

Research Paper

Women's Political Participation in Libya

A Review of Electoral Legislation to Date (2023)



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Dr. Jazia Jibril Shaitir

**UN WOMEN
LIBYA**



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1- Executive Summary



1- Executive Summary

Engaging Libyan women in political processes and institutions is a stepping stone that enables them, as drivers of change, to advance women's participation that can have effective and meaningful impacts on Libyan society. An equitable sharing of authority through an inclusive and supportive environment empowers both men and women to collectively solve pressing challenges. Libyan women's participation is a necessary preliminary step for them to positively shape their role in their communities and Libyan society. Most importantly, women in politics are role models for advancing the participation of other women. When women do not participate in decision-making processes that address issues directly affecting their lives, policy outcomes will fall short in their implementation and could lead to human rights' violations of Libyan women.

In Libya, limited geographic reach remains a significant challenge to the equal participation of women from different parts of the country, namely the western, eastern, and southern regions of Libya. This is coupled with a series of other barriers that restrict the meaningful participation of women in politics, notably the legislative gaps that remain unaddressed.

The present research aims to provide a baseline about the legal status of women in electoral legislation in Libya. Moreover, it brings to light the gaps and inconsistencies

in legislation as it related to women's rights to political participation and particularly their right to participation in elections. By setting such legal framework, the present study aims at setting the foundational analysis that will enable interventions , through legislation and policies, to make them more targeted and responsive to women's political empowerment.

The research covers the transitional period from the emergence of the Libyan state starting in 2011 to the date of report writing. The focus of the study is on Libyan women's participation as voters and candidates for political office. It also highlights women in charge of implementing women's political empowerment mechanisms, including Libya's High National Elections Commission (HNEC) staff, and members of other election authorities, including the critical role of the media and civil society.

To this end, the research work adopted an analytical lens with a women's rights-based approach, that incorporates a legal and human rights approach. It draws upon the texts of legislation statutes as a primary source of data and on data collected directly by Mrs. Susan Hami, the officer in charge of the Women's Support and Empowerment Unit at the HNEC.

The research was conducted between 1 October 2022 and 30 October 2023.

2-Introduction



2-Introduction

Libyan women gained the right to vote and to stand for elections in the 1963 parliamentary elections under The United Kingdom of Libya and the Sanusi Monarchy era. Libyan women gained suffrage through the constitutional amendment issued on 25 April, 1963. The amendment's Article (102) of the 1951 constitution stipulates that: "Libyans who have completed their twenty-first year (Gregorian) shall be entitled to vote in the manner prescribed in the law. Women may exercise this right in accordance with the conditions provided for in the law."

Law No. (6) of 1964¹, which was endorsed by the Libyan Parliament, grants Libyan women the right to vote in parliamentary elections. Article 2 of the same law stipulates that: "A Libyan woman shall exercise the right to vote when she reaches the age referred to in the previous article, provided that she herself files a written request to get her name registered in the electoral records. "Thus, different standards were set for women voters versus male voters: women were required to register to vote whereas men were automatically enabled to vote by age 21.

Practically, Libyan women cast their vote in the 1964 elections. They had been required to attend in person for registration in the polling centres with their faces uncovered so that the registration officer (registrar) in each centre could identify them. That was the first time Libyan women

actively participated in the electoral process and cast their votes.

As for the right to run for National Assembly elections, this right was limited to males only, as Article (5) of the law stipulated "The following conditions are required for anyone who nominates himself or is appointed to the National Assembly: A- He must be a Libyan male, and if he has acquired Libyan nationality through naturalization, he may not be nominated or appointed except after the expiration of the period stipulated in the Nationality Law...".

Women's right to stand for elections only became activated under Muammar Gaddafi (1969-2011). Under Gaddafi, a quasi-constitutional and legal legislation system better enshrined Libyan women's right to political participation, including in the Great Green Charter of Human Rights (1977), The Promotion of Freedom Act (1993) and the laws of various Jamahiriya People's Congresses and People's Committees.

An important advance for women came with the three post-February 2011 elections, two of which were legislative elections and one of which was a constitutional election. The 2014 election was the last to be held. In 2021, the Libyan people were ready to move forward and hold elections for an institutional step towards transition. However, the elections were aborted for several security and political reasons.

¹ [Law No. \(6\) of 1964](#)

Since the writing of this review, the electoral process has registered some progress. where the 6+6 Committee has completed its work on electoral drafts of laws in early October 2023. The revised electoral laws were issued by the HoRs on October 5th and officially received by High National Elections Commission (HNEC) on October 9th.

This report is intended to monitor electoral laws that have been issued during

the transition period in order to fully understand the degree to which they have been equitable for Libyan women and supportive of the exercise of their right to political participation.

3-Status of Women in Electoral Legislation



3- Status of Women in Electoral Legislation

3.1 Libyan Women's Right to Political Participation

Pursuant to Article 6 of the Libyan Constitutional Declaration, or Interim Constitution, of 2011² Libyans “shall be equal before the law. They shall enjoy equal civil and political rights, shall have the same opportunities, and be subject to the same public duties and obligations, without discrimination due to sex.” Article 15 of The Declaration also guarantees the freedom of forming political parties, although it makes no specific reference to the right of women’s participation in doing so. It says: “The State shall guarantee the freedom of forming political parties, societies and other civil societies....”

3.2 Libyan Women’s Eligibility for Political Participation

Achieving an equal place in Libya’s political sphere through a meaningful exercise of the right to vote is determined by a clear age requirement. Pursuant to all Libyan laws, voters must be 18 years of age to gain full legal eligibility. Voters must hold a national number and be registered in the voter registry. The 13th Constitutional Amendment (2023) lays out in its Article 3 that 18 years is the minimum voting age, which Article 6 confirms as the voting age for Senate elections. The same amendment outlines the age requirement for candidates running for office, which is 25 years for candidacy to parliament and 40 years for running for the Senate. In accordance with

regulations, these constitutionally-prescribed age requirements must be consistent across all electoral laws.

3.3 Libyan Women Married to Foreigners and Libyan Women with Foreign Mothers

The exclusion of Libyan women married to foreigners and women with foreign mothers, in terms of their enjoyment of citizenship rights, is not anticipated or expressly addressed by extant legislation but can be traced to an administrative procedure by the Civil Status Authority (CSA). In order to identify a Libyan woman married to a foreigner, the CSA included a letter “F” following the woman’s national identity number. However, the electoral registration system did not accept the “F” and as a result the woman could not be registered properly. Only after a targeted request, and a campaign by civil society, was the letter removed. This allowed Libyan women married to foreigners and Libyan women of foreign mothers to demonstrate eligibility and register as voters.

Law No. 2 (2021) on parliamentary elections, did not address the condition of a person married to a foreigner, male or female. Law No. 1 (2021) stipulates that whoever runs for the position of President of the State cannot be married to a non-Libyan and must be born of Libyan Muslim parents.

The 13th Amendment³, which outlines the structure and competencies of

² [The Libyan Constitutional Declaration, of 2011](#)

³ [The 13th Constitutional Amendment](#)

the legislative authority and the constitutional basis for holding presidential and parliamentary elections, clearly excludes sons and daughters of Libyan women married to foreigners as candidates for the House of Representatives. Its Article 3 stipulates that “candidates for the House of Representatives are required to be Libyan Muslims, and not to hold any other nationality.” Therefore, the sons and daughters of Libyan women married to foreigners are excluded and shall not be able to run for office even if they obtain the Libyan nationality due to the father’s nationality, which they may obtain through blood. Law No. 27 of 2023 regarding National Assembly elections stipulated the same condition for anyone wishing to run for membership in the House of Representatives or the Senate.

3.4 Libyan Women with Disabilities

All Libyan electoral laws, whether for the National Congress, the Constituent Assembly, the House of Representatives, or even former electoral laws do not refer to safe access measures that guarantee the inclusion of persons with disabilities in general and women with disabilities specifically. The only provisions made for people with disabilities exists in Law No. 1 and Law No. 2 (2021) which provide for “the right of persons with disabilities to vote by secret ballot ... those who cannot cast their vote on the ballot papers or cast them orally, and those who are illiterate, are allowed assistance in voting by a person of their own choice upon consent of the polling centre President.”⁴

Article 37 of the chapter on voting procedures of the National Assembly Electoral Law No.27 (2023) requires the

HNEC to take measures to facilitate the participation of persons with disabilities in the electoral process, and to do so it has the right to use all available means to achieve this.

3.5 Libyan Women's Cultural Components

When addressing the empowerment of Libyan women, it is important to recognize the spectrum of women from different cultural backgrounds within Libya. When Libyan legislation refers to the “cultural component” it is addressing the wide range of ethnic and cultural identities of Libyan citizens beyond that of being Arab. However, the electoral legislation fails to recognize these diverse populations of women, and as a result there are large groups of women who are further marginalised in their rights to vote and run as candidates for political office. An important example is the experience of Amazigh women, who experience a true geographical marginalization as they are overlooked in the electoral process and deprived of accessing the quota for women despite their large number.⁵ For instance, six cities in the Western Mountains –where there is a considerable Amazigh population- do not have a single seat reserved for women. In the coastal region, Amazigh women are also unable to access any representation because the single seat reserved for women is a joint seat with Arab cities and Zwara is the only city represent the Amazigh component and it is always won by an Arab women based on the dominant population numbers. When a seat is designated for women, overwhelmingly, those seats will be taken by an Arab Libyan woman. Similarly, the Oases of *Oujla* with a large Amazigh population were overlooked without being allocated a seat for women identifying as Amazigh.

⁴ Law No. 1 and Law No. 2 (2021)

⁵ The Amazigh are indigenous to North Africa and make up the largest non-Arab minority in Libya. They include a collection of different ethnic groups, including the Tuareg.

While Amazigh women – or women from any of the non-Arab ethnic groups – have not been recognized or empowered in the allocation of seats for women, so too they are marginalised in the allocation of seats specifically for ethnic groups. Amazigh women have been discriminated against, in this regard, especially Amazighs in the Sahel, the Western Mountain, and the Sahara. This remains a contentious issue, since Amazigh women cannot effectively take part in the electoral process, as they experience double discrimination: under their identification of Amazigh, there is no additional support for women; and under their identification as women, there is no additional support for them being Amazigh. For instance, the mountain region, designated Constituency No. 8, has 17 seats with seven sub-constituencies for Amazighs. However, not a single seat of those sub-constituencies was allocated for women. As a result, women wishing to run for office must compete with the seat of Gharyan, which means that women geographically settled in eight sub-districts shall compete for one seat. The same barrier applies to the city of Zintan, which has two seats allocated, without a single seat for women.

The pattern is similar in other districts. The sub-constituency of Zuwara has only one seat allocated to Amazigh men. A woman running in the same sub-constituency must compete with Zaltan, Al-Jamil, Regdalin and Sabratha, which are cities with a predominantly Arab component. As for Ubari and the desert Berbers Tuareg in the south of Libya, not a single seat is allocated for the Targhis woman in the region.

In the election of the Constitution Drafting Commission (CDC), six seats were allocated for women. Nonetheless, Amazigh women were once again overlooked and

were not granted a single seat, although two seats were allocated overall to the Amazigh. With only two seats available to the Amazigh constituency, the community is less likely to nominate women as their candidates due to deep-seated societal beliefs and objection to women's rights to stand for elections. The end result was that two men were elected.

3.6 Displaced Women

Salient gaps remain in promoting the rights of women who are internally-displaced persons (IDPs) to vote in the municipality of displacement or outside the municipality of her original residence. Current regulations do not clearly promote those rights, and the lack of clarity leaves the door open to severe discrimination and marginalization by authorities, in practice.

3.7 Libyan Women Residing Abroad

Libyan women living abroad cannot stand for elections as the law requires them to appear in person at the High National Elections Commission (HNEC) in Libya. HNEC officials (Ms Suzan Hemmi) ⁶ indicate that Libyan women living abroad have been enabled to cast their vote due to the allocation of the polling stations abroad in specific countries. However, clear legislation to protect the right to vote by these women is urgently needed, and all Libyans living abroad in general.

3.8 Libyan Women of Political Opposition

Libyan women from opposition groups include supporters of Ghaddafi's regime during the 2012 National Congress Elections and the 2013 Constituent Assembly elections, and women from the Muslim Brotherhood during the 2014 Elections to the House of Representatives

⁶ This is based on a research interview with Ms. Suzan specifically for the purpose of the present study, at the High National Elections Commission in Libya headquarters in Tripoli, December 2022.

and the elections scheduled for 2021. Discrimination against these opposition groups was made clear in various laws and regulations of “integrity” and “nationalism,”⁷ and also the Political Isolation Law, which was deemed unconstitutional from a human rights perspective.⁸ The Political Isolation Law was based on an amendment of Article 3 of the Constitutional Declaration which stipulates that: “the isolation of some persons and banning them from sovereign offices and leadership posts in the State’s higher departments for a temporary period of time pursuant to a law issued to such effect, and which does not prejudice the right of the persons concerned to appeal, shall not be

deemed a violation of the provisions of this declaration.” The amendment is a barrier to the constitutional right of political participation.

Although these legal mechanisms do not explicitly represent sex-based discrimination, they are important considerations for women since it is a discriminatory layer based on political affiliation that, when compounded by sex-based discrimination builds even higher barriers which women must overcome to participate.

⁷ For example, NTC Law no. 26/2012 and Law no. 36/2012 on the High Body for Implementation of the Criteria of Integrity and Decree No. 192 of 2011 on the Identification and application of standards of integrity and patriotism

⁸ On the Political Isolation Law, see *Libya Shall Reject Political Isolation Law*. / Human Rights Watch (hrw.org)

4-A Women-Centred Review: The Status of International Law in Libya's Legislative System



4-A Women-Centred Review: The Status of International Law in Libya's Legislative System

Does the Libyan legal framework comply with international standards and international obligations pledged by the State of Libya?

4.1 The Pre-2011 State

Libya has ratified several international conventions and provisions on human rights and women's rights, including the International Covenant on Political and Civil Rights and the Convention on the Elimination of All Forms of Violence against Women (CEDAW). Further, Security Council Resolution 1325 (2000) on Women, Peace and Security represents a commitment on the part of the Libyan state, as a Member State, since the Resolution urges states to take "...measures that ensure the protection of and respect for human rights of women and girls, particularly as they relate to the constitution, the electoral system, the police and the judiciary".⁹

4.2 The Post-2011 State

Article 7 of the Libyan Constitutional Declaration (Interim Constitution) of 2011 issued by the National Transitional Council (NTC) provides for: "the State shall safeguard human rights and fundamental freedoms, endeavour to join the regional and international declarations and covenants which protect these rights and freedoms and strive for the promulgation of new covenants which recognize the dignity of man as Allah's representative on earth".

Further, the Libyan Supreme Court's landmark decision of 2013 sets forth that international conventions and treaties ratified by Libya hold precedence over Libyan laws and lower-rank legislation. The decision states that "it is established that the international conventions to which the Libyan state is bound are directly enforceable once the procedures for their ratification have been completed and have been approved by the State's legislature. They thereafter take precedence over domestic legislation. In the event of a conflict between international conventions provisions and the provisions of Libyan domestic legislation, the provisions of the international conventions and treaties shall be the first to apply..."¹⁰

Despite this legal framework in favor of women's rights, there has been more recently a backlash to the application of international covenants and an entrenchment on narrow interpretations of the social heritage and religious teachings. A case in October 2021 reveals a step backwards for women's rights in this context. It began with the signing of a Memorandum of Understanding (MoU) between UN Women and the Ministry of State for Women's Affairs in the

⁹ UNSCR 1325: item eight (8), paragraph (c)

¹⁰ Constitutional Appeal No. 01/57 S. (Judicial year, 2013) Session 23/12/2013

Government of National Unity to support the implementation of a National Action Plan for UNSCR 1325. Under pressure from conservative groups, the Government of National Unity decided in March 2022 that the Minister of State for Women's Affairs should be investigated since the (MoU) was reported to have drawn upon the principles CEDAW, which is perceived by some groups as having principles contrary to Sharia Law. A series of women's groups filed a lawsuit for the annulment of the MoU. The Tripoli Court of Appeals subsequently passed a judicial ruling overturning the decision of the Minister of State for Women's Affairs on signing the memorandum on women's empowerment and equality with men. The ruling stated that the MoU conflicts with

Islamic Sharia law, the main source of legislation in Libya and for this reason must be annulled.

This case shows the vulnerabilities in current legislation, especially for promoting women's participation in elections. To close this gap, there needs to be clear reference within the Constitution itself, as was stipulated in the 2017 Draft Constitution. International treaties should not only take precedence over domestic law, but they should also take precedence over the Constitution same as the Islamic Sharia law.

5- Woman-Centred Review of Post-2011 Constitutional Documents



5- Woman-Centred Review of Post-2011 Constitutional Documents

5.1 Libyan Constitutional Declaration (Interim Constitution) of 2011

The Preamble of the Libyan Constitutional Declaration (Interim Constitution) of 2011 fails to make any specific reference to women. There is no specific mention of “male and female citizen of Libya” or the “sons and daughters of the people of Libya”. The only recognition appears in Article 6 of the Libyan Constitutional Declaration (Interim Constitution) entitled “Citizenship” which stipulates that “Libyans shall be equal before the law. They shall enjoy equal civil and political rights, shall have the same opportunities, and be subject to the same public duties and obligations, without discrimination due to religion, sect, language, wealth, sex, kinship, political opinions, social status, and tribal, provincial or familial affiliation¹¹.”

While the recognition of No Discrimination Based on Sex in Article 6 is important, the lack of legally-binding laws and regulations that are specific in nature – including on protection mechanisms in the event of discrimination – means that the barriers for women remain high. In practice, weak legal protections for women’s rights to participate in elections continue to pose a considerable challenge to advancing the rights of women in terms of their Constitutional right to equality.

By adding the feminine version of related words in all legal texts, the principle of equality can be anchored in the Libyan political experience more firmly. Employing the feminine versions of relevant nouns and adjectives in Arabic can help to guide collective thought and reinforce this ‘solidarity’ of the decision makers with Libya’s women citizens.

5.2 Libyan Political Agreement 2015

The Libyan Political Agreement (LPA), also known as the Skhirat Agreement, is the accord reached as part of peace talks with the Tripoli-based General National Congress, the Tobruk-based House of Representatives and the original transitional body (National Transitional Council) in 2015 and serves as an important legal instrument that lays out the principles of equality among Libyan citizens.¹² The Preamble of the LPA paid tribute to the role of Libyan women’s organizations for their genuine and constructive contributions towards the promotion of a real and stable reconciliation. It underscored “the important role of Libyan women in conflict prevention and resolution as well as in peacebuilding, and the importance of their equal contribution to all efforts that aim to resolve the Libyan crisis...Also, the need to increase their decision-making role in relation to those efforts and participation in

¹¹ [Libyan Constitutional Declaration \(Interim Constitution\) of 2011](#)

¹² The full text of the LPA can be found here: <https://unsmil.unmissions.org/sites/default/files/Libyan%20Political%20Agreement%20-%20ENG%20.pdf>

the political process.” This represents a key political recognition of women’s role, if used appropriately and as a foundation to specify the rights of women and protections for those rights.

However, the governing principles of the LPA embraced general paragraphs on equality without mentioning the prohibition of discrimination against women. Paragraph 6 of the LPA sets forth its “Commitment to the principles of the 17 February Revolution as included in the Preamble of the Constitutional Declaration, and that are based on justice, equality, respect for human rights and the building of the state of law and institutions.”

In Paragraph 8 of the governing principles, it states the “Affirmation of the principle of equality between Libyans in terms of enjoyment of civic and political rights and equal opportunity, and rejection of any discrimination between them for whatever reason.”

The most important thing mentioned in the LPA concerning Libyan women appears in Clause 8 where it discusses political priorities and provides for “...the establishment of [the] Women Empowerment Unit and provide it with the necessary resources as well as represent it in all committees and bodies that emanate from the Libyan Political Agreement.” The hope was that this unit would work to advance women’s empowerment, engage in its support, and provide women with comprehensive protection. However, institutional divisions posed a threat to its effectiveness as it was gradually reduced to a role within the Ministry of State for Women’s Affairs, when the Government of National Unity came into power in 2021.

5.3 The 2017 Draft Libyan Constitution

Article 50 of the 2017 Libyan Draft Constitution achieved a major step forward for women when Libya’s Constitutional Drafting Assembly (CDA) incorporated support for women’s rights in saying that the state “has an obligation to ensure their right to representation in general elections... The State shall also take the necessary measures to support the acquired rights of women.” This was an opportunity to state clearly and comprehensively the rights of women, to ensure there is no discrimination in the electoral process. However, it did not do this. The draft confined its endorsement of the women’s quota by mentioning it in Article 184 which is entitled “Special Provision for Women.” In this section, it stated that any electoral system shall guarantee a quota for women of twenty-five per cent of the total seats in the House of Representatives and local councils for two electoral terms, taking into consideration the right of women to run for candidacy in the general elections.

5.4 Road Map: “Preparatory Phase for a Comprehensive Solution” (2021)

The Road Map for the “Preparatory Phase for a Comprehensive Solution” was a process that aimed to end the political deadlock in 2020 and pave the way for presidential and parliamentary elections. Article 5 of the Road Map laid out the structure of the executive authority during the transitional period. Pursuant to paragraph 6, “In the formation of the Government of National Unity, competency, merit, and fair representation of the political and geographic diversity shall be considered, participation of cultural components shall

be guaranteed, and the importance of real representation of women and youth shall also be taken into consideration. The representation of women shall be no less than 30% of leadership positions of the Government (ministers or deputies).”

The focus here was laid on the formation of the interim executive authority and made no general provision for women’s empowerment. Instead of offering clarity, the lack of specific reference in the Road Map to establish a women’s quota in the electoral laws for the coming elections, translated to a deepening disregard by Libyan authorities. This poses a serious threat to uphold this ratio for the laws governing the Parliament.

5.5 The 13th Constitutional Amendment, 2023

Many women's organizations across the country have sought to increase the proportion of women's representation in the elections from 16% to 30% in: “consistency with their active role in society, and to hold the enjoyment of their rights to political participation and other fields such as national reconciliation and support for women's freedom.”

On 7 February 2023, The 13th Constitutional Amendment was issued and was intended to define a new system of government that includes direct elections of government representatives. The amendment adopts a system of government consisting of a legislative authority with two chambers, the House of Representatives and the Senate, and an executive authority with a president as Head of State, all with the condition that ballots are cast directly by the people for the election of each representative.

The amendment also established in Chapter 1, entitled “Legislative Authority” a special provision for women which states that “The electoral system for the (parliament) HoR shall guarantee representation of women by no less than 30%” taking into consideration the right of women to run for candidacy in the general elections. Thus, the quota for women rose from 16% to 30%.

However, the amendment overlooked the inclusion of women’s quota in the formation of the Senate, which consists of 90 members elected by universal voting. It requires that the geographical distribution of seats in each electoral district be taken into consideration, assigning two seats for each cultural component, within the members of the Council.

6- Women-Centred Review of Laws that Define the Electoral Process



6- Women-Centred Review of Laws that Define the Electoral Process

6.1 Law No. 8 (2013) on the Establishment of the High National Elections Commission

Law No. 8 of 2013, which governs the establishment of the High National Elections Commission (HNEC) contains many gaps with respect to the empowerment of women. In Article 5 no consideration has been taken as to women's representation on the Board of Directors of the Commission, nor the use of a rotation system so that women may serve as president of the Board of Directors and as Director General. The law fails to enshrine women's participation as members of the bodies responsible for the election process and in leadership positions in such bodies, including for the Central Commission for Local Elections.

To the credit of those currently in charge of the HNEC, they have independently sought to ensure the commitment of the HNEC's internal regulations to promote women's participation, in addition to expanding women's presence within the polling centres and the participation of women leaders within the Commission, through the establishment of the Women's Support Unit pursuant to the decision of the Commission's Council No. 59 in 2017. One of the primary tasks assigned to the Women's Support Unit is to facilitate women's

participation in the electoral process, coordinate with civil society organizations engaged with women's issues and women's capacity building and follow up on the challenges and difficulties they face in their electoral participation.¹³

The Women's Support Unit, since it started its work in 2017 has been able to advance its mandate considerably with strategic planning under the leadership of the head of the Unit.¹⁴ Ms. Suzan Hemmi, the head of the Unit during the period when this study was conducted, has set annual plans based on the objectives and mandate of the Unit and as a result has already implemented several projects that are making inroads on women's participation. The Awareness Women Ambassadors project bolsters support to women and advances equity for underserved and underrepresented women. With the intention to bring Libyan women voters to the polls, the project was designed by focusing on three main stages. The first supports the planning and preparation for the elections through raising awareness about women voters' registration. The second phase focuses on the collection of election registration cards from women, while the third phase deals with support to women to ensure they actually cast their vote. Beyond this project, the Unit has other strategic interventions for 2023. The head of women empowerment unit— Ms. Suzan Hemmi - note that their awareness-raising efforts have borne fruit since the most

¹³ Women's Support Unit - High National Elections Commission (h nec.ly)

¹⁴ Research interview conducted by the researcher specifically for the study in December 2022.

recent voter registration for the postponed elections in 2021 showed the number of registered female voters as virtually equal to that of registered male voters.

The Women's Support Unit, with support from specialists as well as national and regional experts in the field also launched a platform for "Monitoring Violence against Women in Elections in Libya," which seeks to monitor cases of violence against women during the election period. This monitoring will enhance the integrity of the elections and combat false and misleading news and hate speech through the use of modern technologies and artificial intelligence through the collection and analysis of a large amount of data.¹⁵ These tools will enable the HNEC to quantify and map the prevalence of violence against women in elections.

In an effort to advance an electoral law that supports women's equal rights in political participation, the Women's Support Unit of HNEC drafted legislation in 2020 as a proposal to lawmakers in the HoR. The proposal included support for women's representation through the application of quotas under both systems: the list system with political parties and for independent seats in the general election. The list system, for political parties, would have a quota that is both horizontal and vertical. Independent seats would have 30 per cent reserved for women. This would guarantee a presence large enough for a women's bloc to have some voting power in the parliament. Unfortunately, this proposed legislation in 2020 was met with resistance by some lawmakers and it was cited that the HNEC mandate did not include submitting new legislation but was focused entirely on implementation. As a result, the proposed legislation was rejected.

The HNEC's decision to create a Women's Support and Empowerment Unit, which is merely an administrative entity, was made without a deeper understanding of how to strategically and significantly impact the participation of women. As Ms. Suzan explains, the special Unit should have been positioned within the HNEC so that it had more direct influence on decision making. If the Unit were to have been created as an office, and not merely an administrative entity, that is directly under the Council or the Director-General, it could have a more strategic position to provide oversight on women's issues across the whole Commission, including other departments and sections. Since the Unit is currently positioned at the bottom of the hierarchal system of the Commission and is not incorporated into the decision-making level, the rest of the Commission's staff perceive it as a foreign entity that is operating outside of the department, even if its responsibilities do go beyond those of a mere administrative Unit and actually include a strategic mandate.

The process of creating and operationalizing the Unit highlights it faces in implementing a strategy to promote women's participation and empowerment. Under the current situation, it is difficult for the Unit to develop and implement any strategy because the Unit's plans must be integrated within the Commission's overall plan.

Other gaps impede the HNEC in doing effective work for the advancement and support of women's rights. Regulations do not require equal representation of women in assuming leadership positions within the Commission. For instance, 26 electoral offices are already headed by men, with the only exception being the electoral

¹⁵ Launching a platform to monitor violence against women in elections - The Libyan newspaper Al-Unwān (addresslibya.com).

office of the municipality of Aziziyah, which is led by a woman.

This example of such an extreme lack of women's representation points out how the responsibility for more equal representation should not fall only on the HNEC, but also to the judiciary. Ms. Suzan explains that the law stipulates that for the guarantee of the integrity of the electoral process, the HNEC is subject to judicial oversight. Therefore, the Commission proposed that the polling centres be headed by judges appointed by the Supreme Council of the judiciary. Unfortunately, there were only men's names on the lists provided by the Supreme Council.

Following a miscommunication between the Commission and the Supreme Council of the judiciary, the HNEC had to find alternatives by assigning staff in accordance with requirements on rank, diploma and over ten years of experience. Women employees in the HNEC staffing is just 37 out of a total of 335.

6.2 Law No. 29 (2012) on the Organization of Political Parties

Law No. 29 of 2012 on the regulation of political parties is the first law governing the practice of political action in Libya after 2011 since it had been outlawed for a period of more than 40 years. However, instead of anchoring the culture of women's political empowerment, the law utterly failed to do so because the masculine pronoun "he" overpowered the provisions of the law. Article 3 explains that "Libyan citizens shall have the right to establish and join political parties in accordance with the provisions of this law". In the Arabic wording and linguistic formulation, the stated law proceeds with the term "male citizen" with extreme care and intent to ignore the perspective of women, a bias against

women that is further confirmed in Article 5. It lists the conditions for party membership, including "Holding Libyan nationality and possessing full legal capacity," a reference which again -- with the Arabic wording -- puts a clear linguistic emphasis on the "he" pronoun.

Article 12 addresses party bylaws but fails to mention that the party's statutes should include a quota system for women in party leadership bodies.

This law had the potential to include references to formulating policies that are favourable to the empowerment of women, but it has none. For example, the law could have linked women's representation policies to the establishment of incentive measures, such as additional grants to parties that consider the allocation of a quota for women on electoral lists or offer support or training programmes for women aspiring to political office. These types of measures could have been integrated into Article 20 regulating political parties' license to conduct political action in accordance with the provisions and with the possibility to benefit from the State's support, but unfortunately, the law is devoid of any direct or indirect support for women's political empowerment.

6.3 Law No. 30 (2012) on Regulation of Political Entities

As with the previous law on the organization of political parties, Law No. 30 of 2012 on the Regulation of Political Entities regulating political life in the early Libyan democratic experience did not reflect any support for the empowerment of women or the intention to anchor women's participation in the electoral process. Article 3 stipulates that "All Libyan citizens shall be entitled to establish political entities and shall enjoy the freedom to join any of them

according to their will, without obligation or mandate...” However, as with previous legislation, great care was taken to use the masculine pronoun throughout the text of the law, reinforcing the exclusion of women.

Reference to women is also absent from Article 6 which forbids political

entities to be founded on discriminatory criteria. It states that “Political entities may not be established on tribal, regional, racial, or linguistic bases,” without any mention of prohibiting discrimination against women.

7- Women-Centred Review of Electoral Laws



7- Women-Centred Review of Electoral Laws

7.1 General National Congress Electoral Law

Law No. 4 of 2012 addresses the election of the General National Congress and includes a reference on the advancement of women's participation as members of the Congress through a quota. It requires ranking male and female candidates ranking both vertically and horizontally in party lists which led to women candidates obtaining 33 out of 80 seats (or almost 41 per cent) allotted to parties under the list system. In contrast, only one seat out of 120 seats allocated to individual candidates was obtained by a woman. In total, women hold 17 per cent of the total seats in the GNC.

These results demonstrate the importance of the quota on party lists – both vertical and horizontal -- if an electoral system is intended to support women's political participation. The impressive surge in women's representation was a result not of a shift in social beliefs that recognize women's role or their capacity to engage in politics and political life. It was a direct result of the legal instrument mandating the participation of women on party lists that enabled women to increase their representation in the House of Representatives.

The fact that women won only one seat of the 120 seats allotted under the individual system is strong evidence of Libyan social norms and the deeply-ingrained perceptions of women and their political engagement. It is worth noting,

however, that the number of women candidates on the individual list was particularly low, even in regions where women's participation at the onset of the revolution was quite high with the presence of a strong women's movement.

In Benghazi, for instance, only 24 women ran on the individual list, compared to 303 male candidates, making up less than 7.5 per cent of the entire number of candidates. This was a far lower number compared to the 540 women candidates registered on the party list.

This points to the challenges women face in standing for elections independently. First, being a candidate in an independent election puts women more directly in the face of strong social norms compared to being a candidate on a party list. Second, a range of other barriers arise for women standing independently for election like those related to funding for independent electoral campaigns and experience needed for electoral campaigning and mobilizing voters to cast ballots.

In addition to the power of unspoken social norms around women's political participation, there are also specific actors and groups who want to limit or fully eliminate women's participation. For instance, some women candidates have experienced intense intimidation during their election campaign including attempts to sabotage and distort women's electoral image due to the perception that the publication of women's pictures is

inconsistent with religious and social values. There have also been numerous attempts to discredit female candidates through social media using online violence and harassment.

At the same time, it is important to consider the power of social norms on Libyan women's decisions to vote. The fact that women's voting participation was 39 per cent (687,000 of 1.75 million voters) in the most recent HoR election alongside the fact that just one woman was elected independently means that the majority of women cast their votes in favour of men. Further research is required to understand this behaviour. It may be an indicator of women voters' lack of confidence in women candidates' capacities and also a reproduction of the deeply-ingrained societal norms that position women as inferior to men.¹⁶

7.2 Electoral Law of the Constitutional Drafting Assembly Constituent Commission (The CDC)

The electoral law governing the elections of the Constitutional Drafting Commission (CDC) is Law No. 17 of 2013 advanced women's participation by requiring seats allotted for women's representation. However, it only required 10 per cent of seats for women. Chapter Two, Article 6, Paragraph 2 of the law states that "Six seats shall be reserved for women, distributed across some electoral constituencies. Only women shall be allowed to compete for those seats. All voters, male and female, shall cast their

votes to elect candidates competing for those seats". Accordingly, women are allocated 10 per cent of the 60 seats, or six seats. However, due to the security and economic crisis at the time, turnout for the election of Libya's CDC was incredibly low for both women and men. This led to a lack of trust and deep frustration among Libyan citizens. Of Libya's 3,401,000 eligible voters, the number of registered voters for the CDC election was 1,101,541 which included 652,040 male voters and 449,501 female voters. Only 28 per cent of these registered women voters ultimately cast their votes.¹⁷

Based on HNEC reports, the turnout in 11 electoral districts stood at 41 per cent, with Tripoli voters marking the highest turnout with 44 per cent and voters in Khoms with the lowest turnout at 32 per cent.

It should be noted that there were only 55 candidates on women's lists (representing 8%) and nine (9) female candidates on the general lists (representing just 1 per cent) which demonstrates the unequitable distribution of women's seats among Libyan electoral constituencies. Pursuant to the way the CDC electoral law structures the distribution of seats for women, the women constituents in Sirte, Misrata and Zawiya — medium-sized cities are unable to compete for space on the the women's lists since the single seat will undoubtedly go to a women from Tripoli, the most populous city in the west. Such inequitable distribution obligated women to run for candidacy on the general lists, which gives them almost no chance of winning due to the prevailing and false cultural belief that general seats should be held by men while women should only access seats designated

¹⁶ Abeer Amnina, "General National Congress Elections", Strategic Report 2012, Centre for Political, Economic and Social Studies, publications of the General Authority for Press Support and Encouragement. Chapter Two: The Impact of the Security Situation and Conflict on Women's Political Participation in Libya 2011-2017 | Women in Politics Forum in the Arab Region (cwpar.org)

¹⁷ Women's Participation in Libya's Political Elections: What Have We Learned from Previous Elections? | Legal Agenda (legal-agenda.com)

by the women's quota. The election results prove this assertion to be correct, as none of the women candidates won the general lists. The results of the CDC elections provide another clear example of why a strong quota system for women is required if any advances are to be made for women's political participation in Libya.

7.3 Electoral Law on the Libyan Parliament

Law No. 10 of 2014 on electing the Libya House of Representatives (HoR) in the transitional period, made a direct requirement for women's representation by allocating 16 per cent of the total seats to Libyan women. Even though the individual system was adopted – whereby women had to get elected independently-- elections yielded the victory of women candidates for 29 seats. As a result, the number of women representatives in both legislative chambers was approximately the same.

The number of registered voters in 2014 was approximately one and a half million- almost half the number of registered voters in the 2012 elections when women accounted for 40 per cent of the total number of registered voters. In 2014, the turnout was again very low, with only 630,000 voters, nearly a third of the total registered voters in the 2012 elections.¹⁸

Upon analysis of the election results, data reveal the gap in the number of women candidates for the Parliament seats compared to women candidates for the General National Congress (GNC). For the GNC, more than 500 candidates were women, while the number of female candidates to the House of Representatives was just 130. These figures must be understood in the context of the decreasing

rate of male candidates, which is often interpreted as a decrease in general public interest in the political process due to the country's deteriorating security and economic crises.

The result for women's participation based on Law No. 10 of 2014 on electing Libya's HoR in the transitional period with a quota system led to women in 16 per cent of the total seats which is the same proportion achieved in the elections for the General National Congress (GNC). Women's representation in 16 per cent of the seats is severely inequitable and fell short in meeting the aspirations of Libyan women as a result of political change in the period following 2012. This raises major concerns since these laws, and the practical experience of achieving 16 per cent representation has set a precedent in the mind of law makers that 16 per cent is a sufficient target for women's representative. However, this is far below parity (50 per cent – representing full equality) and previously proposed targets of 30 per cent. This unfortunate precedent was later used to prepare subsequent electoral laws, namely Law No. 2 (2021) and the 2022 draft legislation which was formulated by a committee of experts commissioned by the Planning Council.

7.4 Law No. 1 of 2021 on Presidential Elections

Following the adoption of the Road Map in 2021 the HoRs issued Laws No. 1 and 2 of 2021 on presidential and parliamentary elections and The High National Elections Commission announced that¹⁹ the number of women registered in the presidential and parliamentary electoral process amounted to 1.244.855 out of 2.800.000 Libyan

¹⁸ Ibid.

¹⁹ The Women's Support Unit of the High National Elections Commission participates in the International Women's Day celebrations - High National Elections Commission (hnecl.y)

registered voters, a significantly high figure - almost half of the electorate. This figure seems to demonstrate the awareness of women of the importance of their participation in the political process as a needed step forward to the stability of the country.

Law No. 1, guiding the Presidential Elections planned for 2021, attempted to be non-discriminatory but fell short. Article 10, Paragraph 3 stipulated that “He or she should not be married to a non-Libyan.” While it uses both feminine and male pronouns, the legislation puts forth arbitrary restrictions based on a person’s marriage to a foreigner.

However, the same Law omits this same caution for the use of feminine and male pronouns in Article 17 which sets out the requirements for candidates. Among these is a declaration by the candidate applicant that he is a Libyan of Libyan parents and that neither he nor either of his parents or his wife holds the nationality of another country. The words “the candidate” in Arabic apply the unequivocal male pronoun. Paragraph 4 requires him to submit a declaration that he, his parents and his wife do not have another nationality, while Paragraph 6 requires a declaration of financial disclosure for him, his wife and minor children. It requires “A declaration of financial disclosure that includes all his movable and real estate assets inside or outside the country for him, his wife, and his minor children.” These repetitive exclusions of women in legislative language highlight the urgent need to enact clear legislation that supports women’s participation as policymakers and begins to anchor in the Libyan collective mindset the undeniable capability that women have to run for the presidential elections, and all other public office.

Upon the implementation of the law, only two women announced their candidacy for the presidential elections: Leila Ben Khalifa and Honaida Toumieh. The fact that few women could even consider competing in the presidential election points to the major obstacles women face in entering the electoral process as candidates. The requirement of financial resources and other criteria is prohibitive for many, especially for women candidates. First, there are registration fees amounting to ten thousand (10,000) Libyan dinars, or about US\$2,060 required under Article 17, Paragraph 9. Then, according to Article 11 “To accept candidacy for the Presidency, the candidate must submit a recommendation from a number of no less than five thousand (5,000) registered voters in the voters’ database.” Basic communication and publicity costs for a political campaign amount to a minimum of 50,000 Libyan Dinars, or over US\$10,000. The political barriers are also very high. In the instance of the presidential elections expected in 2021, these two women candidates would have had to compete with candidates of extraordinary political experience and power, who come with international support and major funding sources through political and family connections.

7.5 Law No. 2 of 2021 on Legislative Elections

Elections Law No. 2 of 2021 repeats many gaps that create challenges for women’s participation. First, it adopts the individual single non-transferable electoral system, which eliminates the possibility to promote equal opportunities between women and men, as was the case with the law for the General National Congress. Article 18 requires 16 per cent—or 32 seats—of the total of 200 seats in Parliament to be reserved for women. However, the seats

reserved for women posed even greater complications. Female candidates running for some of the reserved seats would replace the winner of the seat in the general contest in the area in which the female candidate was registered.

The Law also stipulates that casting ballots in favour of women's seats shall be conducted by all male and female voters, and that women could obtain additional seats through the general contest, as provided for in the electoral law.

Women's political participation is set forth by Law No. 2 of 2021 on the elections of the House of Representatives, which grants women a special quota of 16 per cent of the seats in the House of Representatives, with the possibility of candidacy for seats in the general contest as well, with the same rate endorsed by Law No. 10 of 2014 on the election of the current House of Representatives. Casting the ballot for each seat reserved for women in the individual electoral system is conducted by all voters in the district, be they male or female voters. There are allocated seats-- reserved for women-- in some sub-constituencies, but not in others. The legislation, in general, lacks clarity and would benefit from more detailed instructions, or an explanatory memorandum, so that the law can be implemented in practice without ambiguity.

While there is legislated women candidate quotas for candidate lists, the process of seat distribution reserved to women candidates has legally fallen short of internationally-agreed objectives to ensure parity in women's representation. Those objectives are based on standards of citizenship and other criteria based on a district's demographic size, geographical area, and ethnic composition. However, many women in some voting districts were

unable to compete for reserved seats because despite the density of the population, or the size of the geographical area as well as ethnic differences, there were no reserved seats in some districts. The legislation lacked clarity about the criteria for the type of distribution it did adopt, and the reason why some districts had seats reserved for women and other districts had none. In the municipality of Qasr Libya, for instance, the law granted a seat to women, while in the municipality of Tobruk, which is much more densely populated, there was no seat reserved for women. Thus, in Tobruk a women's only option to run was for a general seat, which gave them almost no possibility of winning. One option to solve this issue would have been to reserve seats for women for which women from multiple districts could access. A seat couple be reserved for a woman from Tobruk, that could also be open to women from Derna and Qubba, based on a single constituency, as is the case in three sub-districts of the second constituency (Shahat, Al-Bayda and Al-Marj) and in the case of the ninth constituency. Women's seats could have been reserved for a single constituency instead of depriving women in Tawergha and Bani Walid of running on the reserved seat.²⁰ By opening the seat reserved for women to women from other cities, there would at least be an option for more women instead of outrightly excluding some women from any access to run for a reserved seat.

Ultimately, electoral laws need to expand the number of reserved seats more equitably, responding to clear criteria on population and demographics that allow for medium and small cities to have reserved seats for women, just as the larger cities do.

²⁰ Dr. Abeer Amnina writes: (akhbarlibya24.net)

The introduction of an individual non-transferable voting system is considered another factor that weakens an objective means to distribute the quota to ensure women's seats across all voting districts, as was the case in the previous parliamentary elections of 2014. This was due, on the one hand, to the absence and exclusion of parties from participating in the 2021 elections, which could have given more room for women's participation and representation in the House of Representatives. The law fell short in stipulating that parties should form their lists based on vertical and horizontal parity. On the other hand, the low target of the quota for women (16 per cent) is far from parity and fails to achieve justice and equity.

One of the barriers to women's candidacy that many analysts of women's participation and women's rights fail to point out is the requirement of candidates to get formal approval, or a certified validation, of the recommendation of registered voters, which is known as the *Tazkya*. Pursuant to the law, each candidate needs the recommendation of 100 registered voters, which means collecting the signatures of 100 registered voters in the candidate's voting district. However, despite their voting eligibility the Commission initially stipulated that a registered voter could sign the *Tazkya* of a specific candidate only once, which meant many women candidates for reserved seats were sidelined while registered voters chose to sign the registry of a candidate for the general lists, almost always a male candidate. As a result, women's task was made harder, especially due to social restrictions that prevent them from playing an active role as voters. Sparking controversy, this issue was addressed in Article 7 the regulations on the voter registration lists of candidates for the

elections to the House of Representatives, which gave all voters, both men and women, the right to vote for special seats, like those reserved for women, *in addition* to seats of the general lists.

Once a candidate has the *Tazkya* complete, with the required 100 signatures of registered voters, a formal approval of that list must be submitted. That formal approval has a financial cost because a candidate must pay a legal professional to document the approval. This financial requirement is a further – and direct--impediment to women's participation since they have difficulty in accessing funding for additional fees. Generally, women's salaries are already considerably lower than men's and the act of fundraising for a political campaign is difficult, if not impossible, for many women due to existing social norms.

7.6 Law No. 27 of 2023 on National Assembly Elections

Following the 13th constitutional amendment, a new committee was established with 6 members from the High State Council, and 6 members from the House of Representatives to update the electoral law. The committee was labelled as the 6+6 and had no women representatives. The 6+6 Committee has completed its work in early October. In spite of enormous pressure and laborious deliberations in Bouznika in Morocco, as well as in Tripoli, Benghazi and other cities in Libya, the members of the 6+6 Committee have achieved compromise on many contentious issues. The revised electoral laws were issued by the HoR on October 5th and officially received by High National Elections Commission (HNEC) on October 9th. As stated by the SRSB Bathily in his briefing to the Security Council on the

²¹ Law No. 27 of 2023 on National Assembly Elections

16th of October 2023, Regrettably, women provisions for the Senate elections also remained unchanged, with only 6 seats (6.6 %) allocated to women out of 90 seats”. In addition to that, the electoral lists system for the HoR elections, does not guarantee the 20% quota for women as stated in the 13th constitutional amendment, and rather leaves this to be High National Electoral Commission to uphold this in case the quota is not reached following the vote-count at the elections.

Pursuant to the provisions of this law, 297 members are elected to the House of Representatives, with 152 elected through closed lists presented by parties under the proportional representation system in the districts designated for that purpose, and 145 one hundred and forty-five on the basis of individual nomination in accordance with the first-past-the-post system.

The list of candidates is arranged on the basis of horizontal and vertical rotation between male and female candidates. Lists that do not adhere to this principle will not be accepted.

the Law No. 27 allocated One joint seat in the House of Representatives to women's competition, where Al-Wahat Jalo Awjila Ajkhara.

Finally, the chapter of the law dedicated to electoral crimes fails to enshrine provisions on the guarantee of adequate protection for women victims of political violence during the electoral process, and the appropriate penalties for such serious crimes. This law offered a unique opportunity for legislators to build legal provisions to combat the growing and severe political violence against women, both online and offline, but no mention of this was made.

7.7 Local Election Law

Law No. 59 of 2012 concerns the Local Administration System and outlines local election law. Article 11 lays out the components of the Provincial Council, granting women at least one seat as it stipulates that: “Members of municipalities located in the province, to be elected by direct secret ballot, *with at least one member for women* and one member from revolutionaries with special needs.” This would imply that the electoral system would provide for a minimum of one seat for women, but that women could also compete for other seats in municipal elections. However, the predominant interpretation in practice was that women had only one seat on the council. So, regardless of demographic size, each province had only one woman elected to each local council, regardless of the province’s demographic size.

For the election of mayors, the law did not provide for any mechanism which might guarantee equal opportunities for both men and women. Lack of clarity on electoral matters in general can be found throughout the law, which further weakens women’s possibility to participate in local office. For example, the law does not specify that the candidate who received the highest number of votes be the new mayor. In one case, this meant a woman who received the most votes was denied access to public office. The woman candidate in al-Wahat municipality, who had the highest number of votes in the last local elections, did not become Mayor. Based on the electoral procedure for the Mayor, by which the seven elected council members collectively choose who will serve as Mayor from among their

group, the predominantly male council chose a male candidate as Mayor over the women councillor who had won the largest popular vote. A recent study notes that of 112 municipalities in Libya, only one has a woman as Mayor and she was not elected directly but appointed as an interim Mayor.²²

Currently, the High National Electoral Commission has oversight and management of the local electoral process, which is a potential opening to expand women's political empowerment in local elections. Although that oversight might have fallen under the mandate of the Central Committee for Local Council Elections, the HNEC has not assigned it that

authority. Given HNEC's experience in supporting women's engagement, its logistical resources and its specialized units – including the Support and Awareness Unit and the Women's Empowerment Unit—it is uniquely positioned to impact local council elections in the future to protect women's rights and ensure their active engagement in the electoral process.

²² Women's Participation in Libya's Political Elections: What Have We Learned from Previous Elections? | Legal Agenda (legal-agenda.com)

8-Effectiveness of the Law and Practical Constraints



8- Effectiveness of the Law and Practical Constraints

8.1 Corruption of State Institutions

Corruption entrenches inequality and emboldens discrimination in general, and women are no exception. Corruption will certainly overshadow women who revealed fewer indicators than men in respect to their response to and abuse of corruption.²³

Corrupt practices often lead to misallocation of resources, as funds intended for public services, education, and health care are diverted for personal gain. This misallocation disproportionately affects marginalized communities, widening existing social and economic disparities. In the context of elections, unequal access to resources can hinder the ability of certain groups, including women, to participate meaningfully due to limited access to education, information, and campaign financing.

8.2 Lack of Legal Awareness

Legal awareness, or legal literacy, is one of the most important support mechanisms to further Libyan women's political empowerment. The lack of that awareness is currently one of the biggest barriers to women's engagement in political life. If equipped with a firm understanding of their legal and human rights, women can take effective action to advance their participation in the electoral process and combat discrimination.

The entire electoral process needs to be carefully considered by all relevant stakeholders, whether state authorities or non-state bodies, so that each step of the electoral process is made to be equitable for women and men. A recent example of just one way to improve legal awareness among women is the ongoing debate around the effectiveness of legal assistance provided by female public lawyers. That debate looks at the extent to which legislation governing the electoral process can allow female public lawyers to serve and support female candidates to respond to their queries and clarify complex cases of electoral offenses and electoral challenges.

Raising women's awareness of legal provisions builds resistance to the male-favoured interpretation of laws by professionals and law officers, whether in the executive or the judiciary branches of government. With the legal know-how at hand, women can advocate with those authorities for a legal interpretation that is sensitive to their rights.

8.3 Role of the Elected Legislature in Enhancing Women's Participation in the Electoral Process

Women elected as legislators should take a central role in supporting the electoral process and making it more accessible and empowering for women.

²³ Women Development Organisation. [WOMEN AS AGENTS OF CHANGE IN THE FIGHT AGAINST CORRUPTION](#)

However, the main legislative committee within the House of Representatives and with the authority to mainstream women's rights and promote women's empowerment – the Committee on Women and Children's Affairs—is far from fulfilling that role. Although one of their responsibilities is to promote women's empowerment on legal provisions and statutes, the committee has shown no attempt to form pressure blocs within the parliament to raise the women's quota proportion or advance any other legal mechanisms to support women's engagement. Elected women representatives have been monitored for their awareness-raising of Libyan women, such as the case where groups of housewives called on women representatives to take action to ensure

that Libyan women received their electoral cards. Efforts have also been focused on getting women representatives to take action on women IDPs to ensure their participation in future elections.²⁴

Overall, questions have been raised as to the role Libyan elected women representatives take, whether in regards to women's issues in particular or in public matters in general. Aguila Saleh, President of the House of Representatives made a decisive point that requires deeper analysis, when he stated that “Out of 32 women parliamentarians, only five members engage and respond to legislative matters!”²⁵

²⁴ The Chairman of the Board of the High National Elections Commission meets on Tuesday with members of the Committee on Women and Children Affairs of the House of Representatives - High National Elections Commission (h nec.ly)

²⁵ [On the side-lines of Mr. Aguila Saleh's meeting with Minister of Women's Affairs Houria Tarmal, where she discussed with him the role of the Council in ensuring greater participation of women at the levels of candidacy and election.](#)

9- Other Key Actors and Actions for Women's Rights



9- Other Key Actors and Actions for Women's Rights

9.1 Civil Society

There is an absence of civil rights legislation to govern the action of civil society, which also means there are limited legal tools to hold civil society responsible for respecting and promoting women's political participation in its social and cultural dimensions.

The Libyan Women's Union, an active civil society organization, plays a critical role in supporting the electoral process and enabling women to exercise their political right. Its central objectives include mainstreaming women's issues and the political empowerment of Libyan women to participate actively in the electoral process through multiple mechanisms, including the drafting of laws that enshrine equal rights for women and men and are inclusive of women's rights.

The Article 8 from the Law No. (4) of 2014 on adopting the rules of procedure of the House of Representatives²⁶ allows certain members of the public to attend to watch the sessions, In accordance with Article 8, civil society has the potential to wield a form of subtle influence, known as the "Silent Seat" in the parliament. The Seat is meant to be used to monitor the parliament's performance on women's empowerment, including the role of scrutinizing legislative effectiveness and ensuring that it does not infringe on

women's rights to political participation. While most parliamentary members know this exists, the Silent Seat is not implemented in practice.

9.2 The Fourth Power: The Media

There is a lack of legal mechanisms to govern the action of the media, which means promoting women's rights and combatting discrimination of women in the media is yet another complicating challenge to supporting women's space in public life. Among the media, women are rarely invited to participate or comment on issues around public welfare, social issues and politics. If perceptions about women and their role and contribution to public life are to change in Libyan society, a key strategy is to have women be an active part of these debates and commentaries in the media. At the same time, those women who are included not only are empowered and gain experience for themselves but their presence and contributions inspire and encourage other women to activate broader participation among women.

Urgent legislation is needed to assert the right of women candidates to have equal access to media outlets by establishing effective mechanisms to ensure equal and fair visibility of male and female candidates. A good place to start would be with private media outlets to

²⁶ Law No. (4) of 2014 on adopting the rules of procedure of the House of Representatives

ensure their commitment to equal treatment for candidates' media coverage, which is a powerful tool in political campaigns for access to the public.

9.3 A Comprehensive Law on Combating Violence Against Women (VAW)

There is currently no legislation that protects Libyan women from political violence and criminalizes all forms of violence against women. Supported directly by UNSMIL's Human Rights, Rule of Law and Transitional Service as well as UN Women and the UN Population Fund (UNFPA), a

group of experts is developing a draft law aimed at transforming the culture of violence against women and girls in Libya. The draft law defines political violence as "any act or practice, or threat thereof, aimed at depriving or hindering women from practising any political, partisan, or human rights activity, or any political rights or freedoms, particularly the use of hate speech and electronic violence." This offense would be categorized as a misdemeanour and would be punishable by jail and a fine.

10- Conclusion: Study findings

10

10- Conclusion: Study findings

- I. Increasing women's representation in the political process will ensure that women's voices are heard and their issues fairly recognized. To ensure a fair and equitable representation of women it is imperative that clear parameters for women's participation are legislated with specific legal obligations to appropriate authorities and institutions. Electoral quotas for women prove to be the most effective way to ensure women's representation and must be clearly articulated through legislation as a constitutional and legal right, not merely a verbal societal commitment.
- II. The introduction of a quota for women in the electoral system through the relevant electoral law is not sufficient unless it is correlated with a series of reforms of the electoral process and political environment to establish clear institutional mechanisms to combat corruption and enforce the law.
- III. Mainstreaming women's rights effectively throughout the entire electoral process means clarifying women's rights across all relevant electoral laws. The law on political parties must enable women's empowerment and clearly state target quotas for women in leadership roles in the party. It should also ensure that women have the same professional development opportunities as men to promote their advancement within the party. These parameters would yield better opportunities for the emergence of women's political leadership and the chance for women to contribute to Libyan political life.
- IV. Mainstreaming women's political participation also means providing legal measures that protect women migrants and women IDPs. Legislation should provide for the establishment and organization of polling centres in every region to assist women migrants and women IDPs. Electoral laws need to specify these women's rights to participate in the electoral process.
- V. Legal consideration must be mainstreamed to also protect the rights of people, including women, with disabilities. This requires the establishment and organization of polling centres in each region to assist persons with disabilities and women with disabilities so they may participate in the electoral process.

RECOMMENDATIONS:

Based on the review of legislation regarding women's political participation in Libya, the following overarching recommendations are made to national institutions, lawmakers, and supporting civil society actors:

- **Legal Reforms:** Advocate for and work towards legal reforms that address barriers to women's participation in elections. This includes revising laws related to candidacy requirements, electoral systems, and policies sensitive to women's rights.
- **Non-discriminatory Language:** Ensure that electoral laws use neutral to avoid reinforcing stereotypes against women. This includes using inclusive terminology, not male-specific references which can imply the exclusion of women.
- **Inclusive Electoral Management Bodies (EMBs):** Encourage the appointment of women to key positions within Electoral Management Bodies to ensure diversity and promote women's role in decision-making processes.
- **Quota Systems:** Introduce or strengthen quota systems that ensure a minimum representation of women in political positions. This can serve as a temporary measure to address imbalances between men and women's access to public office and promote inclusivity.
- **Public Awareness Campaigns:** Launch public awareness campaigns promoting the importance of women in leadership roles and highlighting the benefits of diverse representation for all Libyans in decision-making bodies.
- **Inclusive Electoral Practices:** Ensure electoral practices are inclusive and accommodate the diverse needs of women, including accessibility for disabled women, secure and safe polling places, and considerations for rural or marginalized communities.
- **Partnerships with Civil Society Organizations:** Collaborate with civil society organizations that focus on women's rights and empowerment to leverage their expertise, resources, and grassroots connections in supporting women's participation in elections.
- **Inclusive Political Party Policies:** Encourage political parties to adopt inclusive internal policies that promote the role of women, their participation and leadership. This includes promoting measures such as candidate lists that are balanced between men and women and promoting women's great potential in leadership positions.

To operationalize these Recommendations, the following direct actions can support immediate action to advance women's political participation:

- I. Develop an election handbook on women electoral experience and delivery of relevant workshops.
- II. Initiate a comparative study that includes a proposal for a model law for women's participation in the electoral process.
- III. Strengthen the ongoing training sessions for legislators to build their capacities on drafting and approving legislation that takes into consideration women's issues, specifically election regulations for women's participation.
- IV. Implement election-related training sessions for women candidates to increase their legal awareness, or legal literacy, and to inform them about electoral campaigns.
- V. Raise awareness through local training sessions on women's civic mobility and how their participation in elections matters, with the aim of getting women voters to vote and to vote for champions of women's rights. This includes building and fostering relations with male champions of women rights to create solidarity to increase women's representation and equality.

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UN Women also coordinates and promotes the UN system's work in advancing equality between men and women.

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