A%D8%A9-%D8%A7%D9%84%D9%85/>

Domestically, a partnership was agreed with the Ministry of Economy and Industry on microenterprises and entrepreneurship. The first step in this undertaking was taken April 2019, as a group of women and girls participated in the 47th Tripoli International Exhibition 2019, to try and market their products. Another partnership is envisaged with the Ministry of Labour and Rehabilitation regarding training centres.

Other partnerships are being established with civil society organizations to combine efforts and achieve objectives. The organizational structure of the Women’s Support and Empowerment Unit of the Presidential Council includes a department in charge of liaison with civil society organizations.

Question 10:

What actions has your country taken in the past five years to improve the health of women and girls?

Answer

The Libyan state ensures the provision of health care and treatment and prevention of diseases. Accordingly, health care policies based on the principle of free health care and treatment for all were devised and implemented. Law No. 24 of 1995, which adopts the global strategy “Health for all and by all” was adopted.

Measures:

Measures included the establishment of national committees, including:

- ❖ The National Committee for Motherhood, Childhood and Immunizations
- ❖ The National Commission for Communicable and Endemic Diseases
- ❖ The National Commission for Environmental Protection and Occupational Health
- ❖ The National Committee for Protection against Heart Disease and Rheumatic Fever
- ❖ The National Committee for the Prevention of Accidents
- ❖ The National Committee on Chronic Diseases
- ❖ The National Committee for Health Awareness and Education
- ❖ The National Committee for the Care for the Disabled
- ❖ The National Commission against Narcotic Drugs and Psychotropic Substances
- ❖ The National Committee for the Prevention of Acquired Immunodeficiency Syndrome (Aids)

The Ministry of Social Affairs of the Government of National Accord dealt with the United Nations Support Mission in Libya as did all sectors of the State. It sought to benefit from the technical support provided in the areas of reproductive health and health care for women and girls through joint programmes and workshops to reach all regions, ensuring the satisfaction of healthcare-related needs. In addition, an agreement was signed in 2017 with the United Nations Population Fund (UNFPA) to support of women’s health, social and economic empowerment and the use of local and international expertise in all these areas.

Question 11:

What actions has your country taken in the past five years to improve women’s and girls’ educational results and skills?

Answer

The educational sector with respect to Sustainable Development Goal 14

The crises faced by Libya during the transition period have had a significant negative impact on the education sector, including on students, staff and parents. The most important problems are scattered conflicts in many parts of the country, for example: the southern region, which suffers from a lack of resources and the inability to communicate well with the north of the country, due to the vastness of the Libyan state and the difficulty of transporting equipment and individuals in unstable security conditions, problems of electricity supply, energy, transport and communications. The western and eastern regions also experienced crises. All these are major challenges for the Ministry of Education.

In light of the Ministry’s orientations towards achieving its objectives of reform in the educational system and achieving the desired results, and in order to achieve national priorities in line with the 4th sustainable development goal by 2030, the Ministry of Education is working to develop a clear vision for a strategy of inclusive education.

The Ministry of Education is unique in that it touches every citizen. While formulating the national reform project, it takes into consideration the current needs and aspirations of the Libyan society in order to be consistent with development objectives and programmes and provide good, equitable and comprehensive education for human development and social development and economic growth.

The Ministry of Education is seeking to develop mechanisms to support and empower women in terms of effective participation by developing their skills and abilities. This is one of the goals and priorities of the education sector. Encouraging and empowering women is part of public policies. Instructing female and male students to engage in technical education in various fields and disciplines by providing students with material and promotional incentives and increasing the rate of technical education to 60%, developing technical education for males and females by building institutes and colleges and providing them with the necessary equipment and linking them to international technical institutions as part of the reform measures, as shown below in detail. The Ministry of Education conducted sex-based statistics and developed general indicators with a view to achieving the 4th sustainable development goal, including the gender parity index.

Objectives and priorities of the education sector:

1. Develop and modernise the educational system to provide qualified human resources.
2. Take care of early childhood and provide high quality pre-primary education (kindergartens).
3. Provide quality fundamental primary and secondary education.
4. Develop university and technical education and vocational training.
5. Develop and support higher education systems and scientific research to meet modern challenges.

6. Develop criteria for the selection and qualification of teachers and university faculty members; develop their educational skills and motivate them.
7. Ensure the rights of persons with disabilities and talented persons, on the health, economic, social and cultural aspects.
8. Provide the educational a safe, violent-free psychological and social environment to support creativity and excellence.
- 9. Create development mechanisms to support and empower women in terms of effective participation by developing their skills and abilities.**
10. Use public and private schools in initiatives and projects for literacy and adult education launched and adopted by the Ministry of Education.
11. Ensure good services for educational institutions in terms of equipment, maintenance and development.
12. Develop the ICT infrastructure and employ it in educational administration and educational planning programmes.
13. Promote bilateral cooperation and partnerships with local, regional and international institutions and organizations.
14. Ensuring the availability of financial resources to implement development projects and diversify their sources.
15. Improve the level of administrative performance and develop the sector's institutional capacity to meet the quality requirements.

Policy:

1. Develop national goals in a framework consistent with the 4th sustainable development goals and targets.
2. Adopt the principle of transparency in all administrative and financial procedures.
3. Introduce information systems and adopt electronic management in the sector's divisions.
4. Training and capacity building.
5. Provide a safe and comprehensive learning environment.
6. **Encourage and empower women.**
7. Apply quality management system according to accepted standards.
8. Increase coordination at the local, regional and international levels.

The national education system:

The educational system map shows the levels and fields of study and the tracks of Libyan education to meet the professional and scientific ambition of students of both sexes according to their potential and their desire to choose one of the tracks (academic/technical).

The educational system in Libya in all stages is divided into several levels:

1. Pre-primary education, targeting the age group 4-5 years.
2. Primary education: consists of 6 primary education and 3 preparatory years; targets the age group 6-14 years.
3. Secondary education: consists of three years; includes both literary and scientific education; targets the age group 15-18 years.
4. Technical and vocational education; includes intermediate arts institutes, technical colleges and technical institutes.
5. Tertiary education (university)

6. Higher education, which is optional and consists of:
- Graduate studies for completion of a Master's degree.
 - Postgraduate studies for completion of a Doctorate degree.
 - Medical studies.

General indicators on students in the educational system:

Indicator	Value
Students in the educational system to population ratio	31%
Gender parity	1.04

Teachers and faculty members in the educational system:

Statistical data on teachers and faculty members in the educational system:

Educational stage	number
General education	543,313
Technical and vocational training	26,983
Higher education	23,770
Total	364,296

General indicators:

Indicator	Value
Teachers and faculty members in the educational system to the population ratio	5%
Gender parity for teachers in general education	12
Gender parity for university faculty members	0.4

Educational institutions

Statistical data on educational institutions:

Educational stage	number
General education	3,850
Technical and vocational training	518
Higher education	24
Total	4,392

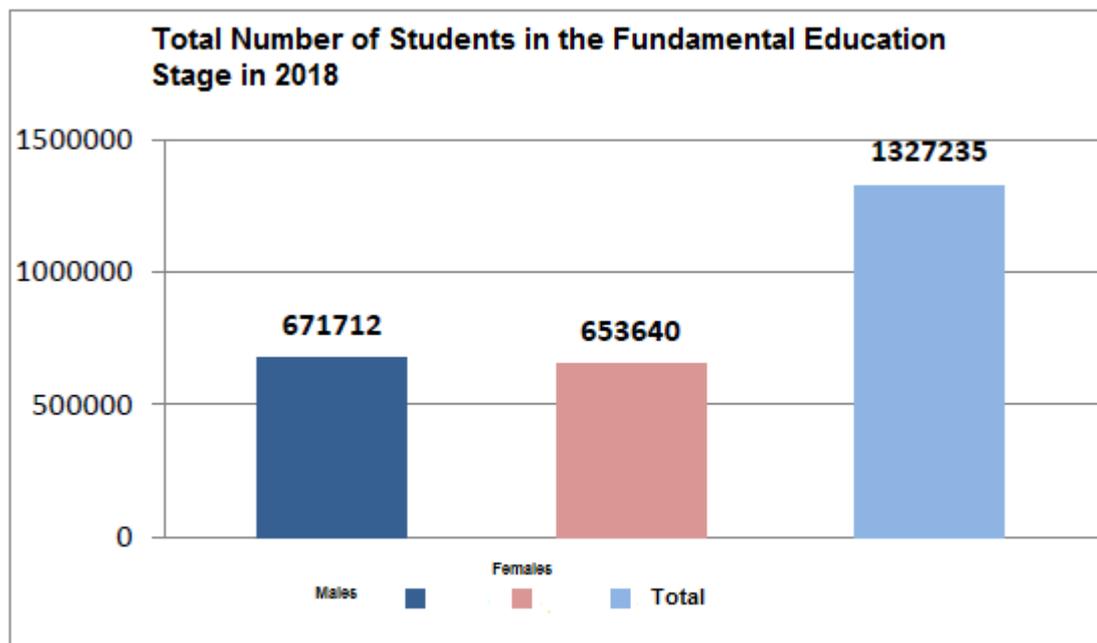
2) General education: Primary and secondary education

General education includes:

- **Fundamental education stage** (nine years), targets the age group 6-14
- **Secondary education stage** (three years), targets the age group 15-17

Statistical data – General education

Total number of students (fundamental education)	2,723,513
Total number of students (secondary education)	164,650
Total number of students (general education)	1,491,885
Total number of teachers	313,543
Total number of schools	4,172



Indicators – General Education:

Indicator	Value
Overall enrolment rate (fundamental education)	90.3%
Gender parity (fundamental education)	0.97
Gender parity (secondary education)	1.24
Students to teachers ratio (before applying the staffing level)	:15
Students to schools ratio	316

Current situation:

1. Lack of mechanisms for effective development of curricula over many years to keep abreast of developments in the labour market and its requirements.
2. Many courses focus on cramming the minds of trainees with a huge amount of science.
3. Old methods in preparing training curricula in all stages of intermediate education; predominance of the traditional teaching style relying on inculcation and memorising.
4. Poor supervision of educational and training curricula.
5. Lack of statistics and detailed data on intermediate and high technical and vocational education institutions and colleges.
6. Deterioration of the infrastructure of most intermediate training buildings and centres and lack of quality conditions.

7. Disparities in the distribution of intermediate and higher training centres and institutes and technical colleges with regard to geographical factors and the needs of the labour market and industry.
8. Scarce and weak legislation that makes it an obligation to integrate trainees with special needs in technical and vocational education institutions.
- 9. Poor professional qualification of some trainers and their assistants in various disciplines; most faculty members and trainers do not keep pace with technological developments in their specialties.**
10. Lack of mechanisms, regulations and plans to evaluate trainers and their assistants, including their educational, professional abilities and expertise in their fields of specialization.
11. High rate of computer illiteracy of a large number of trainers and faculty members in technical and vocational education institutions, which hampers the integration of technology in the educational and training process.

Corrective actions:

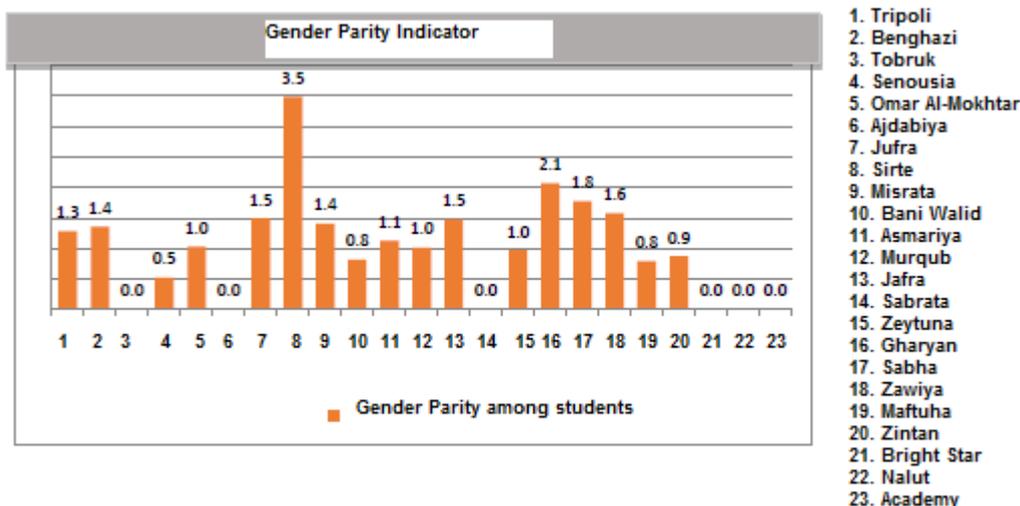
1. Emphasize the paramount importance of technical and vocational education, and immediately develop a plan for its institutions and requirements.
2. Develop a national strategy for technical and vocational education focusing on making the sector more responsive to and more prepared for domestic and international economic changes.
3. Orient students towards technical education in all its fields and disciplines, by providing material incentives for students, and seeking to raise the proportion of technical education to 60%.
4. Develop technical education by providing institutes and colleges with the necessary equipment and linking them to international technical institutions.

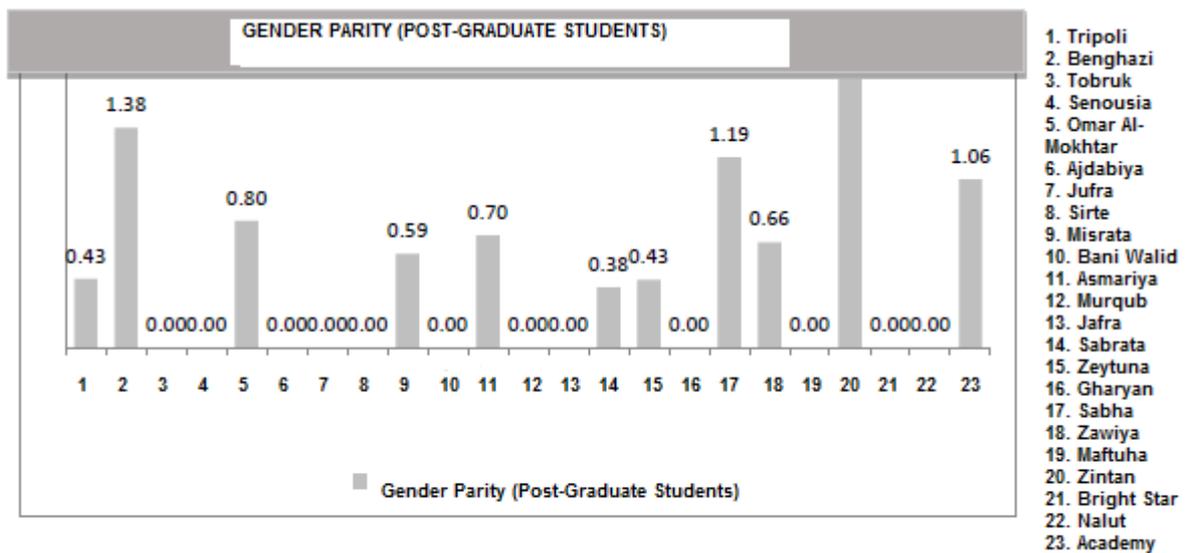
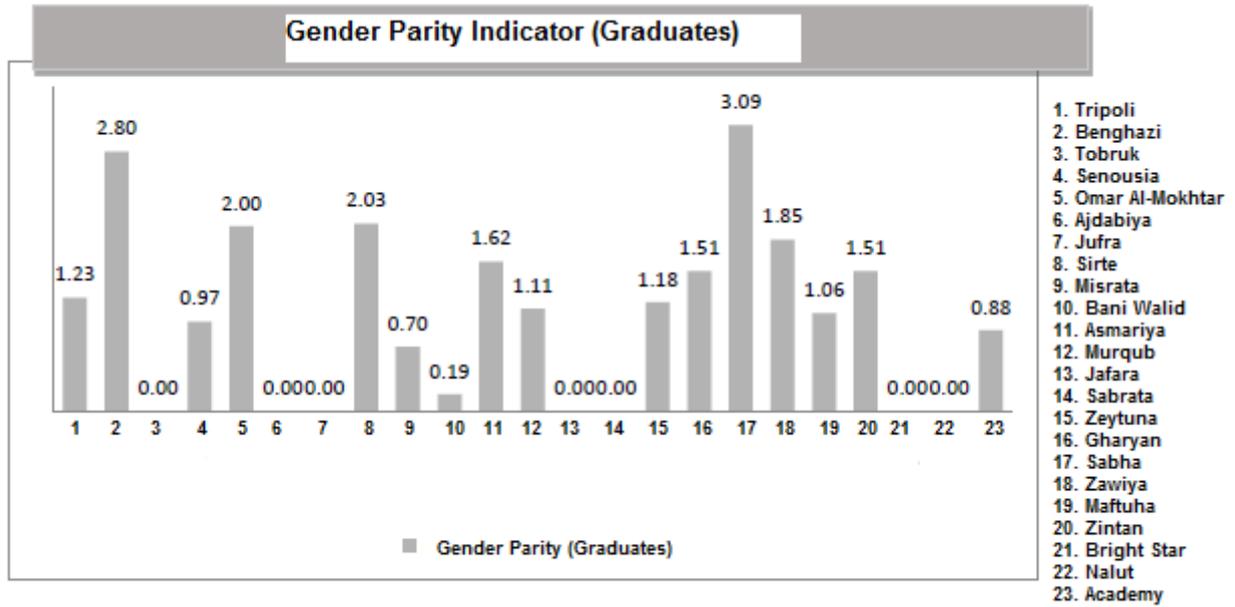
(Universities and the Libyan Academy) 2016/2017

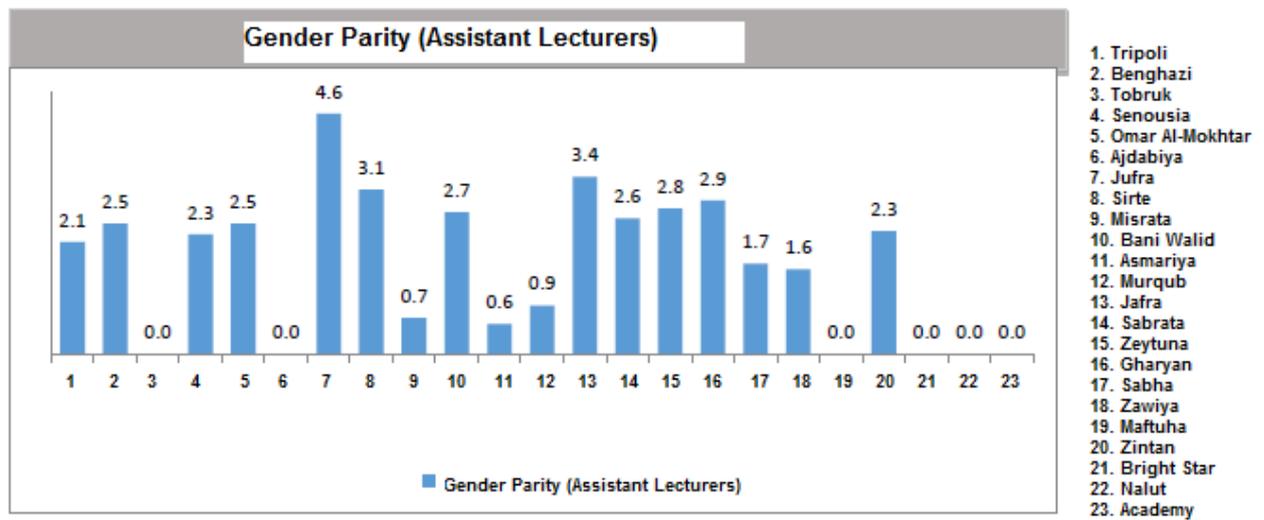
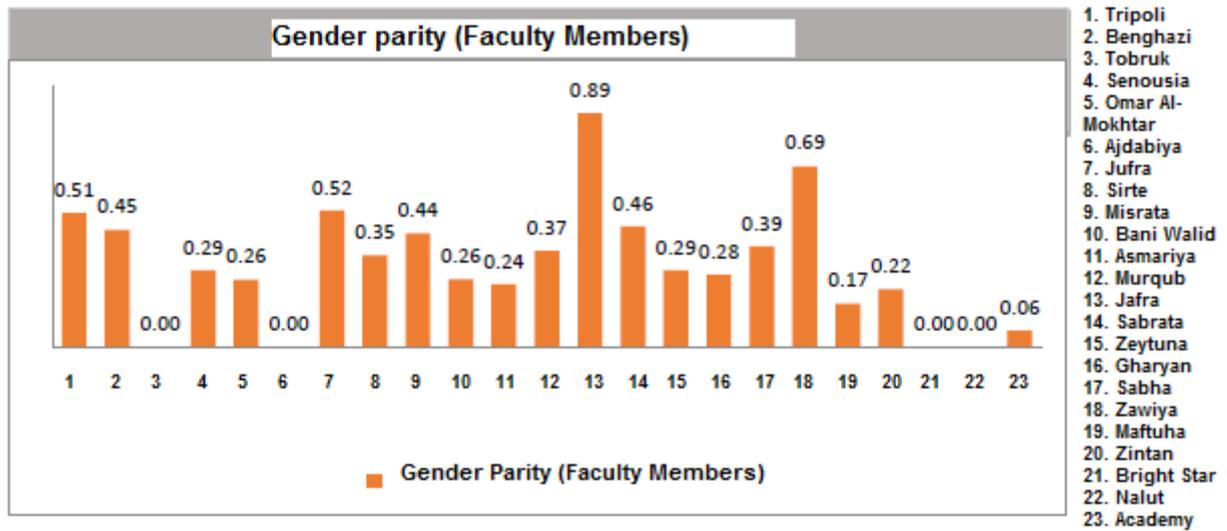
General Indicators for Higher Education Institutions (Universities and the Libyan Academy)

	Indicator	2016/2017
1.	Rate of access to the university stage	-
2.	Gender parity	1.33
3.	University students to population ratio*	5.84%
4.	Graduate students to population ratio (abroad and at home)	0.46%
5.	Graduate students to population ratio (at home)	0.21%
6.	Graduate students to population ratio (abroad)	0.25%
7.	New students to enrolled students ratio	
8.	Graduates to enrolled students ratio	9.16%
9.	Graduates to new students ratio	
10.	Gender parity (graduates)	1.54%
11.	Faculty members to students ratio	4.90%
12.	Gender parity among faculty members	0.40%
13.	Assistant lecturers to students	3.72%
14.	Gender parity (assistant lecturers)	1.72%
15.	Graduate students to undergraduate students ration	3.61%
16.	Gender parity (graduate studies at home)	0.79%
17.	Doctorate students (at home)	
18.	Foreign students to Libyan students ratio	2.13%
19.	Gender parity (foreign students)	0.99%
20.	Employees to students ratio	9.75%

* Estimated Population (2016) = 6,500,000







General Indicators of Higher Education, 2018

	Indicator	2009/2010	2010-2011	2014/2015	2016/2017
1.	Rate of access to the university stage	-	68%	-	-
2.	Gender parity	1.55	1.48	1.4	1.33
3.	University students to population ratio	6%	6.2%	6.0%	5.84%
4.	Graduate students to population ratio	0.38%		0.5%	0.46%
5.	Graduate students to population ratio (at home)	0.19%	0.2%	0.2%	0.21%
6.	Graduate students to population ratio (abroad)	0.19%	-	0.3%	0.25%
7.	New students to enrolled students ratio	17.1%	16.9%	-	
8.	Graduates to enrolled students ratio	7.6%	-	8.9%	9.16%
9.	Graduates to new students ratio	43.5%	-	-	-
10.	Gender parity (graduates)	2.3	-	1.5	1.54
11.	Faculty members to students ratio	3.8%	3.3%	4.7%	4.9%
12.	Gender parity among faculty members	0.27	0.26	0.39	0.40
13.	Assistant lecturers to students	1.7%	1.6%	2.9%	3.72%
14.	Gender parity (assistant lecturers)	2.1	2.16	1.7	1.72
15.	Graduate students to undergraduate students ratio	3.1%	3%	2.5%	3.61%
16.	Gender parity (graduate studies at home)	1.0	1.0	0.8	0.79
17.	Doctorate students (at home)	3.8%	-	0.3%	
18.	Foreign students to Libyan students ratio	2.4%	-	2.2%	2.13%
19.	Gender parity (foreign students)	5.7%	6.3%	9.4%	9.75%

Question 12

In the past five years, which forms of violence against women and girls and in which contexts or locations required priority for action?

Answer

- ❖ Ministry of Social Affairs set up a committee composed of sectors of common interest in combating violence against women and adolescents, including the National Centre for Control of Communicable and Endemic Diseases, Health, Education, civil society organizations. A reference document was prepared for the coordination mechanism in dealing with gender-based violence in collaboration with Libyan expert Dr Abdeslam Douibi. A committee was set up to visit women's prisons, review their situation, provide psychosocial support to women prisoners and provide support (according to capacities) to their families.
- ❖ The Ministry of Social Affairs is unable to collect statistics on cases of violence, since most victims refuse to talk about it, not to mention file complaints. In most cases, violence is committed by relatives or strong and threatening parties. Therefore, the work of the Ministry of Social Affairs, as the social and legal competent party, is a subsequent action focusing on mitigating the effects of violence in all its forms. Workshops were organized on the management of the effects of violence during armed conflicts covering the areas of Tripoli, Sabha and Benghazi. In each of these areas, workshops were attended by the head of the Social Affairs Department, civil society organizations and doctors from the Centre for Communicable and Endemic Diseases in Tripoli, Benghazi and Sebha, the educational sector and the Libyan Red Crescent in the three towns. After the completion of the training, the participants returned to their area to train their colleagues (Training of Trainers) and receive cases. Overall, the project has been stymied by the lack of funds and rapid response from the Fund, which resulted in its being confined to major towns, though the Ministry of Social Affairs' ambition was to cover all Libyan areas.

- ❖ The Minister of Social Affairs issued a decision on women in reform and rehabilitation centres (prisons), the centres for women's protection, the setting up of a committee to review their conditions and ensure they have access to full social care stipulated by law, such as the release of their salaries if they are suspended, facilitating their visit, arranging visits by the international partner to provide them with some of their urgent needs. However, the Ministry of Social Affairs is facing obstacles, such as the need to maintain the centres for the protection of women, as they were under the control of a certain party for a long period of time, resulting in modifications that inappropriate for the accommodation of women at the present time. Nevertheless, work is still continuing to revive the Women's Protection Centre.
- ❖ Statistics of international partner organizations working with the Ministry of Social Affairs show that the deteriorating security situation led to the spread of violence and counter-violence and the displacement of more than 200,000 citizens. In addition, there has been an increase in the inflow of migrants and asylum seekers in Libya, most of them live in unsafe conditions, some of whom are imprisoned in unsafe conditions, without trial, facing high risks of violence and abuse. Libya currently receives some 350,000 migrants and asylum seekers, making it a transit hub for migrants, refugees and asylum seekers.
- ❖ These precarious political and security conditions and the spread of violence have contributed to the disruption of the law and in the lack of compliance with the International Human Rights Convention and other international conventions ratified by Libya, which increased the risk of gender-based violence (GBV) against women and girls as well as against men and boys.
- ❖ In this context, the assessment conducted by the Ministry of Social Affairs in 2016 of the extent of the protection afforded in the Sirte region indicates that 53% of the respondents are concerned about violence against women and girls in their community. Many reports also indicate that intimate partner violence (IPV) is generally accepted as a private matter surrounded by silence and immunity for perpetrators.

Marriage of minors

- ❖ **The issue of underage marriage has not received the attention it deserves. In addition, part of the procedural treatment decided by the government has been opposed by some lawyers who deem that it encourages the marriage of minors.**
- ❖ Marriage of minors involves physical violence of a specific kind that exposes the minor girl to sexual and living exhaustion she is not prepared for. It also involves economic violence as it prevents a minor girl from completing higher education and sometimes even secondary education. As is known, education is the basic means of obtaining decent work. Marriage of minors also deprives a minor girl of work, making her fully dependent on the husband, as it often imposes on the young girl full-time work at home. Often, Couples are often upset by this dependence. According to testimonies and research, married girls suffer from deterioration in mental psychological health because they were deprived of their normal childhood and youth. Girls also experienced the deterioration of their physical condition. It was observed that children born to young girls suffered from physical illnesses.
- ❖ As the conflict spread, the phenomenon of marriage of underage girls expanded, leading to multidimensional deprivation. Some families facing economic and financial hardships found this as a way to reduce their burden. The emergence of religious extremism also contributed to the phenomenon. Many fatwas were issued to punish or encourage the marriage of young girls. Security considerations also represented an influencing factor. Some fathers and some women heads of household feared that they could not keep their daughters safe, and that marriage might provide better security for the girl. The outgoing General National Congress, which was the legislative body, amended Law No. 10 of 1984.

- ❖ Section B of Article 6 was amended so that an 18-year-old girl is eligible for marriage. Paragraph (b) of the same Law grants the court the right to authorize the marriage of illegible minor girls upon parental consent. This paragraph encourages the marriage of underage girls.
- ❖ It is not possible to obtain comprehensive official statistics on cases of marriage of minors or early marriage in Libya²⁴ owing to the difficulty of collecting figures and statistics from a large number of courts and the lack of digital documentation. For example, the Department of Statistics and Census indicated that it lacked any documented figures because of the state of chaos and political division in the country.
- ❖ In the town of Benghazi, for example, in the past five years from 2013 to 2018, in a specific jurisdiction of the El-Baraka and El-Fuweihat District Courts in the Benghazi Trial Court, it was noted that the number of permissions increased in 2013 and decreased in 2015, perhaps because of the interruption of judicial activity during the war. Then, the number rose gradually in 2018.[1]
- ❖ While these numbers clearly show a significant increase in this phenomenon, there should be a distinction in the types of permissions granted by judges. For example, because of political division, Personal Status Law No. 10 of 1984 is still effective in the east of the country, which sets the age of marriage at 20 years. Thus, giving permission for the marriage of girls aged 19 or 18 does not raise a particular problem, as it is in compliance with international standards. However, in the west of the country, these provisions were amended by Law No. 14 of 2015 issued in October 2015, which sets the age at 18. The risk both in the east and the west of the country is to grant permission for the marriage of girls under the age of 18. For the south of the country, no statistics and data are available. But the situation is probably not better given the type of social and tribal relations and the effect of customs and traditions that do not forbid this phenomenon.
- ❖ Libyan legislation grants the judge for urgent applications at the Family Status Department of the District Courts the power to grant permission to marry a minor in case the wife-to-be is younger than the legal age. This permission is issued in the form of a court order on a petition.[2]
- ❖ It is a formal but very important procedure that is required for concluding a marriage contract with a minor. The judge issues this order individually as he enjoys is in charge of protecting minors' interests. This power is granted by the legislation to the judge to ensure that the conditions of interest and necessity are met. Thus, the judge plays a fundamental role in determining whether or not to grant permission. It is noted that granting permission is the exception to the rule. However, in practice, ascertaining that the conditions of interest and necessity are met is not carried out and the judges issue the permission easily. In other words, it is necessary to obtain permission from the judge so that the authorized person can contract marriage. Judge Hassan Ahmed of the Sabha Criminal Court says that this permission is issued after the father of the girl to be married comes with his daughter. The judge assesses the maturity of the girl and whether she is eligible for marriage or not. Therefore, young girls are married if they are found to be mature and the judge is satisfied that they consent to the marriage. He adds, that in 2018, the court granted fourteen permissions for marriage of girls under 18 years of age. Social worker Omar Senoussi says that many parents marry their young daughters even without permission from the judge, which results in different cases of divorce and social problems.²⁵

²⁴ This section was prepared by Pr. Jazia Jibril Shaitar. It is derived from her article entitled, '*Child Marriage in Libya: Ignored by Society, Unprotected by Legislation.*'

<https://www.legal-agenda.com/article.php?id=5472>

²⁵ <https://www.independentarabia.com/node/6501/%D8%AA%D8%AD%D9%82%D9%8A%D9%82%D8%A7%D8%AA-%D9%88%D9%85%D8%B7%D9%88%D9%84%D8%A7%D8%AA/%D8%B2%D9%88%D8%A7%D8%AC-%D8%A7%D9%84%D9%82%D8%A7%D8%B5%D8%B1%D8%A7%D8%AA-%D9%81%D9%8A-%D8%A7%D9%84%D8%AC%D9%86%D9%88%D8%A8-%D8%A7%D9%84%D9%84%D9%8A%D8%A8%D9%8A-%D9%81%D8%AA%D9%8A%D8%A7%D8%AA-%D8%B5%D8%BA%D9%8A%D8%B1%D8%A7%D8%AA-%D9%8A%D8%B5%D8%A8%D8%AD%D9%86-%D8%A3%D9%85%D9%87%D8%A7%D8%AA-%D9%85%D8%B7%D9%84%D9%82%D8%A7%D8%AA>

- ❖ Moreover, some people believe that the ultimate responsibility lies with the judge because he or she can refuse to grant permission if the reasons and conditions provided for in the law, i.e. interest and necessity, are not met. In this context, Dr Hussein Sahib indicates on his Facebook page, that the legislation gave the judge the power to grant or refuse permission and an absolute authority to consider the issue of marriage from all aspects and to use any manner of research, whether medically or socially, and then decide to grant permission or not. Dr Hussein Sahib adds, “As long as the persons who has the power to grant or refuse permission is the judge only, and marriage cannot be concluded without his permission, he is the ultimate person responsible for such decision. The guardian can only be responsible if he allows the girl to marry without obtaining permission from the court.
- ❖ What are the duties imposed on the wife under the marriage contract and need consent and legibility in the contract? The answer is in Article 18 of Law No. 10 of 1984, which provides for the obligation to enable the husband to exercise the right of sexual intercourse, ensuring the husband’s comfort and stability, both physical and moral, supervising and maintaining the marital home, organizing and preserving the home, taking care of and breastfeeding her children from her husband, and refraining from inflicting material or moral harm to the husband. So, is it conceivable that a child can fulfil these heavy responsibilities? We would not be wrong if we say this is contrary to the CEDAW agreement.
- ❖ Eligibility according to the Libyan personal status law is complete when a person reaches the age of reason and majority of twenty (20) years stipulated by Law No. 10 of 1984. Before reaching that age, a person cannot enter into a marriage contract by himself / herself without the permission of the court it issues on grounds of interest or necessity as it deems, after the consent of the guardian. Law No. 14 of 2015 introduced amendments to these provisions, the most important of which the lowering of the age of marriage eligibility to 18 years.
- ❖ The timing of this legislative amendment issued by the General National Congress in the midst of the dispute over its mandate raises more than a question about the wisdom of its adoption and the aim of amending it. It can be argued on this matter that the age eligibility of twenty (20) years set out in the 1984 Law is a special eligibility more important than the general eligibility of eighteen (18) years provided for in the Minors’ Affairs Law, the Criminal Code and Election Laws. Although this amendment can be accepted on the grounds that the legislation equates the capacity to marry with the capacity to contract, to be criminally responsible and eligible, [3] the flaw of the new amendment is that it maintains the possibility of allowing a minor’s marriage after obtaining a judge’s permission (a permission that tends to become routinely granted as seen above). Legally, the permission should have been made possible by stating the reasons and after a case study so as to control the judge’s discretionary power. For example, by making it an obligation for the guardian to submit his minor daughter to a social worker who would report on her condition and determine whether or not she is able to fulfil the duties of marriage.
- ❖ It is also important to add that legislation should be amended in such a way as to provide a specific mechanism, subject to objective conditions and clear criteria for the granting of a marriage permit to a minor. The terms interest and necessity are insufficient. First, a heavy penalty for serious offense must first be imposed on a guardian who gives his daughter for marriage without meeting the conditions, or falsifies data or makes false statements about her age before the judge. Another condition would be to obtain the consent of the minor girl and her mother to ensure that the guardian - a father, the husband of a mother, or a brother - does not force the minor girl.
- ❖ Moreover, the legislation should also provide for mandatory medical expertise to determine the girl’s physical, mental and psychological ability to take such a decisive step in her life, in addition to a social expertise, to prevent any negative effects of such marriages, such as, interruption of studies, physical and psychological harm, and death due to pregnancy and childbirth.
- ❖ The reasons must be objective and urgent. The permission must be issued by an appellate body not by an individual judge, which means that the court with an appellate body must issue the

permission, especially that in practice, a judge of the first instance can issue this permission, which does not require that he be a presiding judge.

- ❖ It must be clear that marriage of a girl under sixteen (16) must be prohibited, in line with the Libyan Child Protection Law No. 5 of 1995, which states in its Article 1 that the child is a minor under the age of 16.

Sexual harassment

- ❖ **The phenomenon of sexual harassment at the workplace is spreading. People have urged the government to take action to fight harassment.**
- ❖ Libyan law lacks provisions that can be a real deterrent to harassers.
- ❖ In March 2019, the United Nations Support Mission in Libya (UNSMIL) issued a statement condemning sexual harassment of bank staffers and women working in Tripoli. The statement emphasized that the phenomenon resulted from the absence of legal deterrent. The mission said in a Tweet that it condemns *“harassing bank staffers and female clients in the tourist area in Tripoli, and works to support the political and security authorities to put an end to this criminal behaviour.”*
- ❖ Some parties are still denying reality and the phenomenon, while some insist that it is merely an individual behaviour.
- ❖ Many women’s organizations feel that there is a need for a fundamental change in the approach to combating this phenomenon.

Freedom from Violence, Stigma and Stereotypes

Question 13

In the past five years, what priorities has your country set to address violence against women and girls?

Answer

- ❖ **Libyan legislators took steps with a view to introducing a new law on violence against women.**²⁶
- ❖ The committee in charge of preparing the bill on violence against women submitted its work to the House of Representatives in the second half of August 2017 during an official ceremony in Tobruk, where the seat of this House is located in the eastern region of Libya. The members of the Legal Committee expressed reservations with regard to the criminal aspect of this bill. While many women and feminist movement leaders hold high hopes for it as the culmination of the feminist struggle to combat violence against women, other voices consider it inappropriate to pass this law, which is a positive discrimination against a class of citizens, especially as the Penal Code protects women of all types of violence. At a workshop held at the University of Benghazi upon the request of the House of Representatives, the participants concluded that more debates should be held to

²⁶ This section was prepared by Pr. Jazia Jibril Shaitar. It is taken from her article entitled, *‘The Bill on Violence against Women in Libya: Disappointment in Form and Content’* <https://www.legal-agenda.com/article.php?id=4251>

give the bill more chances of being acceptable by the deputies. In its current form, it has many shortcomings, which may hamper its adoption. If it is rejected, Libyan women would lose a historical opportunity to pass a law that would protect them against all forms of violence.

❖ **Key features of the bill**

- ❖ Broad definition of violence to include a wide range of acts, such as violence against women; women are arbitrarily deprived of their public or private rights; women are married before the legal age of marriage by devious means or falsifying documents; women are deprived of their right to legal inheritance; girls are deprived by their legal guardian of compulsory education; employers breach the principle of equality and equality of opportunity between men and women in the workplace.
- ❖ The bill covers all legal protections. Article 1, paragraph 4 of this bill defines the term protection as *“extending legal protection to abused women and enabling them to obtain their rights.”*
- ❖ Regarding the penal aspect, the bill criminalizes many of the offenses provided for in the Libyan Penal Code, while making penalties harsher. To demonstrate the harsh policy against perpetrators of violence against women, the lawmaker states in a provision entitled *“Harsh Penalties”* that, *“The penalties prescribed in this law do not preclude more severe punishments provided for in the Penal Code or any other law.”* It is also worth mentioning that criminal proceedings do not require a victim’s complaint.
- ❖ Many provisions of the bill cover the legal protection, as the state declares its commitment to provide assistance and services to women victims of violence, establishing a Victims’ Fund, ensure that the victim enjoys the rights prescribed for disabled persons under the Disability Law, emphasize the obligation for the state to establish institutions to provide rehabilitation services to victims of violence. The bill also emphasizes a number of obligations, including: implement a legal awareness programme for girls and women on relevant legislation and appoint women’s rights observers in all ministries of the state.
- ❖ The project also emphasized a number of obligations, including: the introduction of a legal awareness programme for girls and women with relevant legislation, and the appointment of women’s rights observers in all ministries of the State.
- ❖ The bill includes a set of positive measures, for example: optional punishment, allowing the judge to exercise discretion in the individualisation of the punishment; it provides for alternative punishments in Article 20, which reads, *“The competent court may, if it deems it appropriate, considering the circumstances of the accused and the victim, replace prison penalties in offenses provided for in this Law, with ordering the accused to perform community service in the locations to be jointly determined by the competent ministry and relevant civil society organizations, for a period or periods not exceeding one half the maximum prescribed penalty.”*
- ❖ The bill also provides for advanced criminal procedures, as Article 18 reads, *“The court may hear victims, witnesses and experts through modern means of communication, or through judicial assistance.”* The bill also provides that statements made by complainants and victims of violence and witnesses before the anti-violence unit and investigation and prosecution authorities are confidential and must not be disclosed except by request and for reasons that the court judge appreciates. It also provides for the establishment of a statistical database of victims of violence throughout the country. The bill also provides for *“the commitment of the state to support and encourage civil society to establish independent human rights associations that aim to raise*

awareness about violence, minimise its occurrence, rehabilitate victims and provide them with legal assistance, each with its competence.” (Article 21)

- ❖ One of the new criminal procedures, provided for in Article 17 of the bill, gives powers to the Public Prosecution to issue orders to protect victims and witnesses, as well as to issue temporary financial assistance from the Victims’ Fund provided for in Article 13 of the bill. This fund is to be established by a decision of the Prime Minister. Its goal is to provide care for female victims of violent crimes and their families. The resources of this fund include fines imposed for the offenses set forth in the bill.
- ❖ The bill also mandates the Ministry of the Interior to establish a department in charge of fighting violence against women. The department would have branches in all municipalities. Other police units will also be established by the Minister of the Interior, to be staffed by female police officers, social and psychological workers, doctors and technicians.

A bill consistent with the humanitarian common interest?

- ❖ Without underestimating the importance of the bill, we can say that it is very far from the Model Law on violence against women and girls in the Arab countries, in several aspects, including:
 1. It neglects procedural aspects of dealing with crimes of violence against women in a way that would weaken the effectiveness of the law, in the context of inherited masculine customs and traditions. It is noteworthy that the Model Law devotes an entire chapter to this aspect, which focuses on the establishment of a specialized police unit composed of female personnel trained in violence matters, as well as the establishment of a specialized public prosecution and court. It is also noted that the Model Law provides for offenses committed by an investigator who may commit acts that prevent a complaint of a victim of violence from reaching judicial authorities. It also provides for disciplinary liability in the event that the investigator neglects the complaints and reports about violent crimes.
 2. The bill neglects the specificity of violence against women during armed conflict.
 3. The bill neglects the officials of the departments in charge of registering marriage contracts in the context of the fight against early marriage. It is noted that the Model Law prohibits the registration by the competent departments of any marriage contract involving a minor and punishes any violator with imprisonment for a period not less than three (3) years. It also punishes the employee who refrains from reporting to the public prosecution a violation of this prohibition by imprisonment for a period not exceeding one (1) year and a fine.
 4. The bill excludes civil organizations that fight violence against women from having any role in the judicial proceedings related to such crimes. It should be noted that the Model Law provides for the right to represent women victims of violence in cases brought by the Office of the Public Prosecutor.
 5. The bill provides for the death penalty contrary to the Model Law, which excludes it.

The bill’s compatibility with the legal system, especially criminal law

The project violates established criminal rules from several aspects:

1. Apart from the fact that the articles refer to the prescribed penalty and not the actual offense, it divides the articles according to the penalties. Thus, the bill combines forms of criminal behaviour in one criminal model that do not have common denominators, neither material nor

personal. For example, it puts together the stranger who improperly uses a woman's body to make a material or propaganda gain and the act of the relative who compels a woman to contract marriage. The main mistake in the bill on violence against women is the confusion between the material basis and the legal basis, as the woman is considered as a legal basis, which is not legally permissible. The woman is the material basis and her various rights (to life, freedom, safe dignity, honour, and consideration, physical integrity, etc.) are the legal basis of the criminal provisions and the bases for the formulation of the criminal provisions specifying the act which may harm or expose to a danger according to the legislator.

2. Contrary to the prevailing principle of the need to define the material element clearly to avoid confusion, it is noted that the criminal behaviour is defined a vague and unspecified manner, which hinders its application in reality. For example, how does a judge determine the violation of the principle of equality and equality of opportunities between men and women in work? Or how does a judge define violent behaviour intended to arbitrarily deprive women of exercising public or private rights? One of the serious shortcomings of the bill is that it punishes certain acts and imposes harsh sanctions in special circumstances, but the aggravated penalty is less than the penalty for a simple crime. This is evident in Article 10. Besides, Article 9 of the bill makes the commission of certain acts under the influence of illicit drugs an aggravating circumstance that may lead to the death penalty, without a clear statement that the intent is the deliberate use of the illicit drug. There is serious danger that the provision may be interpreted textually as to include the aggravation of punishment whether the act is committed under the influence of voluntary and forced use of drugs.
 3. In many aspects, the bill seems to punish acts of different degrees of gravity with the same penalty. This violates the principle of punishment proportionate with the seriousness of the offense. For example, the punishment is the same whether the act is rape, attempted rape, indecent assault or indecent behaviour.
 4. The bill does not provide for preventive measures. It only provides for criminal punishment. This is contrary to Libyan criminal policy.
 5. Moreover, the drafting of the bill lacks legal accuracy. Evidence on this is that the titles do not correspond to the contents of the articles. For example, Article 20 of the bill is entitled 'Competent Court' and its content grants the trial judge with the power to individualise the punishment and to substitute community action for the penalty.
 6. Also, the lawmakers used contradictory terms in the bill used to express the same meaning. They used wordy definitions inappropriately. The syntax lacks linguistic and rhetorical coherence. For example, Article 10, entitled '*Deservedness*', reads, "*Women need active security institutions to protect them, an effective judicial system to enable them to access justice. Women need a health system that provides psychological and social support to women survivors of violence. Women and girls deserve to live without fear of violence. They have the right to live in dignity, as citizens with equal rights. They have the right to contribute in the building of Libya.*"
- ❖ In conclusion, there is a need to emphasize the importance of entrusting the drafting of a bill on violence against women to a committee of experts with specific specialization in criminal law, sociology, especially sociology, philosophy, especially the philosophy of law. Once the committee complete the drafting process, the bill should be submitted for social community participation in the context of broad awareness campaigns to explain it and benefit from the experience of experts

and stakeholder. The aim of the entire operation is to produce a Libyan law on violence against women adapted to its environment, in tune with the main international and Arab jurisprudence developments.

On another level, Libya has no laws to prevent and criminalize family violence. This is what the 2014 Human Rights Watch report called for.²⁷

Creation of a women's police

- ❖ **The government promotes measures to increase women's access to justice through the establishment of a women's police.** In October 2016, women police officers began their work in the various sections of the Benghazi Security Directorate. The Women's police began to participate in car searches, particularly car driven by women. Some of them were deployed to banks operating in the town.
- ❖ At the Security Directorate, female officers and non-commissioned officers took part in a debate to enhance their role and address the obstacles facing them, along with their male colleagues, and overall to further improve the security situation in the town of Benghazi.
- ❖ In January 2019, Brigadier General Adel Abdul Aziz, the chief of Benghazi security, issued a decree to establish the Women's Police Unit, placed under the direct supervision of the Director of Security. The decree provided for the appointment of Abdulsalam Al-Farjani as head of the unit.
- ❖ The Women's Police Unit conducted an extensive campaign on the main roads and streets of Benghazi to reduce the phenomenon of begging, especially in front of mosques and markets. This is the first campaign staged by the unit after its establishment. The campaign targeted a number of women who took the activity of begging as a trade. Most of those beggars were of different Arab and African nationalities. The Security Department of Benghazi declared that the newly formed unit would support all sections, police stations and security services in the city with the female elements they needed. The decree appointed Abdulsalam Al-Farjani as the head of the unit.

Training of workers in the protection of women and migrant women

- ❖ **Some official institutions in charge of managing the problem of migrant women have sought to improve the understanding of the causes and consequences of violence against women among officials responsible for implementing measures to end violence against migrant women and girls.**
- ❖ These efforts aimed at raising awareness of workers in the agencies combating organized crime and managing the accommodation and detention of migrant women in relation to the foundations of the humanitarian outlook and the principles of international humanitarian law in dealing with migrant women and girls.
- ❖ These efforts were also aimed at enhancing the awareness of staff about the methods adopted by organized crime groups in abducting or seducing migrant women and girls through promises to facilitate migration to Europe in preparation for their physical and economic exploitation.
- ❖ Awareness campaigns were also conducted among these workers regarding the provision of health and psychological care to these women and girls.

1. ²⁷ <http://alwasat.ly/news/libya/34615>

Failure to complete militia disarmament

- ❖ **Although the government took action to disarm militias and drive out terrorist groups, weapons remain in the hands of a large number of terrorists and civilians and the security chaos continues, resulting in the use of weapons in murdering civilians, primarily women and girls.**
- ❖ During 2017, a car carrying a family and its bride on her wedding day was hit by a barrage of bullets in a deliberate shooting, resulting in the death of the bride.
- ❖ According to an activist from Benghazi in November 2017, bullets targeted men, women, children and the elderly every week. Everybody was afraid. Shootings were indiscriminate, even people inside their homes or in shops were hit.²⁸
- ❖ In a statement at the end of 2017, UN envoy Ghassan Salama said, *“At least 31 women were killed and 41 injured during hostilities in Libya this year.”*²⁹ He added, *“For year, violence and insecurity have been most damaging to women and girls more than other. This situation places severe restrictions on their freedom of movement, their ability to participate in the public sphere and their ability to seek redress for violations. The proliferation of weapons in Libya unfairly harms women and girls, as they continue to be arbitrarily detained in prisons without female wardens. Moreover, migrant women and girls are particularly vulnerable to abuse, including rape and other forms of sexual violence, beatings and detention indefinitely in horrendous conditions.[...] The Libyan people, especially those in fragile and difficult situations, including women and girls, need strong institutions and robust systems to ensure their protection and the promotion of the rule of law [...] gender-based violence undermines victims’ health, dignity, security and independence. However, this type of violence is still overshadowed by the culture of secrecy.”*

Claims for the restoration of some services provided to women

- ❖ **There are claims for the restoration of some protection services provided by the State to Libyan women.**
- ❖ One example is the hotline service that was available for women to report violence and seek help.
- ❖ There have been calls for increased data collection on a regular basis on violence against women and girls, protection of migrant women to ensure they receive appropriate assistance, protection from abuse and exploitation and the fight against trafficking gangs.

Question 15

²⁸ <https://www.afrigatenews.net/article/%D8%A7%D9%84%D9%85%D8%B1%D8%A3%D8%A9-%D8%A7%D9%84%D9%84%D9%8A%D8%A8%D9%8A%D8%A9-%D9%81%D9%8A-%D9%85%D9%88%D8%A7%D8%AC%D9%87%D8%A9-%D8%A7%D9%84%D8%B9%D9%86%D9%81/>

²⁹ <https://www.afrigatenews.net/article/%D8%A7%D9%84%D9%85%D8%B1%D8%A3%D8%A9-%D8%A7%D9%84%D9%84%D9%8A%D8%A8%D9%8A%D8%A9-%D9%81%D9%8A-%D9%85%D9%88%D8%A7%D8%AC%D9%87%D8%A9-%D8%A7%D9%84%D8%B9%D9%86%D9%81/>

What actions has your country taken in the past five years to prevent and respond to violence against women and girls facilitated by technology (online sexual harassment, online stalking, and unsympathetic sharing of intimate images)?

Answer

❖ **Some State institutions have taken steps to raise awareness aimed at the general public, young women and young people in educational settings.** In this regard, the Electronic Counterterrorism Service of the Ministry of Justice in Benghazi provided gender-sensitive training programmes on digital security for male and female activists in civil society.

❖ **This is in response to the challenges and risks posed by the considerable expansion of the scope of online violence. Yet, the government has not taken action to address it legally or to study it socially.**

❖ Girls and women from all social strata and female workers in all fields are exposed to all forms of criminal abuse, including slander, insults, threats, extortion and defamation. Ordinary women are subjected to cyberbullying (online extortion) as they are threatened by scandals if they do not pay the extortionist. Women who contribute in the public sphere are under intense attack to try to force them to withdraw from the public arena. Abuse campaigns include reproducing all distorted stereotypes of women. This is reflected in Amnesty International's statement in July 2018, which included the following:

Amnesty International is concerned about the decline in the number of women human rights defenders who can express themselves through public platforms, both online and offline, and in the content of these platforms, because of governments' failure to conduct adequate investigations into physical violence, abuse and intimidation at the hands of state representatives and non-state actors and to punish the authors of insults [...] While any person may be exposed to violence, women in Libya, and elsewhere, are targeted, in particular because of their gender, by people who often hide, it seems, behind fake accounts, which makes social networking platforms particularly hostile to Libyan female activists.³⁰

There is an urgent need to develop relevant laws and introduce new laws and legislation regulating all aspects of communications in Libya.

Question No. 16

What actions has your country taken in the past five years to address the portrayal of women and girls and/or discrimination and/or bias against women in the media?

Answer

❖ **Women have been encouraged to hold leadership positions in the media.**

❖ For example, in 2017 journalist Khadija al-Basikiri was appointed head of the Press Support and Promotion Agency.

❖ In 2018, Souad Trabelsi was appointed editor-in-chief of the newspaper published by the Press Support and Promotion Agency (Al-Hayat Newspaper).

³⁰ <https://reliefweb.int/sites/reliefweb.int/files/resources/MDE1986572018ARABIC.pdf>

- ❖ In 2019, Tahani al-Qadhafi was appointed head of the Finance Department of the Agency. However, so far, the gender perspective is still not adopted and there are no integrated efforts to refute stereotypical and abusive images of women.
- ❖ Nevertheless, in terms of representation and leadership, there is a tendency to encourage women's leadership, even if the necessary funding is not available. This is the main concern in addition to the general disintegration and weakness of the state apparatus as a whole, which is exacerbating the conflict.

The Agency is striving to ensure gender balance in providing opportunities for male and female journalist trainees. But the training material has not yet reached the required gender-sensitive level.

Question 17

Has your country taken any action over the past five years specifically designed to address violence against specific groups of women facing multiple forms of discrimination?

Answer

- ❖ **Yes. The government has taken measures specifically designed to address violence against migrant women who arrived in Libya in order to cross into Europe.**

Examples of these measures are given in the answer to Question 3. Reference is then made to this answer to avoid repetition.

Participation, accountability and gender-sensitive institutions

Question 18

What actions and measures has your government taken in the past five years to promote women's participation in public life and decision-making?

Answer

Among the most important measures taken by the authorities to promote women's participation in public life and decision-making are measures in the area of constitutional reform and the enactment of legislation and regulations that promote women's participation in politics, particularly at the decision-making level, including the reform of the electoral system, specific provisional measures such as quotas, reserved seats, standards and targets.

Achievements in legislation

After the change that overthrew the Gadhafi regime (2011-2017), several laws related to women's political participation were issued, both in terms of reference to rights in general and through mechanisms.

Although the Interim Constitutional Declaration of 2011 did not provide for measures specific to women regarding their political participation, it emphasised equality on the basis of citizenship.

Article 6 of the Constitution states, “*Libyans shall be equal before the law. They shall enjoy equal civil and political rights and the same opportunities. They shall be subject to the same public duties and obligations, without discrimination on the basis of religion, ideology, language, wealth, sex, kinship, political opinions, social status, or tribal, regional or familial affiliation.*”

Article 15 stipulates that the state guarantees freedom to set up political parties and civil society organizations.

Law No. 4 of 2012 on the general elections of the General National Congress opened the way for the participation of women in the membership of the Congress by adopting the mechanism for ranking candidates, both male and female, vertically and horizontally, in the party lists, and excludes the lists of parties that do not observe this principle. Consequently, women have been able to win 16.5% of seats. In the same context, Law No. 59 of 2012 on the local administration system provides that at least one seat shall be held by a woman in the municipal council.

Law No. 17 of 2013 on the election of the Constituent Assembly for the drafting of the Constitution grants women a quota of 10% of seats, which means six (6) out of sixty (60) seats. This small percentage was obtained after fierce resistance from the deputies of the Islamic trend in the General National Congress, as well as opponents of the general quota systems, who argue that this system establishes the discrimination system. Furthermore, Law No. 10 of 2014 on the elections of the House of Representatives allocates 16% of seats to women, and distributes these seats over some electoral constituencies (Article 18).

Participation of women as candidates or voters in the 2012 General National Congress elections

In the 2012 General National Congress elections, women won 33 out of 80 seats allocated to parties according to the regulations, and one (1) out of 120 seats reserved for individual candidates.

“Therefore, women’s access to this number of seats is not due to social conviction of their role or recognition of their ability to exercise political action, but primarily to the legal provisions that imposed women quotas on party lists. Perhaps the fact that only one woman won a seat of those allocated to individual candidates is the best illustration of Libyan society’s view of women and their role in politics. Even in the areas where women were the most active in the movement at the beginning of the revolution, there were only few women candidates on the lists. In Benghazi, there were only 24 women on the lists of individual candidates, compared with 303 male candidates, i.e. less than 7.5%. By contrast, there were 540 male candidates on party lists. Therefore, it is difficult for women to be independent candidates because of many constraints, maybe primarily because of the lack of funds for the election campaign. This is in addition to their lack of experience in campaigning and mobilising votes. Women’s participation in the elections is not accepted by some groups. During the election campaign, these groups attempted to sabotage and distort women’s electoral image, as they

consider that displaying a woman's image is incompatible with religious and social values. These groups also tried to discredit female candidates through social media."³¹

High turnout of Libyan male and female voters (61%)

"This was a result of the high enthusiasm for the exercise of election experience. The participation of women as voters accounted for 45% of the total number of registered voters in 13 constituencies. The Ubari province recorded the highest participation rate (51%), while the province of Khams had lowest participation rate (36%). The justification for this finding remains ambiguous. This requires a study of population trends and the reason for the high turnout in Ubari specifically, while the highest registered voter women turnout was expected in Benghazi or Tripoli, the largest towns, where the civil and political movement was highest. In the same context, it can be seen that despite the high voter turnout of 39% (687,000 out of 17,500,000 voters), most women voted in favour of men. This explains why women did not win more than one single seat on individual lists. This may indicate women's lack of confidence in the ability and efficiency of the representatives of their own gender, and the reproduction of the stereotypes of inferiority of women in society in general."³²

Women's participation in the Constituent Assembly elections to draft the constitution

"In March 2012, the General National Congress adopted two amendments to Article 30 of the Constitutional Declaration. The first amendment provided that the Constituent Assembly in charge of drafting the Constitution shall be composed of sixty (60) members representing in equal proportions Libya's three historical regions. But the amendment did not refer to a mechanism to ensure representation of women in the Constituent Assembly. Subsequently, the General National Congress set up a committee to prepare a draft electoral law of 17 members, of which only three were women. The law on the election of the Constituent Assembly drew criticisms about the fairness of representation of Amazigh, Tubu and Tuareg components. In addition, there was a wide debate over the percentage of women's participation. People wondered whether the six out of sixty seats (allocated by law) guaranteed genuine and effective participation of women, who make up 49% of society, or it is just perfunctory participation. Civil society organizations considered this law to be a decline in the advancement of women and described it as a setback. The law on the election of the Constituent Assembly was a setback after the successes achieved by Libyan women following February 17 with respect to the level of women's political participation and gender equality. This law allocated 6 out of 60 seats to women, which is a low level of representation of women in constitutional bodies."³³

According to the Carter report, women's participation in this Constituent Assembly is low compared with previous elections. "Only 64 women were candidates in the elections to the body in charge of drafting the Constitution, whereas the total number of candidates was 649. Fifty-four of those women competed for the seats allocated to women candidates. One woman competed for one of the seats allocated to the Tubu. The remaining nine women candidates competed for the seats allocated to

³¹ Abeer Ameenah. Participation of women in political elections in Libya: What we learnt from the previous elections. Legal Agenda, 2017.

³² Ibid.

³³ Zahra' Langhi, 'Gender and State Building in Libya Towards a Politics of Inclusion.' The Journal of North African Studies.

individual candidates." This may be due to the nature and requirements of the new registration system used in these elections. Women are said to have found registering via SMS more difficult since the family record book required for registration is usually in the possession of the husband or father. The number of women with mobile phones is lower than that of men. For this reason, some women to rely on men for registration. Women's reduced participation may be attributed to their general lack of information about the process. The National High Electoral Commission estimated there were about 5,500 Libyan women married to foreigners who did not have a national number. This technical problem was resolved in cooperation with the Civil Registry. However, the process relying on the national number used for these women is therefore slightly different from the standard one. Libyan observers reported that because of this situation, women refrained from participation.³⁴

Constituent Assembly elections in 2014 resulted in a weak turnout of both sexes for reasons of security, livelihood challenges and general frustration at the poor performance of state institutions. The number of registered voters reached 1,101,541, of which 652,040 were men and 449,501 were women, of which only 28% were elected. "This percentage is very low compared with the number of Libyans eligible to vote (3,401,000). In other words, voter turnout did not exceed 10%. According to the reports of the Electoral Commission, voter turnout in the 11 constituencies reached 41%. The highest rate 44% was recorded in the Tripoli constituency. The lowest turnout was recorded in Khams (32%).³⁵ It is worth mentioning that the number of candidates in the lists allocated to women is low (55, i.e. 8%). There were 9 candidates on general lists, i.e. 1% of the total. Seats allocated to women were unfairly distributed among constituencies. According to the electoral law, women in Sirte, Misrata and Zawia, which are large cities, could not compete for the seats allocated to women. They were forced to run for general lists, and therefore, lost their chances of winning. The results of the elections actually confirmed this situation, as none of the female candidates won on the general lists. These results will reinforce the arguments of those who advocate the adoption of the quota system for women."

Participation in the 2014 elections to the House of Representatives

Law 10 of 2014 on the elections of the House of Representatives allocated 16% of seats to women, i.e. 32 out of 200 seats. "Women won 29 seats. In the election to the General National Congress, there were no party lists, as the individual system was adopted. Women were represented in equal proportions in both houses of parliament. Registered voters reached 1.5 million, i.e. about half of those registered in 2012. The rate of women in the total number of registered voters reached 40%. Voter turnout in the elections was very low, only 630,000, which is about one third of the total voters in 2012. Besides, only 130 women were candidates for election to the House of Representatives, which is a low figure compared with the number of women candidates for election to General National Congress, which stood at 500. These numbers cannot be explained without taking into consideration the drop in the number of male candidates. This may be due to a general decline in interest in the political process in light of the increasing security threats."³⁶

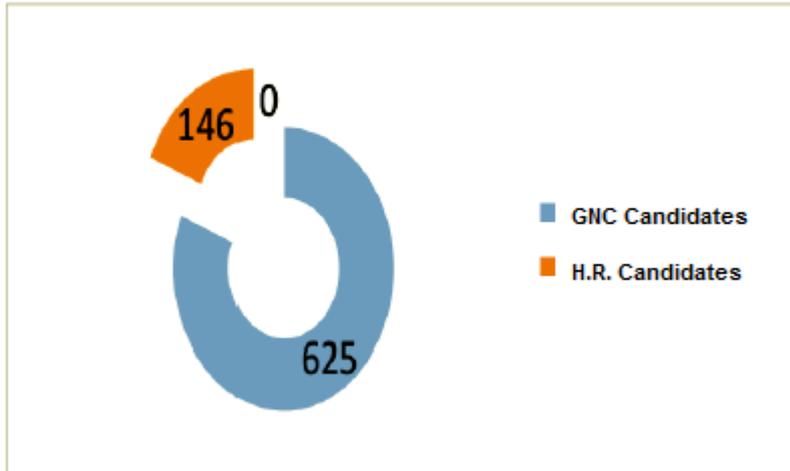
³⁴ Election of the Constituent Assembly in Libya 2014. Final Report. The Carter Center.

³⁵ Abeer Ameenah. Ibid.

³⁶ Ibid.

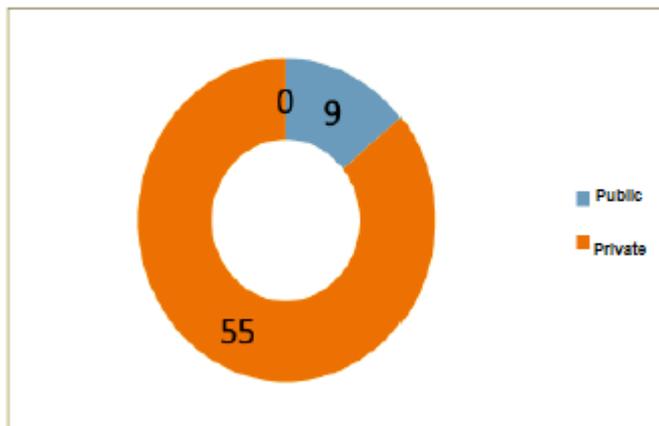
Nbr. of women candidates in the elections to the General National Congress and the House of Representatives

2012- 2014



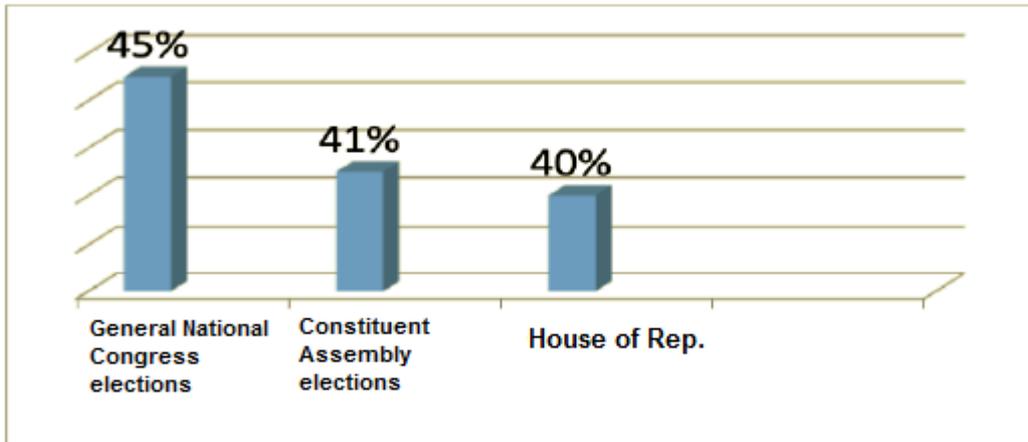
Source: High National Election Commission website:
www.hnec.ly

Women Candidates in the Constitution Drafting Committee for public and private



Source: The High National Electoral Committee
www.hnec.ly

Comparison of Women's Participation as voters (2012 - 2014)



Source: The High National Election Committee
www.hnec.ly

Number of parliamentary committees and participation of women therein³⁷**Table 2**

	Committee Name	Nbr. of Male Deputies	Nbr. Of Female Deputies	Committee Rapporteur	Chair	Deputy Chair
1.	Internal Affairs	13	1	Male deputy	Male deputy	Male deputy
2.	Youth, Labour and Social Affairs	14	1	Male deputy	Male deputy	Male deputy
3.	Legislative and Constitutional	12	2	Female deputy	Male deputy	Male deputy
4.	Transport and communications	14	1	Male deputy	Male deputy	Male deputy
5.	Displaced and Migrants Affairs	14	1	Male deputy	Male deputy	Male deputy
6.	Housing and Utilities	13	2	Male deputy	Male deputy	Male deputy
7.	Planning, Finance and Public Budget	14	None	Male deputy	Male deputy	Male deputy
8.	Martyrs, Wounded and Missing	9	1	Male deputy	Male deputy	Male deputy
9.	Monitoring of State Regulatory Bodies	10	2	Female deputy	Male deputy	Male deputy
10.	Health and Environment	12	3	Male deputy	Male deputy	Male deputy
11.	Foreign Affairs and International Cooperation	12	3	Male deputy	Male deputy	Male deputy
12.	Education	12	2	Male deputy	Male deputy	Male deputy
13.	Economy, Investment and Trade		1	Male deputy	Male deputy	Male deputy
14.	Energy and Natural Resources	13	2	Male deputy	Male deputy	Male deputy
15.	Women's and Children's Affairs	2	5	Female deputy	Female deputy	Female deputy
16.	Religious and Islamic Endowments Affairs	7	None	Male deputy	Male deputy	Male deputy
17.	Information, Culture and Civil Society	5	3	Male deputy	Male deputy	Female deputy

Women's participation in municipal elections

Law 59 on the local administration system provides that at least one seat shall be allocated to a woman. “This means that the electoral system must allow women the possibility of competing for more than one seat in municipal elections. But this has not happened, as these elections resulted in the election of only one woman in each municipal council, regardless of the number of inhabitants. Regarding mayors, only one lady was elected mayor out of 112 municipalities. This is negligible, especially as this woman won the position after it became vacant to substitute the mayor-elect, thus she was not directly elected.³⁸ The elections were held in two phases, the first on 30 November 2013, followed by a second phase, on 26 April 2014, covering the municipalities where the first ballot did not take place. Municipal councils are composed of seven members, including a former revolutionary who lost one of his limbs and a woman. It should be noted that out of 102 municipalities, 3

³⁷ Amel Bougaighis, ‘Political Participation of Women in Libya. Unpublished paper

³⁸ Abeer Ameenah. Ibid.

municipalities refused to allocate seats to women. In some municipalities, the brother of the elected candidate attended the meetings on behalf of his sister. In others, the elected female candidate resigned on the grounds of unsuitability of the work. Women's rights in the Draft Constitution: The Draft Constitution prohibits all forms of discrimination against women, including positive discrimination. It stipulates that state shall protect and promote women's acquired rights (as stated in the section on rights and freedoms). The Draft Constitution did not provide for positive discrimination, so-called called 'quota system', in the electoral process. This is a retreat from the legal gains of women in the political field, which was enshrined after the revolution through Law No. 4 of 2012 on the election of the General National Congress. Article 15 of this law, states that candidates shall be listed on the basis of gender rotation on political parties' lists.³⁹

Considering the above, women's participation in decision-making is still low, especially the participation of rural/nomadic women. This is due to a number of reasons:

Constitutional and legal reasons: Among others, the lack of full compliance with international conventions, lack of full equality between men and women in election laws, and a lack of understanding of the system of quotas for women.

Social and cultural reasons: Prevailing customs, traditions, tribal customs and dominant masculine mentality that reject the partnership of women.

Political reasons: The lack of political experience in the absence of fundamental freedoms for four decades led to the erosion of political culture in society and among decision-makers; poor political performance of parties; absence of the concepts of sound democracy based on freedom, equality and justice.

Economic reasons: Lack of financial independence of women; inability to finance electoral campaigns, which is an obstacle to their access to voters; deterioration of the economic situation of the country, in general, which seeks to ensure daily subsistence.

Weak training and activity of women's organizations and their non-independence from the agendas of the various affiliations, which raise awareness and defend the real rights of women.

The security situation due to fighting and displacement and the large number of kidnappings and assaults on women also contributed greatly to the reluctance of women to participate.

Judicial functions

Article 1 of Law No. 8 of 1989 on the Right of Women to Assume Posts in the Judiciary reads, '*A woman may assume judicial posts, as well as posts at the Public Prosecution and in the administration of Justice under the same terms as men.*' Article 2, emphasises this provision as it reads, '*Any decision to the contrary shall be null and void.*' This law gives Libyan women the right to assume positions in the judiciary. Under this law, women judges can rule on disputes and claims submitted to her, while this power was a prerogative of men only. In the same year, two women judges were appointed in the North Benghazi court. This opened the door to the appointment of women in the judiciary, so that the number of women working in judicial bodies rose to 1,431.

³⁹ Jazia Jibril, '*Women's rights in Libya: preserving past gains and preventing future prejudices.*' Legal Agenda.

Women were appointed to the highest jurisdictions, such as the Presidency of the Court of Appeal and membership in the Supreme Council of Justice and in Supreme Court, on an equal footing as men if they fulfil the conditions of appointment. Standards were applied without discrimination.

“The right of women to hold positions in the judiciary became endangered once motions were filed to question the constitutionality of the relevant law, specifically the constitutionality of the holding of judicial positions by women.”⁴⁰

Detailed statistics by percentage of participation of women in judicial bodies:

- Counsellors of courts of appeal: 347 men; 26 women; total: 373. Women’s participation rate: about 7%
- Judges of trial courts: 474 men; 107 women; total: 581. Women’s participation rate: about 18.5%
- Prosecutors: 719 men; 116 women; total: 835. Women’s participation rate: about 14%
- Case management staff: 250 men; 390 women; total: 640. Women’s participation rate: about 61%
- Public defenders: 366 men; 773 women; total: 1,139. Women’s participation rate: about 68%.
- Law department members: 17 men; 9 women; total: 26. Women’s participation rate: about 21%.

According to the latest statistics issued by the Supreme Judicial Council, judicial bodies in Libya include a total of 3,658 members, among whom 1,431 women and 2,227 men. Women’ participation stands at 39%.”

Rate of Participation of women in the executive power⁴¹

Appeals Courts Adviser	Trial Courts Judges	Prosecutors	Case Management Staff	Public Defenders	Law Department Members
Number: - 373 members - 347 men - 26 women Women’s participation rate about 7%	Number: - 581 members - 474 men -107 women Women’s participation rate about 18.5%	Number: - 835 members - 719 men - 116 women Women’s participation rate about 14%	Number: - 640 members - 250 men - 30 women Women’s participation rate about 61%	Number: - 1,139 members - 366 men - 773 women Women’s participation rate about 68%	Number: - 36 members - 19 men - 17 women Women’s participation rate about 21%

Participation of women in the executive power

Libyan women fought in the front lines shoulder to shoulder with men in the revolution of 17 February 2011. They played an active role at all levels: political, diplomatic, popular, social, and awareness-raising, in pursuit of democracy and social justice. They achieved political representation in legislative councils for the first time in the history of Libya, which reached

⁴⁰ Ibid.

⁴¹ Amel Bougaighis, ‘Political Participation of Women in Libya. Unpublished paper

17%. However, this quantitative representation did not have tangible effects and is likely to decrease as a result of the deterioration of security, the spread of weapons and the rise of extremists.

Stages of establishment women's participation rate

The National Transitional Council was established in 2011. It was composed of 73 members, including 2 women. The Transitional Government, headed by Abdel Rahim al-Kib, consisted of 24 ministers, including 2 women only, a minister of health and a minister of social affairs. Then, the 2012 National Congress elections saw a significant increase in women's political participation. More than 600 women run as candidates, 540 party candidates and 84 independents. Thirty-three (33) women were elected. Twenty-three (23) as party candidates and one (1) independent in the General National Congress, which was composed of 200 members. Women accounted for 16.5% of the members of the General National Congress. For the first time, women became founders and members of a party. In October 2012, Prime Minister Ali Zidane, appointed 2 women, the Minister of Tourism and the Minister of Social Affairs, among 33 ministers in government. Three women were appointed Deputy Ministers at the Ministry of Information, the Ministry of Foreign Affairs and the Ministry of Civil Society.

- The Al-Thani Government in 2014, composed of 11 ministers and deputy-ministers, did not include a single woman.
- The Al-Ghaweel Government of National Salvation in Tripoli, included only one woman, the Minister of Social Affairs.
- The Government of National Accord, headed by Fayez Al-Sarraj, stemming from the Peace Agreement of 2016, included 3 women ministers, two of them junior ministers: the Minister of Social Affairs, the Minister of State for Women's Affairs and Community Development and the Minister of State for Institutional Reform.

Women’s positions in the executive branch, 2011-2017⁴²

Women’s Positions in the Executive 2011-2017			
Executive Branch	Number of Ministries held by women	Total Percentage	Number of Junior Ministers
Executive Office (March 2011 – 22/11/2011) Mahmoud Jibril	1 Social Affairs	6.2%	-
Transitional Government (22/11/2011 – Nov. 2012) Abdel Rahim al-Kib	2 Social Affairs, Health	8%	6 Junior Ministers Youth and Sports, Social Affairs, Culture and Civil Society, Education, Martyrs Families
Provisional Government 22/12/2014 Ali Zeidan	2 Social Affairs and Tourism	0.06%	4 Junior Ministers Foreign Affairs, Culture and Civil Society, Information and Social Affairs
Provisional Government 2014-2017 Abdallah al-Thani	None	0	2 Junior Ministers Social Affairs and Labour + Ministry of Justice Chairperson of the Board of the Civil Society Commission - Deputy Chairperson of the Anti-Corruption Authority - Deputy Chairperson of the Press Support and Promotion Authority
Government of National Accord	Minister of Social Affairs Minister of State for Women’s Affairs Minister of State for Institutional Reform Minister of Social Affairs	16%	

Women in the Constitution

As of the date of this report, owing to political divisions, no referendum on the Draft Constitution was held. The Constituent Assembly declared that it had completed its drafting in July 2017. The issue of women’s rights in the Constitution was the subject of controversy and frustration among women’s and human rights organizations, as happened with regard to other rights issues dealt with in the Draft Constitution.

⁴² Ibid.

Since the beginning of the constitutional drafting of this Libyan people's dream, women have been cautiously awaiting the outputs of the Constitutional Assembly.⁴³ They built broad representative women's coalitions in an attempt to influence the drafting process by communicating with members of the Constituent Assembly, individually and collectively, wondering to what extent the Constitution could enshrine the rights and freedoms of women.

The first work of the constituent body in drafting the constitution was the outputs of the standing committees, each one undertaking the drafting of one chapter of the Constitution in December 2014. There were other drafts in an attempt to produce a draft that achieves consensus among the members of the Assembly, with a view to its subsequent endorsement by the Libyan people in a general referendum. At the end of constitutional process, the Assembly announced the completion of the drafting of the Draft Constitution in July 2017. In these paragraphs, we focus on women's rights and freedoms, the amendments relating to them, and the extent to which they responded in the final draft to those constitutional feminist dreams.

Content of Women's Rights in the Constitution:

When the standing committees were set up, a select group of jurists and human rights activists were among the drafters of the second chapter of the draft *Chapter on Rights and Freedoms*. That is why it was outstanding to a certain extent, before amendments were made to the subsequent drafts. It provided for third-generation human rights, as well as a substantial number of rights, for example: rights and freedoms relating to political activity, rights and freedoms related to human personality, civil rights, intellectual rights, economic activity, judicial and social rights and freedoms, and, finally, cultural right. It did not discriminate between men and women with regard to all those rights. On top of that, an independent article was devoted to constitutional protection of women's rights, Article 49, which reads, "*The State is committed to supporting and caring for women, enacting laws to protect them, advancing their status in society, and eliminating negative culture and social customs that undermine their dignity. It prohibits discrimination against them, guarantees their right to representation in general elections, provides opportunities for them in all fields and takes the necessary measures to ensure that their acquired rights are supported and not infringed.*"

Main amendments to the first qualitative outputs in the chapter on rights and freedoms:

What is disturbing to Libyan women is their loss of an exquisite text in the draft produced by the standing committees on the prohibition of all forms of discrimination against women.⁴⁴ It cited examples of discrimination: arbitrary dismissal due to maternity, the right to paid leave, postnatal leave, forced marriage, all forms of violence against women, woman. However, the optimal constitutional formulation avoids citing examples and is limited to establishing a general principle. This offers the possibility of applying the provisions to all other forms of discrimination against women, including criminal legislative discrimination provided for in Article 375 of the current Libyan penal code, as it alleviates the sentence against male relatives when they commit premeditated murder

⁴³ This section on women in the Constitution was prepared by Pr. Jazia Jibril Shu'aitir. It is quoted from her article entitled '*Women's Rights in the Libyan Draft Constitution.*'

⁴⁴ The Moroccan Constitution of 2011 is a regional models. It makes it an obligation for the state to establish a mechanism to combat discrimination. Article 19 thereof reads, "[...] An Authority for parity and the struggle against all forms of discrimination shall be created for this purpose."

or harm their female relatives when they found them committing fornication.⁴⁵ The cause of the mitigating circumstances is the feeling of provocation and anger that beset a person who makes such a discovery, which is certainly a shared feeling of women and men. Violence against women also poses a widespread problem in Libya, whether it is domestic violence or conflict-related violence. That is why, the Constitution should have explicitly prohibited all forms of violence against women, in addition to requiring the legislature to enact special legislation criminalizing violence against women.⁴⁶

Constitutional discourse relating to Libyan women

The Constitution enshrines rights and freedoms. It is a single organic unit and is construed on this basis. Therefore, the general formulation of the Constitution is very important. It is clear that the drafter of the constitution addresses the Libyan woman in the first part of the draft as a citizen. In rare instances it addresses women specifically so that its provisions are not construed as applying to men. In Article 7, it states, '*Citizens, whether men or women, whether in the law or before the law.*' Article 9 states, 'Every citizen, whether man or woman, shall have the duty to defend the homeland, preserve its national unity and independence.' Article 16 states, '*Citizens, whether men or women, shall have the same opportunities.*'⁴⁷ It also amended the terms of candidacy for the presidency to explicitly indicate the possibility of the nomination of Libyan women to this position. The third paragraph of Article 99 provided that the candidate shall not be married to '*a foreign wife*', which was amended to '*a foreign wife or husband*'. The problem here lies in the possibility that, in interpreting other texts, the legislator would suggest that if the legislator meant to address women, he would have stated it as in these provisions (16, 9, 7). It could therefore be argued that the person addressed is a man in other provisions of the Constitution with regard to obligations and rights. To avoid any ambiguity, the legislator had to unite the addressee, either by attaching the word citizenship to every citizen, or by using the masculine addressee and adding a general article stating the provisions apply both to men and women.⁴⁸

Constitutionalising quotas for women

The problem of women's representation in all bodies and councils is raised in light of the positive affirmation that the Constitution is expected to achieve for Libyan women. There are expectations that a ratio (30% and 45%) should be provided for in each elected council or constitutional body. However, the draft did not mention representation and its proportion in Article 185 including a transitional provision on women, '*Any electoral system shall ensure a rate of representation of women of 25% of the seats of the House of Representatives and local councils for the duration of two electoral*

⁴⁵ Article (375): Murder or abuse to preserve honour.

"Whoever surprises his wife, daughter, sister or mother in the act of adultery or unlawful intercourse, and immediately kills her or her partner or both as a response to assault on his honour or the honour of his family, shall be punished by imprisonment. If the act results in severe or serious harm to the above persons in the same circumstances, the penalty shall be imprisonment for a term not exceeding two years. He shall not be punished for beating or causing slight harm in such circumstances."

⁴⁶ Draft New Libyan Constitution: Procedural Shortcomings and objective flaws. Publications of the International Commission of Jurists, p. 51

⁴⁷ It should be noted that the preamble of the draft constitution is "relatively short". It states that the Constitution is adopted by both the Libyans, whether men or women.

⁴⁸ Article 94 of the Malaysian Constitution states: '*Words importing the masculine gender include females. Words in the singular include the plural, and words in the plural include the singular.*'

sessions, taking into account the right to stand for election in general elections.’ In its initial versions, the provision defined the scope of the transitional measure for a period of *twelve years*’. It is perhaps better than a number of sessions, because a period of 12 years covers three electoral sessions. This is a positive and fair discrimination in favour of women. The Libyan situation requires the quota principle to consolidate gender-sensitive political participation in the Libyan collective mind for at least 20 years. Perhaps the mention in the Tunisian Constitution of 2014 is mandatory in this regard. It referred to the quota system as a permanent fundamental right, not a temporary one. Article 46 of Title II states, ‘The state works to attain parity between women and men in elected Assemblies.’ The Libyan legislator adopted this distinctive proportion in representation in Article 15 of Law No. 4 of 2012 on the election of the General National Congress.⁴⁹ It was hoped that this percentage should be stated in the Constitution, but unfortunately this was not the case. Besides, the Draft Constitution limited the quota system to a very narrow scope. It did not provide for it with regard to the Constitutional Court or the Supreme Council of the Judiciary.⁵⁰ With regard to the Human Rights Council, it merely stated that women should be represented, without a specific percentage.

Women’s social rights

Social rights also remain the focus of Libyan women. The articles that regulate them have received great attention, particularly those relating to nationality, and the identification of the Libyan who is subject to the provisions of this Constitution. In its initial versions, the draft regulated the matter. In some case, it excluded from the regulation the child of a Libyan woman from a foreign national. In other cases, it provided for a grant for nationality as an acquired one. Many rights activist criticised this treatment. Therefore, the authors of the last draft deleted any detailed provisions on this matter, and left it to the legislative authority to regulate it in a law that would take into account: the national interest, the preservation of the composition of the population and the ease of integration into Libyan society. In fact, they transferred the problem to the legislative authority, on the one hand, and deprived the Libyan woman of the constitutional right to transmit her nationality to her child as is the case for Libyan men. But in the midst of the policy of deletion and deportation, they deleted the constitutional inclusion of the child of a Libyan woman from a foreigner to enjoy other rights and freedoms, except political rights. These rights were provided for in the last paragraph of Article 50 on the right to decent life. The family as the basis of society is defined in Article 27 of the Draft Constitution as being based on the legal marriage between a man and a woman. Its foundations are defined as: religion, morality, complementary roles among its members, affection and mercy. The State ensured its protection and the protection of motherhood and childhood. This text is short of stating that, *‘Marriage is a fair association between two equal partners. Nobody can conclude a marriage contract by constraint, or divorce in any other way other than by mutual consent or by a fair judgement.*’⁵¹ Some women jurists ask the question: Is it too early to talk about women’s right to bear or not to bear children?⁵² in a country whose Constitution is written by a pen, we fear is influenced by masculine chauvinism

⁴⁹ Article 15 of the Constitution stipulates that, *‘Candidates shall be listed based on gender rotation, both horizontal and vertical. Lists that do not observe the said listing shall be rejected. [...]*’

⁵⁰ The Moroccan Constitution of 2011 states in Article 115 that, *‘[...] A representation of [women] magistrates must be assured, from among the ten members elected, in proportion to their presence in the corps of the magistrature.’* We should have included in our Constitution a similar text, as the presence of women in the Judiciary is substantial.

⁵¹ Article 19 **The Great Green Charter** issued in Libya in 1988.

⁵² As stipulated in several constitutions, for example, the Indonesian Constitution of 1959, as amended in 2002, Article 28b, Chapter X.

adopted by a significant number of Libyans, both men and women, that clings to negative or conservative values towards women.⁵³ The part of the article that was criticized by researchers was deleted, as it included the statement, *'The State endeavours to reconcile women's duties and work'*. This suggests that raising children and caring for the family is an exclusive role for women, which is contrary to the constitutional basis of the family based on the complementarity of roles. Finally, Article 50 provides for the right to a decent life for certain economically disadvantaged groups as a result of dire social situation, including elderly women, orphans, widows, unmarried women, through social solidarity. It should be noted that this article was amended, as the term *'unmarried women'* replaced the word *'spinsters'*, which was used in the initial version, and which is a negative word according to Libyan moral correctness. The constituent body was well inspired in doing so.

Legitimate women's concerns

As the governing principles of the Constitution have a direct impact on rights and freedoms, Libyan women have high hopes with respects to Article 6⁵⁴ as it is pivotal in delineating their rights and freedoms. However, making Islamic law the sole source of legislation, without restricting this to the broad and absolutely established principles, carries a threat that the legislative authority may commit prejudices in this regard in the future on the grounds of applying Islamic law. Extremist ideas may be put forward in this matter. In addition, any law adopted by the legislative power in response to feminist demands would be opposed on grounds of unconstitutionality and contravention to Islamic law. Moreover, the impact may extend to previous laws that acknowledged some acquired rights.⁵⁵ Perhaps the most disturbing aspect is the systematic regulation of restrictions on the exercise of the rights and freedoms set out in Article 65 of the Draft, which reads, *'Any restriction on the exercise of rights and freedoms shall be necessary, clear, specific and consistent with the interest to be protected. The guarantees established by law shall not be reversed. All of this in a manner not inconsistent with the provisions of this Constitution.'* In accordance with this provision, the imposition of such restrictions is envisaged on the basis of certain interpretations attributed to Islamic law, which is part of the Constitution. In addition, the Draft provides in Article 13 thereof that, *'The State must take the necessary measures for the implementation of international conventions, which supersede legal texts in instances of conflict. This necessarily includes conventions relating to women's rights. However, the flaw of the article raises the same concern that it contains a repeated constraint: 'in a manner not inconsistent with the provisions of this Constitution'.* It is therefore conceivable that it would impede the implementation of certain conventions and treaties on the basis of specific interpretations attributed to Islamic law, which is part of the Constitution and a source of legislation, as mentioned above.

Lack of constitutional provisions that support women's rights

⁵³ The coexistence of Libyan with the other foreign, gender and religion, Najib Al-Hasadi, among the research works on **Coexistence in Libya and in Other Geographical Areas**. Publications of the Faculty of Humanities and Social Sciences, University of Tunis, 2016, p. 75

⁵⁴ The article deals with the constitutionality of the source of legislation and stipulates that, *'Islam is the religion of the State and Islamic law is the source of legislation.'*

⁵⁵ The Supreme Court of Libya ruled that the law regulating the right of men to contract a second marriage was unconstitutional on the grounds of violation of Islamic law (Supreme Court Ruling, Constitutional Department, Constitutional Appeal No. 3 of 2013, Unconstitutionality of Article 13 of Law No. 10 of 1984, as amended by Article 1 of Law No. 9 of 1994).

In addition to the amendments proposed above, the new Libyan Constitution may provide the opportunity to include procedural and institutional arrangements that help enforce established rights and emphasize the inherent and sole jurisdiction of the legislative authority to regulate rights and freedoms by explicitly prohibiting legislative mandate in particular.⁵⁶ The forthcoming Constitution could explicitly provide for the responsibility of the state to protect and promote public rights and freedoms, establish more serious judicial oversight systems, and establish an independent constitutional institution for women, a Higher Council for Women. The mission of such an institution would be to contribute in the protection of women's rights enshrined in the Constitution and in international conventions to which the state acceded, including the formulation, dissemination, implementation, monitoring and evaluation of public policies on women's issues.

Extent of satisfaction with the Draft Constitution with regard to women's rights and freedoms

In conclusion, it should be noted that we realize that the constitutional organization of women's rights did not face any feminist opposition within the body. Indeed, five out of six women members of the constituent body voted for the Draft Constitution, while only one women member opposed it. Her objection was not based on gender considerations, but on regional grounds. She considered that the Draft Constitution was not fair for the rights of the people of the province of Barqa.⁵⁷ It would be dangerous to pass the Draft Constitution through popular referendum without human rights education. The views of the majority of voters are not compatible with the gender perspective.⁵⁸ This is confirmed by surveys⁵⁹ and realistic observations.⁶⁰

Women's Human Rights Actions After the Constitution Becomes Effective

Assuming that the Libyan people votes for the Constitution by referendum, and the Constitution becomes effective, women should claim their constitutional rights to protect and support their acquired human rights through exercising their right provided for in Article 42 of the Draft Constitution, by introducing legislative propositions on equality for women, non-discrimination, and combating violence against women. They should also assert their right under Article 141 on resort to the Constitutional Court in the face of the legislative authority if they sense unfairness by this latter. Ideally, this should be done within a constitutional institutional framework pursuant to Article 159 of the Draft, which sets forth the terms of reference of the National Council for Human Rights, including *'support for women's rights prescribed constitutionally and legally and to ensure non-discrimination.'*

⁵⁶ That is, the prohibition of the delegation of legislative authority to the executive branch with respect to the organization of rights and freedoms.

⁵⁷ According to her repeated statements on many public occasions and in many media outlets.

⁵⁸ Handbook for a Gender Sensitive Constitution. Authors: Sylvia Suti and Ibrahim Derradji. Publications of the EuroMed Feminist Initiative.

⁵⁹ *'Eight out of ten Libyans disagree or disagree strongly with the right of women to travel alone abroad'*, p. 46 of the Comprehensive Survey on Libyans' Views on National Dialogue, published by the Centre for Research and Consultations, Benghazi University, 2015. *'Men have conservative views about women. According to an overwhelming majority of them, men are better than women in terms of political and business leadership ability'*, p. 7 of the **Comprehensive Survey of Libyans' Views on Values**, published by the Centre for Research and Consultations. Benghazi University, 2015.

⁶⁰ For example, decisions taken on the travel of women without a male guardian, ministerial formations without women, with shy exceptions, and much more.

Question 20

Is the proportion of the national budget invested in the promotion of gender equality and the empowerment of women (gender-sensitive budgeting) being tracked?

Answer

- ❖ **The public budget is not gender-sensitive in the full sense, as it implements the provisions of the relevant labour law, and provides limited allocations to support women’s empowerment programmes.**
- ❖ The development of the annual general budget is not based on an integrated vision for achieving gender equality and the empowerment of women.
- ❖ The Prime Minister, however, must ensure that the wages of men and women in the public sector are equal in accordance with the Labour Code. Therefore, there is no mention of the rate of the budget item devoted to the promotion of gender equality and the empowerment of women.
- ❖ **For an oil country with a very small population such as Libya, allocating a portion of the annual budget to promoting gender equality and empowering women will not strain other development, reconstruction and infrastructure projects.**
- ❖ In addition, such allocation will lead to a qualitative and quantitative improvement for the women of Libya. Last but not least, women regardless of the segments of society to which they belong are the most affected by the conflict. Therefore, it is meaningless to continue to deny their inherent right for the allocation of a percentage of the annual national budget to promoting gender equality and the empowerment of women.
- ❖ Such allocation will bridge a large part of the gap that has widened enormously as a result of the conflict. The members of the working group in charge of preparing the public budget, including the staff of the Central Bank, lack the technical knowledge for preparing gender-sensitive budgets for they have not received adequate training. Therefore, there is an urgent need for international expertise in this area.

Question 21

As a donor, does your country follow the Official Development Assistance (ODA) ratio that is invested in promoting gender equality and women’s empowerment (gender-responsive budget)?

Answer

- ❖ **Prior to 2011, Libya was a donor country, but the relevant department did not follow the ratio of Official Development Assistance (ODA) invested in promoting gender equality and women’s empowerment (gender-sensitive budget).**
- ❖ After 2011, Libya is no longer a donor country. Libya is not expected to become again a donor country for at least the next 20 years.

Question 22

Does your country have a national gender strategy or action plan in place to achieve gender equality?

Answer

- ❖ **Libya does not have a single overall strategy or a national action plan in place to achieve gender equality.**
- ❖ However, there are ministerial-level plans developed by each ministry to ‘promote’ gender equality and women’s empowerment within the scope of its work.

Short Strategy for the operation of the Women’s Support and Empowerment Unit of the Presidential Council for 2019

- ❖ **The Women’s Support and Empowerment Unit of the Presidential Council developed a strategic plan for its operation for the year 2019.** The title is ‘Executive Strategic Plan for the Operation of the Women’s Support and Empowerment Unit of the Presidential Council’. It includes the vision, mission, values, principles and objectives.
- ❖ However, at the time of this report, the Unit did not yet receive the budget necessary for the implementation of this strategy. For this reason, the determination of the implementation phases is yet to be done. The Head of the Women’s Support and Empowerment Unit of the Presidential Council, Layla Ibrahim Al-Lafi supervised the development of the plan.

Main objective of the plan:

To materialise the values and principles reflected in the Unit’s programmes and projects, the main objective is to empower and lead Libyan women and girls economically, politically, socially, humanely, scientifically and technologically. The action will build on the gains already achieved and ensure their development and sustainability through legislative reforms and implementation procedures for the advancement of women and girls. The capacities of women and girls will be consolidated so that they become active participants and leaders of initiatives to achieve sustainable development and contribute in the consolidation of national identity and the dissemination of the values of tolerance and peace to overcome the challenges that may hinder their participative and integrated development at national, regional and global levels side by side with their brothers and in conformity with cultural and societal specificity.

Below are the most important tasks and goals associated with each task that are part of a short action plan and a specific timetable operational programme.

Tasks and Activities	Goals
Prepare the budget estimate for the Women’s Support and Empowerment Unit for the fiscal year 2019	<ul style="list-style-type: none"> • Ensure that the annual plan is consistent with the budget. • Monitor indicators of spending from the general budget on the Women’s Support and Empowerment Unit. • Assist and strengthen the capacity of state institutions to adopt policies, legislation and budgets taking into account the gender perspective.

<p>Establish support and empowerment offices for women in all state institutions and throughout Libyan regions</p>	<ul style="list-style-type: none"> • Establish the Empowerment Base as a citizenship and active partnership in all fields of development to empower Libyan society through the empowerment of Libyan women. • Explore and awaken the potential of Libyan women and girls to boost competition and anticipation. • Follow up, evaluate and adjust the progress of Libyan women in different age groups and cultural and social characteristics in the process of sustainable development. • Monitor cases of oppression and functional discrimination of women and deprivation of their rights. • Monitor and analyse reality and identify strengths and weaknesses in policies and programmes implemented by institutions for the empowerment of women
<p>Conduct a detailed comprehensive statistical survey of all Libyan women and girls inside and outside Libya.</p>	<ul style="list-style-type: none"> • Conduct comparative scientific studies in Libya. • Build an integrated and comprehensive electronic database and documentation system for Libyan women and girls in Libya. • Identify weaknesses and strengths to set objectives of the best change and priorities of Libyan women’s issues. • Develop national indicators and adopt global benchmarks to measure improvements in support and empowerment of women and their progress from worker to decision-maker. • Analyse the reality and conduct reference studies to serve as the basis of scientific methodology for each pillar of the national strategy to support and empower women in Libya, 2019-2023. • Enrich the policy base and reform legislation.
<p>Monitor gender indicators that are not solely based on biological differences between women and men, but are also determined by cultural specificity and social environment (demographic characteristics), i.e. according to the variables of time, space, culture and society:</p>	<ul style="list-style-type: none"> • Adopt scientific methods and methodologies in monitoring, study, research and analysis of women’s issues that provide standard indicators and contribute in the development of strategic plans. • Compare the calculation of gender indicators at in Libya’s regions, and between Libya and some countries in specific years. • Compare the calculation of gender indicators in terms of their contribution to development in various areas: education, health, economy, labour, political participation, culture and literature. • Monitor indicators of the contribution of Libyan women to science and technology and scientific and literary production. • Enable access and control of sources and resources. • Broaden the scope of equal opportunities and the scope of services.
<p>Formulate and launch the National Strategy for the Support and Empowerment of Women in Libya, 2019-2023</p>	<ul style="list-style-type: none"> • Formulate a medium- and long-term strategy consistent with sustainable development goals. • Develop and provide a sustainable general framework that will be a guiding reference for decision-makers in state institutions to ensure the empowerment and leadership of Libyan women and girls. • Raise the rate of women’s participation (both quantitatively and qualitatively) in all fields and their representation in power and decision-making centres.

<p>Create and develop a positive environment to support Libyan women and girls with special abilities (special categories)</p>	<ul style="list-style-type: none"> • Integrate and empower those with special abilities as they are a fundamental human force and an integral part of the strength of Libyan society. • Eliminate discrimination and marginalization. • Attract and invest in excellent and talented elements.
<p>Economic Empowerment</p>	<ul style="list-style-type: none"> • Study the factors affecting the success of the economic empowerment of Libyan women. • Develop development strategies that take into account poor women and promote economic growth. • Develop gender responsive laws and mechanisms that ensure a safe and stimulating work environment in all sectors. • Achieve equal employment opportunities for women in the public and private sector. • Encourage new enterprises owned and managed by women. • Establish business and business projects in the regions after building women’s and girl’s capacities and economic extension programmes to enable them to drive the wheels of the economy.
<p>Social and human empowerment (field visits to social institutions: girls’ care homes, nursing homes, prisons)</p>	<ul style="list-style-type: none"> • Provide legal support to ensure protection and safe life of Libyan women and girls. • Spread awareness of family planning and reproductive health factors. • Raise awareness of (cultural and social) values for the supportive environment for the empowerment of women in families and communities. • Provide specific support for women and girls with special needs of some groups: elderly women, women prisoners, social institutions inmates, widows, divorcees, orphans, women with special needs, mothers of children with special abilities. • Raise awareness of women and girls about the importance and value of their roles in the success of dialogue, conflict resolution and reconciliation at the local and national levels.

Question No. 23

Does your country have a plan of action and a timetable for the implementation of the recommendations of the Committee on the Elimination of Discrimination against Women (if it is a State Party), the recommendations of the Universal Periodic Review or other United Nations human rights mechanisms that address gender inequality/discrimination against women?

Answer

Libya does not have a universal and comprehensive plan of action or timetable for the implementation of the recommendations of the Committee on the Elimination of Discrimination against Women (CEDAW). Libya is a party to CEDAW. But there are partial plans developed by most ministries. Besides, the Minister of State for Institutional Reform seeks to promote gender equality. There is a need to train the staff of all ministries and official bodies in implementing the recommendations of CEDAW and to develop a universal and comprehensive plan of action and timetable for this purpose.

In accordance with Sustainable Development Goals 2030, the Office of the Minister of State for Institutional Reform works to achieve these goals (Goals 6, 7, 8 and 16) by establishing and supporting advanced structures and institutions to achieve modern management.

Women's support and empowerment offices were established in a number of institutions, such as the Ministries of Education, Economy, Culture, Labour and Transport. These offices were created in coordination with the Office of the Minister of State for Institutional Reform of the Government of National Accord and the Women's Support and Empowerment Unit under pressure from civil society organizations, such as *Min Adjlika Ya Libya* (For You Libya), which lobbied for the establishment of these offices. The creation of these offices was also facilitated by the fact that the structure was headed by a woman. Therefore, the support of civil society was strong. Pressure from the Minister was constant on all institutions for the setting up of these offices so that they exist officially in their parent structures. These offices, each within its area, are in charge of monitoring the presence of women in the institutions in terms of employment and in leadership centres. They also monitor the extent of support for women through the ministry itself and outside the workplace. By way of illustration, the terms of reference of the office at the General Authority for Youth and Sports, are as follows:

1. Develop and implement programmes to support and empower women in youth and sports.
2. Prepare a database on Libyan women in the field of youth and sports.
3. Assess support and advice to women's empowerment units in sports clubs.
4. Support Libyan women in assuming leadership positions in youth and sports institutions.
5. Follow up women's sports activities and prepare periodic reports thereon.
6. Contribute in the preparation and implementation of conferences, seminars, and workshops on women who work in youth and sports activities in coordination with the competent departments.
7. Address problems and iron out difficulties faced by women in youth and sports.
8. Prepare periodic reports on the work of the Office.
9. Any other work assigned to the Office in accordance with its terms of reference.

At the Ministry of Labour, the terms of reference of the Office for Women's Support and Empowerment are the following:

1. Collect information, conduct studies and develop statistics on women in the area of public and private employment; use of such data in decision-making on the empowerment of women.
2. Monitor legislations related to labour and to propose amendments and additions likely to enable women to obtain suitable employment opportunities.
3. Conduct analytical studies in cooperation with specialised research centres on the real status of women in the labour and rehabilitation sector in order to develop a strategy for the advancement and empowerment of women.
4. Propose training and rehabilitation programmes aimed at empowering women and participate in their implementation through training institutes and centres.
5. Identify the obstacles that limit the active participation of women in the field of public and private work and propose the necessary remedies.
6. Draw lessons from successful experiences of women's empowerment sponsored by international and regional organizations.

7. Submit proposals on the development of women’s leadership capacities, capabilities and skills to enable them to participate effectively in comprehensive development programmes.
8. Participate in the development the state’s media policy to support women in their careers.
9. Propose legislation and training programmes that enable women to launch their own small and medium-sized enterprises and provide support and for their success and development.
10. Prepare brochures, bulletins and programmes on the empowerment of women in the field of employment.
11. Prepare and submit initiatives and commit to implement them after adoption, and submit periodic reports to the Office of Strategic Planning and Institutional Excellence.
12. Prepare periodic reports and an annual report on the work and activities of the Office.
13. Any other task assigned to the office in accordance with the legislation in force.

After the adoption of the decision establishing the Women’s Support and Empowerment Unit of the Presidency Council in accordance with the Libyan Political Agreement, this unit has been in charge of supervising these offices to monitor their work properly. The Unit began work six months ago. Their terms of reference and structure were developed with the participation of 40 Libyan women from different regions in Tunisia in 2016 under the supervision of the Women Empowerment Section of the United Nations Support Mission in Libya.

However, as a result of rapid development and change, the Women’s Empowerment and Empowerment Unit of the Presidency Council, immediately after taking up its work, formulated a new vision and new objectives for the Unit, amended the organizational structure of the Unit and added other terms of reference in line with international developments and the reality and specificity of the Libyan society.

Question 24

Is there a national human rights institution in your country?

Answer

- ❖ In 2011, a national human rights institution with headquarters in Tripoli was established, but soon after, it was disrupted. It is the National Council for Civil Liberties and Human Rights (NCCLHR).
- ❖ It was established by the Transitional Council under Law No. 5 of 2011. However, with the resumption of armed conflict in 2014, staff members of the NCCLHR in Libya were threatened. In October 2014, the Office of the High Commissioner for Human Rights expressed serious concern about reports of threats and intimidations against the National Human Rights Foundation of Libya, known as the National Council for Civil Liberties and Human Rights (NCCLHR).
- ❖ Ravina Shamdasani, spokesperson for the Human Rights Office in Geneva, told a news conference that a number of staff members of this council received alarming threats on 13 and 14 October. She said, ‘A staff member received a threatening phone call from a person claiming to represent the ‘Operation Libya Dawn’ brigades. The employee left Tripoli immediately. Also, a group of gunmen stormed the headquarters and demanded the keys and official stamps. The staff members refused to comply with the demand. On a separate visit, gunmen sought to question a number of senior officials of the office who were not there at the previous visit.’

- ❖ The Office of Human Rights called on all parties to immediately cease such threats and intimidations and allow the Council to carry out its activities in an independent manner free from harassment or other hostile actions, saying, *‘Independent national human rights institutions are useful for the protection and promotion of human rights at the national level. They are the cornerstone of the national protection system.’* The Office reiterated its call for those responsible for human rights violations and abuses to be brought to account under international and Libyan laws.
- ❖ Since then, the NCCLHR has not been renamed and given its budget. It was about to split just like other national institutions in the country, which were affected by civil war and armed conflict. Accordingly, there have been calls for the NCCLHR to be empowered to function in accordance with the law that provides for its creation. Despite government promises to restructure it, this important step has not yet been taken because of political division.

Peaceful communities in which no one is marginalized

Question 25

What actions has your country taken in the past five years to establish and maintain peace and to promote peaceful communities in which no one is marginalized for sustainable development and implementation of the Women, Peace and Security Agenda?

Answer

- ❖ **Over the past years, the authorities intensified their efforts for national reconciliation.**
- ❖ The main objectives of these efforts are the consolidation of community peace, ending the situation of mass displacement resulting from conflict, and the consequences of internal displacement, such as poverty, marginalization and discrimination of hundreds of thousands of people. On top of these efforts is the reconciliation between the town of Misrata and the town of Tawergha. The reconciliation agreement was adopted by the local administration of Misrata and Tawergha and the Presidential Council of the Government of National Accord.
- ❖ The reconciliation resulted in the return of some residents of Tawergha to their homes after six year of displacement.
- ❖ The return process was protracted and encountered hurdles for one year and a half, prompting human rights organizations, such as Human Rights Solidarity to demand the removal of obstacles that prevent rapid and direct return of all displaced persons.⁶¹
- ❖ Efforts also included reconciliation between the tribe of Ulad Sulaiman and the Qadhafis tribe. This represents an extension of the reconciliation efforts made between 2012 and 2014, which included reconciliation between the Ulad Sulaiman tribe and the Tubu tribe in 2014. Municipal councils, tribal elders and families were involved in these endeavours.

Question 26

What actions has your government taken in the past five years to promote women’s leadership, representation and participation in conflict prevention, resolution, peace-building,

⁶¹ <https://www.libyaakhbar.com/libya-news/586126.html>

humanitarian action and crisis response at decision-making levels in situations of armed conflict and other conflicts and in fragile or crisis-prone areas?

Answer

During the political negotiations aimed at achieving peace and ending the second Libyan civil war that broke out in 2014, known as the Skhirat (Morocco) negotiations, in the winter of 2015, official and UN-based negotiators in charge of designing negotiating tracks, took timid steps to promote and support meaningful participation of Libyan women in those negotiations. The participation of Libyan women in the first such experience in peace negotiations prompted many arguments between supporters of the experience and its achievements, who considered it a pioneering experience in the Arab region, and the critics of that experience, who considered it as a failure that did not go beyond quantitative representation.⁶²

Promoting women's meaningful participation in peace processes and the implementation of peace agreements⁶³

The rosy image presented by Libya at the beginning of the revolution was followed by a series of crises that affected Libya's image in the eyes of its citizens and the world. The country was affected, as all brewing conflicts, which kept under control by oppression and tyranny, broke out suddenly. Day by day, there was an increase in political wrangling, political immaturity, collapse of state authority, spread of weapons, assassinations, abductions, demands imposed and resolved by force, outbreak of war, division of the country between two legislative bodies and two governments, division of political institutions by allegiances, signs economic collapse, humanitarian tragedy of displaced persons. The Libyan society did not know how to resolve all these problems. There were no quick solutions. Successful countries are those that able to set up clear mechanisms to achieve social peace. Therefore, Parliament, as the internationally recognized legislative authority, requested the intervention of the United Nations Support Mission in Libya (UNSMIL) to find a way out. The answer was the Libyan Political Dialogue under the supervision of UNSMIL mediated by the Special Representative of the UN Secretary-General, who started his mission on 29 September 2014 in Ghadames.

Libyan women's experience in political dialogue:

International legal context: The UN Security Council adopted several resolutions to define the mandate and terms of reference of UNSMIL, the most important of which is Security Council resolution 2009/2011, which affirmed Security Council Resolution 2000/1325 and subsequent resolutions on women, security and peace, and condemned sexual violence, in particular against women and girls, and stressed the importance of promoting full and equal participation of women in discussions on the post-conflict political process. It emphasized the awareness of the Libyan authorities about the promotion and protection of human rights and their compliance with international obligations, including international humanitarian and human rights law, and called for those responsible for violations, including sexual violence, to be held accountable in accordance with

⁶² Zahra Langhi. The Libyan Political Agreement Seen Through the Human Rights Perspective. 24 February 2016. <https://www.legal-agenda.com/article.php?id=1431>

⁶³ This section on the participation of women in peace processes was prepared by Naima Jibril, a member of the peace negotiations (Political Dialogue) in what is known as the Skhirat negotiations.

international standards. Subsequently the Security Council passed Resolution 2012/2040, which mandated UNSMIL to provide advice, support and assistance to Libyan efforts in full conformity with the principles of national ownership in identifying priorities and needs to promote women's empowerment and political participation in the democratization process and to promote, monitor and protect human rights in accordance with international legal obligations, in particular the obligations relating to women.

Extent of the commitment of UNSMIL and implementation of these resolutions regarding the participation of women in the Libyan political dialogue:

- The dialogue included representatives of both legislative bodies, the Parliament and the Congress. The selection was made by ballot. The Parliament delegation was composed of four male members. Unfortunately, the only female Member of Parliament who ran was not elected. It included four members of parliament and independents, including only two ladies who represented women and civil society, in addition to the members of the Congress delegation. Thus, the percentage of women participating in the dialogue was 20% of all participants in the dialogue, and 40% from civil society and independents.
- Regarding women councillors, the delegation of the General National Congress was accompanied by only one woman member of the Congress as an observer in 2 out of 16 rounds of dialogue before the signing of the final agreement.

The mechanism of dialogue includes:

The Formal Track: Only two women participated in the formal track. Despite enormous challenges, women's presence around the negotiating table was strong and effective. It was based on a three-pronged approach:

- **First**, peace-building strategies cannot be fully realized if half of society is not actively involved in their design and implementation. Hence, the legitimacy and sustainability of peace would be at risk.
- **Second**, the full participation of women is not only a matter of rights in peace-building. Women are partners in the resolution and settlement of conflicts. Peace is not just a cease-fire and the cessation of violence, but a comprehensive process and commitment to human rights in the post-war period.
- **Third**, the structure of peace-building must provide for women's empowerment, equality of rights and responsibilities, equal opportunities and access to resources for development to be achieved.
 - The women's view of achieving peace was as a comprehensive process within the society. The participation of women was not limited to women's issues and demands. Women were participants and decision makers in negotiating the agreement and its contents to develop it and amend it. Their efforts in building consensus were especially valuable in reconciling views. There was truly a desire to reach an agreement. There were successes and failures.
 - Women succeeded in including in the preamble to the political agreement:
 1. Emphasis on the important role of women in conflict prevention, resolution and peace-building, the importance of their contribution to all efforts to resolve the Libyan crisis and the need to increase their role in decision-making and participation in the political process.

2. At the heart of the principles, emphasis on equality among Libyans in the enjoyment of civil and political rights, equal opportunities and the rejection of any discrimination among them.
3. Full compliance with Security Council resolutions, including Resolution 2000/1325 on women, security, peace and subsequent resolutions.
4. Regard the Government of National Accord, observance of the principles of competence, non-discrimination and fair representation of women in the selection of its members.
5. The commitment of the Government of National Accord to set up a Women's Support and Empowerment Unit, under the authority of the Presidential Council, to meet the needs of women and girls through community peace and sustainable development on the basis of the principles of citizenship, equality of rights, responsibilities and opportunities, non-discrimination, combating all forms of violence and discrimination against women, participation in the political process and empowerment of women in decision-making centres. The Unit is a technical advisory body specialized in women's affairs, under the authority of the Presidential Council, with legal personality and an independent budget. It has an institutional structure, which is a reference for all state institutions concerned with the formulation of public policies and the provision of technical support in integrating women's needs into policies, strategies and action plans.
6. The right of Libyan women to move freely throughout the country and abroad. No action may be taken with a view to restricting the freedom of movement of any person except in accordance with the law and by order of the competent authorities.
7. Provision in the security arrangements for the representation of men and women of local communities in the committees in charge of monitoring and implementing security arrangements. There were failures:
 - Provision that Islamic law is the source of all legislation and all that violates it is null and void, as one of the principles governing the Agreement.
 - Failure to include a quota for women (positive discrimination) in government, councils, bodies, and committees emanating from the Agreement.

Government of National Accord: No confidence was granted to form two governments, the first included only two women ministers and the second one woman minister and three women junior ministers.

- The participation of women in the formal track was expanded after the preliminary agreement was signed in June 2015 by the inclusion of three women nominated from the members of the informal women's track.
- There are tracks in support of the Libyan political dialogue (the formal track), which are the municipalities path, all of them men, and the parties' and political figures' track. Three women out of a total of 20 members were part of these tracks.

The Informal Track: The second track of the UN Mission (Women's Track) aims to support Libya's political dialogue. It includes about 40 women from different backgrounds representing women's groups, political activists and women activists from across Libya who promote and sustain a peaceful solution to the conflict in the country. Libyan women made their voices heard in the dialogue. Their demands focused on:

1. The right to participate in political and public life guaranteed by the Constitutional Declaration in Article 6 thereof. However, in reality, their aspirations for normal representation and full participation are not met. Therefore, they demand the adoption of measures, such as positive discrimination, to obtain their rights.
2. At least 30% of representation of women in the Government of National Accord and the High Council of State and all bodies and committees provided for in the Agreement and emanating from it.
3. Protection of women from displacement in accordance with the requirements of human rights, international humanitarian law and Security Council Resolution 2000/1325.
4. The appendix relating to the Constitutional Amendment should be more explicit in its wording so that the rights of both men and women are expressly provided for.

After the signing of the preliminary agreement, drafts were presented to them for study and review and amendments that reflected their struggle at home. They spoke with all the parties discussing the agreement. Then, their amendments were conveyed by representatives of women to the negotiating table.

Lobby

A lobby was formed after the signing of the Libyan Political Agreement to enable women to access decision-making positions. The lobby comprised 20 women from various parts of Libya. It sought to exercise pressures on the Presidential Council to appoint women in the Government of National Accord as ministers and deputy ministers.

Women's Forum:

After the successful participation of Libyan women in the political dialogue, the transmission of women's vision to the peace negotiators, and the successful integration of the needs of women in the terms of the Libyan Political Agreement signed on 17 December 2015 in Skhirat, Morocco, Libyan women from around the country rallied on 7 November 2015 to unite their forces for peace and launched the Libyan Women's Document for Peace and Security. This document is based on a human rights approach to development.

- Why this Platform?

1. To meet and address the dangers of armed conflict and terrorism and the spread of extremist ideology that hinder the building of the civil state on the foundations of democracy and social peace and the establishment of security and stability.
2. To face the significant decline in women's rights in accordance with international standards.
3. To face the exclusion of women from decision-making circles.
4. To face the culture of discrimination against women.
5. To face the low participation of women at the political, economic and cultural levels.
6. To promote fundamental principle in peace-building.

This platform includes the main objectives and issues of women in Libya, which focus on seven main themes and the challenges facing Libyan women in the process of building peace and social peace:

1. The security situation.

2. Issues of IDPs and Displaced Persons.
3. Violence against Woman.
4. The media.
5. The economic situation.
6. Transitional justice and national reconciliation.
7. Women's rights in the Constitution and political participation.

- They also include the demands of Libyan women from the text of the resolution and the international community.
- The second meeting of the Women's Forum was held in Tunisia as part of the Second Conference of the Libyan Women's Agenda for Peace under the theme *'Together We Make Peace'* to develop strategies for joint action. The delegates also launched a national campaign to promote peaceful coexistence under the theme *'Libya's Peace Campaign'*. A committee of women from different towns was selected to facilitate and supervise the work and launch the campaign.

Analysis of achievements:

Positive impact of participation in the Formal Track:

This track was based on efficiency rather than integration. The participation of women in political dialogue was a great victory achieved in the least favourable conditions for political empowerment:

8. Attendance indicators, new performance, active discussions and outputs for women.
9. Contribution to an environment conducive to reconciliation and dialogue to move forward with discussions.
10. Substantive media participation to highlight the course and rounds of dialogue.
11. Networking during the dialogue to ensure its success.
12. Expression of the interests of the national community in achieving accord, reconciling the views and actual desire to reach an agreement.
13. Three women signed the Libyan Political Agreement (Skhirat Agreement). The participation of Libyan women in the political dialogue was the first of its kind in the Arab world in national conflicts. It was also the first time that a national agreement was signed under the auspices of the United Nations. Between 1990 and 2018, women accounted for only 5% of signatories of peace agreements, and only 8% of all negotiators, according to the US Department of State study *'Women's Participation in Peace Operations'*.

The Informal Track: The women's track (political movement) was strong, in particular with regard to the action of civil society.

- The Women's Track produced associations that raised awareness of the concepts of peace, dialogue and capacity building.
- A lobby was formed to promote women's access to decision-making positions (in the formation of the government).
- The lobby tried to influence the Presidential Council for the appointment of women in government as ministers and decision-makers. It held several meetings with members of the Presidential Council to advocate the involvement of women.
- The concept of peace was expanded to include community initiatives.

- The development of the Women’s Document for Peace and Security reflects a common position of many women.
- Participants in the dialogue recognize that peace is not just a cease-fire and the cessation of hostilities, but a comprehensive political process, a commitment to human rights in the post-war period for transitional justice and national reconciliation.
- Resolution 1325 was adopted as an advocacy tool for promoting women’s rights in conflict situations and post-conflict situations.

Gaps in achievements:

Political dialogue (formal track):

1. Lack of good preparation by the United Nations for support, transparency and inclusiveness.
2. Absence of standards to be applied by UNSMIL.
3. The political process is a strategic and national process. It is not important to talk about gender, which is related to the culture that belittles women’s ability to perform political work.
4. The rounds of dialogues were almost exclusively dominated by men.
5. Division among women at the dialogue table when dialogue was expanded. Participation of women members from the informal women’s track.
6. Women’s influence in the dialogue process was average. Outputs relating to women in the preamble, governing principles, equal citizenship and mechanisms were general references on equality. There were no strict commitments to women’s participation. However, the participation of women created a new balancing factor in Libya’s political process through interventions and themes, whether related to women’s issues or the issues that were raised in the Accord.
7. The choice of women as interlocutors was challenged. This affected the dialogue. There was a gap between the ambition of our commitment as interlocutors and political support and the feminist movement.

Informal Track (Women’s Track):

1. Lack of effective participation of displaced women and migrant women.
2. The informal political movement, especially in the area of community action and civil society institutions, was strong but did not free women from the cycle of political conflicts, regional, ethnic and tribal divisions and lead them towards response to the needs of society as a whole, for lasting peace and security. Another flaw is extreme polarization and mistrust.
3. The focus was on political dialogue: the official track. There was no focus on the second track, which is women’s track and their role in local communities.
4. Women participants do not have the skills of dialogue, negotiation and the capacities to resolve conflict and build peace. Their role, therefore, was more symbolic than objective.
5. Many women were appointed through mediation and reconciliation efforts in local communities and were neglected. It was necessary to broaden the track so as to cross the boundaries of elites and include displaced women.
6. Lack of training for women in building alliances and strategic communications and mediation.
7. Absence of a strong women’s network of peace activists, peacemakers of both genders.

8. Lack of a long-term strategy to support the capacity building of women's networks to participate in peace-building processes.

Obstacles and Challenges

1. Male mentality.
2. Negotiations take place behind the scenes; talks are held after the rounds of dialogue without the presence of women.
3. Women stakeholders are divided on key issues and lack a collective voice because of party or regional allegiance, as it is stronger during the course of dialogue.
4. Violence and power struggles affect mobility and programmes because of fragile security.
5. Increased conservatism and extremism.
6. The involvement of women is not considered a priority; questioning the legitimacy of the peace builders, which is considered a military and security issue, which does not concern women; exclusion of women from the negotiating table.

Women's initiatives and contributions in national and local reconciliation

At another level in the context of official efforts to resolve a number of regional conflicts, official bodies, including state employees, interacted and encouraged voluntary initiatives launched by some women leaders for mediation. Some women launched voluntary mediation initiatives between Misrata and Tawergha. These efforts managed to achieve a significant measure of reconciliation. Locally, women leaders launched voluntary initiatives to negotiate with some armed groups. Women from the south also contributed to reconciliation between the Qadhafi and Ulad Sulaiman tribes. A group called *Min Adjlika Libya* (For You, Libya) was established. In addition to the Women Peace-Makers Project in Gharyan.⁶⁴ All these initiatives were launched despite the obstacles they faced. Some of these initiatives for mediation were ignored by some members of local councils, dignitaries and members of armed groups who refused to interact and meet with mediators simply because they were women. These initiatives proved beyond doubt that public space needs the contribution of women in mediation and peace. The government included a female member in the Advisory Committee for National Reconciliation.

Women's rights defenders

Women's rights defenders are still not protected by the state because of the vulnerability of emerging state institutions in the face of security deterioration, even though women are exposed to all forms of attacks. Women's rights defenders were widely attacked. Many women leaders or various trends were assassinated. Ms. Salwa Bougaighis, a women's rights activist and lawyer were assassinated on 25 June 2014. Ms. Fariha Al-Barkawi, a member of the General National Congress from Derna was killed on 17 July 2014. Ms. Sabah al-Haj, a member of the House of Representatives, was assaulted in Tobruk on 6 February 2016. Ms. Siham Serkiwa, a member of the House of Representatives, was verbally attacked at Tobruk Airport. In addition, male activists who contributed

⁶⁴ The Libyan Women's Forum for Peace documented the contributions of women to local and national mediation and peacemaking. In this context, it launched a campaign entitled '*Peace Mediators*', which produced documentary media programmes entitled '*Peace Mediators*' in 2019. <http://alwasat.ly/news/libya/237264>

to the advancement of women's issues were assassinated. In a statement issued in July 2017, Amnesty International declared:

Libyan women activists, bloggers and journalists are increasingly being silenced as they face gender-based violence in the form of physical assault, abductions and sexual violence. Despite repeatedly reiterating their commitment to respect human rights, Libyan authorities are failing to protect women from gender-based violence at the hands of militias and armed groups and to ensure that they are able to express themselves freely. Amnesty International's research reveals that women who dare to speak out against corruption or the predations of militias or the Libyan National Army face specific, gender-related risks, including gender-based violence.⁶⁵

The assassination of Member of Parliament Fariha al-Barkawi in the town of Derna, and prominent human rights defender Salwa Bugaighis in Benghazi June 2014 had a chilling effect on other women. Many women human rights defenders were forced to withdraw from public life, leave Libya or relocate to other areas in the country. The failure to launch an effective investigation into these killings or to hold anyone accountable has contributed to the prevailing vicious circle of violence, as demonstrated by the assassination of local activist Entisar El Hassari in Tripoli February 2015. Although the Libyan authorities have publicly committed to investigating the assassinations, no one has yet been held to account⁶⁶. Several women activists reported that they had been under pressure to abandon their roles in public life. A female human rights defender reported receiving several phone calls from armed groups warning that she and her children would die if she continued to write about women's rights. She left the country with her family. Another woman rights defender and lawyer who participated in a general discussion on women's rights, received phone calls and anonymous text messages warning her that she would be abducted and killed.⁶⁷

Question 27

What actions has your government taken in the past five years to strengthen judicial and non-judicial accountability for violations of international humanitarian law, violations of women's and girls' human rights in situations of armed conflict and other humanitarian actions and responses to crises?

Answer

Combating illicit arms trafficking

❖ **The government took measures to increase the access of women affected by conflict, women refugees or displaced women to violence prevention and protection services. Measures**

⁶⁵ <https://reliefweb.int/sites/reliefweb.int/files/resources/MDE1986572018ARABIC.pdf>

⁶⁶ <https://reliefweb.int/sites/reliefweb.int/files/resources/MDE1986572018ARABIC.pdf>

⁶⁷ Report of the United Nations High Commissioner for Human Rights on the human rights situation in Libya and related technical support and capacity-building needs.

included indirect actions to combat illicit arms trafficking. But these measures remain insufficient and did not result in the elimination of the threat of the proliferation of illicit arms trafficking.

- ❖ Libya, society and government experienced an unprecedented pattern of proliferation and trafficking in illicit arms. After the collapse of absolute personalistic rule, many parties took over the regime's vast arsenal of weapons. This was immediately followed by an ongoing process of arms trafficking involving many parties. The proliferation of the illicit arms trade has been a pillar of the war economy that emerged since the beginning of the transitional period and which continues to exist.
- ❖ In the face of this situation, concerted efforts were made by officials and tribal dignitaries, families and members of civil society organizations, men and women, at the local level in a large number of towns and villages in Libya, to persuade members of armed groups and militias to surrender their weapons and leave armed groups. This has indirectly contributed to countering the illicit arms trade.
- ❖ **Human rights organizations filed lawsuits against some organized crime groups engaged in human trafficking.**⁶⁸
- ❖ In the face of human trafficking, especially women and children trafficking, the government has coordinated with the international community to combat smuggling effectively and to combat organized crime. The government made efforts to end conflicts in the south because organized crime groups fuel these conflicts to control smuggling routes and take advantage of this situation.⁶⁹
- ❖ The Government of National Accord made efforts to control the southern border by concluding agreements with neighbouring countries. It also concluded agreements with Italy and the United States.
- ❖ The Anti-Illegal Immigration Office was established to combat this phenomenon.
- ❖ The confrontation of organized crime groups helped reduce human trafficking, especially through Sabratha.⁷⁰ In addition, a number of Libyan figures linked to smuggling have recently been punished. This has deterred others. According to the head of Anti-Illegal Immigration Office in Sabratha, the number of immigrants decreased by about 80% and Sabratha played a major role in combating all types of smuggling operations.⁷¹

⁶⁸ Al-Quds Al-Arabi newspaper, 23 June 2018.

<https://www.alquds.co.uk/%EF%BB%BF%D9%84%D9%8A%D8%A8%D9%8A%D8%A7-%D8%AA%D8%B5%D8%A7%D8%B9%D8%AF-%D8%B8%D8%A7%D9%87%D8%B1%D8%A9-%D8%A7%D9%84%D8%A5%D8%AA%D8%AC%D8%A7%D8%B1-%D8%A8%D8%A7%D9%84%D8%A8%D8%B4%D8%B1-%D9%88%D8%A7/>

⁶⁹ <https://www.alquds.co.uk/%EF%BB%BF%D9%84%D9%8A%D8%A8%D9%8A%D8%A7-%D8%AA%D8%B5%D8%A7%D8%B9%D8%AF-%D8%B8%D8%A7%D9%87%D8%B1%D8%A9-%D8%A7%D9%84%D8%A5%D8%AA%D8%AC%D8%A7%D8%B1-%D8%A8%D8%A7%D9%84%D8%A8%D8%B4%D8%B1-%D9%88%D8%A7/>

⁷⁰ <https://www.alquds.co.uk/%EF%BB%BF%D9%84%D9%8A%D8%A8%D9%8A%D8%A7-%D8%AA%D8%B5%D8%A7%D8%B9%D8%AF-%D8%B8%D8%A7%D9%87%D8%B1%D8%A9-%D8%A7%D9%84%D8%A5%D8%AA%D8%AC%D8%A7%D8%B1-%D8%A8%D8%A7%D9%84%D8%A8%D8%B4%D8%B1-%D9%88%D8%A7/>

⁷¹ <https://www.alquds.co.uk/%EF%BB%BF%D9%84%D9%8A%D8%A8%D9%8A%D8%A7-%D8%AA%D8%B5%D8%A7%D8%B9%D8%AF-%D8%B8%D8%A7%D9%87%D8%B1%D8%A9-%D8%A7%D9%84%D8%A5%D8%AA%D8%AC%D8%A7%D8%B1-%D8%A8%D8%A7%D9%84%D8%A8%D8%B4%D8%B1-%D9%88%D8%A7/>

Protect, preserve and restore the environment

Question 29

What actions has your country taken in the past five years to integrate gender perspectives and concerns into environmental policies?

Answer

Overall, it may be argued that the environment sector has not received its fair share of attention.⁷² This results from the absence of clear policies to implement the conventions that Libya signed and those it ratified, notably the United Nations Convention on Biological Diversity, and the United Nations Framework Convention on Climate Change. In this context, many agreements have not been complied with on the ground, though there have been attempts to focus on the institutional framework. Indeed, environmental institutions were established, such as the *Environment General Authority* (EGA). Also, the focus has been on the legislative side as some bills or amendments have been submitted. But these have not been passed yet. In addition, the strategies on environmental issues have not been completed, particularly as regards the implementation of some of these conventions, including but not limited to the Convention on Biological Diversity.⁷³

Regarding the assessment of Libyan government efforts to integrate a gender perspective into environmental policies, it may be said that no clear efforts have been made in this matter over the past five years. However, there have been attempts to revise some visions and strategies developed before 2011, including the Vision 2025, prepared by the Centre for Research and Consultations at the Research Centre of the University of Garyounis-Benghazi, which was commissioned by the National Planning Council in 2007. This document included, among the sectors targeted for reform, the environment sector.⁷⁴ The General Planning Council again revised this Vision in 2013 and 2014, which was amended as Libya's Promising Vision 2030, which also included the environment sector.

This vision focused on the environment as one of the most important strategic perspectives and overall objectives. It emphasized, according to this perspective, the importance of maintaining a clean, healthy and sustainable environment.⁷⁵ Because of the war that broke out in most Libyan towns and the political divisions that resulted in the multiplicity of governments in Libya since 2014, this vision has not been concretised or translated into policies or action programmes. The gender perspective in the formulation of the vision was reflected only within the concept of citizenship and community participation in dealing with all the issues covered by this vision.

⁷² This section on the environment and gender policies was prepared by Pr. Amal Al-Obaidi, a faculty member at Benghazi University, Faculty of Political Science.

⁷³ **Fourth National Report on the Implementation of the Convention on Biological Diversity**, Tripoli: Environment Public Authority, 2010

⁷⁴ National Planning Council, Centre for Research and Consultations, Qaryounis University, **Libya 2025 Prospective Vision: A Culture of Advancement and Sustainable Development**, Summary of the Final Report, June 2008.

⁷⁵ **Libya's Promising Vision 2030: We Trust our Ability to Build our State**, 2013-2014, unpublished version. pp. 18, 24.

The same applies to other proposed programmes, i.e. the National Strategy for Sustainable Development (2008), issued by the Environment Public Authority, the National Environmental Reform Programme, the National Environmental Strategies for the Third Generation Plans 2005-2025, prepared by the Environment Public Authority, the Draft National Strategy, the Action Plan for Biodiversity Conservation (2009) and the National Biosafety Framework in Libya. The Global Environment Facility (GEF) was supposed to support the Government of Libya to implement this project to enable it to develop a national biosafety framework. An overall amount of USD 1,858,100 was allocated to this project. This support was supposed to help develop a biosafety law and implementing regulations, as well as public awareness and participation.⁷⁶ As with other environmental projects, this one was interrupted as a result of political changes in Libya, not to mention the civil war, political divisions which in turn contributed to the division of the Libyan state institutions and affected the institutional performance of many sectors, including the environment sector.

On the whole, Libya needs to re-activate, review and implement all these programmes, visions and strategies. It also needs to place a gender perspective within the priorities of those programmes. However, this requires the re-unification of the various institutions so that they fulfil their commitments to the policies and programmes proposed at different time periods.

Raising awareness about environmental and health risks, in general, and the focus on gender, have become part of the activities of civil society. Some civil society organizations have organized awareness lectures for secondary school students on recycling. They also organized training courses on the protection of school environment and the gender environment (such as consumer products, technologies, and industrial pollution). In this context, in some civil society organizations concerned with environmental issues, the majority of the founding members are women. It seems that the main activities of these institutions deal with the promotion of environmental awareness, especially among women and youth. Some of these organizations suspended their activities, especially in areas of conflict, as a result of the situation of the country.

According to the report of the Commission of Civil Society in Libya, the total number of civil society organizations as at the end of 2016, was about 4,626. Most of these organizations work in the areas of charity, social service, culture, arts, law and human rights. The number of organizations concerned with environmental issues is 103, i.e., 2.2%.⁷⁷

Overall, government programmes in the past five years, in the environmental field, solely focused on studies and awareness campaigns, especially those conducted by the General Environment Authority and the National Oil Corporation (NOC). Complaints about the NOC were made because of pollution problems in some oil fields operated by this company. There were even threats to shut off some oil fields. Besides, The National Oil Corporation (NOC) sponsored many conferences and workshops on environmental and sustainable development issues.

⁷⁶ **Convention on Biological Diversity: Report of the Global Environment Facility**, tenth meeting of the Conference of the Parties, Nagoya, Japan, 18-29 October 2010, pp. 25, 114.

⁷⁷ Salem Al-Maadani and Bassam Aisha, **Report on the First Statistical Analysis of International Organizations Registered with the Commission, Benghazi**, Commission of Civil Society, 2018, pp. 15-17

According to the Report of the Commission of Civil Society in Libya on the statistical analysis of international organizations registered with the Commission, the 61 international organizations working in Libya deal with development and capacity-building (32%), relief programmes (14%), support to civil society (11%) and other activities. Thus, there is a lack of interest in environmental issues in the activities of these organizations.⁷⁸

With regard to promoting the education of women and girls in science, engineering, technology and other disciplines related to the natural environment, according to the statistics of registration and study offices in some Libyan universities, the rate of women's enrolment in some scientific departments, some of which dealing with environmental issues, reached 60% of the total number of students.

In this context, the University of Sebha in southern Libya opened the first department for environmental studies in Libya in 1976. This department was the nucleus for the creation of the Faculty of Environmental Sciences. It ensured the teaching of some environmental courses in some departments of science faculties, such as the colleges of botany and engineering, including oil engineering. Libyan universities are recent. They established environmental science faculties, such as the Faculty of Natural Resources and Environmental Sciences at the Universities of Tobruk and Derna in eastern Libya. In 2018, a Renewable Energies Department was established at the University of Omar Al-Mukhtar in Baydha, at the Faculty of Natural Resources and Environmental Sciences. In this regard, most Libyan universities are interested in teaching courses on the environment and its various issues. However, there is a lack of practical courses in curricula studied and funded by universities. Individual programmes are taught by some faculty members of both genders, especially in the field of scientific research. Many research courses are taught for obtaining degrees at the levels of bachelor's or master's degrees, or for the promotion of faculty members of both sexes.⁷⁹

'Women's presence is highly visible in universities and higher institutes, in faculties and departments related to the environment, in the faculties of engineering, science, agriculture and natural resources, as well as in the departments of zoology, botany, forestry and pasture. In addition, they are also present in recent sections dealing with environmental studies. Many specialties that attract female students have been opened. For example, the number of female students in the Libyan Academy in the Department of Environmental Engineering Sciences of Benghazi reached 108 during the academic year 2018-2019 out of a total number of 266 students, i.e. 41% of the total number of students.'⁸⁰

In the field of oil, despite the increasing number of female graduates from Libyan universities, especially in the areas of science and technology, the proportion of women working in the oil sector is very limited. In some universities and institutes specializing in this area, the rate of

⁷⁸ Bassam Mustafa Aisha and Mohamed Mohamed Bousnina, **Report on the First Statistical Analysis of International Organizations Registered with the Commission**, Benghazi, Commission of Civil Society, 2018, pp. 9-11.

⁷⁹ Dr Yacoub El-Baraasi, Faculty Member, Botany Department, Faculty of Science, Benghazi University, Head of the Environmental Science and Engineering Department, Libyan Academy, Benghazi Branch. Telephone interview 26 May 2019.

⁸⁰ Dr Yacoub El-Baraasi, Faculty Member, Botany Department, Faculty of Science, Benghazi University, Head of the Environmental Science and Engineering Department, Libyan Academy, Benghazi Branch. Telephone interview 28 May 2019.

enrolment of male students is higher than that of female students. The reasons for this lower rate of enrolment include the location of these universities far from densely populated areas and the lack of logistical resources, such as transportation, or the availability of university housing for female students. One of the most prominent universities is the Bright Star University, which is the first technical university for the oil sector in Libya. Female students in this university are mostly found in the Departments of Engineering Management, Accounting, Management, Technology and the Faculty of Engineering Sciences.

The contribution of women to scientific research on the environment is remarkable, as highlighted in the conferences on the environment and sustainable development organized during this period of evaluation, including the Fifth Scientific Conference on Environment and Sustainable Development in Arid and Semi-arid Regions organized in the University of Ajdabiya in 2018 with the support of the National Oil Corporation,⁸¹ as well as the First Academic Conference on Economics and Business Studies: Recent Trends in Economic Science and their Role in Sustainable Development.⁸²

Overall, as part of the evaluation of the role of women in the environmental field, in addition to assessing the government's performance towards mainstreaming a gender perspective into environmental policies, the following observations can be made:

1. The legislative framework: Law No. 7 of 1982 on the protection of the environment is one of the most important laws aimed at protecting the environment in which man and all living things live. Despite the multiplicity of laws and legislations, the implementation of these laws remains limited.
2. Environmental conditions in Libya are generally poor. Current mechanisms and policies are not up to the required level of response to the rapid changes, the environment situation resulting from the armed conflict and civil war, the consequent displacement of population, the destruction of infrastructure, and the deterioration of the humanitarian situation. There is a need for policies for humanitarian response, healthcare, protection, water, sanitation, hygiene, shelter, non-food items, food security and response to refugees and migrants.⁸³
3. There is a need to review existing legislation in line with developments in environmental aspects and to highlight the gender perspective.
4. There is a need to finalize the development of strategies for many environmental issues and their translation into action programmes taking into account the gender perspective.
5. There is a need to develop and implement capacity building plans; integrate the concepts of international conventions into national policies and legislation; and benefit from the experience of other countries.
6. Lack of the technical aspect in the preparation of national reports in accordance with the criteria for a gender-sensitive analysis of scientific data.

⁸¹ Fifth Scientific Conference on Environment and Sustainable Development in Dry and Semi-Arid Regions, 23-25 July 2018, University of Ajdabiya, 2018.

<http://uoa.edu.ly/ar/%D9%83%D8%AA%D8%A7%D8%A8-%D8%A7%D9%84%D9%85%D8%25A>

⁸² First Academic Conference on Economics and Business Studies: Recent Trends in Economic Sciences and their Role in Sustainable Development, Misrata University, Faculty of Economics and Political Science, 29 October 2017.

⁸³ In particular, the report of the World Health Organization, Humanitarian Response Plan, December 2017.

7. Absence of gender mainstreaming, analysis of sex-disaggregated data, and lack of data and information on this aspect in all sectors, especially the environment sector.
8. The civil war and its aftermath contributed to the deterioration of the security situation and the increase in the number of displaced persons coming from areas of conflict; decline and absence of many services, including health services; impact of these conditions on education as a result of the destruction of many schools in some towns, including Benghazi, Derna and Sirte, and the use of schools as shelter for the displaced.

Question 30

What actions has your country taken in the past five years to integrate a gender equality perspective into policies and programmes to reduce the risks of disasters, increase climate resilience and mitigation?

Answer

- Support the participation and leadership of women, including those affected by disasters; reduce disaster risks; adopt climate change mitigation policies, programmes and projects; and mitigate climate change impact
- Strengthen the evidence base and raise awareness about the fact that women and girls are disproportionately vulnerable to environmental degradation and disaster impacts.
 - Promote women's access to disaster-related services, such as relief payments, disaster insurance and compensation.
- Adopt or strengthen and implement gender-sensitive laws and policies relevant to disaster risk reduction, climate resistance and mitigation (for example, disaster laws that address risks faced by women in the event of disaster)

See answer to Question 4 in Section II, to avoid repetition.

Section III: National Institutions and Procedures

Question 31

What is your country's current national mechanism for gender equality and women's empowerment? Please mention its name and define its status within the government.

Answer

Issue of Presidential Decree of the Government of National Accord No. 210 of 2016 establishing the Women's Support and Empowerment Unit, in accordance with Article 11 of the Libyan Political Agreement and under the authority of the Presidential Council. (A copy of the Decree establishing the Women's Support and Empowerment Unit is attached hereto)

Question 32

Is the Head of the national organ a member of the institutional process for the implementation of Sustainable Development Goals (e.g. offices, agencies or committees of inter-ministerial coordination)?

Answer

There is no national process for the implementation of Sustainable Development Goals yet. But decree was issued by the Presidential Council to establish a committee on the implementation of Development Goals chaired by the Minister of Planning, Mr. Tahir Al-Jahimi.

The sovereign decree appointing the Head of the Women’s Support and Empowerment Unit and her Deputy at the Presidential Council is recent. It is based on Presidential Council Decree No. 210 of 2016 establishing the Women’s Support and Empowerment Unit, provided for in the LPA, and Presidential Decree No. 1436 of 2018 issued on 24 October 2018 appointing the Head of the Women’s Support and Empowerment Unit and her Deputy.

The Women’s Support and Empowerment Unit carried out the following constituent steps:

- The organizational structure of the Women’s Support and Empowerment Unit has been designed to ensure specialized management for the implementation of the sustainable development goals, together with Goal 17: Strengthen the means of implementation and revitalize the global partnership for sustainable development.
- The terms of reference of all departments of the Unit have been defined.
- **Development and definition of criteria for selecting the staff of the Women’s Support and Empowerment Unit. The criteria include: proper conduct, skills, qualifications and practical experience depending on the division of the Unit.**
- Development of an executive plan of action and formulation of the objectives of this plan in accordance with SDG 5.
- Work is under way to establish Women’s Support and Empowerment offices in all sectors and institutions of the state and throughout the regions of Libya.

Question 33:

Are there formal mechanisms for various stakeholders to participate in the implementation and monitoring of the Beijing Declaration and Platform for Action and the 2030 Sustainable Development Plan?

Answer

Currently, there are no formal mechanisms. Decree No. 1436 was issued on 24 October 2018 appointing the Head of the Women’s Support and Empowerment Unit and her Deputy. One of the priority objectives formulated and defined is a road map to achieve gender equality through the implementation and monitoring of the Beijing Declaration and Platform for Action and the

Sustainable Development Plan in collaboration with government bodies, specialized research centres, civil society organization, the private sector, the United Nations system and other international organizations.

Which of the following stakeholders is officially involved in the national coordinating mechanisms established to contribute in the implementation of the Beijing Declaration and Platform for Action and the 2030 Sustainable Development Plan?

Beijing Declaration and Platform for Action:

- Civil society organizations
- Women’s rights organizations
- Academic circles and research institutions
- Religious organizations
- Parliaments / parliamentary committees
- Private sector
- United Nations system

Sustainable Development Action Plan 2030:

- Civil society organizations
- Women’s rights organizations
- Academic circles and research institutions
- Religious organizations
- Parliaments / parliamentary committees
- Private sector
- United Nations system

a) Does your country have mechanisms to ensure that women and girls from marginalized groups participate and highlight their concerns in these processes?

No

Please describe how stakeholders are contributing to the preparation of this national report.

This report was overseen by the Women’s Support and Empowerment Unit of the Presidential Council, which is the national mechanism for women’s affairs. Members of official institutions and independent experts also contributed in its preparation, with the coordination and technical support of the Economic and Social Commission for Western Asia (ESCWA), under the supervision of Pr. Zahra’ Langhi, First Social Affairs Officer. Contributing institutions included:

- The Ministry of Labour and Rehabilitation, under the direct supervision of the Minister, Mr. Mahdi El Amine.
- The Ministry of Social Affairs, under the direct supervision of the Minister, Fadhi Mansour Al-Shafi’i, and from the Technical Cooperation Bureau in this Ministry headed by Ms. Naima Ahmed, Director of the Technical Cooperation Bureau in the Ministry.
- The Office of the Minister of State for Institutional Reform, headed by the Minister Dr Iman Ben Younes.
- The Director of Planning and Strategy, Dr Ayman Al-Mahmoudi, at the Ministry of Education.

A number of Libyan women experts on women's affairs and gender equality from around Libya contributed to the report. The list of ladies and gentlemen included:

- Advisor Naima Jibril, member of the Political Dialogue and Peace Negotiations of Skhirat and former President of the Court of Appeal.
- Dr Jazia Jibril Shuaitir, professor of law at Benghazi University.
- Dr Amal Al-Obaidi, faculty member and professor of political science at Benghazi University.

Question 34

Are gender equality and the empowerment of all women and girls key priorities in the National SDG Implementation Plan/Strategy?

- Yes
- No
- There is no National SDG Implementation Plan/Strategy

Section IV: Data and Statistics

Question 35:

What are the first three areas in which your country made most progress over the past five years when it comes to gender statistics at the national level?

Overall, since the Gaddafi era, Libya has suffered from a lack of statistics.

- Issuing laws, regulations or statistical/strategic programmes that define the development of gender statistics
- Establish an inter-agency coordination mechanism for gender statistics (e.g., a technical working group and an inter-agency committee)
- Use more gender-sensitive data in policy formulation and implementation of programmes and projects
- Re-processing of existing data (e.g., censuses and surveys) to produce more disaggregated and/or new gender statistics
- Conduct new surveys to produce national background information on specialized matters (e.g., time use, gender-based violence, asset ownership, poverty and disability)

- Improved administrative or alternative data sources to address gender gaps
- Produce knowledge products related to gender statistics (e.g., user-friendly reports, policy briefs, research papers)
- Develop a database and/or a central online dashboard on gender statistics
- Participation in capacity-building to promote the use of gender statistics (e.g. training courses and seminars on statistical estimation)
- Other

Question 36

What are the first three priorities in your country in strengthening national gender statistics over the next five years?

Answer

- Design laws, regulations or statistical/strategic programmes that promote the development of gender statistics
- Establish an inter-agency coordination mechanism for gender statistics (e.g., a technical working group and an inter-agency committee)
- Use more gender-sensitive data in policy formulation and implementation of programmes and projects
- Re-processing of existing data (e.g., censuses and surveys) to produce more disaggregated and/or new gender statistics
- Conduct new surveys to produce national background information on specialized matters (e.g., time use, gender-based violence, asset ownership, poverty and disability)
- Increased use and/or improvement of administrative or alternative data sources to address gender gaps
- Produce knowledge products related to gender statistics (e.g., user-friendly reports, policy briefs, research papers)
- Develop a database and/or a central online dashboard on gender statistics
- Institutionalize dialogue mechanisms between producers and users

Build statistical capacity of users to increase statistical appreciation and use gender statistics (e.g., training courses and seminars on statistical appreciation)

- Other

Question 37:

Have you identified a national set of indicators to monitor progress with regard to sustainable development goals?

Yes

No

Yes, see annexes below relating to the Ministry of Education and Institutional Reform.

Question 38

Has data collection and compilation been initiated with respect to the indicators of SDG 5 and the indicators relating to other SDGs?

Yes

As noted above, the sovereign decree appointing the Head of the Women’s Support and Empowerment Unit and her Deputy at the Presidential Council is recent. However, the project we submitted for filling the position of Head of the Women’s Support and Empowerment Unit relates SDG 5: achieve gender equality and empower all women and girls, which was included in the Unit’s work plan in Libya, according to the following:

- Develop practical programmes to support and empower women in harmony with sustainable development goals by contributing to the achievement of sustainable development goals, particularly those relating to SDG 5 and the targets of this goal, i.e. achieve gender equality and empower all women and girls, through:
 1. Monitoring indicators of empowerment and contribution of Libyan women in several areas including:
 - Science and Technology. * Inventions and patents.
 - Scientific production in terms of publications and scientific and literary works in the fields of science and technology.
 - Human security and social protection. *Economic Empowerment. * Political empowerment.
 2. Monitoring gender indicators:

Indicators that are not solely based on biological differences between women and men, but also on cultural specificity and the social environment, i.e. according to the variables of time, space, culture and society; include the following:

- Comparing the calculation of gender indicators in the regions of Libya, and between Libya and some countries in specific years.
- Comparing the calculation of gender indicators in terms of their contribution to development in various areas: education, health, economy, labour, political participation, culture and literature.
- 3. Publication of the Gender Manual (measuring the gap between women and men).

4. Publication of the Guide to the Development of Libyan Women (measures the improvement in women's empowerment and the extent of their progress from employee to decision-maker).
5. Monitoring and evaluating the current reality of gender, i.e. quantitative and qualitative description of reality.
6. Statistical analysis on the basis of gender.
7. Raising awareness about important issues that emerge in society.

Management challenges:

- The concept of 'unit' is the smallest administrative division in the hierarchy of administrative levels in Libyan institutions, i.e., the lowest hierarchy of posts at administrative levels. This limits the competencies and powers and reduces the normative functions and responsibilities of the Women's Support and Empowerment Unit of the Presidential Council whose mission encompasses Libya and should be immune from any political tensions.
- The geographical area is vast. It is imperative to open three offices in three areas.
- The budget for the years 2018 and 2019 was not allocated, especially establishment expenses.

Technical challenges:

- There is no accurate database for women in Libya.
- There is no database for women working in Libya and civil society organizations.

We organized a meeting with Mr. Akila Saleh, Speaker of the Parliament, in the eastern region, and meetings in the eastern region in three towns (Benghazi, Bayda, Derna). We plan to go to the southern regions when the security situation stabilizes.

Question 39

Which of the following distributions⁸⁴ are routinely presented in the main surveys in your country?

- Geographic location
- Income
- Gender
- Age
- Education
- Social status
- Ethnicity / ethnic belonging*
- Migration status
- Disability

⁸⁴ As defined in A/RES/70/1, in addition to education and social status.

□ Other relevant characteristics in national contexts

* * *

Conclusion

Perhaps the main conclusion of this report is that Libya has taken serious steps in terms of women’s empowerment, gender equality and the implementation of the Beijing Declaration and Platform for Action, and that, in the light of the challenges and obstacles, these steps are exceptional achievements. It is clear from the report that progress has been made in most areas of gender equality and women’s empowerment. It is also clear that most of the progress that has been made is part of institutional policies and programmes and not just isolated steps. That is, progress and achievements are sustainable. It should be remembered that progress has been made, and that achievements have been made, during difficult years in which society had been exposed to armed conflicts and instability and women were at the top of those affected.

Without prejudice to the foregoing, much remains to be done. The list is too long. Therefore, we will only mention some top priorities for the next five years:

Strengthening the local perspective

❖ Regarding the approach, there is a need to strengthen the local perspective.⁸⁵ Over the past two decades, priority has been given to implementation of the Beijing Platform for Action at the ‘national level’ without adequate efforts at local levels. This resulted in uneven distribution of gains, marginalization of remote communities, and deepening of the gap between major towns and

⁸⁵ <https://www.legal-agenda.com/article.php?id=5547> Zahra’ Langhi on the occasion of the five-year review of the Beijing Platform for Action: The Need to Strengthen Local Perspective and Expand Partnership with Civil Society Organizations

remote areas. Implementation and review at the ‘local level’ was very limited and at times non-existent.

Expanding partnership with civil society organizations

- ❖ **There is a need to expand government partnership with civil society organizations in relation to women’s empowerment and gender equality.**
- ❖ When we talk about strengthening partnership with civil society, we mean bringing together the efforts of the government and civil society in all dimensions of the system of women’s empowerment and gender equality, and in shaping future priorities for achieving equality and empowering women.

Promote women’s participation in peace negotiations and local and national reconciliation and ensure that women’s participation is effective

- ❖ The need to integrate gender into all reconstruction arrangements.
- ❖ Ensure safe and dignified return of IDPs.

Access to justice and health services

- ❖ **There is a need to: ensure that victims of human rights violations, such as women, girls and children, have access to justice and medical and psychological assistance; and increase the level of integration of a gender perspective and gender equality in dealing with this issue.**
- ❖ In coordination with the United Nations Support Mission in Libya (UNSMIL) and the Office for the Coordination of Humanitarian Affairs (OCHA), the Ministry of Health should set up a committee of doctors, international experts, specialists from the Women’s Support and Empowerment Unit of the Presidential Council, and civil society organizations, whose role would include the following:
 - ❖ Assess the legal framework and services provided for medical assistance, including the rehabilitation of the mental health of victims of domestic violence, violence against women and violations of human rights.
 - ❖ Improve access to legal assistance services for victims
Provide medical centres, with the help of the local community and the participation of civil society organizations, including those that provide psychological assistance and rehabilitation services to victims, especially those most vulnerable to abuse: women, children, displaced persons, migrant women, asylum seekers and women refugees.

Reform of detention centres, including migrant detention centres

- ❖ **There is a need to reform detention centres, including migrant detention centres, and improve gender mainstreaming and gender equality in dealing with this issue.**
- ❖ It is imperative to cooperate with the Supreme Judicial Council and the Ministry of Justice in setting up a technical committee chaired by the Supreme Judicial Council under United Nations supervision, comprising judges and prosecutors from civil and military courts and independent observers from among Libyans lawyers chosen by UNSMIL. The task of this committee includes:
 - ❖ Survey and classification of all detention centres and determine the authority to which they belong (Ministry of the Interior/Army, outside the control of the judiciary);

- ❖ Classification of all detainees (women/men, civilians/military, adults/minors, pre-trial detainees, prisoner serving judicial sentence, detained without legal basis) to enable them to have a fair trial and to combat arbitrary detention.
- ❖ Establish a mechanism to classify and monitor the conditions of detainees, ensure access to them, allow them to be received and rehabilitated.
- ❖ Establish a mechanism for centres, for the purposes of classification, access to them, monitoring their situation and training their staff.
- ❖ There is a need to assess the law on prisons and the legislative framework governing the rules of detention in the Libyan Code of Criminal Procedure and to present a proposal to improve it in order to provide further guarantees regarding the duration of pre-trial detention, initial guarantees of detention and other fair trial guarantees.

Protection of migrants, refugees and asylum-seekers

- ❖ **There is a need: to take steps to release all persons detained for having attempted to cross into Europe and consider them as refugees; observe international commitments in this regard; raise the level of gender mainstreaming and gender equality in dealing with this issue.** These steps include:
 - ❖ Regulate the legal framework for the application of asylum rights through a transparent mechanism in line with Libya's constitutional, regional and international obligations;
 - ❖ Strengthen the legal protection of migrants who are victims of human rights violations inside and outside detention centres;
 - ❖ Develop a legislative framework that protects the legal status of those who wish to regularize their situation within Libyan territory for the purpose of work, according to the needs of the labour market.

Independence of the media

- ❖ **Protection of freedom and independence of the media by supporting the establishment of an independent constitutional media authority composed of independent members of both genders recognized for their expertise, competence and integrity and deepening gender mainstreaming and gender equality dealing with this matter.**
- ❖ The mission of this authority is to support the independence of the media, promote freedom of expression, combat hate speech and incitement to violence, armed extremism, violence and images offensive to women. This mission is necessary to support the role of the media as a space for democratic dialogue and to establish legal and ethical rules that guarantee freedom of expression, media pluralism, independence of journalists and the availability of quality information. This institution should provide a framework for the preparation of the upcoming electoral timetable to ensure the protection of women candidates who often face campaigns of provocation and defamation against them.

Strengthen the capacity of the national mechanism for women's rights and regulate the terms of references of national bodies in charge of supervising women's affairs and empowerment

- ❖ The need to allocate financial and human resources to the national mechanism for women's rights.
- ❖ The need to regulate the terms of reference of national bodies concerned with women's affairs.

- ❖ It is important to ensure diversity and achieve the desired function, while avoiding any overlap between the terms of reference of these bodies as stated in the Beijing Declaration and Platform.

Develop mechanisms for gender statistics

- ❖ **There is a need to develop mechanisms for gender statistics.**

Enable the national human rights mechanism

- ❖ **There is a need to empower the national mechanism for the promotion and protection of human rights: the National Council for Civil Liberties and Human Rights.**
- ❖ It is necessary to ensure that it has sufficient space to be able to perform its duties in accordance with Libyan law and the Paris Principles.

Consolidate the concept that violence against women is a public concern that has economic costs

- ❖ Violence against women is still perceived as a public concern and a phenomenon that is an economic burden on the state. However, the authorities are yet to be aware of this fact. Therefore, there is a need to heighten awareness of this issue.
- ❖ To date, Libya has no programmes to calculate the economic cost of violence against women. This includes the costs of physical and mental health care, accommodation in centres, housing, food, education and health support to women victims and their children in the event the husband abandons his wife, especially if she has been subjected to economic violence.
- ❖ In 2017, Solidarity for Human Rights said in a statement that about half the women who suffered violence were affected, about 74% of them suffered from depression, while 26% were in need of treatment.⁸⁶

⁸⁶ <https://www.libyaakhbar.com/libya-news/497826.html>

ANNEXES

Statistics on workers of both genders in the ministries of the Government of National Accord, 2018

Statistics on women working in the State of Libya in and outside the administrative system, private sectors and companies, 2019

Vision of the Ministry for Institutional Reform and Restructuring, 2017

Law No. 1 of 2018 amending some provisions of Social Security Law No. 13 of 1980

Decision of the Council of Ministers No. 119 of 2014 on the treatment of victims of sexual violence

Decision establishing the Women's Support and Establishment Unit of the Presidential Council, 2016

Decision appointing the Head and the Deputy Head of the Women's Support and Establishment Unit of the Presidential Council, 2018

Organizational Structure of the Women's Support and Empowerment Unit

Executive Strategic Plan of the Women's Support and Empowerment Unit of the Presidential Council, 2019

2018 National Report on the Educational Sector as part of Sustainable Development Goal 4

Measurement Indicators for Higher Education Institutions (Universities and the Libyan Academy), 2016-2017

Measurement Indicators for Higher Education Institutions (Universities and the Libyan Academy), 2018

Executive Strategic Plan of the Women’s Support and Empowerment Unit of the Presidential Council, 2019

Libyan Political Agreement, 2015

Libyan Women’s Document for Peace and Security, 2016