Joint submission for the UPR of Libya

36TH SESSION
About the Submitting Organisations

**Together We Build It (TWBI)** is an intergenerational, non-profit organisation that was founded in 2011 to support a peaceful democratic transition in Libya through empowering women and youth to participate in the peace process. TWBI’s community-driven efforts are committed to promoting the role of women and youth in the political and public sphere through capacity building, trainings, workshops and consultations, and advocacy for the inclusion of women into Libya’s peace process.

**Women’s International League for Peace and Freedom (WILPF)** was founded in 1915, and since then it has united women around the globe to work for peace by non-violent means and by promoting political, economic, and social justice for all. WILPF addresses the root causes of war and violence through a feminist lens and constantly challenges systems of oppression, militarism, patriarchy, and neoliberalism.

**Development Organization To Support Youth And Women (DSYW)** works to support the presence of women in the international arena and forums, and to enhance the role of youth and women in advocacy for freedom of expression, respect of different opinions and making peace. The organisation also focuses on the governments’ institutions and pressure them to consider a better role for women, and to promote for the rights enshrined in international treaties and conventions.

**Alnour Women’s Organization** works to support women and to raise their awareness on women’s rights within the society, and to empower them politically, economically and socially. Alnour organisation also focuses on youth and helps considerable segments of both sexes to develop and improve their skills in order to build up their capacity, and enhance their ability to participate in the state development and building.

**I Am a Libyan Woman But My Child Is A Foreigner** is a civil and charity organisation. It works on consolidation of citizenship rights and defending the rights of the children of Libyan women who are married to non-Libyans, and raise the awareness in the society about these rights. It provides humanitarian and civil assistances, support, and charity for these citizens. Raising and building the coming generations based on loving Libya and maintaining its safety and unity.
Abbreviations

**Constitutional Declaration and draft Constitution**

In 2011, the Transitional National Council promulgated a Constitutional Declaration “in order to be the basis of rule in the transitional stage until a permanent Constitution is ratified in a plebiscite.”¹ The process for drafting a new constitution has been underway since 2014. In this document, the constitution that is being drafted will be referred to as the “draft Constitution.”² The most recent version of this draft was approved in July 2017.³

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
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<tr>
<td>CEDAW</td>
<td>Convention on the Elimination of All Forms of Discrimination against Women</td>
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<td>GBV</td>
<td>Gender-Based Violence</td>
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<td>HRC</td>
<td>United Nations Human Rights Council</td>
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<td>OHCHR</td>
<td>United Nations Office of the High Commissioner for Human Rights</td>
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<td>UNSMIL</td>
<td>United Nations Support Mission in Libya</td>
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<td>UNSCR 1325</td>
<td>United Nations Security Council resolution 1325</td>
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<td>UNFPA</td>
<td>United Nations Population Fund</td>
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<td>WHO</td>
<td>World Health Organisation</td>
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¹ See: https://www.refworld.org/pdfid/5b645f5d4.pdf.
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I. INTRODUCTION

1. In this submission, we outline human rights concerns specifically related to women, girls and groups in vulnerable situations. Women face extensive cultural and legal hurdles to their full participation in society and economy in Libya. They have been excluded from the peace-building and political processes, and marginalised in conversations that will determine the country’s democratic future. Libyan national laws include provisions that discriminate against women, while laws specifically aimed to protect their rights are sometimes superseded by decisions or decrees made by religious and military entities that violate basic human rights. The armed conflict and the deteriorating humanitarian situation continue to disproportionately impact women and children.

II. DISCRIMINATION AGAINST WOMEN IN LAW AND PRACTICE

A. Discriminatory Laws

2. Although the Constitutional Declaration states that all Libyans are equal before the law, this provision has been undermined by cultural norms, family law, or religious fatwas leaving women and girls in a marginal situation in nearly every aspect of society.

3. Nationality Law

Nationality laws in Libya are discriminatory against women since Libyan women do not have the same rights as men to pass their nationality to their child or spouse. Such discrimination directly contravenes Article 9 of CEDAW and disregards concerns expressed by the CEDAW Committee and the CRC Committee. It has also a negative impact on children of Libyan mothers and non-Libyan fathers.

4. Children whose fathers are Libyan acquire Libyan nationality automatically when they are born. However, the same does not apply to Libyan women. As already indicated by the UN country team in its submission for the 2015 UPR of Libya, while Law No 24 of 2010 on Rules of Libyan Nationality grants Libyan nationality to anyone born in Libya to a Libyan mother and a father of unknown nationality, no legislation is currently in place to ensure the right of Libyan women married to men of a known foreign nationality to confer their Libyan nationality to their children. While the children of such couples can apply for Libyan nationality once they reach adulthood, they are denied basic rights such as access to free education and are subjected to higher fees for medical treatment while they are children. In particular, the problems for them begin when they need services that require providing the so-called “national number”, which is only given to Libyans; for example, benefitting from free education at the university requires a “national number” and when children of non-Libyan fathers do not have one, they are obliged to pay fees as non-Libyans. With regards to university studies, the Ministry of Education sometimes issues decisions exempting children of Libyan mothers and non-Libyan fathers from paying university and higher education fees. However, this exemption is issued on a year by year basis.

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4 See A/HRC/WG.6/22/LBY/2, paragraph 12 as well as the full UN country team submission available on the UPR webpage for Libya: https://www.ohchr.org/EN/HRBodies/UPR/Pages/LYIndex.aspx.

5. Libyan women also do not have the same rights as Libyan men to pass on their nationality to a non-Libyan spouse. This is not only a discriminatory practice but it also perpetuates harmful social stigma around women who choose to marry foreigners. Despite recent amendments to Libya’s draft Constitution, Libyan women continue to face discrimination and other forms of abuse for marrying foreign nationals. This includes the risk of losing their Libyan nationality if they acquire foreign nationality in addition to the above-mentioned negative impacts on their children.

6. **Personal Status Laws**
   Under these laws, women and men have different marriage and parental obligations. Women, for instance, are “under the legal obligation to ensure the comfort, physical and psychological well-being of their husbands, and to assume all domestic and childcare responsibilities,” while men are considered the “natural guardian of the children.” Discriminatory provisions also apply to inheritance; for example, in some cases, girls are obligated to cede their inheritance to their brothers. Concerning divorce, women face hurdles that do not apply to men; while husbands can repudiate or unilaterally divorce their wives with registration from a court, women’s application for a divorce must be based on specific grounds and include proofs, such as being subjected to harms or because of the husband’s inability to fulfill the aims of marriage. Although there is no law that obliges women to forfeit their dowry or give up custody of their children to obtain a divorce, it is very common for women to do so to evade extortion by the husband or complications in the divorce procedure imposed by conservative judges. In previous UPR cycles, Libya only noted recommendations seeking to guarantee gender equality in family matters and eliminate stereotypes regarding the role of women in society.

7. **Mobility and Male Guardianship Law**
   Mobility and freedom of movement of women are severely restricted. In spite of Libya’s obligations to ensure that men and women be afforded the same rights with regard to the movement of persons and the freedom to choose their residence, newly established military checkpoints have had the effect of limiting women’s freedom of movement across the country. For instance, a February 2017 order by the Libyan National Army barred all women under the age of 60 from traveling abroad without a male mahram. While the order was soon rescinded, it reflects the discriminatory and arbitrary nature of orders and decisions that disproportionately impact women and jeopardize their freedom of movement.

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6  Ibid.
7  Including Article 12, which stipulates that “Every person who acquired Libyan nationality by a current law, or who was born to a Libyan mother in accordance with the regulations of the law, shall be Libyan.”
8  See footnote 6.
10  UPR II (2015) recommendations numbered 95.8 and 95.27.
11  For example, under CEDAW, Art. 14 (4).
12  A Mahram is a male chaperone that Libyan women need for mobility and whose permission is required for many daily actions. For additional information, see https://wilpf.org/wp-content/uploads/2017/08/LIBYA-YEMEN-WEB.pdf
8. The breakdown of the rule of law has allowed militias to impose their own discriminatory restrictions on the mobility of women and girls. Such inequities have been codified in parts of the country through religious fatwas and decrees from conservative militant groups that seek to prevent women from traveling both domestically and internationally without a *mahram*. In a series of local consultations organized by Together We Build It and WILPF in Libya, the majority of displaced women in Libya who were consulted reported that traveling alone "poses serious security threats for women."\(^{13}\) Feelings of insecurity are primarily attributed to widespread instances of beating, sexual violence, and kidnapping that occur at security checkpoints.\(^{14}\) This includes those affiliated with the GNA aligned militias, requiring women to travel with a *mahram* or with a travel-consent form signed by their *mahram*.

### Recommendations

- Amend the Personal Status Law to bring it in line with international obligations, in particular with CEDAW, to eliminate all forms of discrimination against women, including in family matters such as marriage, divorce, and child custody.

- Amend and clarify the nationality law number 24 2010/1378 so that Libyan women married to non-Libyans are able to pass their nationality to their children regardless of the status or nationality of the child’s father.

- Ensure that children of Libyan women and non-Libyan fathers have access without discrimination to essential and vital services such as healthcare, education, and the right to employment.

- Ensure that the draft Constitution, and, in particular, its Article 12 on nationality, grants citizenship to any child born to Libyan women regardless of the nationality or status of the father.

- Amend nationality law so that provisions allowing foreign women married to Libyan men to apply for Libyan nationality are equally applicable to foreign men married to Libyan women.

- Lift reservations to CEDAW Articles 2 and 16.

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14 Ibid.
B. Child Marriage

9. Libya has numerous human rights obligations, including under its Constitutional Declaration, to prevent child marriage. Yet, child marriage is steadily increasing in Libya. For example, at least 186 marriages of children under the age of 18 were reported in Tripoli between 2011 and 2017, with some involving children as young as 13. Furthermore, a judicial source from the Court of Sabha reported eight recorded divorces involving underage girls in 2018 and two in 2019.

10. The legal age for marriage was reduced from 20 to 18 in 2015. However, it is possible for children younger than 18 to get married with guardian and judicial approval. When cases of marriages for persons under 18 are brought to the court by consenting guardians, judges hold the ultimate responsibility in determining whether or not the marriage fulfils a child’s “interest or necessity.” However, these marital permissions by judges are easily approved.

11. It is known that worldwide child marriage disproportionately affects girls who, among other things, face extensive health risks as a result of this practice as reported, for example, by WHO. Additionally, as reported by UNFPA girls who become pregnant before age 18 are more likely to experience violence within marriage or a partnership. Psychological trauma resulting from gender-based violence, miscarriage, and the physical strains of pregnancy are significant among them. Girls who survive these health risks or the sexual, physical, and psychological abuses, are often left with restricted access to education and face societal isolation. Some will divorce, leading to stigmas associated with dishonor and communal rejection. These dangers are especially relevant in Libya, where women’s clinics have, for example, reported increasing deaths among girls who undergo the physical strains of pregnancy, childbirth, and miscarriages.

15. Art. 5 of the 2011 transitional constitution obligates authorities to “guarantee the protection of motherhood, childhood...and look after children, and young people.” Libya is a State party to the CRC (without reservations), which sets a minimum age of marriage of 18, and to the CEDAW, which requires that the “betrothal and the marriage of a child shall have no legal effect...” (Art. 16.2) and that all citizens entering into marriage have the right to “freely choose a spouse and to enter into marriage only with their free and full consent.” (Art. 16 b). Libyan authorities must also ensure that women and men enjoy equal rights and are regarded as equal partners in marriage. They shall enact appropriate national legislative measures to guarantee that: a) no marriage shall take place without the free and full consent of both parties; b) the minimum age of marriage for women shall be 18 years... (Art. 6), as required by the Maputo Protocol also ratified by Libya. Moreover, Libya has obligations under the ACHPR to guarantee children “the right to a general satisfactory environment favorable to their development.” (Art, 16 (3)).

16. Since 2012, there are no official statistics on marriage and divorce, however, unofficial reports show the practice is on the rise. See https://www.brookings.edu/blog/future-development/2019/06/19/forced-displacement-and-child-marriage-a-growing-challenge-in-mena/.


18. Court of Sabha Letter.


20. Ibid.


Recommendations

- Take comprehensive and immediate measures to amend Law 14 of 2015 to remove all exceptions that allow marriage for anyone under the age of 18 years.
- Develop and implement specific legal controls to deter and punish guardians who encourage or arrange marriages for under-18-year-olds.
- Systematically collect disaggregated data on incidents of child and/or forced marriage and provide victims with medical and psychosocial assistance and seek technical support for the establishment of such a system of data collection.

C. Sexual and Gender-Based Violence (GBV)

12. Services

In May 2019, the Gender-Based Violence Area of Responsibility reported that an estimated 90,500 having been forced to flee their homes in Libya, out of which 51% are female. In July 2019, UNHCR reported that the number of IDPs in Libya exceeds 268,000. It is known that displaced women and girls in armed conflicts are generally at a higher risk of sexual and gender-based violence and other human rights violations as a result of the constructed gender discrimination that makes women dependent on others for help and safe passage. Libya is no exception.

13. IDP and migrant women in Libya face additional risks and challenges as they become more subjected to various forms of exploitation and violence. These have been addressed in the UN Secretary-General’s report on conflict-related sexual violence and in a joint communication by several Special Procedures. Since the recent armed clashes in April 2019, an increase in cases of GBV, specifically against migrant women, and continued risk of kidnapping, sexual exploitation, and abuse have been documented.

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29 See https://www.refworld.org/pdfid/5b641f854.pdf.
30 See, for example, Conflict-related sexual violence, Report of the Secretary-General, S/2019/280, paragraphs 54 to 57.
31 See Joint communication on “enslavement and auctioning of enslaved African migrants in markets in Libya, which increasingly expose them to trafficking and forced labour” sent to Libya on 28 November 2017 by the Working Group of Experts on People of African Descent; the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material; the Special Rapporteur on minority issues; Independent Expert on human rights and international solidarity; the Special Rapporteur on the human rights of migrants; the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; the Special Rapporteur on contemporary forms of slavery, including its causes and consequences; the Special Rapporteur on trafficking in persons, especially women and children, and the Special Rapporteur on violence against women, its causes and consequences, available at https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=23487.
14. International organizations are working to provide urgently needed services, but they alone cannot provide adequate support. Survivors require proper healthcare facilities as well as short and long-term solutions for shelters and other protection needs. Due to cultural stigma, there are also few messages raising awareness about available GBV services; this leads to survivors missing access to the minimal help available on the ground. Moreover, Libya does not have anti-trafficking legislation or systems to identify and protect survivors; as a result, women and girls subject to trafficking and sexual slavery do not report their experiences to Libyan authorities out of fear prosecution.

15. Penal Code
Discriminatory provisions in the Penal Code contribute to perpetuating harmful gender norms that are compounded by the conflict and promoting leniency towards perpetrators of GBV. For instance, Art. 375 of the Penal Code has less severe criminal sentencing provisions for perpetrators of so-called “honour crimes” than perpetrators of the same crimes where “honour” cannot be cited as a basis for mitigation. The Penal Code grants a reduced sentence of eight years imprisonment for a person who kills his wife, daughter, or sister in case the crime is committed immediately after discovering that the woman was engaged in extramarital sex. The punishment for the same crime would be life imprisonment in case honour was not the motivating factor.

16. Furthermore, Art. 424 absolves a perpetrator of rape of his charges if he marries the victim and does not divorce her for three years. These notions perpetuate legal and social precedence that uphold a patriarchal dominance, which endangers and overlooks women’s full and equal rights in society.

17. Libya supported previous UPR recommendations on addressing trafficking, addressing GBV and preventing violence against women.


34 See https://www.un.org/sexualviolenceinconflict/countries/libya/.

35 Penal Code Article 424: “If the perpetrator makes a contract of marriage with the victim; the crime, punishment, and criminal proceedings are suspended, both for the perpetrator and any accomplices”. See also https://www.undp.org/content/dam/rbas/doc/Gender%20Justice/English/Full%20reports/Libya%20Country%20Assessment%20-%20English.pdf.

36 See UPR II (2015) recommendations 137.192, 137.187, 137.74, 137.79, 137.132, 137.163, 137.164, 137.192, and UPR I (2010) recommendations 93.20, 93.24, and 93.36.
Recommendations

- Repeal Articles 375 and 424 of the Penal Code.
- Ensure that all allegations of sexual and GBV are fully investigated and prosecuted, and that survivors are provided with gender-responsive protection, reparations and psychosocial health services.
- Adopt anti-trafficking legislation in accordance with international law, and to address the nexus of conflict-related sexual violence and trafficking, in accordance with Security Council Resolution 2331 (2016).
- Develop a national plan on the protection of women against all forms of violence against women, considering violations to the rights of women and girls resulting from the conflict in accordance with UNSCR 1325 and other subsequent related resolutions.
- Ensure that judges and security forces are trained on SGBV related issues, women’s rights, international human rights law and IHL and that security officers are trained to identify threats and gender-based abuses, and know how to respond to them.

D. Equal Employment Opportunities

18. Patriarchal mindsets within the society limit the economic opportunities available to women. Despite accepted recommendations from past UPR cycles regarding the equal employment of women and the leading role women played in the 2011 uprising, women in Libya are still primarily viewed through traditional roles as caretakers of the home. Such harmful gender stereotypes lead to the exclusion of women from many professions, particularly those in the security sector and political sphere. Young people experience similar obstacles in addition to the threat of recruitment and exploitation from militias.

19. Security and Justice Sector

The security sector remains weak and continues to exclude women. Libyan women were present in the military and police until the Transitional Council issued its decision No. 42 of 2011, which stipulated that female members of the army be prohibited from practicing their military work and referring them to civil service instead. In general, women have limited participation in the formal security sector, particularly in the police and the military.

20. Women representation in the security sector enhances feelings of security for women and decreases the likelihood of GBV or harassment inflicted on the public by security forces. TWBI consultations have shown agreement that the presence of women in security forces whether at police stations, airports, detention centers, or prisons significantly increases women’s perceptions of safety, while reducing harassment.

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37 UPR II (2015): 137.79, 137.81, 137.83.
39 See https://issafrica.org/iss-today/reform-of-libyas-security-sector-must-not-fail-again; Thus violating Libya’s international obligations to ensure that women are "represented equally in the judiciary and law enforcement organs" under ACHPR Article 8.
42 Interview July 2019 (TWBI - K&S): Tunis, Tunisia. Interview with female Libyan youth activists.
21. Economic Participation

Women played a leading role in the 2011 uprising and continue to do so in the current transitional phase. With men engaging in warfare, women's presence in the workforce has increased\(^{43}\) but their participation has been limited to certain positions that perpetuate traditional gendered roles and expectations. Women are even prevented from employment in some occupations as the Labor Relations Law of 2010 states that women shall not be employed in types of work that are "unfamiliar to their nature" as women, which are to be defined in executive rules.\(^{44}\) Research shows that women with minimal levels of education are employed as agricultural workers, while those with more education are generally employed as teachers or nurses.\(^{45}\) If a woman is employed outside one of these three professions, she is most likely to work as an administrator or office assistant.

22. Economic Participation of Youth

Libyan youth face complex challenges in the economic life. While they played a significant part in the overthrow of Gaddafi, they are shyly represented in decision-making spaces determining the country's future as well as in civic and political institutions. In 2018, UNFPA reported that Libyan girls still face a culture that severely hinders their emancipation and participation in public life despite their high level education and knowledge. The report also noted that widespread presence and use of arms, in addition to the lack of employment opportunities, render the youth more vulnerable to economic exclusion and exploitation by militias and criminal organizations.\(^{46}\)

**Recommendations**

- Implement UN Security Council resolution 2122 putting an emphasis on all recommendations for the full participation and inclusion of women in the Libyan security sector by recruiting, training, and supporting women within security roles.
- Ensure equal employment opportunities for women and youth by requiring each sector of the workforce to implement a quota of 40% for female and youth representation, and by modifying discriminatory labour laws and practices to ensure equality and protection from discrimination in the workplace.
- Make Disarmament, Demobilisation and Reintegration (DDR) programmes a priority and ensure their gender responsiveness.

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IIII. HUMANITARIAN NEEDS AND IMPACT OF THE CONFLICT ON ECONOMIC AND SOCIAL RIGHTS

23. As renewed conflict rages around Tripoli and other parts of Libya, the daily life of the population has been severely impacted. The need for basic necessities – including electricity, fuel, potable water, and cash – is growing, while their availability is increasingly scarce. Of 6.4 million people, 1.3 million are in need of humanitarian assistance, and six out of 10 IDPs are vulnerable to food insecurity.47 While these challenges affect the whole population, they are particularly harmful to women, children and youth. Chronic malnutrition has risen to 21% of children between six months and five years old.48 The widespread use of explosive weapons in populated areas by all warring parties is particularly alarming and is exposing civilians to extreme risks. It has severely damaged civilian infrastructure by hindering the access to health and educational facilities and by leaving the population without any electricity or access to water for many days in a row, which is aggravating problems of communication, mobility and protection.

24. Electricity Access
Extended power cuts have become part of daily life. Ongoing fighting has led to the downing of power grids and electrical supply lines, worsening Libya’s already overtaxed electrical supply and affecting communication networks, water pumps, and food production and services. Maintenance and repair teams have been unable to fix several damaged supply lines that feed into Tripoli due to militant clashes in the immediate areas. Since 2000, access to electricity has steadily declined, going from nearly 99% of the population to just 70% in 2017.49 These power cuts have a disproportionate effect on women and children, who often spend most of their day at home.

25. Food Security
As fighting continues to escalate, there has been a documented decrease in food production and an increase in food insecurity due to electricity cuts and displacement resulting from the conflict.50 The World Food Program (WFP) found that these impacts are disproportionately affecting women and displaced persons and groups in vulnerable situations. Specifically, women-headed households and displaced persons are more food-insecure than non-displaced male-headed households.51

49 See https://data.worldbank.org/indicator/EG.ELC.ACCS.ZS?locations=LY.
50 FAO Libya, 2018.
51 See https://docs.wfp.org/api/documents/WFP-0000102636/download/?_ga=2.125797001.240086304.1562842390-1832116931.1562677465.
26. Drinking Water

The lack of access to fresh drinking water poses severe health and hygiene risk to the population. An average of four water-wells is disabled every month, and the primary water source for western Libya – the Man-Made River (MMR) network – is on the verge of collapse. Militant clashes just outside of Tripoli have slowed important repair and maintenance work on water supply infrastructure, compounding the challenge from inconsistent electricity on which water pumps rely to operate. A survey from December 2018 found that 17% of households across Libya experienced a lack of access to drinking water during the month prior to the survey. In Southern regions and areas where fighting is more concentrated, such percentages were significantly higher – including Alkufra (46%), Derna (39%), Sabha (41%), and Sirte (31%).

27. Banking

Since 2014 and the escalation of violence, there has been a near-constant liquidity crisis. The severe shortage of foreign currency in banks, combined with a lack of confidence in the banking sector, has created a crisis in which people are unable to access their savings in the banks – a major inconvenience for a largely cash-based economy. Women are forced to wait in line for long hours at the banks to withdraw their maximum daily amount, where they face harassment and cat-calling.

28. Public Health Services

The use of explosive weapons and other types of arms in and around Tripoli has disrupted access to services such as health care facilities, upon which women particularly depend on for their sexual and reproductive health. As of 2018, only 41% of hospitals had comprehensive storage of essential medicines available to patients, while just eight out of 22 districts had services for sexually transmitted infections (STIs). According to the WHO, just four out of Libya’s 80 hospitals are operating at or above 75% capacity. Some 20% of hospitals and health care facilities have been damaged or completely destroyed in the conflict. In 2019 alone, there have been at least 37 attacks on healthcare facilities with 44 healthcare workers killed or injured – an alarming increase that is contributing to the shortage in healthcare personnel and equipment.

Recommendations

All parties to the conflict must:

• Immediately cease the use of explosive weapons in populated areas or near civilian infrastructure.

The government of Libya must:

• Restore access to basic social services such as health, education and social protection.

• Ensure that health, shelter, and protection needs are immediately addressed to save lives.

52 OCHA has reported that the MMR, which delivers critical freshwater to approximately 1.5 million people, “has been reduced by 37% in recent months due to fighting.” The 600,000 children who rely on the MMR are especially vulnerable to health concerns resulting from contaminated or lack of water.


54 Data gathered from national consultations with Libyan women.


IV. FORCED DISPLACEMENT, MIGRANTS AND DETENTION

29. The deterioration of security and the rule of law has created an environment of impunity of which human traffickers, armed groups, and others have taken advantage. Libya is now a major country of transit for asylum-seekers and migrants, with approximately 90% of people crossing the Mediterranean Sea into Europe departing from it. Civilians face unique threats from militant groups, smugglers, and even state officials – with women and children among the most exposed to human rights abuses and violations. The 3 July attack on the Tajourna Detention Center, which left over 50 migrants dead, illustrates just the latest and most deadly instance of migrants and asylum seekers being caught in the crossfire of the conflict. The United Nations and other international organizations have called for all Libyan migrant detention centers to be shut down.

30. Since the resumption of the armed conflict in April 2019, over 100,000 people have been forced to flee their homes – contributing to a total of approximately 268,000 displaced persons within Libya as of June 2019. In previous UPR cycles, Libya has accepted recommendations to protect the human rights of and address the immediate needs of migrants, IDPs, asylum seekers, and trafficked persons. Yet, in spite of Libya's international and national obligations, Libyan officials have "appeared largely unable or unwilling to put an end to violations and abuses committed against migrants and refugees," as stated by OHCHR.

31. In 2019, UNSMIL has called on the government to end its policy of arbitrary and prolonged pre-trial detention, and to ensure that detainees are protected against torture and ill-treatment. HRC Resolution 40/27 of March 2019 expresses grave concerns at the human rights violations and abuses committed in Libya against migrants, including in detention centers. It also highlights specific concerns around the impact on women and children, the most exposed groups, given the lack of security and adequate justice systems. Reports have shown that human rights violations, such as torture, including torture of children, and gender-based violence, have been perpetrated in these detention centres. Many women, especially those travelling without male relatives, are exposed to forced prostitution and sexual exploitation in conditions amounting to sexual slavery. When justice is sought through the legal process, it is common for armed groups to threaten or attack lawyers, judges, prosecutors, and other law enforcement officials.

57 See https://www.unhcr.org/libya.html.
60 UPR II (2015) recommendation number 137.192.
61 Libya has obligations to ensure, inter alia, that women in detention be held separately from men and be guarded by female officers, and children should never be held simply on the basis of their parents' migration status. Art. 19 of the 2010 Law No. 19 on Combating Irregular Migration mandates that incarcerated migrants be treated "in a humane manner, keeping their dignity and rights, without assault on their money or assets." The Art. 10 of the 2011 transitional constitution further dictates that "the State shall guarantee the right to asylum in accordance with the law."
65 See https://www.un.org/sexualviolenceinconflict/countries/libya/.
Recommendations

- Release all migrants that are currently detained arbitrarily in detention facilities.
- Improve the conditions within migrant detention facilities immediately, or close down centers that cannot provide adequate security protection, medical care, water, food, and sanitation for displaced persons.
- Amend Libyan legislation — including Laws no. 6 of 1987 and no. 19 of 2010 — to decriminalize irregular entry, stay and exit from the country, and end the practice of mandatory or automatic detention of migrants.
- Pending the abolition of mandatory detention of migrants:
  - Ensure that female detainees are protected and held separately from male detainees, and are guarded by properly trained female officers.
  - Condemn and promptly implement measures to punish any violation of the rights of female detainees, especially in cases of GBV or sexual slavery.
  - Ensure that the most vulnerable detainees, specifically pregnant women, women with children, unaccompanied youth, or persons with particular health conditions or disabilities receive special medical and psychosocial support, or are moved to a more accommodating and suitable facility.
  - Ensure that all detainees are protected from torture and other forms of abuse, including all forms of GBV, by granting human rights monitors and humanitarian agencies free, unannounced and unhindered access to all detention facilities where migrants are held.
  - Ensure that those detained enjoy their full due process rights, and have the ability to challenge the legality of their detention, with access to lawyers, in front of judicial authorities.

V. TARGETING OF WOMEN HUMAN RIGHTS DEFENDERS AND JOURNALISTS

32. Despite the optimism emanating from the 2011 uprising, fundamental human rights — including the right to peaceful assembly, freedom of expression, and to receive equal protection under the law — have been repeatedly violated. As a result, activists have risen to document these abuses and defend human rights. However, for many, particularly women, denouncing these violations and abuses and calling out perpetrators, comes at a significant cost. Women are frequently abducted, threatened, harassed, arbitrarily arrested, sexually abused, or killed — among other targeted retaliations.

67 Some of these recommendations were extracted from the OHCHR and UNSMIL report "Detained and dehumanized: report on migrants human rights abuses in Libya" (2016) available on https://www.ohchr.org/Documents/Countries/LY/DetainedAndDehumanised_en.pdf.
In the second UPR cycle, Libya accepted recommendations to ensure the safety of activists. Yet, many female and youth activists have had to flee the country following severe threats of kidnapping and violence from militias and armed groups as a result of their activism. Women human rights defenders are frequently subjected to physical assault, abductions and sexual violence, as well as smear campaigns, gender-related slurs and attempts at intimidation. In Libya’s patriarchal society, such gender-based retaliations serve to censor women and to dissuade them from participating in public life. Cases of killings of activists often go uninvestigated; they are overlooked without prosecution, covered as “honour killings”, or treated as lesser criminal incidents. The lack of action from authorities fosters impunity and leads to normaliation of assault of women in society. As stated by Amnesty International, “the general security situation for Libyans deteriorated after 2014 but women were particularly hard-hit. The lack of accountability for the assassination [of women] exposed a climate of impunity for violence against women who speak out, causing some women to retreat from Libyan civil society and forcing others to flee the country.”

Recommendations

- Ensure that no one will be victim of intimidation and reprisals for seeking to cooperate, cooperating or having cooperated with organizations in the field of human rights.
- Adopt laws and policies that specifically guarantee the protection of human rights defenders, with particular reference to women human rights defenders.
- Conduct prompt, thorough and impartial investigations into any interference, intimidation, abuse, threat, violence or reprisal against human rights defenders and ensure accountability for perpetrators.

VI. WOMEN’S MEANINGFUL PARTICIPATION IN THE PEACE AND POLITICAL PROCESSES

Following the 2011 uprising, women were poised to make significant gains in their national political system after actively supporting and leading political uprisings against the Gaddafi regime. However, eight years later, women continue to be thwarted by a patriarchal structure defined by militarism, masculinity, and conservative fundamentalism that is at odds with gender equality. The result is that women continue to be systematically excluded or underrepresented in politics at the local, national, and international levels.

For example, twenty-five young writers who contributed to a collection of stories written to demonstrate the power of language in countering societal extremism and violence were harassed and threatened to such severe degrees that they either left the country or disappeared into hiding. See https://monitor.civicus.org/newsfeed/2017/09/22/libyan-writers-face-backlash-harassment-and-death-threats/

Another case was when young women who met at a cafe in Benghazi to share ideas were ambushed by police and cafe staff were arrested for “immoral behavior.” See https://www.amnesty.org/en/countries/middle-east-and-north-africa/libya/report-libya/.

See https://reliefweb.int/sites/reliefweb.int/files/resources/MDE1986572018ENGLISH.pdf.

35. Despite clear requests to promote the role of women in Libya's political process and democratic transition,\(^74\) efforts to implement these resolutions have been disingenuous and sluggish.\(^75\) Libya has previously accepted significant UPR recommendations calling for the inclusion of women in the political process.\(^76\) However, while women have made progress at the grassroots and local political level, they have been systematically marginalized from major political conferences.\(^77\) Furthermore, women are absent from the nine-member Presidential Council.

36. Today, women hold only 16% of the Parliamentary seats in the national government.\(^78\) This number is significantly below the 45% requested by several civil society organizations for fair representation, and below the 25% quota tentatively approved by the Constitutional Drafting Assembly. Furthermore, former Special Representative of the Secretary-General in Libya has advocated for a minimum quota of 30% women in Parliament.\(^79\) However, until the new Constitution is ratified and implemented, there is no minimum quota for women's representation in Parliament.

37. While the Libyan government has signaled its support for UNSCR 1325, it has not yet adopted a National Action Plan to implement it.

**Recommendations**

- Support women’s and feminist groups’ inclusion at all levels in the peace and political process.
- Increase resources allocated to the recently established Presidential Council Women's Unit to expand its scope and build its capacity.
- Set a minimum of 30% quota to ensure women’s presence in political positions and increase the number of women's seats in the committee for elections to also reflect 30% representation.
- Urge all political parties to ensure that women are meaningfully included in all meetings and consultation processes related to peace talks.
- Adopt a National Action Plan to implement UNSCR 1325 and subsequent related resolutions.

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\(^{74}\) Including UN Security Council Resolutions 2365 (2017) and 2323 (2016).


\(^{76}\) UPR II (2015) recommendations numbered 137.48, 137.69, 137.82, 137.89, 137.178, 137.179, and 138.180.

\(^{77}\) Libyan women, for instance, were excluded from the Paris Convention in 2017, and were only narrowly included in the 2015 Skheirat agreement and 2018 Palermo conference – as a result of grassroots advocacy that pushed for their inclusion. Source: [https://www.wilpf.org/wp-content/uploads/2019/06/WILPF_Libya_Policy_Brief_Web.pdf](https://www.wilpf.org/wp-content/uploads/2019/06/WILPF_Libya_Policy_Brief_Web.pdf).


VII. HUMAN RIGHTS AND PEACE EDUCATION

38. The educational system has been crippled by the conflict. A lack of sufficient schools and of a cohesive, quality curriculum has severely impacted Libya’s youth and jeopardized the future of society. Schools are often requisitioned as government shelters for IDPs, military bases, or used to detain, torture, or interrogate suspects.  

39. Libyan authorities are obligated to protect and promote the education of Libyan and migrant youth. Yet, with educational facilities and personnel repeatedly targeted by actors in the conflict, a generation of youth is being deprived of quality education. Schools are often taken over by state and non-State actors for military usage, students and teachers are kidnapped, and school buildings are struck by airstrikes.

40. Additional hurdles to girls’ educational opportunities include the presence of socially conservative norms, livelihood responsibilities, militia groups, tribal conflicts, and GBV – all barriers that actively restrict access to education. Female students seeking to attend school in conflict areas are particularly vulnerable to these risks, including sexual and physical abuse. The combination of these factors has led to the reduction of female participation in the public sphere, as families attempt to protect women and girls by keeping them at home.

41. With competing governments, educational ministries, and rival militias, Libya’s national education system has severe gaps that have been filled by unregulated, private and religious institutions. Often operating without a licence from the educational ministry, these schools fill the gap left by national educational institutions. These institutions often promote agendas that deepen harmful societal norms and ideas, specifically those that perpetuate discrimination against women and girls. They can also propagate extremely conservative ideologies that breed stereotypes and prejudice – furthering harmful gender norms for women.

42. Additionally, even though the integration of human rights education into Libya’s national curriculum was recommended and supported by the Libyan government in the previous UPR cycles, concrete actions towards these commitments have halted.

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81 ICESCR, General Comment 13 “education is both a human right in itself and an indispensable means of realizing other human rights.” Also, see https://www.right-to-education.org/sites/right-to-education.org/files/resource-attachments/CESCR_General_Comment_13_en.pdf.
84 See https://assets.publishing.service.gov.uk/media/5bb2236ded915d259eaa7776/413_Girls_education_Libya.pdf.
87 UPR II (2015) recommendations 137.60, 137.61, and 137.62.
Recommendations

• Resume efforts to implement previous UPR recommendations on human rights education and incorporate human rights and peace education into national curricula.

• Take concrete actions to protect the right to education through monitoring and combating school dropout rates, and prohibiting all barriers to participation in education.

• Eliminate reinforcements of societal gender discrimination through the revision of school textbooks, curriculum content, and teacher training materials, and ensure that gender equality and gender sensitivity training are made integral and mandatory components of teacher training at all levels.