

Oral Intervention

to the Pre-sessional Working Group of the 91st session of CEDAW

October 28, 2024

Thank you Chair,

The ongoing conflict in Libya has had a detrimental impact on human rights, particularly for women and vulnerable groups. This instability has hindered progress in addressing gender-based violence, legal discrimination, and restrictions on women's freedom of movement.

Libya ratified the Convention and that reflects a commitment to gender equality. However, despite this formal commitment, significant challenges persist in ensuring the full realization of women's rights. Since its last review in 2009, Libya has not submitted updates or responded to the Committee's inquiries.

Ms. Chair, Libya Crimes Watch has the following critical concerns:

Firstly, on Gender-Based Violence, women in Libya face various forms of violence, including domestic violence and sexual assault. The absence of specific legislation addressing domestic violence, along with societal norms and the impact of conflict, perpetuates impunity. Article 375 of the Penal Code allows for mitigating punishment for "Honor" crimes, and under Article 424, rapists can evade prosecution by marrying their victims. These Articles violate Articles 2(c) and 2(d) of the convention.

On Legal Discrimination, the Family Code and Nationality Law contain discriminatory provisions against women. Notably, Libyan women cannot pass their nationality to their children if the father is not Libyan, violating Article 9 of the convention.

On freedom of movement, the Internal Security Agency restricts unaccompanied women from travelling through air and land ports, violating Articles 2(c), 5 and 18 of the Convention. We documented a woman human rights defender being stopped at the airport for travelling without a male escort, interrogated and sexually harassed, faced charges of "moral decay", and when she attempted to file a complaint, the prosecutor threatened her with arrest.

On Protection of Activists, women human rights defenders face threats, arbitrary detention and enforced disappearance, with limited access to justice. We monitored the abduction of a lawmaker in 2019, and a lawyer who was assassinated in 2020, the perpetrators are yet to be held accountable.

Lastly, on the Protection of migrant, refugee and asylum-seeker women, Libya does not take adequate measures to protect these women from sexual violence. We documented a migrant being subjected to an attempted rape by 3 guards inside a detention centre, she experienced physical violence, had her clothes forcibly removed and was threatened with death if she

spoke out, she also witnessed many women being raped, getting forcibly impregnated and undergoing abortions, and was only able to file a complaint after leaving Libya.

Based on all of these concerns, Libya Crimes Watch Recommends:

- We call the Committee to urge Libyan authorities to implement legal reforms and enact and enforce robust legislation to combat gender-based violence, including domestic violence, and sexual violence against migrant, refugee and asylum-seeker women and ensure perpetrators are held accountable.
- We urge the Committee to press on Libyan authorities to amend discriminatory laws and review the Family Code and nationality law. This review should include a clear definition of domestic violence, specify its punishment, and ensure that women enjoy equal rights to marriage, divorce, inheritance, and nationality.
- We request the Committee to push for the guarantee of freedom of movement for women and remove all restrictions that hinder their ability to travel and participate in public life, in line with Libya's obligations under the Convention.
- We strongly recommend the Committee to urge Libyan authorities to prioritize the protection of women human rights defenders and activists and implement concrete measures to ensure their safety and security. This includes ensuring that they can carry out their vital work without fear of reprisal or harm.

By taking these actions, the committee can help create a more just and equitable society for women in Libya.

Thank you,