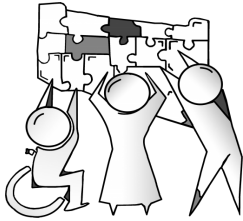


UPR pre-session submission for Libya



WOMEN'S INTERNATIONAL LEAGUE FOR
PEACE & FREEDOM



For more information, please contact:

Women's International League for Peace and Freedom (WILPF)

Rue de Varembe 1, Case Postale 28, 1211 Geneva 20, Switzerland

Email: secretariat@wilpf.org | Tel: +41 (0) 22919 70 80 | Web: wilpf.org

About the submitting organisations

Together We Build It (TWBI) is an intergenerational, non-profit organization that was founded in 2011 to support a peaceful democratic transition in Libya through empowering women and youth to participate in the peace process. TWBI's community-driven efforts are committed to promoting the role of women and youth in the political and public sphere through capacity building, trainings, workshops and consultations, and advocacy for the inclusion of women into Libya's peace process.

Women's International League for Peace and Freedom (WILPF) was founded in 1915, and since then it has united women around the globe to work for peace by non-violent means and by promoting political, economic, and social justice for all. WILPF addresses the root causes of war and violence through a feminist lens and constantly challenges systems of oppression, militarism, patriarchy, and neoliberalism.

Development Organization To Support Youth And Women (DSYW) works to support the presence of women in the international arena and forums, and to enhance the role of youth and women in advocacy for freedom of expression, respect of different opinions and making peace. The organization also focuses on the governments' institutions and pressure them to consider a better role for women, and to promote for the rights enshrined in international treaties and conventions.

Alnour Women's Organization works to support women and to raise their awareness on women's rights within the society, and to empower them politically, economically and socially. Alnour organization also focuses on youth and help considerable segments of both sexes to develop and improve their skills in order to build up their capacity, and enhance their ability to participate in the state development and building.

I Am a Libyan Woman But My Child Is A Foreigner is a civil and charity organization. It works on consolidation of citizenship rights and defending the rights of the children of Libyan women who are married to non-Libyans, and raise the awareness in the society about these rights. It provides humanitarian and civil assistances, support, and charity for these citizens. Raising and building the coming generations based on loving Libya and maintaining its safety and unity.

Written statement

This is a statement delivered by Together We Build It, and prepared jointly with the Women's International League for Peace and Freedom, Development Organization To Support Youth And Women (DSYW), Alnour Women's Organization, and I Am a Libyan Woman But My Child Is A Foreigner.

Women in Libya face extensive cultural and legal hurdles to their full participation in society and economy. They have been excluded from the peace-building and political processes, and marginalized in conversations that will determine the country's future. Libyan national laws include provisions that discriminate against women and girls, while laws specifically aimed to protect their rights are often superseded by decisions or decrees made by religious and military entities that violate basic human rights. The armed conflict and the deteriorating humanitarian situation continue to disproportionately impact women and girls. In our joint submission, we focus on the below human rights concerns from a gender perspective to address the disproportionate impact of the armed conflict on women and girls specifically.

1. The first issue pertains to discriminatory laws against women

In Libya, under the **Personal Status Law** governing family issues and personal matters, women don't have the same rights as men. A woman can only **divorce** on specified grounds, while this doesn't apply to men. Also, despite the human rights obligations – and particularly the law of 2015 – to prevent **child marriage**, it is still possible for children younger than 18 to get married with guardian and judicial approval. It is a well-known fact that child marriage disproportionately affects girls who face health risks and sexual, physical, and psychological abuses. Libya should therefore remove all exceptions that allow such a marriage and provide with assistance. In spite of Libya's obligations to ensure that men and women are afforded the same rights with regard to **mobility**, discriminatory restrictions are imposed on women and girls and limit them to travel domestically and internationally without a guardian or guardian's consent (*mahram*).

And yet, in previous UPR cycles, Libya only noted several recommendations seeking to guarantee gender equality in family matters and eliminate stereotypes regarding the role of women in society. In light of this, Libya should amend the Personal Status Law to bring it in line with international obligations, in particular with CEDAW.

Nationality laws in Libya are also discriminatory against women and have a negative impact on women but also on children of Libyan mothers and non-Libyan fathers. Libyan women married to non-Libyans

are not able to pass their nationality to their children and the children are denied basic rights such as healthcare, education, and the right to employment. Such discrimination directly contravenes Article 9 of CEDAW and Libya should amend Nationality Law so women have the same rights as men to pass their nationality to a child or a foreign spouse.

While Libya supported previous UPR recommendations on addressing trafficking, **gender-based violence** and preventing violence against women, article 375 still grants a mitigation of penalty for the so-called 'honour' crimes, and article 424 absolves a perpetrator of rape of his charges if he marries the victim and does not divorce her for three years. Libya must repeal these articles. Since the armed clashes in April 2019, there has been an increase in cases of gender-based violence, specifically against migrant and displaced women and girls and this is even more worrying since, while Libya supported recommendations on addressing trafficking, it does not have any anti-trafficking legislation. Libya should investigate and prosecute the perpetrators of such allegations and provide a gender-responsive protection to survivors.

Despite accepted recommendations from past UPR cycles **regarding the equal employment of women**, women are excluded from many professions, particularly those in the security sector while it is a well-known fact that their presence significantly increases women's perceptions of safety and reduces harassment. Women are even prevented from employment in some occupations as the Labor Relations Law of 2010 states that women shall not be employed in types of work that are "unfamiliar to their nature" as women. Libya should ensure equal employment opportunities for women and youth in each sector of the workforce.

2. The second issue is humanitarian needs and impact of the conflict on economic and social rights

As renewed conflict rages in Libya, the daily life of the population has been severely impacted. The use of explosive weapons in populated areas damaged civilian infrastructure by leaving the population without any electricity or access to water. These power cuts have a disproportionate effect on women and children, who often spend most of their day at home. Women-headed households and displaced persons are also disproportionately affected by food insecurity. Access to services such as education and healthcare, upon which women depend on for certain illnesses and conditions related to women, have also been disrupted.

In 2019 alone, there have been at least 37 attacks on healthcare facilities with 44 healthcare workers killed or injured. The use of explosive weapons in populated areas or near civilian infrastructure must

immediately cease and Libya should take measures to ensure access to basic necessities such as health, education and social protection is restored.

3. The third issue is human rights and peace education

As fighting continues to escalate in Libya, schools are often taken over by state and non-State actors for military usage and to accommodate IDPs, and they propagate extremely conservative ideologies that deepen harmful societal norms and ideas that perpetuate discrimination against women and girls. Libya should protect the right to education and eliminate reinforcements of societal gender discrimination.

4. The fourth issue is forced displacement, migrants and detention

In previous UPR cycles, Libya has accepted recommendations to protect the human rights of and address the immediate needs of migrants, IDPs, asylum seekers, and trafficked persons. Yet, migrants are currently detained arbitrarily in detention facilities and face abuses. Women and children face torture and gender-based violence and there is no gender-responsive protection or measures to hold the perpetrators in the detention camps accountable. Libya should therefore put an end to such practices and ensure that detainees are protected.

5. The fifth issue is women human rights defenders and journalists

While Libya accepted recommendations to ensure the safety of activists in the second UPR cycle, many female and youth activists are threatened to be kidnapped or face violence from militias and armed groups as a result of their activism. Libya should guarantee the protection of human rights defenders, with particular reference to WHRDs who are subjected to gender-based retaliations. The lack of action from authorities fosters impunity and leads to normalization of assault of women in society. Measures must be taken to conduct investigations for these assaults and ensure accountability for perpetrators.

6. The sixth issue is women's meaningful participation to the peace processes

While women have made progress at the grassroots political level, they have been systematically marginalized from major political conferences. While Libya has previously accepted significant UPR recommendations calling for the inclusion of women in the political process, women hold only 16% of the Parliamentary seats in the national government. In light of this, Libya should include women's and feminist groups at all levels in the peace and political process and set a minimum of 30% quota to ensure women's presence in political positions.