

Libya Crimes watch's LOI to the Committee on the Elimination of Discrimination against Women (CEDAW) regarding Libya

Background

The Libya Crimes Watch (LCW)¹ is an independent, non-governmental, and non-profit human rights organization founded in 2019. Registered in the United Kingdom, it operates through a network that covers all parts of Libya and is primarily dedicated to monitoring, observing and documenting human rights violations against civilians.

This is the first report presented by The LCW to the Convention on the Elimination of All Forms of Discrimination against Women. This report focuses on the status of women in Libya and the restrictions imposed on Libyan civil society. This report is a tool for understanding the challenges and obstacles to women's rights in Libya and for portraying the current situation.

LCW report highlights a range of issues affecting Libyan women, including legal, social discrimination. It also addresses the constraints imposed by political and security conditions in Libya on women's ability to participate in public life and decision-making.

Additionally, LCW report provides a comprehensive overview of the current situation of women in Libya and highlights areas that require immediate improvement and intervention. We also present some questions that may assist the committee in compiling lists of issues prior to reporting for Libya.

Introduction

Libya ratified the Convention on the Elimination of All Forms of Discrimination against Women (hereinafter referred to as the "Convention") on May 16, 1989² demonstrating its commitment to promoting gender equality and protecting the rights of women. However, despite this commitment, significant challenges remain in ensuring the full realization of women's rights in Libya. Libya underwent review before the Committee in 2009, yet since then, Libya has not provided any information to the Committee nor responded to the Committee's inquiries. It was expected that Libya would provide information on the steps taken to implement the recommendations, with the deadline for submission set for February 2011. However, to date, Libya has not provided the requested information.

This comes during a critical period in Libya's history, marked by the outbreak of armed conflict in 2011, the human rights situation in Libya has significantly deteriorated due to the widespread proliferation of armed violence and the pervasive practice of torture and mistreatment against civilians. Libya remains a battleground for armed groups supported by the two current governments, both of which are influenced by Islamic currents. For example, numerous civilians and activists are subjected to investigation and torture by security forces affiliated with the Ministry of Interior and Defense based on religious or sexual orientation.

Many report that a substantial portion of the eastern Libyan Arab Armed Forces align with Salafi-jihadi currents. Conversely, elements within Presidential Council (Libya) in western Libya, such as the Al Radaa

¹ Check our website [Libya Crimes Watch \(lcw.ngo\)](http://libya-crimes-watch.org)

² United Nations treaty collective, Available at: [UNTC](http://untc.un.org)

and Support for Stability and Internal Security Agency, are associated with what is known as the "Mufti's current," which is shaped by the views and pronouncements of Libya's Mufti, Sadiq Al-Ghariani³. These influential groups practice various forms of repressive and violent practices against civil society, particularly targeting women, girls, and other vulnerable groups, including those with diverse sexual identities⁴.

Gender has become a powerful factor in Libya for discrimination, utilized by these groups to "legitimize" practices of intimidation and arrest. Activists defending human rights have become victims of smear campaigns, arbitrary arrests, torture, and even murder at the hands of armed groups with various affiliations. The dominant Islamic currents in Libya have contributed to inciting and directing public opinion to attack diverse groups, as evidenced by a recent clear statement from the Libyan Mufti⁵ banning the use of the term "gender" and criminalizing dealing with gender issues in all its forms.

Libya has not witnessed political stability or the presence of a strong unified government or a consensus constitution since 2011, thus suffering from the influence of extremist Islamic thought against many categories protected by international law and human rights, such as women and other diverse gender identities.

On the other hand, Libya maintains its longstanding reservation to the Convention, asserting that it does not impede the Convention's purposes and objectives. Specifically, Libya has reservations regarding Paragraphs (c) and (d) of Article 2 of the Convention.

Paragraph (c) Ensure the enforcement of legal protections for women's rights on an equal footing with those of men. Guarantee the effective safeguarding of women through competent courts and other public institutions in the nation, shielding them from any discriminatory actions.

Paragraph (d) Abstain from participating in any discriminatory acts or practices against women, and ensure that public authorities and institutions adhere to this duty, acting in accordance with nondiscriminatory principles.

In essence, these paragraphs emphasize the importance of upholding gender equality and protecting women from discrimination. They call for the enforcement of legal safeguards to ensure that women enjoy equal rights and opportunities as men, and they demand that public authorities refrain from engaging in any discriminatory acts or practices against women.

Based on the aforementioned paragraphs, LCW aims to highlight specific concerns to the Committee on the Elimination of Discrimination against Women (CEDAW) during the Pre-Sessional Working Group 90 (PSWG). LCW wishes to address several issues pertaining to Libya's adherence to the Convention.

³ Sadiq Al-Ghariani was a member of the Muslim Brotherhood until 2014. However, due to the failure of the Muslim Brotherhood in Libya after the group supported extremist groups in eastern Libya, the Libyan Mufti's orientations became Salafi-jihadi, Available at [مركز الإمارات للسياسات | الإسلام السياسي في ليبيا: من الصعود إلى التراجع \(epc.ae\)](https://epc.ae) and also Available at [Libya's Factional Struggle for the Authority of the Islamic Endowments" https://carnegieendowment.org/2021/06/07/libya-s-factional-struggle-for-authority-of-islamic-endowments-pub-84653](https://carnegieendowment.org/2021/06/07/libya-s-factional-struggle-for-authority-of-islamic-endowments-pub-84653)

⁵ Resolution of the Sharia Research and Studies Council of the Fatwa House No. (02) of 1445 AH prohibiting the use of the term gender Available at [قرار مجلس البحوث والدراسات الشرعية التابع لدار الإفتاء رقم \(02\) لسنة 1445 هـ بتحريم \(ifta.ly\) استعمال مصطلح النوع الاجتماعي – دار الإفتاء الليبية](https://ifta.ly)

Frist: Gender-based violence against women

Women in Libya face various forms of violence, including domestic violence, sexual assault, and harmful traditional practices. Despite some legal provisions, there are significant gaps in the protection of women from such violence. The lack of specific legislation addressing domestic violence and the inadequate enforcement of existing laws contribute to a culture of impunity for perpetrators.

Moreover, societal norms and attitudes often perpetuate gender-based violence, with victims facing stigma and barriers to seeking help and justice. Limited access to support services and shelters further exacerbates the challenges women encounter in escaping abusive situations. Addressing gender-based violence against women in Libya requires comprehensive legal reforms, increased awareness-raising efforts, and improved access to support services for survivors⁶.

In Libya, there is no law⁷ addressing domestic violence to establish measures for its prevention, punish perpetrators, and protect survivors. Article 375 of the Penal Code⁸ allows for mitigating punishment for a man who kills or injures his wife or another female relative if he suspects her of engaging in extramarital sexual relations, which contradicts Article 2 (c) of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which mandates states to enforce legal protection of women's rights on an equal basis with men and ensure effective protection of women from any discriminatory act. Additionally, the law allows rapists to evade prosecution if they marry their victims, contravening Article 2 (d) of CEDAW, which requires states to refrain from engaging in any discriminatory acts or practices against women.

Suggested Questions:

- 1- How is the Libyan government addressing gender-based violence against women, particularly in terms of legal reforms and enforcement mechanisms?
- 2- What measures are in place to support survivors of gender-based violence and ensure their access to justice and protection?
- 3- Are there specific initiatives or programs aimed at preventing gender-based violence and promoting gender equality in Libya?
- 4- What steps are being taken to ensure that women have equal access to justice and protection under the law, particularly in cases of gender-based violence?

Second: Gender Discrimination in Libyan Laws: Family Code and Nationality Legislation

Libya's Family Code⁹ perpetuates discrimination against women concerning marriage, divorce, and inheritance. Additionally, the 2010 nationality law discriminates against women by only permitting Libyan men, but not women, to transmit Libyan nationality to their children and requiring women to obtain authorities' approval before marrying non-Libyan men. While the GNU purportedly expanded

⁶ World report -Human rights watch 2023 Available at <https://www.hrw.org/world-report/2023/country-chapters/libya#a66840>

⁷ Check this report, which covers the status of laws and Libyan women <https://libya.unfpa.org/sites/default/files/pub-pdf/Libya%20Country%20Assessment%20-%20Arabic.pdf> and also <https://1drv.ms/w/c/b9c838c14c1c693c/EXpN6DHLjatCoVvsOUqpl3gBmN1zdfYpxF5mQALNmLh1w>

⁸ Penal Code Available at <https://security-legislation.ly/latest-laws/penal-code/>

⁹ Libya's Family Code Available at <https://campaignforjustice.musawah.org/repository/libya/>

the rights of non-citizen children of Libyan women in October 2023¹⁰, granting them visa-free entry, access to education, and healthcare, it failed to grant women complete equality, notably the right to confer Libyan nationality to their children, contradicting Article 9 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

Suggested Questions

1. What specific steps is the Libyan government taking to address the gender discrimination inherent in the requirement for women to obtain authorities' approval before marrying non-Libyan men?
2. Can you provide further details on the recent expansion of rights for non-citizen children of Libyan women, and what measures are being considered to ensure full equality for women in this regard?
3. In what ways does the denial of equal rights for women in conferring Libyan nationality to their children violate Article 9 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and what actions is the government taking to rectify this discrepancy?
4. How are discriminatory laws, such as those found in the Family Code and nationality legislation, impacting women's access to education, healthcare, and other basic services in Libya, and what strategies are being implemented to address these disparities?
5. What specific legislative changes or reforms are being proposed by the Libyan government to eliminate gender discrimination in laws related to family and nationality matters, and how can civil society organizations and international partners support these efforts?

Third: Implications on Women's Rights and Freedom of Movement in Libya

In 2023, new restrictions targeting gender equality aimed to curtail the freedom of women and girls by limiting their civil liberties and right to mobility. In March 2023¹¹, The Internal Security Agency Apparatus under the Government of National Unity in Tripoli imposed a questionnaire requirement on female travelers through Mitiga, Misrata, and Benghazi airports and border crossings. This questionnaire was enforced as a legal measure preventing travel if not completed and demanded women to justify their travel without male companions. These measures affected all categories of female travelers, with no clear reasons provided by the Internal Security Apparatus and border and airport officials for the use of the questionnaire data.

These continued travel restrictions on women and girls without male companions over several months hindered various activities, including depriving businesswomen and mothers of mobility even in emergency situations¹².

¹⁰ World report -Human rights watch 2023 Available at <https://www.hrw.org/world-report/2023/country-chapters/libya#a66840>

¹¹ Report: Human rights violations in Libya during March 2023 Available In Arabic only at [رصد الجرائم في ليبيا - 2023](https://www.lcw.ngo/) (lcw.ngo)

¹² Crushing freedom: Strict restrictions on Libyan women and forced male guardianship- Lawyers for Justice in Libya Organization June 2023 Available at <https://www.libyanjustice.org/news-arabic/shq-llhry-qywd-srm-aal-lmr-llyby-wwsy-dhkwr-yqsry> and also you check LCW Annual Report for 2023 – Libya: Unending violations and

This is contrary Article 2 (c): Failure to ensure effective protection of women's rights, including the right to freedom of movement, without discrimination. and Article 5: Failure to take appropriate measures to modify social and cultural patterns of conduct that perpetuate gender stereotypes and discrimination against women. and Article 15: Denial of women's rights to freedom of movement and choice of residence. and Article 18: Limitation of women's rights and opportunities in participating in recreational activities, sports, and all aspects of cultural life.

we observations note that the policies of Tripoli's ruling Government of National Unity (GNU) seek to intensify societal oppression against women and girls through social stigmatization and smear campaigns targeting activists, particularly those in leadership positions¹³. Furthermore, there has been a clear focus throughout the year on restricting women's activities through the criminalization of acts such as homosexuality, engaging in sex work, alcohol consumption, and atheism. As a result of incitement practices by government agencies on social media platforms, campaigns against female activists escalated, leading to threats and harassment through their personal accounts¹⁴.

A significant number of cases documented by international and local mechanisms revealed the arrest, torture, and sexual violence against women working in civil and journalistic fields. These women faced interrogation regarding their sexual orientations and were accused of engaging in sex work, drug use, and traveling without male companions. Continuous arrests were carried out by both the Internal Security forces Apparatus in the east and west of the country, in addition to security elements affiliated with the Presidential Council's Libya's Al Radaa for Countering Terrorism and Organized Crime's, and the Criminal Investigation Department under the Ministry of Interior of the Government of National Unity. Documentation revealed the mistreatment endured by unveiled women and girls in prisons, particularly if they had unconventional hairstyles, often subjected to mockery and continuously coerced to wear the hijab inside the prison. One case confirmed sexual assault within a security center affiliated with the Ministry of Interior in Tripoli¹⁵.

Given the social and cultural circumstances in Libyan society, these violations are deemed deliberate to diminish women's participation, whether politically or civilly. The majority of victims and survivors, upon exposure to smear campaigns, suffer psychological and social repercussions, affecting their relationships with families and communities, exacerbating their conditions post-release. In many cases, these violations lead to the restriction of women's freedoms in work, movement, communication, education, and even marriage, within a broader framework of domestic violence¹⁶.

Suggested Questions

1. What measures are being taken to ensure transparency and accountability regarding the imposition of questionnaire requirements on female travelers without male companions at

rampant impunity <https://lcw.ngo/en/blog/lcw-annual-report-for-2023-libya-unending-violations-and-rampant-impunity/>

¹³ "Libyan Women Protest Decision to Restrict Their Travel Abroad" Middle East News. May 2023. [ليبيا ينتفضن \(aawsat.com\)](https://www.aawsat.com) ضد قرار فرض إجراءات تقييد سفرهن للخارج

¹⁴ LCW Annual Report for 2023 – Libya: Unending violations and rampant impunity <https://lcw.ngo/en/blog/lcw-annual-report-for-2023-libya-unending-violations-and-rampant-impunity/>

¹⁵ LCW chose not to include the details and the exact locations of 4 documented cases in its public monthly reports due to the precarious security situation and victims' fear of reprisal check LCW Annual Report for 2023 – Libya: Unending violations and rampant impunity Available at [LCW Annual Report for 2023 - Libya: Unending violations and rampant impunity - Libya Crimes Watch](https://lcw.ngo/en/blog/lcw-annual-report-for-2023-libya-unending-violations-and-rampant-impunity/)

¹⁶ Libya: Unending violations and rampant impunity Available at [LCW Annual Report for 2023 - Libya: Unending violations and rampant impunity - Libya Crimes Watch](https://lcw.ngo/en/blog/lcw-annual-report-for-2023-libya-unending-violations-and-rampant-impunity/)

Mitiga and Misrata airports and border crossings, and what justifications were provided by the Internal Security Apparatus for these requirements?

2. How is the Libyan government actively working to ensure effective protection of women's rights, particularly the right to freedom of movement, without discrimination, in accordance with Article 2 (c) of international conventions, and what specific initiatives have been implemented to address any existing disparities?
3. What strategies and programs are being implemented by the Libyan government to modify social and cultural patterns and eliminate gender-based discrimination, particularly in areas such as recreational activities, sports, and cultural events, as outlined in Article 5 and Article 18 of international conventions?
4. Can you provide details on the measures taken by the Government of National Unity in Tripoli to address societal oppression against women and girls, specifically in combating stigmatization and smear campaigns targeting activists, and what progress has been made in this regard?
5. How are government agencies utilizing social media platforms to incite campaigns against female activists, leading to threats and harassment, and what steps are being taken to address and prevent such activities?

Fourthly: Challenges Advocates and Activists' Pursuit of Justice and Accountability for Women in Libya

There are no concrete measures or actions taken by Libyan authorities to stop assaults, arbitrary detention, mistreatment, and all forms of violence, harassment, and intimidation against women, including by security forces and armed groups in Libya. In 2019, lawmaker (SS) and her husband were abducted from their home in Benghazi in the east of the country, and to date, there is no information about their whereabouts¹⁷. and also In November 2020, Libyan lawyer and human rights activist (H al-B) was shot dead just days after she criticized Saddam Haftar, the son of Marshal Khalifa Haftar, the leader of the Libyan National Army controlling eastern Libya. (H al-B), aged 46, was one of the prominent advocates for women's rights in eastern Libya¹⁸

So, the abduction of (SS) and her husband violates Article 9 of the Universal Declaration of Human Rights, which states that no one shall be subjected to arbitrary arrest, detention, or exile.

The assassination of (H al-B) contravenes Article 3 of the Universal Declaration of Human Rights, which guarantees the right to life, and Article 12, which protects individuals from arbitrary interference with their privacy, family, home, or correspondence.

The failure to address and prevent assaults, arbitrary detention, mistreatment, and violence against women violates various provisions of the Convention on the Elimination of All Forms of Discrimination

¹⁷ ONE YEAR AFTER THE ENFORCED DISAPPEARANCE OF LAWMAKER SIHAM SERGIWA, LAWYERS FOR JUSTICE IN LIBYA REITERATES ITS CALL FOR ACCOUNTABILITY- LFJI JULY 2020 <https://www.libyanjustice.org/news/one-year-after-the-enforced-disappearance-of-lawmaker-siham-sergiwa-lawyers-for-justice-in-libya-reiterates-its-call-for-accountability> If you need more details you can also check

<https://www.hrw.org/ar/news/2019/08/16/332973> and this <https://www.unsmil.org/unsmil/press-releases/2020/11/11/libya-outspoken-benghazi-lawyer-murdered> | المتحدة تطالب بالإفراج الفوري عنها وعن جميع ضحايا الإختفاء القسري في ليبيا

¹⁸ Libya: Outspoken Benghazi Lawyer Murdered -Human Rights Watch Nov 2020

<https://www.hrw.org/news/2020/11/11/libya-outspoken-benghazi-lawyer-murdered>

against Women (CEDAW), including Articles 2 and 5, which require states to take appropriate measures to eliminate discrimination against women in all its forms and to modify social and cultural patterns of conduct.

The inability to ensure the safety and protection of women activists and advocates from threats, harassment, and attacks violates Article 2 (c) of CEDAW, which mandates states to take all appropriate measures to eliminate discrimination against women by any person, organization, or enterprise.

Suggested Questions

- 1- How does the Libyan authorities plan to address the abduction of (SS) and her husband, and what steps are being taken to ensure their safe return or provide information about their whereabouts?
- 2- Can the Libyan authorities provide details on the investigation into the assassination of (H al-B), including any progress made in identifying the perpetrators and holding them accountable?
- 3- What specific measures are being considered or implemented to address the systemic issues leading to assaults, arbitrary detention, mistreatment, and violence against women in Libya, in accordance with international human rights standards?
- 4- How does the Libyan government intend to enhance the protection of women activists and advocates in the country, both online and offline, to ensure their safety from threats, harassment, and attacks perpetrated by state and non-state actors?