

ICAN's *What the Women Say* briefs are produced in association with:

- The MIT Center for International Studies
- Global Network of Women Peacebuilders (GNWP)
- Institute for Inclusive Security (IIS)
- Center for Women's Global Leadership, Rutgers, The State University of New Jersey
- Women's International League for Peace and Freedom (WILPF)
- Global Partnership for the Prevention of Armed Conflict (GPPAC)
- Women Peacemakers Program (WPP)
- Women for Women's Human Rights (WWHR) – New Ways

About ICAN: Formed in 2006, the International Civil Society Action Network (ICAN) aims to strengthen women's participation and influence in conflict prevention, social justice, coexistence, and peacebuilding efforts, in situations of closed political space and conflict affected states. ICAN's MENA program seeks to elevate the voices and impact of women's civil society groups on issues of rights, security and peace in countries undergoing transitions, affected by rising militarism and extremism targeting women.

What the Women Say

From Subjects to Citizens:

Women in Post-Revolutionary Libya

Brief 8

Fall 2013

In February of 2011, a group of Libyan women, inspired by the wave of peaceful uprisings across Egypt and Tunisia, protested the arrests of their male relatives outside a prison in Benghazi. Their actions inspired a swathe of Libyan society – particularly the young – to spill out into the streets and demand an end to dictatorship. Colonel Qadhafi quickly tried to crush the protests with violence. Protesters launched an effective media campaign calling for a no-fly zone, and for a brief moment, the world's attention was riveted on Libya.

By March, the UN Security Council had approved the no-fly zone to protect civilians. The ensuing war – fought in the air by NATO and on the ground by numerous militias – took eight months, but the Qadhafi regime ultimately collapsed, heralding the start of a new Libya.

The speed of Qadhafi's fall was matched by the rapidity with which the international community and the media lost interest in the country. The UN and donors set up offices in Libya to aid the transition, but there were no real plans to ensure security or tackle the void left by Qadhafi's security forces. With a barely functioning military and no police, ragtag and organized militias and criminals began

to operate across Libya's porous borders, leading to a destabilising flow of weapons. Human rights abuses, a hallmark of the Gadhafi regime, have continued under the transitional government and some see the country as

Key Points

-Libyan women played a crucial role in the revolution and were initially part of mediation and transition discussions, but have since been dismissed as stake holders by the transitional government and international actors.

- Libyan women are fighting for formal comprehensive investigations and justice for victims of sexual violence perpetrated within the Qadhafi regime, during the revolution and in the transitional period.

- International actors who previously committed to the UN Security Council Resolutions on Women, Peace and Security have failed to implement the agenda consistently and in all spheres, particularly in security sector reform discussions.

- Libyan women face rising religious extremism and non-inclusive electoral laws which inhibit independent voices in the political sphere.

neering a failed state.¹ Some ethnic minorities remain internally displaced, and politicians and local leaders use ethnic differences to mobilise support for their own political ends. Meanwhile, national reform processes, including military reform, are slow or stalled.

The country has also become home to rising extremism. Salafis who entered the country have destroyed ancient relics and Muslims shrines, and targeted minorities and women. As one women's rights activist noted poignantly in 2012, a day before the attack on the US embassy facility in Benghazi, "the extremists first attacked the dead, and then the vulnerable." But it was only when US Ambassador Chris Stevens and three other US diplomatic staff were killed on September 11, 2012, that Libya received wide international attention again for a brief moment.

The past two years have had serious impact on and for women, many of whom have emerged as voices in the political arena and as community change agents, running NGOs and providing services. Yet they have also come under attack, with activists receiving death threats. The turn towards extremist interpretations of *shari'a* law threatens women's existing liberties, undermining their efforts to reform Libya's post-war political institutions and promote a more inclusive and equal state.

Regressive attitudes towards women have been apparent from the start. The transitional leadership illustrated this in its statement reacting to a law limiting polygamy: "this law is contrary to Shariah and must be stopped... Shariah allows polygamy."² Libyan women clearly and vocally opposed the potential legalization of polygamy and continued to demand their place in national decision making. But support for Libyan women during the uprisings and in the post-conflict period has been inadequate and inconsistent, and at times entirely absent.

This brief draws particular attention to women's experiences in Libya in the context of political and security developments in the past two years. It also highlights opportunities that the international community lost for sustaining and implementing the UN Security Council Resolution 1325 (2000) agenda on Women, Peace and Security.

1. Revolution, Insecurity and the Sceptre of Sexual Violence as a Weapon

With the help of international firepower, Libyans deposed Qadhafi after an armed struggle known as the February 17th Revolution. Libyan women rallied support through social media, organised and held demonstrations, sent medics and supplies to the frontlines, prepared food for fighters, and recorded human rights violations.

International media campaigns were particularly effective. The regime had always used its security apparatus disproportionately to suppress resistance, so international observers' primary message was that without a no-fly zone, Qadhafi would bomb Benghazi and its 50,000 residents. The international community reacted swiftly to allegations that the regime was aerially bombing civilians. The UN Human Rights Council appointed an "independent international commission of inquiry".³ Support was galvanised for further international action and by mid-March 2011, the United Nations Security Council passed

¹ Grant, George. "Libya is not a failed state-in-waiting." *The Telegraph*, 5 March 2012. Available at www.telegraph.co.uk.

² Mustafa Abdel-Jalil quoted. Nossiter, Adam. "Hinting at an End to a Curb on Polygamy, Interim Libyan Leader Stirs Anger." *The New York Times*. 29 October 2011. Available at www.nytimes.com.

³ Heller, Kevin Jon. "The International Commission of Inquiry on Libya: A Critical Analysis." 2012. Available at <http://papers.ssrn.com>. The International Commission of Inquiry comprised Philippe Kirsch (Canada), the first President of the International Criminal Court (ICC); M. Cherif Bassiouni (Egypt), an international criminal law scholar and Asma Khader (Jordan), a human-rights attorney who specialises in women's and children's rights. The Commission was not without its biases and shortcomings. In Heller's words, it was "created by the Human Rights Council to confirm its pre-existing belief that the Qadhafi government was responsible for serious violations of international law, [yet to its credit] reinterpreted its mandate to include the conduct of the *thumar* and NATO as well – the latter over the organization's strident protests" (p. 50).

Resolution 1973, mandating “all necessary measures” to protect civilians.⁴ At this point, almost all of eastern Libya was under opposition control. NATO launched “Operation Unified Protector”⁵ to establish the no-fly zone.

Libyan women ignored and exploited

Women’s strong role in initiating the Libyan revolution was noted in early mediation efforts, but international actors made no sustained effort to engage Libyan women. Only when allegations of sexual violence emerged did the international community take notice of women. Iman al-Obeidi, the young woman who broke her story of alleged gang rape by Qadhafi soldiers to the world press in March, 2011, was the first to draw attention to the issue.⁶

By March 30th, British Foreign Minister William Hague was referencing sexual violence as a blatant example of Qadhafi’s disregard for international human rights norms. Susan Rice, then US Ambassador to the UN, also made an unsubstantiated allegation that Qadhafi was giving his troops Viagra to encourage mass rape.⁷ The International Criminal Court (ICC) made similar and equally unsubstantiated claims. At least in the international arena, a belief that mass rape was being perpetrated by the regime’s soldiers began to be widely promulgated.⁸ Just as in Afghanistan and Iraq, the protection of women from abuse and sexual violence became entwined with broader arguments for the justification of international military intervention in Libya.⁹

In war, truth is the first casualty

When the NATO operations ended, a different picture began to emerge. It was not Qadhafi’s troops who had caused the most damage, and he was not alone in committing human rights violations.¹⁰ In fact, rebels had torched police stations and attacked other security installations, allowing “bands of heavily-armed militias [to] roam the countryside with impunity.” They had also perpetrated widespread human rights violations against southern Tawergha civilians.¹¹ Some revolutionaries created a general state of lawlessness, insecurity and fear that has not abated to this day in some parts of the country.¹² As one

“Qadhafi’s regime of horror was playing out right under the noses of a Western public amused and fascinated by manifestations such as the ‘Amazons’ without going beyond the farce... to the underbelly of violence and misogyny.”

-Sascha Lehnartz, “Exposing the Brutal Truths of Qadhafi’s ‘Viagra Totalitarianism’”

⁴ “UN Security Council Resolution 1973 (2012) on Libya- full text.” *The Guardian*, 17 March 2012. www.guardian.co.uk.

⁵ Heller, pp 12-13. Extremely heavy weaponry was employed by NATO, including Apache helicopters and so-called ‘bunker-busting’ bombs. Evidence of civilian casualties led the HRC ICI, by November 2011, to redefine its mandate to include investigation into NATO bombings. Heller offers a detailed analysis of NATO’s refusal to cooperate.

⁶ This incident was widely reported by those who witnessed it. Accounts are available at the *Women Under Siege* “Libya Conflict Profile” (www.womenundersiegeproject.org) and *Human Rights Watch* article “Libya: Immediately Release Women Who Alleged Rape” (www.hrw.org).

⁷ MacAskill, Ewan. “Qadhafi ‘supplies troops with Viagra to encourage mass rape’, claims diplomat.” *The Guardian*, 29 April 2011. Available at www.theguardian.com. The dubiousness of her claim becomes even clearer when it later emerged that both sides were using it to discredit each other.

⁸ “Libya: Clinton condemns rape as weapon of war.” *BBC News*, 17 June 2011. Available at www.bbc.co.uk.

⁹ Laura Bush had made similar pleas about ‘liberating’ Afghani and Iraqi women around the time the US began its military operations in both countries in 2003.

¹⁰ However, Heller observes of the ICI’s report to the HRC, “there is reason to suspect that the Commission intentionally downplayed the *thumar*’s responsibility for crimes against humanity in its final report” (p. 20).

¹¹ “Moammar Qadhafi, Giantslayer.” *The Southwest Initiative for the Study of Middle East Conflicts*, 16 February 2013. Available at www.sismec.org. See also Heller’s in-depth discussion of *thumar* crimes against Tawherga.

¹² McQuinn, Bryan. “After the Fall: Libya’s Evolving Small Arms Groups.” *Small Arms Survey*, October 2012. Pp 1-11. Available at www.smallarmssurvey.org.

Tawargha woman succinctly put it, “today, the south is ruled by fear.”¹³

The extent and prevalence of sexual violence also came into question. While there is growing evidence that Qadhafi used sexual exploitation and abuse as physical and psychological weapons against his detractors and their families, or as a reward for his supporters, it was not a new phenomenon of the revolution.¹⁴ Only when Qadhafi became a threat to his on-again-off-again Western backers, did Libyan women become a matter of importance to the rest of the world. As one reviewer says, it is “abundantly clear that Qadhafi’s regime of horror was playing out right under the noses of a Western public amused and fascinated by manifestations such as the ‘Amazons’ without going beyond the farce...to the underbelly of violence and misogyny.”¹⁵

Anecdotal evidence provided by Libyan activists has not been investigated thoroughly, nor has there been investigation into reports that opposition and community leaders called for the destruction of evidence or forced victims to marry so as to hide public shame. Activists worry that rape victims are doubly victimized by being forced into silence and marriage.

Of critical importance, internationalists discovered that even though Qadhafi had used sexual violence as a strategic tactic of terror for decades, the International Commission of Inquiry (ICC) “did not find documented evidence to substantiate claims of widespread sexual violence... such as to amount to crimes against humanity” during the revolution.¹⁶ Neither the UN, Amnesty International, Human Rights Watch, nor the U.S. Army, detected evidence of an escalation into mass rape.

Since the end of the NATO Operation, a number of accounts have expressed scepticism at the humanitarian intent behind NATO’s involvement¹⁷ and casted doubt on the neutrality of both the Human Rights Council and the International Criminal Court.¹⁸ While legal analyses decried the human rights abuses of the regime, abuses perpetrated by revolutionaries were glossed over.¹⁹

To date, such criticism has not focused on whether mass rape allegations should be dismissed as misleading and ultimately unhelpful to women, or whether recognition of the strategic use of sexual violence should be leveraged to open public discussion. There are major challenges: anecdotal evidence provided by Libyan activists has not been investigated thoroughly, nor has there been investigation into reports that opposition and community leaders called for the destruction of evidence (e.g. mobile phone videos) or forced victims to marry so as to hide public shame. Many activists worry that rape victims are doubly victimized by being forced into silence and marriage.

Sexual violence discussed in public, but to what effect?

The West’s promulgation of the myth of mass rape had a backlash effect on Libyan women and shifted focus from abuses during the Qadhafi regime . On the one hand, the General National Congress (GNC) encouraged debate about responses to women who “suffered rape and sexual violence during the civil war.”²⁰ But it ignored sexual abuses during Qadhafi’s reign. Libya should not miss the opportunity to be

¹³ Unless otherwise notated, all quotes are from women participants at a two-day seminar led by Vanessa Farr on the theme of “women, peace and security in the new Libya” which was held in Tripoli, 18-19 June 2013. They are anonymous for their protection.

¹⁴ The most detailed account, by French journalist Annick Cojean, is a biography of a young woman named Soraya who was abducted by Qadhafi at the age of 15. See Cojean, 2013. *Qadhafi’s Harem: The Story of a Young Woman and the Abuses of Power in Libya*.

¹⁵ Lehnartz, Sascha. “Exposing the Brutal Truths of Qadhafi’s “Viagra Totalitarianism”.” *World Crunch*, 8 March 2013. Available at worldcrunch.com.

¹⁶ ICI HRC Final Report Report (p. 536).

¹⁷ Forte, 2012.

¹⁸ See Heller and Forte, as well as reports by the Canadian based Centre for Research on Globalization available at www.globalresearch.ca.

¹⁹ Heller (pp. 36-38).

²⁰ Rasul, Majida. “The Libyan revolution and the protection of victims of rape in war: a comment piece.” *Action on Armed Violence*, 11 July 2013. Available at aoav.org.uk.

the first country to implement Resolution 2106, which calls for fighting impunity for sexual violence and strengthening national legislature to enable prosecutions.

However, instead of widening the space for women's participation in public life and decision-making, conservative political actors are using sexual violence as justification for keeping women inside their homes where it is "safer." The very activists who could ensure that survivors get support and meaningful access to justice are being silenced. Libyan leaders and some groups driven by outside agendas are systematically closing the paths for women's rights and participation, preventing efforts to expose sexual violence as a public health and legal rights concern. Meanwhile, the international community has failed to be sufficiently responsive.

2. New priorities for security sector reform, but not a thought given to women

All the talk about sexual violence in international forums has not yet translated into action in Libya. Major plans underway for security sector reform offer a key opportunity to ensure gender sensitive reform processes that are also inclusive of women. But there has been marked absence of international support for this approach, despite the decade-long backdrop of commitments made at the Security Council on supporting women's voices in matters of peace and security.²¹

On December 17, 2012, the United Kingdom hosted a high-level international meeting with Libyan officials from the Ministries of Foreign Affairs, Defense, Interior, Justice and Intelligence. The meeting focused on international assistance to reform Libya's security and justice sectors, and officials from Denmark, France, Germany, Italy, Qatar, UAE, USA, Turkey, EU and UN Support Mission in Libya were present.²² Yet not a single Libyan woman participated in the meeting. Activists testify that their efforts to get a public

At a further ministerial conference in Paris on February 12th 2013, nobody would admit that they had simply dismissed women as stakeholders, and so *en bloc* overlooked them.

-WILPF

explanation from the Commonwealth Office about this oversight were met with a baffled silence, even though the UK is the lead on the Security Council's Women, Peace and Security agenda. Senior gender advisors (some specialising in conflict) in the UK Department for International Development (DFID) and UN Women were similarly unable to respond.²³ At a further ministerial conference in Paris on February 12th 2013, the same cast of characters noted that a "strong justice system" was once more "an integral part of discussions,"²⁴ but no women were in attendance. Yet again, no one knew what had gone wrong. Nobody would admit that they had simply dismissed women as stakeholders, and so *en bloc* overlooked them.²⁵

The fall-out from women's exclusion from both these conferences continues. As part of a decision made at the G8 summit (June, 2013) to offer army and police security training to 7,000 security personnel, Libyan troops will be sent to the UK for training.²⁶ There are no women among these personnel, despite years of successful women-formed police and security units first deployed in post-war Liberia in 2003.

²¹ A good example of this discourse can be found at in the 30th November 2012 Security Council debate on Women, Peace and Security, reported at <http://www.un.org/News/Press/docs/2012/sc10840.doc.htm>

²² "Security Council Briefing, 29 January 2013: Special Representative of the Secretary-General and Head of UNSMIL, Tarek Mitri." Available at unsmil.unmissions.org.

²³ Women's International League for Peace and Freedom (WILPF), e-mail discussions with the FCO, DFID, Chatham House and other UK partners, and with UN Women, February 2013. It is important to note that UN Women does not even have a presence in Libya.

²⁴ <http://www.hrw.org/middle-eastn-africa/libya>

²⁵ WILPF, e-mail discussions with DCAF, Chatham House, UN Women, EU and European government representatives, February 2013.

²⁶ Mohamed, Essam. "Libya PM attends G-8 Summit." *Magharebia*, 21 June 2013. Available at magharebia.com

Pervasive insecurity and a vacuum of leadership and social cohesion

Meanwhile, the security situation is deteriorating across the country. In the south, complex tribal differences are exploited for political and economic interests. “We are a nation comprised of tribal loyalties: each tribe competes for power,” explained one woman. “Now, in the south, I feel very threatened... The government pays a lot of attention to our region because what happens there will impact on us all in Libya. The south carries on as if Qadhafi were still with us... that which was there in the

“While even inside Libya we don’t really understand our tribal differences, we see ourselves as partners joining up women across the country, and now we need to build solidarity.”

-Libyan woman activist

Qadhafi era continues and we see the same faces in power. We are paying for forty years of ignorance and isolation. The south is ruled by fear. We feel like one tribe is gone and another has replaced it.”

Despite successful elections, the GNC remains unable to assert control and ensure security. This is exacerbated by the continued proliferation of armed groups and weapons. Some are using Libya’s porous borders to their advantage, which has serious implications for regional stability. New security

challenges arise daily, including a wave of sniper and car bomb assassinations in July 2013 in Benghazi. Furthermore, the UN has admitted to an inability to protect Libyans as mandated by the Security Council.²⁷

The situation calls for inclusive, nuanced analysis and responses, writes Brian McQuinn, a researcher at the Geneva-based Small Arms Survey. “[International] policy must... recognize that demobilization of combatants is directly tied to the creation of a legitimate national army and police force.

“People’s aspirations are being thwarted. I want to live in a different Libya, but the present reality seems to be taking us in a worse direction.”

-Libyan woman activist

Until substantial reform of the National Army and MoD is undertaken, it is unlikely that national demilitarization will make significant progress.”²⁸ Such analysis must consider the gender-specific effects of the crisis. Activists report new levels of lawlessness and increased availability of small arms. “There’s a new crime wave. We see it in things like *ad hoc* road blocks, set up by militia (or armed groups); they are armed, they are using alcohol, they are robbing us. We can’t move around freely. We’ve never had problems like these before,” reported one activist. “People’s aspirations are being thwarted.” Another said, “I want to live in a different Libya, but the present reality seems to be taking us in a worse direction.”

3. Women and politics in Libya

Qadhafi exploited women’s rights discourses to prove his modernity and enlightenment.²⁹ He made pronouncements on women’s advancement and gave them highly visible and sexualized roles as his personal bodyguards. He claimed that anti-discrimination legislation had been introduced, that women’s education and workforce participation had improved, and that women were participating in politics, economy and society. But his regime never produced statistics to prove these claims.³⁰ In reality, women could only access justice and the workplace with the permission of a male relative or husband. And while

²⁷ Lee, Matthew Russell. “In Libya, UN Urges IDPs Not To Return, No Protection of Civilians, Chad’s Border.” *Inner City Press*, 18 June 2013. Available at innercitypress.blogspot.com

²⁸ See McQuinn, 2012.

²⁹ Salem, Sara, “The Symbolic Use of Women.” *Media Diversity UK*, 1 August 2013. Available at mediadiversityuk.com.

³⁰ Pargeter, Alison. “Women’s Rights in the Middle East and North Africa – Libya.” *Freedom House*, 14 October 2005. Available at refworld.org.

rape was illegal and could attract a sentence of up to ten years, men's violence against women received the lightest of prison terms.

The dictatorship contributed to the creation of a patriarchal-religious society with a culture of controlling women's economic independence, freedom of movement and association. Qadhafi himself was openly misogynist and his manifesto *The Green Book* emphasized gender inequality, which he saw as biologically determined.³¹ The environment he created taught many women and girls to hide from sight whenever possible and to fear public attention.

"Women were the Libyan revolution's 'secret weapon'. They had personal agendas against Qadhafi."

-Lehnartz

Nonetheless, women sought and found spaces to assert agency and voice. They played a key role in unseating Qadhafi and mobilizing international support. While not as publicly visible as their sisters in Egypt and Tunisia, they were behind the lines organising, supplying, motivating and nursing male fighters. As one observer concludes, "women were the Libyan revolution's 'secret weapon'. They had personal agendas against Qadhafi."³²

Despite the total absence of civil society structures in the Qadhafi years, Libyan women living inside and outside the country joined forces, forming organizations to tackle legal issues, promote political participation and address dire economic needs. In their short history of political engagement and civil society activism, they have demonstrated remarkable acuity and resilience in their efforts to shape and participate in the country's transition. This unprecedented activism, as described by one protester, challenges multiple social taboos and creates "an earthquake to the cultural status of women in Libya."³³

Post-revolution blowback

However, Libyans have faced blowback from the new political elite. The transitional government made several decisions that are antithetical to the advancement of gender equality. Previously curbed proponents of political Islam have arisen with strength, and their agenda seems focused on the curtailment of democratic debate rather than on honouring the spirit of Libya's revolutionaries. A woman activist summed up the situation as follows: "Now we have fear and emptiness. We see previously repressed groups ascending to power. We are caught in a new, emerging leadership of people who only know how to repress."³⁴ Another noted, "Qadhafi always gave 'political reasons' for our repression. Today these are being replaced by religious and cultural ones." The early promise of the uprising's

"Under Qadhafi, we only lacked political freedom. Our social and cultural freedoms were taken for granted. These are now under threat. If you express an independent opinion you're accused of being liberal and irreligious."

-Libyan woman activist

'cultural earthquake' in which more than 600 women registered as candidates in the country's first election has been replaced with a rising demand, justified by increasingly conservative interpretations of Islam, that women must now "go home."³⁵

It is not simply political blowback. Women who dare to speak out risk their lives. In the words of one activist: "Under Qadhafi, we only lacked political freedom. Our

³¹ Al-Qadhafi, Muammar. *The Green Book*. (Ch.23) Available at openanthropology.org.

³² Lehnartz, op. cit.

³³ "A Revolution for All: Women's Rights in the New Libya." *Human Rights Watch*, May 2013. p. 11. Available at www.hrw.org.

³⁴ Unless otherwise notated, all quotes are from women participants at a two-day seminar led by Vanessa Farr on the theme of "women, peace and security in the new Libya" which was held in Tripoli, 18-19 June 2013. They are anonymous for their protection.

³⁵ See Human Rights Watch, May 2013.

social and cultural freedoms were taken for granted. These are now under threat. If you express an independent opinion you're accused of being liberal and irreligious. Religious groups have taken active measures to confuse us as we try to claim our rights. They see liberalism as 'kufir' (unbelief)."

A central challenge is that Qadhafi built few viable, independent institutions for security or governance. There were no political parties and very few civil society organisations. Unlike in Tunisia or Egypt, the fundamental building blocks of a democratic Libyan state must be created from scratch.³⁶ For women, the task is enormous. Not only do they have to fight to secure space in the political sphere, but they also have to raise awareness about equality and rights, and mobilize support from the grassroots. "After 40 years of being repressed," says one woman "we're very far away from political dialogue today. Women lack awareness" of civic and political participation. As a group, women activists agreed: "We had a joint experience of being isolated and invisible to the world; we are all deprived, none of us have learned to be citizens."

Libya's new misogyny: Women, elections and the constitution

As previously marginalised extremist religious groups— some of which were new to Libya and spoke a creed of Islamic belief that is foreign to the country – began to take up more space, women's political participation started to cause internal dissension inside the GNC. "Now we are being controlled through fear and through the opinions of others that we don't even know, which are there to limit us" reflected one activist about her first year of political engagement. "For example, my father saw me as independent

"Now we are being controlled through fear and through the opinions of others that we don't even know... no one in Libya ever bothered about women driving, and now they say it's always been wrong."

-Libyan female political activist

and supported my wish to learn to drive. No one in Libya ever bothered about women driving, and now, they say it's always been wrong. The point is people adjust themselves to new ideas with frightening speed."

The first hit taken by the nascent women's movement occurred on January 1st, 2012, when a 10 percent women's quota in the first draft election law was abolished by the Transitional National Council (TNC) in a subsequent draft.³⁷ In response, a number of women-led

organizations³⁸ proposed an alternative electoral law and criticized the official draft on five key points: 1) Underrepresentation of women; 2) The lack of a mechanism in the electoral law to ensure the rights of cultural minorities (Amazigh- Tawareg- Tabu) in the drafting process; 3) the risk of incentivizing political formation along tribal lines by restricting the electoral process to the individual vote system only; 4) the manner in which the simple majority vote system influences the results of women and all minorities; and 5) the risk of jeopardizing the democratic process by allowing armed revolutionaries to participate in the Constitutional Assembly.

The Libyan Women's Platform for Peace (LWPP), along with a coalition of Libyan civil society organizations, coordinated a national campaign to lobby for a more inclusive electoral law. They proposed a mixed electoral system combining the individual system and the closed "zipper list" system to ensure inclusive representation in the Constitutional Assembly. The proposal also guaranteed diverse representation of different groups of cultural minorities, youth, and groups of citizens with disabilities.

³⁶ Habil, Abdel Rahman. "Old Constitutional Controversy Ignited in Libya." *Al Monitor*, 3 July 2013. Available at al-monitor.com.

³⁷ "Newly Adopted Electoral Law Poses a Dramatic Blow to Inclusivity in Post-Revolution Libya." *Libyan Women's Platform for Peace*, 22 July 2013. Available at lwpp.org.

³⁸ Groups included Libyan Women's Platform for Peace (www.lwpp.org), Justice, Voice of Libyan Women.

The activists also drew on international norms and statements by the U.N. Secretary General Ban Ki Moon who had spoken in support of the women's quota. In three key statements to the Security Council, Ban Ki Moon reiterated the importance of women's inclusion in all aspects of decision-making in conflict and post-conflict settings. In his 2012 Report, he stated that positive steps had been made in implementing gender-responsive peace building, including the development of a regional strategy by the League of Arab States. He also took care to mention the "adoption by the [CEDAW] of the general recommendation on women in conflict and post-conflict situations which...could contribute significantly to improved accountability at the national level."³⁹

These pressures helped get the law re-drafted. Special temporary measures, as called for in the Convention on the Elimination of Discrimination Against Women (CEDAW), were put in place in the form of a list alternating between men and women candidates. As a result, with support from international actors including UNDP, 32 women were elected (out of 120) to the GNC.

The victory was short-lived. On May 26th, 2013, when the Electoral Committee presented a new draft law to the GNC, its three women members read an official memorandum stating that the law would result in the absence of women from Committee No. 60, the Constitution Drafting Assembly. Libyan women made urgent calls to the U.N., diplomatic missions, and the global community of peace activists to put pressure on the GNC and prevent its short-sighted proposal. "Libya's future depends on the full participation of all her citizens" was their rallying cry.

The International Community: When all is said and done, more is said and little is done

Opponents of the draft electoral law received formal support from the UN Support Mission in Libya (UNSMIL) Electoral Support Team.⁴⁰ In its official response, the UN team expressed disquiet at a tendency in the draft law to "unnecessarily exclude some categories of the population without clear justification," refer exclusively to a majoritarian system, and incompletely define constituencies. The team reflected on the need for special measures to enable women's representation, pointing out that the draft law contradicted "the precedent set by the GNC elections and the international conventions, to which Libya is committed."⁴¹

However, this is where the UN's support seems to have stopped. The second draft continued to exclude women, yet there were no further public statements by UN. In mid-June 2013, on visit to the Security Council in New York, Tarek Mitri, Special Representative of the Secretary-General for Libya, said in an interview that it was up to the women to fight their exclusion.⁴² He also admitted that he had told women activists "CEDAW is 'wala'ishi, or, 'nothing'", because a Parliament could not be sued for ignoring it. As the U.N. senior representative in Libya, Mr. Mitri directly contradicted messages that Ban Ki Moon has often repeated as central tenets of the UN.

The draft bill for election to Committee No.60 finally passed on July 16th, 2013. Despite courageous lobbying for a minimum of 15 seats, women have only been granted 6 seats out of the 60 (10%) allocated

³⁹ Ban Ki Moon's statements A/65/354-S/2010/466, S/2011/598, S/2012/732 can be found at: <http://www.un.org/sg/>.

⁴⁰ The Electoral Support Team is mandated by Resolution 2009, among others, to offer support and advice based on international best practices.

⁴¹ United Nations Support Mission in Libya, "Technical Commentary from the United Nations Electoral Support Team On Draft Law on the Election of the Constitution Drafting Assembly 26 May 2013"

⁴² Lee, Matthew Russell. "With Libya Women's Rights Under Fire, UN's Mitri Calls CEDAW "Nothing"." *Inner City Press*, 19 June 2013. Available at innercitypress.com.

for this committee.⁴³ The Libyan Women's Platform for Peace immediately issued a statement that the decision “represents an obvious setback for gender equality in post-revolution Libya,” predicting that the “[f]ailure to ensure the inclusivity of women and cultural minorities...highlight[s] the deep and imminent threat to Libya’s democratic transitional process.”

The post revolution euphoria is turning to fear, and there is growing mistrust and scepticism towards the international community. While the UN’s support has been sporadic, European governments also remained largely on the side lines, despite a decade of stated commitments to the Women, Peace and Security agenda. Reflecting on their first year of tough negotiations and the even tougher task of staying visible in public decision-making, one activist notes, “we were learning that there is an invisible current to exclude women and hold us back. We have had so many discussions with the GNC but all we hear is sweet talk and no action. Or worse: all we see is negative action.”

Their task is enormous. Faced with the mounting challenges posed by the militias and insecurity in their communities, together with the intransigence of the new political establishment and limited international support, the optimism of many is waning. “We know what’s coming is worse,” remarked a Tripoli-based woman activist originally from Benghazi. “I worry that one day I’ll forget how bad it was and look back to the ‘good old days’ of Qadhafi.”

“I worry that one day I’ll forget how bad it was and look back to the ‘good old days’ of Qadhafi.”

-Libyan woman activist

Libyan women are squeezed between the limiting discourses of regressive Islamic conservatism at home and patriarchal Orientalism in the west. Proponents of conservative political Islam often criticise Muslim feminists as traitors who are under the influence of a ‘western’ human-rights agenda. Too often, instead of standing by the ‘universality’ of human rights, international actors repeat Orientalist stereotypes of gender relations in the region. In doing so, they contribute to undermining and marginalizing women further.

The relatively small cohorts of women courageous enough to face the growing tide of religiously-motivated misogyny have the odds heavily stacked against them. Domestically, they are targeted by militias with disorganized political agendas, no governance experience and a large amount of oil wealth. Internationally, despite their rhetoric of women’s rights advancement, many of the foreign powers active in Libya have little intention of supporting them.

4. Rejecting Sectarianism, Promoting Social Cohesion

These challenges are not deterring activists. Their courage in stepping out publicly in the struggle against Qadhafi remains a source of strength, even though nowadays they are critical of their own lack of planning. “We were so desperate to get rid of Qadhafi that we didn’t pay enough attention,” say women activists, “but the GNC election was a big success because of our work.”

Women’s rights activists and some who have entered politics experienced the use of ethnic violence under the guise of the revolution. They are acutely aware of the dangers that rising sectarianism poses to them and to their society at large. Many are actively seeking to counteract these divisions by building solidarity and promoting reconciliation in their communities. They are finding a receptive audience

⁴³ Ethnic minorities (the Amazigh, the Tebu and the Tuareg) are a sizable number of Libya’s population and were similarly short-changed, receiving an allocation of 6 seats. Smith, Rhiannon. “Women left behind as Libya’s constitution-drafting moves forward.” *Open Democracy*, 22 July 2013. Available at opendemocracy.net.

among Libyans who aspire to be recognized as full citizens. As a female electoral candidate from the southern Tabu tribe recalled in reaching out to communities along the Chad border, “I wanted to know the aspiration of people of the south and so I spoke to women across tribal differences...I found they all wanted the same thing – an identity as Libyans. Right now, they have nothing – they’re stateless people. I was surprised: they want to continue to be part of Libya; they weren’t even able to speak Arabic but they wanted to be part of this country.”

Creating solidarity between women who have vastly different views, familial and tribal ties, religious beliefs and experiences is a major challenge. Yet in this diversity lies their strength – or at least, this is how Libyans have always thought of themselves. Women activists are clear that “while even within Libya we don’t really understand our tribal differences, we see ourselves as partners in joining up women across the country, and know we need to build solidarity.”

“I am learning my rights so I can claim them. I want to live in a free country where I can practice my rights and not be taken advantage of.”

-Libyan woman activist

Many also recognise that standing together is critical if they hope to influence both society and the political environment. But it is difficult given the absence of a shared understanding of their oppression *as women*, and their fear of opposing powerful men. Activists speak frequently about the discord sown by religious extremists to prevent a unified stance on advancing gender equality. “I would like to participate more in women’s issues and raising women’s awareness, because women have suffered exclusion,” said one activist. “But,” another responded, “I’ve learned that women aren’t always on the side of women’s rights. Women where I grew up teach girls to defer to men, to privilege men and deprive themselves. The same way in politics: some women’s demands contradict ours. We need an action plan because there is a current that rejects women’s rights and it is mobilising women who support its perspectives in order to contradict those of us who are asking for a proper quota for women’s representation. They use women’s economic dependence to keep them marginal, ignorant and afraid.” There is a long way to go still, but sixteen-year old Aisha, explaining why she is a member of a woman’s group, feels optimistic. “I am learning my rights so I can claim them. I want to live in a free country where I can practice my rights and not be taken advantage of,” she says. “I join other Libyan women in standing strong.”

Recommendations

To the Libyan government:

- Encourage social dialogue among tribal groups, particularly in the south; ensure the inclusion of women and minorities and the support of the international community.
- Ensure the equal rights of all citizens, including women and minorities.
- Re-double and re-enforce efforts to control arms and resource distribution to rebel fighters.
- Empower the national security apparatus to standardize checkpoint control to allow free and safe movement between villages, especially for women and civilians.
- De-centralize the national administration so that citizens are not required to make long, dangerous journeys to complete administrative tasks.
- Create a welcome environment and supportive laws for the establishment of an independent civil society, including women’s groups. Ensure civil society inclusion in decision-making.

To the United Nations:

- Develop a long-term, comprehensive and programmatic approach to support the Women, Peace and Security agenda in Libya, and to build an inclusive civil society space in which women are able to develop their own agendas and capacities.
- Honor commitments made to women under UNSCR 1325 and subsequent Resolutions.
- Re-enforce the mechanisms of support for women within the U.N. in order to include women's agendas in government and civil society decisions.
- Ensure that Libyan civil society representatives, especially from women's organizations, can participate in international meetings; Provide technical support so civil society can appropriately engage with policy makers and push for their agendas.
- Establish a UN Women presence in Libya to lead and coordinate the UN's efforts on Women, Peace and Security.

To Governments:

- Pressure the Libyan government to honor international commitments under UNSCR 1325 and to include women's security needs in nation-wide security sector reform.
- Identify and train women in the security field, with the particular goal of assisting women and child victims of sexual and gender-based violence.
- Continue to support national reconciliation efforts, particularly women's national coalitions and political participation.
- Push for the inclusion of women in national economic reforms.
- Ensure the inclusion of women in all bilateral and multilateral forums organized by donors or governments.
- Provide support, including financial and technical support, to Libyan civil society organizations, especially women's groups.

To International NGOs:

- Provide activists with examples of successful legal, social and economic reforms.
- Continue to include Libyan women in regional reform processes and movements.

To Libyan Civil Society:

- Ensure the sustainability of the women's movement by creating a long-term, influential vision and strategy built on both rural and urban needs and capacities.
- Support young women and youth activists in building social dialogue and inter-generational exchange.
- Recognize the diverse capacities and experiences of women who fought for freedom inside the country in addition to those Libyans returning from exile.
- Recognize that ethnic and gender diversity represents strength rather than weakness. Promote social unity and cohesion that recognizes and respects diversity.

All ICAN briefs are available at:
www.icanpeacework.org

Follow us on Twitter:
[@whatthewomensay](https://twitter.com/whatthewomensay)

1776 Massachusetts Avenue, NW Suite 100
Washington, DC 20036

ICAN International
Civil Society
Action
Network

For Women's Rights, Peace and Security