



## SECURITY COUNCIL INFORMAL EXPERTS GROUP ON WOMEN, PEACE AND SECURITY

LIBYA

April 10<sup>th</sup> 2018

### ***Security Council Resolution 2242 (2015):***

*OP 5. Recognizes the ongoing need for greater integration of resolution 1325 (2000) in its own work in alignment with resolution 2122 (2013), including the need to address challenges linked to the provision of specific information and recommendations on the gender dimensions of situations on the Council's agenda, to inform and help strengthen the Council's decisions, and therefore in addition to elements set out in resolution 2122 (2013), and in accordance with established practice and procedure: (a) Expresses its intention to **convene meetings of relevant Security Council experts as part of an Informal Experts Group on Women, Peace and Security to facilitate a more systematic approach to Women, Peace and Security within its own work and enable greater oversight and coordination of implementation efforts.***

### **RECOMMENDATIONS**

#### **Recommendations for the Security Council and the Informal Experts Group**

The Security Council should take every opportunity to ask questions about the implementation of UNSMIL's Action Plan and resolution, and specifically on:

- Measures taken to assist key actors and institutions in ensuring the full and effective participation of women in the democratic transition, reconciliation efforts, and the security sector, as mandated by resolution 2376.
- Efforts to integrate a gender analysis and perspective in the overall implementation and monitoring of UNSMIL's Action Plan.
- Specific attention to women's participation in all preparations and meetings of the National Conference.
- Measures taken to promote accountability for conflict-related sexual violence.
- The availability of financial resources and expertise to implement these efforts.

Call on the SRSRG to report regularly to the Security Council on his engagement with women-led civil society and women peace activists and human rights defenders, and suggest the establishment of a mechanism for periodic consultation with a diverse representation of women's groups on activities related to conflict resolution, peacebuilding, disarmament, counterterrorism, security plans, human rights, and the provision of humanitarian assistance.

Urge the government to adopt quotas to ensure a minimum of 30 percent of representation of women in all governance bodies, including those emerging from the political transition, and express the Council's support for the recognition of victims of sexual violence as victims of war.

Call for the deployment of dedicated expertise, such as women protection advisers, to accelerate the implementation of the monitoring, analysis, and reporting arrangements on conflict-related sexual violence.

Call for increased documentation and reporting by the UN on sexual and gender-based violence, including conflict-related sexual violence, and consider listing individuals and entities involved in serious human rights abuses within the UN sanctions regime for Libya.

#### **Recommendations for the government and international partners**

The UN and the government should prioritize the development and implementation of a comprehensive disarmament strategy that includes a gender perspective and the participation of women.

The government should ensure the effective protection of women and girls, including victims of trafficking, migrants, refugees and asylum-seekers, detainees, and women peace activists and human rights defenders who may be particularly targeted. This must include urgent measures to improve the conditions and rights of women held in detention, from adequate facilities and female personnel to broader gender-sensitive security sector reform, humanitarian access, and judicial review. Monitoring and investigations of human rights violations, including sexual and gender-based violence, should be conducted with the support of and in consultations with civil society organizations and have the safety, dignity, and longer-term needs of survivors and their families at heart. These efforts should include the prosecution of perpetrators of conflict-related sexual violence and full cooperation with the International Criminal Court.

The government and its international partners should redouble their efforts in implementing large-scale programmes -including through reparations- for the psychosocial and economic rehabilitation of women and girls affected by the conflict, such as sexual violence survivors, women and girls disabled because of the war and ongoing insecurity, or affected by displacement, arbitrary detention, and the loss of family members.

The government should provide adequate resources and staff to the Women's Support and Empowerment Unit of the Presidency Council and similar units established in line ministries.

The UN and other international partners should assist Libyan government and civil society actors in the collection and dissemination of sex-disaggregated data and gender analysis, including on the drivers of radicalization and violent extremism and the impact of counterterrorism.

## **BACKGROUND INFORMATION**

### **Developments in the Security Council**

1. The Security Council adopted **four resolutions on Libya during 2017** (on vessels inspection off the coast of Libya, the Panel of Experts supporting the 1970 Sanctions Committee, the arms embargo, and extending the mandate of UNSMIL until September 2018. The Council also adopted **three presidential statements**.
2. In **January 2018**, alongside the Special Representative of the Secretary-General and head of the UN Support Mission in Libya (UNSMIL), Mr. Ghassan Salamé, **the Security Council was briefed by a civil society representative**, Ms. Hajer Sharief, co-founder of Together We Build It. Ms. Sharief called for resolution 1325 (2000) to serve as a guideline for the implementation of the UN Action Plan and to position women in mediation and conflict resolution efforts, urged UNSMIL and the Security Council to ensure the full and effective participation of women in the transition process and investigations into human rights violations, including sexual violence, and **asked the SRSG to hold regular meetings with women and civil society in the framework of implementing the UN Action Plan**.

3. **Sexual violence and other gender-based crimes are left out of the designation criteria of the 1970 sanctions committee on Libya**, which refers to “serious human rights abuses” broadly and has listed a number of individuals and entities associated with the former regime. Its panel of experts does not have a designated gender expert, but has documented widespread sexual violence.

**Key excerpts of Security Council resolutions and statements on Libya in 2017:**

**Security Council Resolution 2376 (2017), renewing UNSMIL’s mandate:**

*Urging the full, equal and effective participation of women in all activities relating to the democratic transition, conflict resolution and peacebuilding, supporting the efforts of the Special Representative of the Secretary-General to facilitate wider engagement and participation of women from across the spectrum of Libyan society in the political process and public institutions, and calling on the Libyan authorities to prevent and respond to sexual violence in conflict, including addressing impunity for sexual violence crimes in line with relevant Security Council resolutions, including resolutions 1325 (2000), 2106 (2013), 2122 (2013), 2242 (2015) and 2331 (2016).*

*4. Requests UNSMIL to take fully into account a gender perspective throughout its mandate and to assist the GNA in ensuring the full and effective participation of women in the democratic transition, reconciliation efforts, the security sector and in national institutions in line with resolution 1325 (2000).*

**Resolution 2380 (2017), renewing authorization for vessels inspection:**

*Reaffirming in this respect the need to promote and protect effectively the human rights and fundamental freedoms of all migrants, regardless of their migration status, especially those of women and children, and to address international migration through international, regional or bilateral cooperation and dialogue and through a comprehensive and balanced approach, recognizing the roles and responsibilities of countries of origin, transit and destination in promoting and protecting the human rights of all migrants, and avoiding approaches that might aggravate their vulnerability.*

**S/PRST/2017/26**

*“The Security Council strongly urges all Libyans to redouble efforts to work together in a spirit of compromise and to engage urgently and constructively in the inclusive political process, noting that further delay would only prolong the suffering of the Libyan people. The Council reiterates the importance of the meaningful participation of women throughout the process.*

**S/PRST/2017/24**

*“The Security Council further reiterates the need to place prevention and protection of victims of trafficking, including for the purpose of slavery, at the centre of the national and international response, including through the strengthening of identification, registration, gender and age-sensitive assistance, and services for the physical, psychological and social recovery care for those who are victims of trafficking, as well as to strengthen Member State and UN assessment where appropriate of those who are vulnerable to trafficking in persons, and further encourages Member States, especially transit and destination States, to develop and use early warning and early screening frameworks.*

**S/PRST/2017/19**

*“The Security Council strongly urges all Libyans to work together in a spirit of compromise and to engage constructively in the inclusive political process set out in the Action Plan. The Council reiterates the importance of the meaningful participation of women throughout the process.*

### **Women's participation and representation in decision-making**

4. **Over the past six months, UNSMIL has observed a positive trend in women's engagement in various political and social processes throughout the country.** However, women's participation in the transitional government, constitutional drafting assembly, and political dialogue remains low. For example, in the dialogue committee set up by the different parties in 2017, there were only three women out of 37 members.
5. **Only sixteen percent of the members of the current Government of National Accord are women** (Minister of Social Affairs, the State Minister of Women's Affairs and Community Development, and the State Minister of Institutional Reform), despite calls to adopt a quota of 30 per cent to attain greater women representation. In 2016, the government established a Women's Support and Empowerment Unit.
6. Each city council has a woman representative, with the exception of the city councils of Zintan and Jadou.
7. **The constitution drafting assembly was comprised of ten percent of seats for women** in the 60-member body, and approved a new draft in July 2017 after three years of negotiations in which some of the most contentious issues were about equality, citizenship rights, and the status of Sharia as the main source of legislation. **Several provisions on women's rights are included in the new draft Constitution**, including the State's obligation to provide equal opportunities to men and women (article 16 on equal opportunity) and to eliminate 'social customs' that detract from women's dignity (article 49 on supporting rights of women). The draft constitution also makes provisions for a temporary special measure to ensure 25 percent of women's representation in the House of Representatives as well as local councils "for two electoral sessions." However, a provision in a previous draft that acknowledged the right of women to pass Libyan nationality to their children has been deleted. The draft constitution will have to be approved by two-thirds of voters in a **referendum**. A nationwide survey found that 58 per cent of women were likely to take part in the next constitutional referendum, compared to 71 per cent of men.
8. One of the UN's top priorities is that democratic **elections** take place before the end of the year, and voter registration began in December. 2.5 million people registered and 42 percent of them were women. A recent survey found that support for gender quotas in parliamentary elections is relatively high among both women (82 percent either strongly or somewhat support them) and men (73 percent either strongly or somewhat supportive). The previous electoral law was revised to include gender parity provisions.
9. The **National Conference**, supported by UNSMIL, will provide a space for all Libyans to come together and adopt a common vision for Libya. The SRSG has insisted that the Conference be inclusive, in order to allow the adoption of a true National Charter, and provide guidelines for the legislation needed to end the transition. **Insecurity and the direct targeting by armed groups has made it very difficult for women human rights defenders and women's organizations to engage in the political process in Libya.** Women face additional forms of discrimination, including restrictions on movement without a male relative in certain parts of the country.
10. **Libya does not have a National Action Plan on 1325**, but has many women-led organizations who work on women, peace and security. In October, the United Nations hosted Open Days on Women, Peace and Security in Tripoli and Benghazi, with more than 200 participants, including

young women activists, national women's organizations, national and local government representatives, and women representatives from Tawergah IDPs.

11. **UNSMIL has a Women's Empowerment Section** and has a **two-year strategy with UN Women** to support women's participation in all mediation and reconciliation efforts and in the security sector, strengthen the capacity of key government institutions, and protect women from violence. **The SRSB regularly advocates for a minimum of 30 percent representation of women in all governance structures.**

**Protection issues and humanitarian concerns affecting women and girls, including conflict-related sexual violence**

12. Libyan law does not specifically criminalize domestic violence. Personal status laws continue to discriminate against women, particularly with respect to marriage, divorce, and inheritance. Polygamy without consent of the wife was reintroduced. The penal code allows for a reduced sentence for a man who kills or injures his wife or another female relative because he suspects her of extramarital sexual relations. It also allows rapists to escape prosecution if they marry their victims. In September 2017, UNSMIL supported a women's forum on constitutional and legislative reform, which produced a draft law criminalizing all forms of violence against women and proposed amendments to existing discriminatory laws.
13. **The Security Council has condemned the abuses against migrants and refugees as potential crimes against humanity**, and this situation is also monitored by the International Criminal Court, in addition to the three outstanding arrest warrants against individuals from the former regime, currently at large. The High Commissioner for Human Rights called this situation "an outrage to the conscience of humanity." A joint statement by nine special procedures of the Human Rights Council called on the government to take urgent action.
14. As reported in the annual report of the Secretary-General on sexual violence in conflict, **patterns of rape and other forms of sexual violence against migrants, refugees and asylum-seekers have been well-documented.** These have been perpetrated not only by smugglers, traffickers, and criminal networks, but also **in some cases by police and guards associated with the Ministry of Interior.** In February 2017, SRSB-SVC issued a press statement calling on Libyan authorities and the international community to protect migrants from sexual violence and other human rights violations. In April 2017, the International Organization for Migration (IOM) condemned the "slave market conditions" in which sub-Saharan migrants are held.
15. **The Department to Counter Illegal Migration (DCIM) and the Libyan coastguard have been implicated in grave human rights abuses.** After interception by armed men believed to be from the coastguard, migrants are often beaten, robbed and taken to detention centres or private houses and farms, where they are subjected to forced labour, rape and other forms of sexual violence. Migrants have described being taken from their shared cells by armed men, including DCIM guards, to be repeatedly raped by multiple perpetrators, sometimes in front of their children and other witnesses. Those who resisted were beaten, threatened at gunpoint, and denied food and water. Credible testimonies also indicate that migrant women have been abducted, raped and detained by armed groups, with some released following the payment of ransoms by their relatives, and others sold into sexual slavery. In 2017, a Somali national was convicted by an Italian court of multiple crimes against migrants in Bani Walid, including sexual violence. The chief facilitators of migrant smuggling and trafficking have been identified as Mohamed Koshlaf, who commands the al-Nasr Brigade and controls the al-Nasr detention centre where many women

and children subsist in desperate conditions, and another commander known as Ahmed Dabbashi. In September 2017, following international pressure over alleged sexual abuse, DCIM announced the closure of a notorious detention centre in Surman. The Tarik al-Shouk detention centre was also closed, following similar allegations, though none of the abusers have been brought to justice.

16. In general, **women, men, and children are not held separately in detention**. Women are held **without female guards**, and in some cases, they have been subjected to **strip searches and cavity searches under the scrutiny of male guards**. Women and girls accused of engaging in sexual relations outside of marriage, which is criminalized in Libya, have been subjected to **invasive “virginity tests” pursuant to judicial orders**. In 2017, UNSMIL documented cases of ill-treatment, including threats of a sexual nature, at the Mitiga detention facility operated by the Special Deterrence Force (SDF), the Central Security/Abu Salim, and other locations nominally under the control of the Ministry of Interior. Sexual violence has also reportedly been used as a form of torture against men in detention centres operated by armed brigades. Cases of torture and sexual assault have also been documented in the Internal Security Apparatus section in Kuwayfiah, under the command of Colonel Mohammad Idriss al-Seaiti.
17. **Groups pledging allegiance to ISIL/Da’esh have been implicated in abduction and sexual abuse. The authorities have subsequently detained many of the women and girls rescued from ISIL captivity**, often in poor and precarious conditions. For instance, following the military operations in Sirte against fighters loyal to ISIL, at least 117 Libyan and foreign women, including many who had endured physical and sexual abuse, were taken into the custody of the Misrata security forces and transferred to al-Jawiya prison in December 2016. Of these women, 31 were released in April 2017, having been cleared of terrorism charges by a prosecutorial committee. The remainder continue to be held arbitrarily, without judicial review. UNSMIL has received alarming reports of the physical and sexual assault of women held in the al-Jawiya prison, and has consistently advocated respect for due process and the release of arbitrarily detained women and girls.
18. According to UNSMIL, **women’s rights defenders and women who are active in public life, continue to be targeted for sexual and other abuse, including threats of a sexual nature**. A number of women activists reported facing questioning and harassment when travelling abroad without a male “guardian”. Armed groups in control of land borders and airports have subjected Libyan women to intimidation and travel restrictions. For instance, in February, the Libyan National Army, the military coalition that wields *de facto* control over most of eastern Libya, decreed that women under the age of 60 were prohibited from traveling abroad without a male “guardian”. This decree was reversed following concerted advocacy by women’s groups, but later replaced with an order that continues to constrain women’s freedom of movement by requiring security clearances prior to travel for both women and men under 40 years old. In addition, UNSMIL has documented politically motivated assassinations.
19. Lack of security and high levels of population displacement are also factors linked to the numbers of out-of-school girls and child marriage. **1.1 million Libyans, including 307,000 women of reproductive age, require life-saving humanitarian assistance and protection**. Following the reported **increase in maternal deaths in the south of Libya**, UNFPA and WHO jointly deployed mobile health teams to enable women to deliver safely in the affected areas, and made available emergency reproductive health kits. Since April 2017, UNFPA has distributed emergency reproductive health kits to 21 health facilities in several governorates, reaching 44,000 vulnerable pregnant women, especially in areas where two thirds or more of public hospitals are

not functioning. In addition, UNFPA, in collaboration with WHO and UNICEF, initiated the development of a five-year reproductive, maternal, newborn, child and adolescent health strategy with the Libyan Ministry of Health. The continued attacks on health care facilities and medical personnel affected the livelihoods particularly of women, who constitute 56 per cent of employees at hospitals across Libya.