



Ref: Al-monitor

THE STATUS OF WOMEN HUMAN RIGHTS DEFENDERS IN LIBYA

التحالف الإقليمي للمدافعات عن حقوق الإنسان في شرق الاوسط و شمال أفريقيا

THE WHRD COALITION IN THE MIDDLE EAST AND NORTH AFRICA

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«One month ago, they tried to assassinate my son...he was driving my car, so maybe they want me. Maybe they want my family ...but this is not about Salwa – you know, there are many, many activists ... [that they have] targeted.»

Bugaighis speaking on the National Public Radio a few weeks before her death in 2014.¹

1. J. Giovanni, "Mother of Libya's Revolution Killed," Newsweek, 7 November 2014. Available online: <http://europe.newsweek.com/mother-libyas-revolution-murdered260375-?rm=eu> [Accessed 15 September 2016]

Salwa Bugaighis was a prominent lawyer and Woman Human Rights Defender in Libya. She was instrumental during the Libyan revolution of 2011, following a career in defending political prisoners under Qaddafi's regime. She helped organise the February 17 demonstration of 2011 in Benghazi, one of the first protests that ignited the political uprising. As former member of the National Transitional Council, the uprising's political wing, Salwa was vice-president of a preparatory committee for national dialogue in Libya. She was assassinated in her house in Benghazi by unknown hooded men wearing military uniform on the 25th of June, 2014, on the same day as the elections for the House of Representatives.

The killing of Salwa is one of many cases of violent attacks against Women Human Rights Defenders (WHRDs) in Libya, following the uprising that soon turned into a full-scale civil war.

Women who took to the streets have also played influential roles in the political arena and in their communities, whether as individuals or through NGOs. However, the country has marginalized many women and WHRDs who were active during the 2011 uprising. The deteriorating security situation and the rise of extremism has threatened women's liberties and their efforts to transition Libya to a more democratic state.²

The Regional Coalition of Women Human Rights Defenders in the MENA (WHRD-MENA Coalition) strongly emphasizes the brave work of WHRDs in Libya and their role in documenting violations, campaigning for equality and participating in the political transition of Libya. The WHRD-MENA Coalition is deeply concerned about the violence directed against WHRDs, particularly against women lawyers and journalists.

This paper analyzes the situation of WHRDs in Libya. It aims to highlight the instability in the country and its consequences on women and WHRDs. The chaos that Libya is currently undergoing has marginalized women and WHRDs who are active in the public sphere. In order to understand the context that Libyan women are living in, the paper will first discuss the political developments after the fall of Qaddafi that has left Libya fragmented with many "mini Libyas" operating independently of each other. Women have been involved in the post war transition on the political and social levels. However, gender-based violence and discrimination remain an issue. Furthermore, the rise of religious extremism and their hold on Libyan society has oppressed women. Religious conservative groups, as well as other armed groups, have filled the vacuum of the weak state, and they have imposed restriction on thousands of women. The paper will address these abuses and shed light on women's experiences. Women's voices cannot be lost under the pretext of security.

2. What Women Say, From Subject to Citizens: Women in Post-Revolutionary Libya, International Civil Society Action Network (ICAN), (2013) <http://www.icanpeacework.org/wp-content/uploads/12/2013/libya-dec3.pdf> [Accessed 27 January 2017]



Ref.: AFP-Getty Images

Libya After Qaddafi

Inspired by the revolutions of Tunisia and Egypt, in February 2011, Libyans went out to protest Qaddafi's regime in the city of Benghazi. As the regime attempted to suppress the resistance, violence soon escalated between demonstrators and forces loyal to Qaddafi. In March 2011, the North Atlantic Treaty Organization (NATO) intervened under a mandate of the UN Security Council Resolution 2011/1973. This resulted in NATO-led airstrikes to support the protesters, who were thus able to gain control of Tripoli, Libya's capital city. Qaddafi, who escaped and hid in his hometown of Sirte, was captured and killed in October 2011.³

On February 2011, 17, the National Transitional Council (NTC) was established, becoming the de facto government of Libya. In turn, the NTC handed power over to the General National Congress (GNC), which was elected in the summer of 2012.⁴

Unfortunately, the toppling of Qaddafi and the democratic elections of 2012 were followed by years of turmoil. To this day, political factions are fighting over power, resources and loyalty. The 42 years of Qaddafi rule had left many state institutions weak, only to be further crushed by the rise of violence and political instability.

One issue during the transitional period was integrating the armed groups who participated in overthrowing the Qaddafi regime into the army or the police force. Such integration proved difficult, with many armed groups retaining their independence from the state and remaining in control of some areas. Some armed groups were allied with the government, and were said to be under the authority of the Ministry of Justice, Ministry of Defense and Ministry of Interior, which granted them the power to run certain areas. Yet the state often had little control over some of these groups.⁵ Other groups rejected the central authority.⁶ Therefore, post-Qaddafi Libya has been shaped by these ongoing tensions and competition for power at the local and national levels.

3. UNSCR, 2014 Civil Society Monitoring Report, <http://togetherwebuildit.org/wp/unscr-1325-monitoring-report-on-libya-our-work> [Accessed 27 January 2017]

4. Ibid.

5. Human Rights Council, Investigation by the Office of the United Nations High Commissioner for Human Rights on Libya: detailed findings (23 February 2016, A/HRC/31/CRP.3). p. 16. See also http://www.landinfo.no/asset/1_3025/1/3025.pdf

6. http://www.landinfo.no/asset/1_3025/1/3025.pdf

In June 2014, elections were held, and the international community recognized the new House of Representatives, which included moderates, liberals and federalists. However, the Islamist political parties rejected the elections, and in August 2014, they seized control of Tripoli.⁷ The House of Representatives relocated eastwards in Tobruk, while the Islamist government settled in Tripoli.⁸



Ref.: REUTERS

Political factions opposed to the Tobruk-based House of Representatives declared the self-proclaimed Government of National Salvation (GNS), based in Tripoli. The GNS, which has links to the Muslim Brotherhood, elected Islamist-backed Omar al-Hassi as prime minister in August 2014.²⁵ The parallel governments run different regions of the country and are engaged in an ongoing conflict over legitimacy and power.⁹

On November 2014,⁶ Libya's Supreme Court declared that the internationally recognized parliament is unconstitutional, resulting in further instability.¹⁰ Clashes between armed groups reached its peak in 2014, and the years 2015-2014 witnessed outbreaks of hostilities in East, West and South of Libya. In addition, the rise of the so-called Islamic State (ISIS) in 2014 has further plunged the country into chaos with groups pledging allegiance especially in Derne, Sitre and Benghazi.¹¹ According to the Libya Body Count, 2014 marked the bloodiest year for the country, with 2825 deaths.¹²

7. UNSCR, 2014 Civil Society Monitoring Report, <http://togetherwebuildit.org/wp/unsr-1325-monitoring-report-on-libya-our-work/>

8. Al Jazeera, "Libya's Tobruk-Based Government Attacks Tripoli Airport," <http://www.aljazeera.com/news/04/2015/libya-tobruk-based-government-attacks-tripoli-airport150415130719497-.html>

9. Reuters, "Libya's Ex-Parliament Reconvenes, Appoints Omar al Hasi as PM," Aug. 2014, 25 <http://in.reuters.com/article/libya-security-parliaments-idINKBN0GP18O20140825>

10. "Libya Faces Chaos as Top Court Rejects Elected Assembly," Reuters, Nov. 2014, 6 <http://www.reuters.com/article/us-libya-security-parliament-idUSKBN0IQ0YF20141106> [Accessed 27 Jan 2017]

11. Human Rights Council, Investigation by the Office of the United Nations High Commissioner for Human Rights on Libya: detailed findings (23 February 2016, A/HRC/31/CRP.3). Ibid., p. 19; See also <http://www.bbc.com/news/world-middle-east19744533>

12. Libya Body Count, Deaths by date, (2016), (2014). Available online: <http://www.libyabodycount.org> [Accessed 10 September 2016]

To understand everyday life in Libya, it is therefore important to comprehend the complexities of the situation on the ground. Libya does not have a distinct system of state security and opposition forces. Rather, it has a complex network of armed actors who are either allied with the state, opposed to it, or having tribal affiliations. The two main military campaigns, the Libya Dawn and Operation Dignity, reveal the multitude of warring groups.¹³ Operation Dignity was led by a coalition of militias and members that include the Libyan National Army and that support the House of Representatives in Eastern Libya. The Libya Dawn is a coalition of militias from cities and towns in Western Libya who seized control of Tripoli.¹⁴ In other parts of Libya, armed groups are also imposing their own authority and agendas.¹⁵ The Global Conflict Tracker of the Council on Foreign Relations has reported that in 2015, about 1,700 armed groups are actively present in Libya.¹⁶



All sides of the conflict have committed human rights violations. Both state and non-state actors who are engaged in the conflict continue with impunity to detain, torture, and kill people, and to displace citizens. The breakdown of state institutions due to the conflict has resulted in the breakdown of Libya's criminal justice system.¹⁷ Therefore, none of those violating human rights are held accountable, and victims cannot access remedies, further perpetrating the cycle of violence.

13. "Understanding Instability in Libya: Will Peace Talks End the Chaos?" Netherland Institute of International Relations <https://www.clingendael.nl/publication/understanding-instability-libya-will-peace-talks-end-chaos> [Accessed 27 January 2017]

14. BBC, "Guide to Key Libyan Militias" Jan. 2016, 11 <http://www.bbc.com/news/world-middle-east19744533-> [Accessed 27 January 2017]

15. Amnesty International, Annual Report: Libya 2016/2015 <https://www.amnesty.org/en/countries/middle-east-and-north-africa/libya/report-libya/>

16. Council of Foreign Relations, Global Conflict Tracker, Civil War in Libya (2016). Available online: <http://www.cfr.org/global/global-conflict-tracker/p#32137!/conflict/civil-war-in-libya> [Accessed 15 September 2016]; Committee to Protect Journalists, From High Profile to Exile <https://www.cpj.org/04/2016/attacks-on-the-press-from-high-profile-to-exile.php> [Accessed 22 January 2017]

17. Human Rights Watch, Libya: Events of 2015 <https://www.hrw.org/world-report/2016/country-chapters/libya>

The UN High Commissioner for Human Rights has said that “[d]espite the human rights situation in Libya, the country only sporadically makes the headlines. A multitude of actors – both State and non-State – are accused of very serious violations and abuses that may, in many cases, amount to war crimes.”¹⁸ There are no monolithic coalitions with systematic attacks, but rather it depends on the time and place of the situation. The latest figures of Internally Displaced Persons (IDPs) have reached at least 434,000 in July 2015.¹⁹ Furthermore, thousands of migrants and refugees have died crossing the Mediterranean Sea from Libya. According to the UNHCR, about 2,500 refugees have died or were lost in 2015 alone.²⁰

ISIS has captured areas including Sitre and Derna, with several militias pledging allegiance to the group. The human rights violations that have been committed by ISIS in Libya are similar to those in Syria and Iraq: they have imposed their governance according to their own Islamic interpretation; women have been confined to their homes, forced to cover their faces and terrorized in the public sphere. ISIS has also captured and killed foreigners, opposition forces and men accused of same sex relations or “black magic.” They have carried out public executions in Sitre and Derna and hung their corpses in public to terrorize communities.²¹

Presently, the political deadlock is progressing very slowly. After fourteen months of negotiations, members of the political dialogue, including the rival parliaments, signed the Libyan Political Agreement on 17 December 2015. This Agreement led to the formation of the Government of National Accord (GNA), an interim government and the Presidential Council, which acts as the head of state. The first meeting of the cabinet of the GNA took place on 2nd January 2016 in Tunis. The GNA has taken over some ministries; however, to be constitutional, the House of Representatives needs to vote on it.²² At the time of writing this paper, the House of Representatives has not yet voted. Thus, Libya currently has three governments running the country.²³

18. United Nations Human Rights, UN report documents litany of violations and abuses amid chaos in Libya, 25 February 2016. Available online: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=17089&LangID=E#sthash.01qbJiaB.dpuf> [Accessed 12 September 2016]

19. Internal Displacement Monitoring Centre, Libya IDP Figures Analysis (2016). Available online: <http://www.internal-displacement.org/middle-east-and-north-africa/libya/figures-analysis> [accessed 20 September 2016]

20. M. Flemming, <http://www.unhcr.org/news/latest/55/8/2015e06a5b6/crossings-mediterranean-sea-exceed-300000-including-200000-greece.html> [Accessed 13 September 2016]

21. United Nations High Commissioner for Human Rights, Report on the Human Rights Situation in Libya (16 Nov. 2015) http://www.ohchr.org/Documents/Countries/LY/UNSMIL_OHCHRJointly_report_Libya_16.11.15.pdf [Accessed 23 January 2017]

22. Libyan Analysis, Libyan Unity Government Extends Control Over Tripoli Ministries (2016) Available online: <http://www.libya-analysis.com/libyan-elections/> [Accessed 12 September 2016]

23. <https://www.pri.org/stories/31-03-2016/libya-now-has-three-governments-none-which-can-actually-govern>. For more detailed information please see- European Council for Foreign Affairs, A QUICK GUIDE TO LIBYA'S MAIN PLAYERS (2016) Available online: http://www.ecfr.eu/mena/mapping_libya_conflict [Accessed 12 September 2016]



Libyan Women Human Rights Defenders

Women have been in the frontlines of the uprising and the transition period, whether in protesting or in organizing humanitarian aid.²⁴ In the political sphere, women's voices have been marginalized despite an increase in civil society organizations in post-Qaddafi Libya.

During the parliamentary elections of July 2012 - Libya's first free elections in almost five decades- 33 women (out of 200 members) were elected to the General National Congress (GNC).²⁵ Due to the shortcomings of the GNC, women had to work hard to get elected. According to Article 15 of the 2012 Law on the Election of the National General Congress, on the lists of candidates submitted by parties for the proportional representation contest, "candidates shall be arranged on the basis of alternation among male and female candidates, vertically and horizontally. Lists that do not respect such principle shall not be accepted. The Commission shall publish samples showing the format of such lists and the method used to arrange the candidates within them."²⁶ In the first draft of the electoral bill, women were assigned %10 of the seats. However, this draft bill was amended before the implementation of the quota, and was later cancelled in February 2012.²⁷

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The period during which the constitution was being drafted can be seen as a clear example of the structural patriarchal discrimination. In January 29, 2013 women congress members came together to promote women's inclusion in the drafting of the constitution. This step drew criticisms from a male member of the Congress who claimed the shortcoming of the Congress was a result of "God's fury" over having women in the drafting committee.²⁸ In the end, only six seats were allocated to women.

Intolerance to the promotion of equality, human rights and accountability are evident by the attacks on human rights institutions. Many human rights NGOs have been raided and shut down, with sensitive information being damaged. The National Council for Civil Liberties and Human Rights has also been attacked and its offices in Tripoli closed. The human rights organization in Benghazi, Jurists Without Chains, which is registered with the Ministry of Culture, was forced to shut down in October 2014 after it was raided twice in the previous months.²⁹ Paradoxically then, although there seems to be an increase in civil society organisations (CSOs), many organizations are being forced to shut down. This highlights the peculiarity of the post-war period, with its instabilities and divisions.

24. Asma Khalifa, Women in Libya: The Ongoing Armed Conflict, Political Instability and Radicalization http://womeninwar.org/wordpress/wp-content/uploads/08/2015/Beirut/6/Asma20%Khalifa_Libyan20%Women20%in20%Conflict-UHGPW.pdf

25. Shaimaa Abbul Hajj, Libyan Women: Liberated but Not Free <https://www.equaltimes.org/libyan-women-liberated-but-not-yet-free?lang=en#.WIXogrFh2Tc> [Accessed 23 January 2017]

26. The Quota Project, Libya (2016) Available online: <http://www.quotaproject.org/uid/countryview.cfm?id=137> [Accessed 13 September 2016]

27. Together We Build, <http://togetherwebuildit.org/wp/unsr-1325-monitoring-report-on-libya-our-work/> [Accessed 27 January 2017]

28. J. M. Selimovic and D. K. Larsson, 'Gender and Transition in Libya: Mapping women's participation in post-conflict reconstruction', UI Paper, No. 2014) 8), p. 10. Available online: <http://www.ui.se/eng/upl/files/109573.pdf> [Accessed 12 September 2016]

29. <http://www.ohchr.org/Documents/Countries/LY/HumanRightsDefendersLibya.pdf>

Nevertheless, the lack of political participation and the weakening of state institutions have created an environment ripe for the work of CSOs. According to a study by Jean-Louis Romanet Perroux, “There is a slow, less visible, but more positive change occurring in the midst of the country’s chaos... despite the fighting and divisions affecting Libya, the country possesses a surprisingly vibrant civil society that has been largely overlooked.”³⁰

During Qaddafi’s rule, CSOs were banned; however, since his fall there has been a burst of new CSOs working in and out of Libya.³¹ Women CSOs have been working on the ground mostly on peace efforts, gender equality and transitional justice. Organisations such as the Libyan Women’s Platform for Peace, for example, provided a platform for women across the country and abroad to join forces to advance women rights.³² In December 2014, they launched the Charter of Libyan Women’s Constitutional Rights, which called for gender equality in the constitution.³³



Another CSO is The Voice of Libyan Women, which works for women’s economic and political rights, and against violence against women. To open a dialogue with conservative religious leaders, The Voice of Libyan Women launched the International Purple Hijab Day Campaign, discussing religion and domestic violence during the International domestic violence awareness campaign. In 2012, seventeen thousand people took part in the campaign, wearing “purple scarves, ribbons, or ties in support of action against domestic violence.” Additionally, then-Prime Minister Abdurrahim El Keib appeared on TV wearing his purple scarf to support the campaign.³⁴ The second campaign was the Noor Campaign, which appealed to Muslim scriptures to challenge violence against women in Libya. This campaign used several media outlets such as radio, television and billboards as well as social media (#NoorLibya) to counter repressive religious fatwas and open a dialogue.³⁵



30. J.L. R. Perroux, ‘Libya’s untold story: civil society amid chaos’, Middle East Brief, No. 2015) 93), p. 1. Available online: <http://www.brandeis.edu/crown/publications/meb/MEB93.pdf> [Accessed 20 September 2016]

31. For a list see UNDP, Libyan Civil Society Organizations Roster (2014)

32. Libyan Women’s Platform for Peace, About Us (2016) Available online: http://www.lwpp.org/about/index/About_Us [Accessed 12 September 2016]

33. Ibid.

34. I. Marler, The Voice of Libyan Women: A progressive voice amid violence and insecurity (2016). Available online: <http://www.awid.org/news-and-analysis/voice-libyan-women-progressive-voice-amid-violence-and-insecurity> [Accessed 14 September 2016]

35. A. Murabit, Using Islam to Combat Domestic Violence (2013). Available online: <http://www.thedailybeast.com/witw/articles/19/07/2013/libya-s-noor-campaign-invoking-islam-to-combat-violence-against-women.html> [Accessed 10 September 2016]



Risks and Regression of Rights

Unfortunately, the rights of women and WHRDs are still being marginalized and violated. Their rights further deteriorated in 2013, when the Supreme Court sanctioned polygamy without the consent of the first wife and without the authorization of the court, which had been the legal practice adhered to through Law No. 9 of 1993.³⁶ Moreover, the Grand Mufti denounced women's marriage to foreigners; consequently, in April 2013, the Ministry of Social Welfare refused to allow Libyan women to marry non-Libyan men by freezing their marriage licenses.³⁷ The Grand Mufti of Libya has been issuing religious decrees and statements undermining equality and imposing restrictions on women. In one statement, he publically declared a fatwa against CEDAW explaining that "[CEDAW] states that any distinction, exclusion or restriction on the basis of sex is banned. This is the starting point of the disagreement between the Quran and CEDAW, as God says: the male is not like the female, yet they say men and women are equal."³⁸

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The Grand Mufti of Libya

After the Grand Mufti issued a fatwa banning women from travelling without a male guardian on the 1st of December, 2013, women's freedom of movement became increasingly challenged.³⁹ Women and WHRDs have reported difficulties crossing borders and checkpoints without male guardians. There have been cases where women were denied travel by militias to certain areas because they were alone. Documentation by the OHCHR and UNSMIL confirm this problem, and one woman journalist reported being stopped by a militia while driving to a meeting with a male colleague. The two were taken to the militias' headquarters, questioned for hours and then accused of mingling, since she was a woman with a strange man. After they called her father to pick her up, they warned the father about his daughter "running the streets unattended again."⁴⁰ It is unclear whether the actions of these militias were directly related to the Grand Mufti's fatwa, as not all militias support him; however religious intolerance is widespread regardless of the fatwas.

Other pressing issues in Libya are abduction and sexual violence. Sexual violence committed by the state-affiliated persons and by militias against women and WHRDs during the uprising and post 2011 are used to spread fear and control women. Cases of sexual violence are difficult to document due to their sensitive nature and the trauma caused. In addition, the shame associated with rape leaves many women isolated, vulnerable and even exiled. "Honour killings" are rare in Libya; however there have been cases of "honour killings" against rape victims.

36. Amnesty International, Libya: Amnesty International Submission for the UN Universal Periodic Review 22nd Session of the UPR Working Group, May 2014 https://www.upr-info.org/sites/default/files/document/libya/session_22_-_mai_2015/ai_upr22_lby_e_main.pdf [Accessed 23 January 2017]

37. <http://togetherwebuildit.org/wp/unsr-1325-monitoring-report-on-libya-our-work/>

38. For the full speech please see <http://tanasuh.com/online/leadingarticle.php?id=5279> [Accessed 18 September 2016]

39. Lawyers for Justice in Libya, An eye of Human Rights (2013) Available online: <http://www.libyanjustice.org/documents/3/an-eye-on-human-rights-in-libya.pdf> [Accessed 15 September 2016]

40. Human Rights Council, Investigation by the Office of the United Nations High Commissioner for Human Rights on Libya: detailed findings (23 February 2016, A/HRC/31/CRP.3). p.50

In an interview with one WHRD with The Guardian, she recalled how a rape victim she worked with was murdered by a close relative to save the family's honour.⁴¹ Article 375 of the penal code permits for a reduced sentence for men who kill their wives or a female relative having "unlawful sexual relations."⁴² Physicians interviewed by the OHCHR confirmed that their practices have carried out abortions on rape victims.⁴³

Gender-based violence in Libya is considered a dilemma, due to the patriarchal interpretation of the role of women. Legally, sexual violence in Libya is considered an attack on honour rather than on a woman and her bodily rights.⁴⁴ Gender-based violence, such as domestic violence and rape are seen as private and shameful matters not to be discussed in public.⁴⁵ Rape and sexual assault may fall under Libya's zina laws, which are codified in the penal code and Law No. 70 of 1973. Article 4) 407) of the Penal Code prescribes a five-year maximum prison sentence for consensual sexual relations outside of marriage. Because victims of sexual assault can be prosecuted under these laws, they are discouraged from seeking justice. Pressing charges for rape can result in prison sentences for the girls or women, since they can be seen as admitting to having unlawful sexual relations. It thus becomes the responsibility of the survivors to prove that sexual assault is not consensual.⁴⁶

Women and girls face multilayered discrimination especially during conflict. Women face the impacts of war and violence as civilians, such as forced displacement, violence, supply shortages and lack of access to basic needs, loss of livelihoods, etc. However, women also face additional gender-based threats and risks, mostly related to sexual and gender-based violence, ranging from increased domestic violence, forced and early marriages, forced prostitution, rape, and human trafficking. With the increased instability and violence, the patriarchal and religious grip over Libyan women also increases.

41. S. McBain, 'Breaking the silence: confronting rape in post-war Libya', The Guardian. Internet Edition, 10 June 2013. Available online: <https://www.theguardian.com/global-development-professionals-network/2013/jun/07/confronting-rape-post-war-libya> [Accessed 16 September 2016]

42. UNICEF, Libya: MENA Gender Equality Report: Status of Girls and Women in the Middle East and North Africa <https://www.unicef.org/gender/files/Libya-Gender-Equality-Profile2011-.pdf> [Accessed 23 January 2017]

43. Human Rights Council, Investigation by the Office of the United Nations High Commissioner for Human Rights on Libya: detailed findings (23 February 2016, A/HRC/31/CRP.3). p.49

44. Human Rights Watch, World Report 2016: Libya (2016). Available online: <https://www.hrw.org/world-report/2016/country-chapters/libya> [Accessed 20 September 2016]

45. UNICEF, Libya: MENA Gender Equality Report: Status of Girls and Women in the Middle East and North Africa

46. Human Rights Watch, World Report 2016: Libya (2016)

Libyan WHRDs are in grave danger of violence because of their work and their gender. However, in an interview with one WHRD with The Guardian, she recalled how a rape victim she worked with was murdered by a close relative to save the family's honour.⁴⁷ Article 375 of the penal code permits for a reduced sentence for men who kill their wives or a female relative having "unlawful sexual relations."⁴⁸ Physicians interviewed by the OHCHR confirmed that their practices have carried out abortions on rape victims.⁴⁹

Midst the political polarization and violence, the call for gender equality is no longer seen as important; and indeed after 2011, the demands for gender equality during the uprising have been silenced and attacked. According to Alaa Murabit, the founder of The Voice of Libyan Women, "At the time of the revolution everyone was saying 'you need to be involved, this is important if you want to live in dignity.' Now if we say the same thing back, the response we get is 'you guys are being selfish, you need to focus on the greater good of the country.'"⁵⁰ On a community level, the work of WHRDs and gender equality are seen as inconvenient and even "western." Therefore, many people discourage women from speaking out and fighting for women's rights.



From a security perspective, all sides of the conflict are attacking WHRDs. Militias and religious extremists view WHRDs as a threat to their authority and ideologies. Attacks target women who are members and founders of NGOs, women who are members or former members of parliament, and others who are members of CSOs and who are outspoken in the media.

47. S. McBain, 'Breaking the silence: confronting rape in post-war Libya', The Guardian. Internet Edition, 10 June 2013. Available online: <https://www.theguardian.com/global-development-professionals-network/2013/jun/07/confronting-rape-post-war-libya> [Accessed 16 September 2016]

48. UNICEF, Libya: MENA Gender Equality Report: Status of Girls and Women in the Middle East and North Africa <https://www.unicef.org/gender/files/Libya-Gender-Eqaulity-Profile2011-.pdf> [Accessed 23 January 2017]

49. Human Rights Council, Investigation by the Office of the United Nations High Commissioner for Human Rights on Libya: detailed findings (23 February 2016, A/HRC/31/CRP.3). p.49

50. I. Marler, The Voice of Libyan Women (2016)

Unfortunately, many prominent WHRDs in Libya have been assassinated. The lawyer and WHRD Salwa Bugaighis was shot multiple times by a hooded gang inside her house. Fareeha Al-Berkwai, a former member of the General National Congress, was shot in her car in Derna on the 17th of July 2014. Fareeha, who was a representative of Derna city in the Libyan parliament, was also vocal against corruption. Another prominent WHRD was Intissar Al-Hasaeri, who was an active protestor who also organized protests against armed groups, especially against the seizure of Tripoli by the Libya Dawn. She was abducted and killed on the 24th of February in 2014 with her aunt. Their bodies were found in a car on the outskirts of Tripoli.⁵¹



Salwa Bugaighis
25 June 2014



Fareeha Al-Berkwai
17 July 2014



Intissar Al-Hasaeri
24 February 2015

WHRDs in the media are also prone to attacks, intimidation and sexual violence. The powerful role of the media in shaping people's opinions and fuelling intolerance emboldens the state and the militias to attempt to control the media. The polarization of the Libyan media, in line with the polarization of its politics, has left many vocal WHRDs at risk. Recently, The Libyan Center for Freedom of Press revealed that assaults on journalists all over Libya have increased exponentially in 2016, with 27 assault cases on journalists. These threats have led many of the targeted journalists to stop practicing their work⁵² Reporters Without Borders ranked Libya 164 out of 180 countries in 2016 regarding the press freedom.⁵³

Cases of attacks against female journalists include Khawlija Al-Amami, a presenter for the al-Ahrar TV station, who was shot at by gunmen who pulled up to her car in August 2013. She survived the attack but hours later the gunmen texted her a warning, «stop your journalism» or be killed.⁵⁴

51. Human Rights Council, Investigation by the Office of the United Nations High Commissioner for Human Rights on Libya: detailed findings

52. Libya Express, Assaults on journalist in the first quarter of 2016 came to a record high (2016) Available online: <http://www.libyanexpress.com/libyan-center-for-freedom-of-press-assaults-on-journalists-in-the-first-quarter-of-2016-came-to-a-record-high/> [Accessed 21 September 2016]

53. Reporters without borders, 2016 world press freedom index (2016) Available online: <https://rsf.org/en/ranking> [Accessed 15 September 2016]

54. C. Stephan, 'Libyan journalist shot as militants target media in Benghazi', The Guardian, Internet Edition. Available online: <https://www.theguardian.com/world/2013/aug/13/libyan-journalist-shot-militants-benghazi> [Accessed 21 September 2016]

Manal al-Bousefi, a WHRD and media professional, has been intimidated, harassed and threatened since 2013 and has decided to leave Libya in August 2014. She was first threatened in June 2013 after writing a newspaper article addressing inequality in marriage, divorce and alimony laws. In her article, she urged the GNC for legal reforms to safeguard women's rights. After that, she started receiving threatening calls and text messages ordering her to stop writing or they will kidnap her son. In 2013, a car hit her car deliberately while driving, as the attacker shouted at her to stop writing and told her that she deserved to have her hand broken. The traffic police took no action and advised her not to file a complaint.

Even in exile, Manal has faced threats due to her work. The WHRDs in the media are also prone to attacks, intimidation and sexual violence. The powerful role of the media in shaping people's opinions and fuelling intolerance emboldens the state and the militias to attempt to control the media. The polarization of the Libyan media, in line with the polarization of its politics, has left

Journalists who openly criticize the armed groups or their allies received death threats, such as the case of a woman journalist who reported receiving phone calls calling on her to stop criticizing the Libya Dawn "if she wanted to see the sun" again and called for her to "stop writing on [her] Facebook page or [her] head will be cut off."

many vocal WHRDs at risk. Recently, The Libyan Center for Freedom of Press revealed that assaults on journalists all over Libya have increased exponentially in 2016, with 27 assault cases on journalists. These threats have led many of the targeted journalists to stop practicing their work⁵⁵ Reporters Without Borders ranked Libya 164 out of 180 countries in 2016 regarding the press freedom.⁵⁶

She was stopped by a car with a Libyan license plate in an unnamed country. She recalls, «The passenger threw a cup of coffee at her warning: You... activist and journalist... Next time it will be acid instead of coffee.»⁵⁷ Another woman journalist reported a threatening piece of paper on her car warning, "your turn is next" after the assassination of Salwa Bughaigis. Journalists who openly criticize the armed groups or their allies also received death threats, such as the case of a woman journalist who reported receiving phone calls calling on her to stop criticizing the Libya Dawn "if she wanted to see the sun" again and called for her to "stop writing on [her] Facebook page or [her] head will be cut off."⁵⁸

Many female journalists have left Libya and work from abroad. Heba Alshibani, a media manager and presenter at Reuters who covered stories on assassinations, bombings and migrant crises, was forced to leave the country. She ran a show on women's issues discussing usually what are usually considered "private" issues, such as rape and sexual violence, which was not received well by Libyan political figures. In 2014 she fled the country with her family after another journalist told her "to flee or face the consequence." Currently, she still covers Libyan news and events, but from outside the country.⁵⁹

55. Libya Express, Assaults on journalist in the first quarter of 2016 came to a record high (2016) Available online: <http://www.libyanexpress.com/libyan-center-for-freedom-of-press-assaults-on-journalists-in-the-first-quarter-of-2016-came-to-a-record-high/> [Accessed 21 September 2016]

56. Reporters without borders, 2016 world press freedom index (2016) Available online: <https://rsf.org/en/ranking> [Accessed 15 September 2016]

57. United Nations Support Mission in Libya and Office of the United Nations High Commissioner for Human Rights, Human Rights Defenders Under Attack - 25 March 2015 (2015), p. 6. Available online: <http://www.ohchr.org/Documents/Countries/LY/HumanRightsDefendersLibya.pdf> [Accessed 22 September 2016]

58. Ibid., p. 12

59. CPJ, From High Profile to Exile (2016) Available online: <https://www.cpj.org/04/2016/attacks-on-the-press-from-high-profile-to-exile.php> [Accessed 22 September 2016]

Therefore, due to the lack of accountability and protection, WHRDs have no choice but to leave their country, since it is not only they who are threatened, but their loved ones and family members. With the chaos and turmoil, the criminal justice system has also collapsed, leaving Libyan citizens vulnerable to all kinds of abuse. An illustrative example of the failure of the justice sector is the abduction of Abdel-Nasser al-Jaroushi, the public prosecutor in the South Benghazi Court. An armed group abducted Abdel Nasser after he began investigating the assassination of Salwa Bughaigis. His whereabouts are still unknown.⁶⁰

The only accountability mechanism is the constitutional decree recognizing the use of rape as a weapon in the 2011 uprising that ousted Qaddafi. In February 2014, the Libyan Minister of Justice, Mr. Salah El Marghany, adopted a decree that protects victims of sexual violence, and that seeks to address the harm against them, requiring the “removal of all injustice and redressing the consequences of violation.”⁶¹ The Decree is the first of its kind in the world to acknowledge rape and sexual violence as a weapon of war. However, the Decree still needs to be passed by the parliament to become a law. In addition, the Decree solely focuses on the crimes committed during the uprising against Qaddafi, its legal scope does not extend to sexual violence committed after the revolution which has in fact seen more violence than during the revolution.

60. United Nations High Commissioner for Human Rights, Human Rights Defenders Under Attack (25 March 2015) <http://www.ohchr.org/Documents/Countries/LY/HumanRightsDefendersLibya.pdf> [Accessed 23 January 2017]

61. Joint Submission to the UN Universal Periodic Review 22nd Session of the UPR Working Group, The State of Libya Women's rights (2014). p.6.

Conclusion

The chaos that Libya is experiencing politically and security-wise has left women's voices divided, scattered and silenced. As with most MENA states experiencing conflicts or transitioning into democracies, security has been prioritized over gender equality. The general opinion is that: we need to ensure security before we think about social issues such as gender equality. Yet women are the leading agents for peace, whether through delivering humanitarian aid or through campaigning for equality. Libyan women have fought hard to enter the political landscape, but their efforts are being hindered by socio-cultural factors and security instabilities. The violent attacks against WHRDs by the state apparatus and non-state actors are leaving them even more vulnerable. Powerful platforms are being dominated by nationalistic and patriarchal discourses, leaving no space for WHRDs. With no protection mechanisms and no spaces to turn to, and with the rise of extremism, they are being propelled out of the country. Unfortunately, as is the case with Manal al-Bousefi, even outside Libya, they are being attacked. The lost lives of Libyan WHRDs is severe, and they must be protected and defended.

Recommendations

To address human rights abuses and violations against WHRDs, the WHRD-MENA Coalition makes the recommendations below to both the Libyan leadership and the international community, to alleviate the suffering of WHRDs and protect the WHRDs who have been persecuted.

To the Libyan leadership:

- End the impunity of state militias and hold their members accountable.
- Strengthen the criminal justice system and increase its gender sensitivity to allow it to prosecute gender-based violence.
- Train security officers on identifying and responding to gender-based threats and abuses
- Investigate the attacks and killings of WHRDs and prosecute the attackers and killers.
- Eliminate Article 274 and 4) 407) regarding reduced sentences for honour killings and the zina law respectively.
- Guarantee the effective protection of WHRDs, as their struggles have become internationally recognized.

To the international community:

- Consistently condemn attacks against WHRDs, document and publicly report on violations against them.
- Support the Libyan government in protecting and defending WHRDs.

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