

Update on women, peace and security in Libya April 1st 2021¹

The Informal Expert Group of the Security Council on Women, Peace and Security discussed the situation in Libya in April 2018 ([S/2018/881](#)), November 2018 ([S/2018/1139](#)) and August 2019. This update summarizes relevant developments since then.

Developments in the Security Council

On 11 February 2020, the Council adopted **resolution 2509 (2020)** extending the mandate of the **Panel of Experts** supporting the Libya Sanctions Committee until 15 May 2021. The resolution reiterates that planning, directing or committing of acts involving sexual and gender-based violence (SGBV) is a listing criterion for sanctions. In 2019, the Panel of Experts did not have access to confidential locations in which to interview SGBV victims and could not be assured of the safety and security of both alleged victims and witnesses. Nevertheless, the Panel reported that sexual abuse occurred in detention centers (DC) and holding facilities, including in the al-Nasr DC, a hub for human trafficking reportedly headed by Osama Arusi. The Panel's final report published on 8 March 2021 refers to the assassination of Hanan al-Baraasi as "another illustration of violent silencing of a female public figure". It noted reports of arbitrary detention, torture, confiscation of property and sexual humiliation of detained women by male guards at Mitiga prison in Tripoli, and the continued incidence of human trafficking, kidnapping for ransom, torture, forced labour, SGBV and killing of migrants and asylum seekers.

On 12 February 2020, the Security Council adopted **resolution 2510 (2020)** in which it endorsed the conclusions of the January 2020 **Berlin Conference** with no references to issues related to women, peace and security.

On 15 September 2020, the Council adopted **resolution 2542 (2020)**, extending the mandate of the **United Nations Support Mission in Libya (UNSMIL)** for another year. The resolution strengthened the language related to women, peace and security, including on the protection of women's rights organizations and women peacebuilders from threats and reprisals and enhanced reporting on issues related to women, peace and security, and called for the deployment of women protection advisors to monitor and report on conflict-related sexual violence (CRSV). Relevant excerpts are included in the annex below.²

More recently, the Security Council has adopted two **presidential statements**. The first one, issued on 9 February 2021, welcomed the agreement reached by the Libyan Political Dialogue Forum (LPDF) on a new unified interim executive authority charged with leading the country to elections, but did not include any reference to issues related to women, peace and security. The second one, on 12 March 2021, welcomed the House of Representatives' vote of confidence in the interim Libyan Government of National Unity (GNU) and called on the government to make the necessary preparations for national elections on 24 December 2021, including arrangements to ensure the full, equal and meaningful participation of women.

¹ This background note, including the recommendations at the end of this document, is prepared by UN Women as the secretariat of the Informal Expert Group on Women, Peace and Security, in consultation with other UN entities.

² A year before, the Security Council adopted resolution 2486 (2019) renewing UNSMIL's mandate for a year. Since the last meeting of the IEG, the Council also adopted resolutions 2491 (2019), 2526 (2020) and 2546 (2020) extending the authorization for Member States to inspect vessels on the high seas off the coast of Libya.

In their **regular briefings** to the Security Council on the situation in Libya, former **SRS** Salamé, former Acting **SRS** Williams and Special Envoy Kubiš have highlighted women, peace and security issues, including the gendered impact of armed conflict and COVID-19, the situation of women migrants and refugees, and particular threats and challenges facing women political activists, politicians and human rights defenders. In his briefing to the Security Council on 24 March 2021, SE Kubiš updated on his engagement with Prime Minister Dbeibah on ensuring 30 percent participation of women in the Government of National Accord. He also noted the importance of gender inclusion in ceasefire monitoring arrangements. In her most recent briefing to the Security Council in November 2020, **ICC Prosecutor Fatou Bensouda** noted the imposition of sanctions by the EU against Mousa Adyab for human trafficking and rape.

Two **Libyan women from civil society** briefed the Council in country-specific meetings since the last meeting of the IEG. **Marwa Mohamed**, Head of Advocacy and Outreach at Lawyers for Justice in Libya, told the Council in September 2019 that the threat of reprisals and retaliation for participating in politics or carrying out human rights work, combined with a lack of accountability or specific steps by the UN-backed government to address these risks, has effectively forced women out of public life. Highlighting the disproportionate impact of the conflict on Libyan women's security and freedom of movement, she reported that the absence of state authority forced Libyan women to take their safety in their own hands by adhering to a specific dress code, traveling with a male guardian, and restricting movements to daytime. Underscoring the importance of women's meaningful participation and warning Council members against the tokenistic inclusion of women, Ms. Mohamed called on the Security Council to demand that Libyan authorities, UNSMIL, and all parties to the conflict ensure full, equal, and meaningful participation of women in all phases of the peace and reconciliation process. In her briefing two months later, **Rida Ahmed Al Tubuly**, Co-Founder and Director of the organization Together We Build It, criticized the exclusion of ordinary citizens from the political process and that the international community has not taken seriously the peacebuilding efforts of women and girls in Libya, but rather given power and legitimacy to a violent minority and allowing a flood of weapons and ammunitions to reach violent groups.

Women's participation in politics and the Libyan dialogue process

The conclusions from the January 2020 **Berlin International Conference** mentioned issues related to women, peace and security only in two of the 55 paragraphs, including encouraging the "full, effective and meaningful participation of women and youth in all activities relating to Libya's democratic transition, conflict resolution and peacebuilding" (para 27), and stressing "the need to hold accountable all those who have violated provisions of international law, including in the areas (...) extrajudicial killings, kidnappings, enforced disappearances, sexual and gender- based violence, torture and ill-treatment, human trafficking, and violence against or the abuse of migrants and refugees."

The first in-person meeting of the **Libyan Political Dialogue Forum** in November 2020 in Tunisia included 17 women among the 75 participants (23 percent), 16 of which were in the group of participants selected by UNSMIL to complement the delegations of the House of Representatives (HoR) and High State Council (HSC). In preparation, UNSMIL had organized four multi-stakeholder consultations with women's groups in October (120 women, including peacebuilders, journalists, academics, human rights defenders, members of political parties), which resulted in specific recommendations concerning women's inclusion in the UNSMIL-facilitated intra-Libyan dialogue tracks. The recommendations were presented to the LPDF and the women who participated in the Forum issued a statement with eight principles and recommendations, including to designate a woman as one of the two deputy prime ministers, to restructure and activate the Women's Empowerment Unit, to establish an independent and functional Council for Women, and to provide special protection for women, especially politically active women and activists. Their request that women should account for no less than 30 percent of leadership positions in the reformed executive authority was taken up by the political roadmap issued by the Forum. In addition, pressure from the

women's multi-stakeholder consultations led to the inclusion of two additional women in the economic track of the Berlin process.

The **agreement on a permanent ceasefire** signed by members of the 5+5 Joint Military Commission on 23 October 2020 did not include provisions on women, peace and security. The **interim report on proposed ceasefire monitoring arrangements in Libya** submitted to the Council on 29 December 2020 included some references related to women, peace and security: the importance of gender-sensitive demobilization and disarmament initiatives, coupled with reintegration options, and the need for assistance from Member States for the deployment of male and female UN monitors. The **progress report on Libyan ceasefire monitoring arrangements** submitted to the Council on 22 March 2021 noted the need to ensure women's participation in subcommittees of the **Libyan Ceasefire Monitoring Mechanism (LCMM)** and that UNSMIL support to the LCMM would take into account all policies, frameworks and obligations relating to the protection and empowerment of women, as well as gender considerations. It stressed that the gender dimension of ceasefire monitoring would need to be clearly integrated at all levels of the mechanism and in the conduct of monitoring activities.

The **new Libyan interim Government of National Unity (GNU)**, sworn in in March 2021, includes only 5 women among 35 ministers (14 percent). However, women are for the first time heading the key ministries of foreign affairs and justice. **Women's representation in judicial positions** exceeded 40 percent. In October 2020, five women judges were appointed to the two specialized courts established in Tripoli and Benghazi to address violence against women and children.

The **Women's Empowerment and Support Unit** of the Presidency Council continues to lack financial support from the Government and has yet to produce any policies or decrees related to gender equality, as envisaged in its mandate. Apart from financial support, the Unit needs technical support to be able to perform its duties of serving and advancing the agenda of Libyan women and their aspirations.

Human rights issues, including conflict-related sexual violence

Libyan women active in public life, including human rights defenders, activists, elected officials and peacebuilders, continue to be targeted with **violence, ranging from online harassment and defamation campaigns to physical attacks, abductions and assassinations** designed to intimidate, silence, discredit and stigmatize their work. On 29 September 2019, the Head of the Health Services Affairs Department was abducted from her home in Darnah by an armed group, and on 11 November 2020, the prominent lawyer and activist Hanan al-Barassi was shot dead in Benghazi by unidentified masked gunmen. In the days before her assassination, Ms. al-Barassi alleged that relatives of General Khalifa Haftar were implicated in corruption and abuse of power and reported an assassination attempt against her daughter. Furthermore, the fate of Siham Sergewa, a women's rights activist and member of the House of Representatives, remains unknown. She was abducted from her home by armed individuals in Benghazi in July 2019 after criticizing the offensive of the Libyan National Army (LNA) on Tripoli and calling for the formation of a civilian state. An upcoming UN Women report shows that violence against women activists has continued during the pandemic and shifted to the online space, where women are under constant threats when advocating for women's rights online. Women's organizations warn that the persisting climate of insecurity and impunity is a major obstacle for women's participation in public life, that rules and regulations imposed on civil society organizations by the government are shrinking their political space even further, and emphasize that creating an enabling environment is vital to ensure women's participation in the elections scheduled for 24 December 2021.

Migrants, refugees, and asylum seekers, both women and girls as well as men and boys, continue to be subjected to torture, sexual violence, abduction for ransom, detention, trafficking in persons, forced labour and unlawful killings. Data from UNICEF indicates that nearly half of all migrant women and children had

reported sexual violence in transit to or while in Libya. Migrants and refugees **in detention** continue to be routinely subjected to torture and SGBV. While women make up only 12 percent of refugees and migrants in detention centres, they are particularly exposed to abuse and exploitation. Sexual violence, including rape, has been used by guards of the Directorate for Combating Illegal Migration and non-state armed groups as a form of torture and as a routine method for controlling and humiliating refugees and migrants and for extorting money from their families. Women and girls are held in facilities without female guards and strip-searched by, or in front of, male guards, and there is a systematic disregard for their privacy in sanitation facilities. Furthermore, they lack access to sexual and reproductive health services, including menstrual hygiene products and the access of pregnant women to health care is limited or non-existent, which often leads to miscarriages. Only 8 percent of the refugees and migrants disembarking in Libya are female, but **women and children face a heightened risk of drowning**.

As of January 2021, approximately 278 women remain in **detention centers** under the authority of the Ministry of Justice and an estimated 200 women are held at Mitiga detention center. UNSMIL received multiple allegations of sexual violence and torture against these women for being affiliated to ISIL fighters. Libya has released 3,900 prisoners in 2020 to curb the spread of COVID-19 but declined to provide names or whether there are any women and children among those released.

Overall, **cases of SGBV remain underreported** in Libya due to fear of reprisal, intimidation and stigma and entrenched gender-based discrimination, which contribute to impunity. The instability created by the LNA's military offensive on Tripoli further restricted monitoring and reporting. To improve documentation, UNSMIL established the monitoring, analysis and reporting arrangements on CRSV.

OCHA estimates that **153,000 people are most at risk of GBV**, including 90,000 women (59 percent) and 41,000 girls (26 per cent). Movement restrictions related to the COVID-19 pandemic increased the risk of **domestic violence** for women and children. A UN Women survey conducted in April and May 2020 revealed that 3 in 10 Libyan women and almost 6 in 10 non-Libyan women in the country reported feeling unsafe in their homes, including due to the "fear of increasing armed conflict and civil unrest", the "fear of being attacked by outsiders", and exposure to violence by family members or by a spouse. Half of both male and female respondents said they had witnessed or knew a woman who had experienced any type of violence since the pandemic began. A survey conducted by OSCE and UN Women confirmed that travel restrictions and loss of economic opportunities are putting women migrant workers at higher risk of trafficking in persons.

On 22 June 2020, the UN Human Rights Council established the **Independent Fact-finding Mission** on Libya and mandated it to document alleged violations and abuses of international human rights law and international humanitarian law by all parties in Libya since the beginning of 2016, including any gendered dimensions of such violations and abuses. UN Women deployed a SGBV investigator and a Gender and Child Rights Advisor to the Mission. In his oral update to the Human Rights Council on 5 October 2020, the Mission's Chairperson identified SGBV as one of the areas of focus for the Mission. The submission of the Mission's report is delayed due to the current liquidity crisis affecting the UN Secretariat and restrictions related to COVID-19.

Humanitarian issues and women's socioeconomic situation

Women's access to health services is severely impeded in locations of active hostilities, as service providers have either fled the conflict zones or cannot provide services due to the ongoing insecurity. Women and girls face additional challenges in accessing health services due to a lack of documentation required by many public health facilities, COVID-19-related movement restrictions, and gender-related mobility constraints. In a UN Women survey, 70 percent of women confirmed that they were not able to visit health clinics or hospitals without the presence of a male family member. The requirement for hospitals

to report women who have not registered the paternity of their children, including those born of rape, which may result in the prosecution of the women, is an additional barrier for women's access to health services. The concentration of already overburdened health facilities on the COVID-19 pandemic had a particularly negative impact on **women's access to reproductive health services**. Multiple assessments have shown that among the refugee and migrant population, women are more likely to have poorer nutrition outcomes, more challenges in accessing shelter, and less opportunities for work.

Women's participation in the labour force is low. Data from UN Women indicates that 64 percent of Libyan women do not hold jobs and only 20 percent describe themselves as "fully employed". While the proportion of women working in the public sector exceeded 50 percent -mostly in health and education-, they are underrepresented in the private sector, and are far less likely to be entrepreneurs, to hold managerial positions, or to work high-paying jobs in the oil sector. As many women are engaged in the informal sector, they have been particularly affected by movement restrictions or temporary business closures in response to the COVID-19 pandemic. In a 2020 UN Women survey, 9 percent of women surveyed declared that they had lost their jobs due to the pandemic, and 7.5 percent responded that they had to take unpaid leave. The presence of women in university education exceeds that of men.

Recommendations

Many of the recommendations from August 2019, September 2018 ([S/2018/1139](#)) and April 2018 ([S/2018/881](#)) are still relevant. In addition:

- The Security Council should call for full participation of diverse women at all levels of the process leading to presidential and parliamentary elections on 24 December 2021 and urge that gender equality considerations are taken into account in the legal framework governing the elections.
- The Security Council should call for the proposed ceasefire monitoring arrangements to include a significant share of female monitors, address conflict-related sexual violence, regularly consult civil society, including women's organizations, and fully integrate a gender perspective, expertise, and training.
- The Security Council should call on the Libyan government to ensure women's representation in government positions in light of the commitment to 30 percent representation in the cabinet, and protect the full equality of all citizens, men and women as set out in the roadmap agreed on at the LPDF.
- The Security Council should call for a gender perspective and consultations with women's organizations to be integrated into the economic, human rights, political and security tracks of the Berlin process, including in disarmament, demobilization, and reintegration.
- The Security Council should condemn threats, attacks and killings of women participating in the public space, including women human rights defenders, and call on Libyan authorities to hold those responsible for these acts accountable and on the Libyan government to review measures that may restrict the work of civil society organizations.
- When renewing the mandate of UNSMIL later this year, the Security Council should retain all existing references to women, peace and security in both the preamble and operational paragraphs of resolution 2542 (2020). In addition, in the operative paragraphs of a new mandate, the Security Council should call on all parties to ensure the full, equal and meaningful participation of diverse women at all stages and at all levels of the dialogue and transition process, request UNSMIL to prioritize all activities related to the protection and promotion of women's rights as well as their participation in the upcoming elections, to regularly engage with a wide range of women's civil society organizations as equal partners in all areas of its work, including by supporting follow-up

on the recommendations from the multi-stakeholder women's consultations, and monitor and report on threats and violence against women in the public sphere, in close cooperation with civil society.

- The Security Council should urge Libyan authorities to uphold human rights and international standards in the treatment of refugees, migrants, and people in detention, including by putting in place measures to protect and assist detainees who have suffered or are at risk of sexual abuse, transferring women detainees to facilities with sufficient female guards, and granting humanitarian access to these facilities.
- Council Members should raise questions in the Libya Sanctions Committee about the needs of the Panel of Experts to continue investigating and reporting on sexual and gender-based violence and ensure the confidentiality and protection of victims and witnesses.
- Council Members and other Member States should ensure that the mission receives adequate budgetary allocations to deliver its mandate on women, peace and security, including the swift deployment of women protection advisors as called for in resolution 2542 (2020).
- Council Members should partner with and support the Libyan Government to strengthen the Women's Empowerment Unit and ensure adequate staffing and resourcing as well as coordination with other ministries.
- Council Members should ask the UN about the capacity, resources, and expertise of the humanitarian country team to deliver aid in a gender-responsive manner for both Libyan women and refugee and migrant women.
- Council Members should ask the UN for an update on efforts to support legislative reforms advocated for by women's groups, including discriminatory provisions in the Penal Code or the absence of anti-trafficking legislation.

ANNEX: Relevant excerpts in resolution 2542 (2020)

- *Urging the parties to ensure the full, equal, effective and meaningful participation of women in all activities and decision-making relating to democratic transition, conflict resolution and peacebuilding, recognising the need to protect women's rights organisations, and women peacebuilders from threats and reprisals and supporting the efforts of the Special Envoy of the Secretary-General and UNSMIL to facilitate wider engagement and participation of women from across the spectrum of Libyan society in the political process and public institutions, recognising that the political process should be inclusive of all Libyans,*
- *Expressing grave concern at the deteriorating humanitarian situation in Libya, including deteriorating living standards and insufficient provision of basic services, and at the situation faced by migrants, refugees and internally displaced people, including their exposure to sexual and gender-based violence, and calling on the Libyan authorities to take steps towards the closing of detention centres and to alleviate urgently the suffering of all people in Libya by speeding up the delivery of public services to all parts of the country,*
- *Urging all parties to implement the relevant resolutions on the Women, Peace and Security Agenda and to prevent and respond to sexual violence in conflict, and calling on the Libyan authorities to end impunity for sexual and gender-based violence crimes in line with relevant Security Council resolutions, including resolution 1325 (2000),*
- *Calling on the Libyan authorities to take all steps necessary to investigate violations of international human rights law and reports of abuses of human rights, including torture, sexual and gender-based violence, and mistreatment in prisons and detention centres, and to hold those responsible to account,*
- *OP 1. Decides to extend until 15 September 2021 the mandate of UNSMIL, as an integrated special political mission (...) to exercise mediation and through its good offices to: (i) further an inclusive political process and security and economic dialogue; (ix) monitor and report abuses and violations of human rights and violations of international humanitarian law, including sexual violence in conflict, notably through the effective deployment of women and child protection advisers;*
- *OP 8. Requests UNSMIL to take fully into account a gender perspective throughout its mandate and to assist the GNA in ensuring the full, effective and meaningful participation and leadership of women in the democratic transition, reconciliation efforts, the security sector and in national institutions, as well as the protection of women and girls from sexual and gender-based violence including sexual violence in conflict, in line with resolution 1325 (2000) and further requests enhanced reporting by UNSMIL on these issues;*