

ANALYTICAL STUDY

PROTECTING LIBYAN WOMEN LAWYERS FROM VIOLENCE

**AN ANALYTICAL STUDY WITH RECOMMENDATIONS FOR IMPROVING
THE WORK ENVIRONMENT**



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UN Women

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The opinions expressed in this research are the sole responsibility of the authors and do not necessarily represent the views of UN Women, the United Nations, or any of its affiliated organizations.

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EXECUTIVE SUMMARY

This study constitutes a comprehensive effort to enhance the rights of Libyan women by shedding light on the violence faced by women lawyers in the course of, or as a result of, their work. It aims to provide recommendations that contribute to building a safer and fairer work environment. The study primarily analyzes the legal and political frameworks related to Violence against Libyan Women Lawyers and explores cultural, social, and institutional barriers that limit their role in the justice sector and reinforce violent practices. It also examines the levels, types, and impacts of violence, while assessing the role of relevant stakeholders in mitigating this phenomenon.

The study was conducted between September and December 2024 and followed a comprehensive methodology, combining theoretical, quantitative, and qualitative analysis. It includes a review of international instruments, local legislation, and policies to evaluate their effectiveness. Additionally, an electronic survey was conducted with 76 women lawyers from various legal sectors in Libya to identify the scope, types, and locations of violence. Furthermore, four discussion sessions were held to document the personal experiences of women lawyers, providing a deeper understanding of the social and professional contexts of violence and contributing to the development of practical recommendations to address the challenges faced by women lawyers in Libya.

The first two chapters of the study focus on international treaties and national legislation, evaluating Libya's commitment to international standards for protecting women lawyers from violence. They also examine local laws and their implementation, alongside an assessment of national policies in ensuring a safe, non-discriminatory work environment. The applied section of the study delves into the context of violence, exploring the political transition, conflicts, and the nature of the legal profession (practice of law) as key influencing factors. Using survey data and focus group sessions, the study finds that

violence and discrimination against women lawyers in Libya are not isolated incidents, but rather part of a widespread pattern. The study further analyzes the structural and systemic causes of violence, its professional and personal impacts, and assesses the roles and responses of duty-bearers in addressing the issue.

The final chapter highlights the study's key findings, emphasizing legislative gaps in protecting women lawyers from violence in its various forms. It identifies verbal violence and negative discrimination as the most prevalent types, particularly affecting private practice women lawyers compared to their counterparts in the Litigation Department and the public legal profession. Additionally, this chapter discusses the findings related to the impact of violence, emphasizing weak response strategies and prevailing societal tolerance that exacerbate this phenomenon.

The study concludes with practical recommendations, including the development of legislative protections, capacity-building for judges, prosecutors, court staff, and security officials in the field of women's rights and violence prevention, and enhancement of the administrative complaint system to enable women lawyers to report incidents more effectively and easily. It also recommends the launching training programs that support women lawyers in navigating international complaint mechanisms and promoting affirmative action to increase women's representation in leadership positions within the Bar Association.

This study is part of the ongoing efforts to promote women's rights in Libya. It sheds light on violence experienced by women lawyers within the judicial system and proposes solutions for creating a safer and fairer work environment. These efforts contribute to the protection of women's rights and enhancement of their active role in society.

CHAPTER 1

INTRODUCTION

1. INTRODUCTION

1.1 BACKGROUND AND SCOPE OF THE STUDY

In Libya's current and ongoing political transition, new opportunities have emerged for women's participation in political and public life. However, recent reports and studies¹ indicate that women still face significant challenges and barriers that hinder their representation and active engagement. One of the critical but underexplored challenges is Violence against Women in the justice sector. There is an urgent need to strengthen the capacity of this sector to effectively protect women from violence and empower women working in the field, particularly in the absence of support services for survivors of violence.

In this context, this study focuses on issues faced by women lawyers in Libya, aiming to provide a deeper understanding of their role in the justice sector, particularly the violence directed at them and other obstacles they encounter.

The study focuses on the analysis and discussion of the legal and political frameworks related to Violence against Libyan Women Lawyers while exploring the cultural, social, and institutional barriers that limit their role or reinforce violent practices against them. It further examines the levels and forms of Violence against women lawyers, its consequences and impact, and the role of key actors in mitigating this violence.

¹ "For example: the results of the training workshop for women lawyers conducted by the United Nations team in Libya during 2023 highlighted the significant challenges faced by defenders of human rights, specifically women lawyers, during their professional careers.

Also, see in this regard: Study on the Status of Women in Libya between Reality and Law, Lawyers without Borders, 2019, p. 100 and beyond.

Also, see: Reem Al-Salem, Report of the United Nations Special Rapporteur on Violence against Women and Girls, and its Causes and Consequences, A/HRC/53/36/Add.2, United Nations General Assembly, May 3, 2023."

1.2 OBJECTIVES OF THE STUDY

Main Objective of the Study:

This study conducts a qualitative and quantitative analysis of the violence faced by women lawyers in Libya. It offers a legal and contextual understanding of their experiences and provides evidence-based recommendations.

Sub-Objectives:

This main objective is further broken down into the following goals:

- Discuss and analyze international legal frameworks and Libya's obligations under treaties and international agreements on women protection, with a focus on how these frameworks are applied to safeguard women lawyers from violence.
- Assess national legal frameworks, judicial practices, and local policy frameworks related to combating Violence against Women, focusing on their effectiveness in protecting women lawyers and ensuring a safe work environment.
- Measure the prevalence of Violence against women lawyers in Libya, document and analyze narratives of violence, and highlight its causes and impacts at both professional and personal levels.
- Identify variables, contributing factors, obstacles, and disparities influencing Violence against women lawyers, while examining how they confront and respond to such violence.
- Evaluate the role of state authorities, bar associations, and other key actors in combating Violence against women lawyers and providing necessary support for the survivors.
- Provide evidence-based conclusions to support advocacy efforts for eliminating Violence against women lawyers and propose concrete recommendations for improving national policies and legislation.

1.3 RESEARCH METHODOLOGY

This study adopts a research framework based on three main methodological approaches:

- **First: Discussion and Analysis of the Conceptual and Legal Framework:** This methodological approach forms the theoretical foundation of the study and aims to evaluate concepts, laws, and policies related to Violence against Women and Libyan women lawyers. It includes a review of international studies and reports, local legislation, international treaties, judicial applications, and government policies.

The process of gathering and analyzing information involved extracting key concepts, analyzing legal texts, reviewing treaty provisions, and assessing Libya's compliance with these agreements.

- **Second: Collection and Analysis of Quantitative Data:** This methodological approach aims to provide objective data on the scope of violence faced by women lawyers in Libya, measuring the prevalence of the phenomenon, its various forms, and its impact on both professional and personal levels. The quantitative data was obtained from an online survey that targeted 76 women lawyers from different regions and specializations:

- Private practice lawyers (82%).
- Lawyers from the Litigation Department (13%).
- Lawyers from the General Directorate of Law (5%).

The survey also included women lawyers at different levels of litigation:



AT THE COURT OF APPEAL LEVEL

%45



AT THE FIRST INSTANCE COURT LEVEL.

%36



TRAINEES LAWYERS.

%7



AT THE SUPREME COURT LEVEL.

%12



NON PRACTICING

%1

The survey contained comprehensive questions covering age, workplace, level of legal pleading, types of violence experienced, locations where incidents occurred, and the responsible parties involved. Additionally, it included questions on reporting violence, responses from relevant entities, and the adequacy of available support mechanisms, contributing to a well-rounded understanding of women lawyers' experiences and challenges.

The data collection took place between September 16 and October 14, 2024. Descriptive statistical analysis was employed to identify patterns of violence and its correlation with demographic and professional variables. This analysis helped establish a comprehensive database that informs policy recommendations aimed at protecting Libyan women lawyers and fostering a safer work environment that upholds their professional and human rights.

- **Third: Collection and Analysis of Qualitative Data:**

This methodological approach aims to present and analyze narratives on the human impact of Violence against Libyan Women Lawyers, enhancing the understanding of the contexts and motivations behind this phenomenon and clarifying its broader implications. The qualitative findings help explore the complex social dynamics and institutional challenges surrounding the issue and support the formulation of practical and effective recommendations.

- The qualitative data was gathered through four focus group discussions. The discussions involved 23 women lawyers from different regions of Libya, with representation from private practice lawyers, lawyers in the Litigation Department, and lawyers in the General Directorate of Law, all at various levels of legal practice. These discussions took place between October 5 and October 15, 2024.

The discussions revolved around key themes that included the general context of violence, its forms and causes, its effects on personal and professional life, and the evaluation of legal and institutional protection mechanisms.

The qualitative analysis followed an objective analysis approach, involving the identification of key themes, an in-depth understanding of women lawyers' experiences, analysis of institutional contexts and challenges, and the derivation of concrete recommendations based on the discussions of the women lawyers.

1.4 CHALLENGES OF THE STUDY

This study encountered several challenges that affected the comprehensiveness and accuracy of the data. These challenges can be summarized as follows:

- **Lack of Accurate and Up-to-Date Statistics on the Number of women lawyers:** The legal sector in Libya suffers from a severe lack of precise and updated data on the number of women lawyers and their distribution across different sectors, including private practice, the Litigation Department, and the General Directorate of Law. This absence negatively impacted the design of

the survey and the determination of the target sample size. As a result, the research team faced difficulties in establishing an ideal sample size that would represent all women lawyers in Libya, limiting the ability to draw representative and comprehensive conclusions.

- **Limited Response from women lawyers:** Despite extensive efforts by the research team to disseminate the survey widely among women lawyers across different regions and sectors, the number of responses remained limited. There was a particularly limited response rate from those working in the Litigation Department and the General Directorate of Law. Only 76 women lawyers participated, with the majority coming from private practice, as indicated by the detailed percentages provided earlier. Given that 82% of respondents were private practice lawyers, the study mainly reflects their perceptions. This limited response rate does not accurately represent all women lawyers in Libya, reducing the ability to provide a generalized perception on this phenomena.
- To address this challenge, the research team integrated focus group discussions. Although participation in focus groups was lower among lawyers from the Litigation Department and General Directorate of Law compared to those in private practice, the depth and quality of discussion provided valuable insights that were complimentary to the survey results.
- **Limited Awareness of the Different Dimensions of Violence among Certain women lawyers:** The study revealed a clear disparity in the level of awareness among Libyan women lawyers regarding the different forms of violence. women lawyers active in human rights and women's rights fields demonstrated a deeper understanding of the nature and dimensions of violence compared to their colleagues in other legal sectors. This disparity was reflected in the survey responses. Some participants stopped filling out the section related to personal experiences of violence or denied experiencing violence when they were asked directly. However, the analysis of their broader responses indicated that many had indirectly faced some forms of violence, particularly related to lack of

professional protection, negative discrimination, and structural violence in the workplace.

- Additionally, the survey results revealed that although some women lawyers denied experiencing violence personally, a broader analysis of their responses to other questions indicated a perceived rise in violent behavior within the profession and a recognition of inadequate protection policies. Their recommendations further underscored the need for stronger policies to support women lawyers, implying an indirect acknowledgment of challenges that could be understood as forms of violence.
- This variation in awareness, especially regarding non-traditional forms of violence, such as institutional violence or workplace discrimination, limits the comprehensiveness of the data. It also highlights the need to enhance women lawyers' understanding of the different dimensions of violence. Raising awareness of these issues would contribute to the development of more inclusive and effective policies to protect women lawyers and improve legal work environments.
- These discrepancies may also reflect an element of self-censorship. Some participants might have chosen not to disclose their personal experiences out of fear of social stigma or professional reprisals, especially in a context where legal institutions offer limited protection and accountability mechanisms.
- To address these concerns and uphold a 'do no harm' approach, the survey was designed to be entirely anonymous and did not require the collection of any personal or identifying information. Participants were informed in the introductory section of the survey that all data would be treated with strict confidentiality and used solely for research purposes. These safeguards were put in place to create a sense of safety and encourage open, honest participation without fear of repercussions. Nonetheless, the persistent climate of insecurity and distrust may have contributed to partial disclosure or denial by some participants.

1.5 DEFINITION OF KEY

TERMS IN THE STUDY

To ensure a precise understanding and a unified context for the terms used in this study, this section defines the conceptual framework of Violence against Libyan Women Lawyers.

Violence against Women:

Violence against Women is any act of violence committed based on gender and social roles, which causes or is likely to cause harm or suffering to women, whether physical, sexual, psychological, economic, or in other forms. This definition also includes threats of such acts, coercion, or arbitrary deprivation of liberty².

Violence can occur within the family, in public spaces, at workplaces, in digital environments, and even at the hands of the state or with its tacit approval. It constitutes a violation of human rights and has various negative impacts on women, families, and society as a whole.

Definition of Libyan women lawyers in this Study:

Since Libyan legislation does not explicitly define women lawyers, their status can be inferred from general legal texts governing the legal profession without discrimination. Libyan law, such as Law No. (3) of 2014 on the Regulation of the Legal Profession, defines a lawyer as a legal practitioner without specifying the sex, meaning that the profession includes both men and women.

Accordingly, Libyan women lawyers, as referenced in this study, are women practicing the legal profession within the following main categories:

Private Practice Lawyers:

- These are women lawyers who practice independently, representing individuals and legal entities before all courts and judicial or

² Compare this definition: 'Violence against women means any act of violence directed at them because of their sex and causes or is likely to cause harm or suffering to women, whether physical, sexual or psychological, including threats of such acts, coercion, or arbitrary deprivation of liberty, whether occurring in public or private life.' Article 1 of the "Declaration on the Elimination of Violence against Women", adopted by the General Assembly of the United Nations by its Resolution No. 48/104 dated December 20, 1993.

administrative bodies.

- They operate at different litigation levels, ranging from the First Instance Courts to the Courts of Appeal and the Supreme Court, based on their experience and actual years of practice, in accordance with Law No. (3) of 2014 on the Legal Profession³. Under this law, trainee lawyers are permitted to plead before the First Instance Courts in all their circuits, provided they are authorized by the lawyers in their firms they undergo training.
- According to legal aid provisions within the law, private practice women lawyers can be appointed to defend and represent individuals eligible for legal aid upon assignment by the head of the regional Bar Association. This representation includes criminal and civil cases, either by court appointment or upon request by the concerned parties⁴.

Public Defense Lawyers (Lawyers in the General Directorate of Law):

- Legal representation for Libyan women lawyers in public defense is not limited to the legal aid system under private legal practice, rather it also extends to public defense lawyers working under the General Directorate of Law. These lawyers constitute 68% of public defense attorneys in Libya, according to the latest survey conducted⁵. Notably, Law No. (22) of 2023 amending the Judiciary System Law reaffirmed the continued representation of the General Directorate of Law within the Supreme Judicial Council⁶. This indicates that the department remains legally recognized, and the enactment of a separate law regulating private legal practice does not implicitly abolish the public defense system. The

³ Part two of Law No. (3) of 2014 on Legal Profession.

⁴ "The head of the branch of the Bar Association shall assign one of the lawyers to attend and defend for the concerned party in the following cases: 1- Upon request from one of the courts in criminal cases and others to appoint a lawyer to defend for the accused. 2- Upon request of the concerned party for defense or to file a lawsuit on their behalf in cases where the concerned party receives legal aid." Article 38 of Law No. (3) of 2014 regarding the Legal Profession.

⁵ United States Agency for International Development, Libya Gender Analysis: Identification of Constraints, Opportunities & Best Practices in USAID/Libya (2020), p. 11.

⁶ Article (1) of Law No. (22) of 2023 amending the Judiciary System Law

General Directorate of Law continues to provide free legal representation in courts to facilitate access to justice and support efficient judicial proceedings.

Lawyers in the Litigation Department:

- These are women lawyers working within the Government Litigation Department, which is an independent legal entity under the Libyan Ministry of Justice. This department is responsible for representing the state and public institutions in legal disputes before various courts. Women lawyers in this department hold broad legal powers to defend the state's interests and ensure the enforcement of judicial rulings issued in favor of the state, in accordance with applicable legal frameworks and procedures.
- It is important to note that women lawyers in the Litigation Department (who represent the state in legal matters) and female public defense lawyers (who work within the General Directorate of Law) are considered employees within judicial institutions. They share the same rights and obligations as other judicial staff⁷, even though Libyan laws do not explicitly mention women lawyers separately. A relevant report indicates that public defense lawyers, despite being technically part of the judiciary, hold lower administrative positions within the legal hierarchy⁸.

1.6 KEY RESEARCH QUESTIONS

The findings of this study were derived by addressing the following research questions:

- What is the legal framework governing Violence against Libyan Women Lawyers?
- How can we understand the general context of Violence against women lawyers, and what are the key variables influencing the issue of violence?
- To what extent is Violence against women

⁷ See, for example, Law No. (8) of 2024 on the Financial Treatment of Members of Judicial Authorities.

⁸ United States Agency for International Development, Libya Gender Analysis: Identification of Constraints, Opportunities & Best Practices in USAID/Libya (2020), p. 11.

lawyers prevalent in Libya? What are the most common forms and patterns of violence that women lawyers face?

- Who are the perpetrators of Violence against women lawyers, and where does this violence most frequently occur?
- What are the causes and contributing factors behind Violence against women lawyers?
- What are the major consequences and impacts of Violence against Libyan Women Lawyers on both their professional and personal lives?
- How do women lawyers respond to violence? What strategies do they employ to confront violence?
- How is the role of key stakeholders in dealing with and mitigating Violence against women lawyers evaluated?
- Considering prevention, protection, and support for survivors, what recommendations can be proposed as intervention approaches to enhance the protection and empowerment of women lawyers?

The review of legal and political frameworks includes international treaties and principles, as well as legal rules, legislative frameworks, judicial applications, and government measures that address the protection of women, including women lawyers, from violence. Additionally, it also examines legal and procedural rules, principles, and government measures that could play a role in enhancing the protection of Libyan women lawyers from violence.

Chapter 2.1 focuses on reviewing and analyzing international instruments and treaties related to the protection of women, including women lawyers, from violence, with an assessment of Libya's commitment to these agreements. Chapter 2.2 is dedicated to discussing the national legal and political framework in Libya, with an emphasis on the effectiveness of legislation and measures in combating Violence against women lawyers.

2.1 THE INTERNATIONAL

CHAPTER 2

LEGAL AND POLITICAL FRAMEWORKS FOR PROTECTING WOMEN LAWYER FROM VIOLENCE

2. LEGAL AND POLITICAL FRAMEWORKS FOR PROTECTING WOMEN LAWYERS FROM VIOLENCE

LEGAL FRAMEWORK

International Treaties On Women Protection From Violence And Libya's Compliance

The International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (1966):

Libya acceded to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights in 1970⁹.

These two Covenants establish fundamental principles of human rights, including those of women. One of the key principles is the prohibition of gender-based discrimination, as stipulated in Article 3 of both Covenants, which affirms equality in the enjoyment of all rights for men and women alike¹⁰.

The International Covenant on Civil and Political Rights (ICCPR) prohibits torture, cruel, inhuman, or degrading treatment¹¹. Meanwhile, the International Covenant on Economic, Social, and Cultural Rights (ICESCR) emphasizes fair and satisfactory working conditions, ensuring that women enjoy equal working conditions with men and receive

equal pay for equal work¹². It also stresses the importance of family protection and the provision of special safeguards for working mothers¹³.

Libya also acceded to the First Optional Protocol to the ICCPR in 1989¹⁴, which allows individual complaints to be submitted to the United Nations Human Rights Committee regarding violations of rights protected under the ICCPR. This mechanism enables Libyan women lawyers to file complaints with the UN Human Rights Committee in cases of rights violations under this Covenant.

The principles set out in these two international covenants provide a general legal basis for protecting women from various forms of violence, including gender-based discrimination, physical and psychological violence, and harassment in the workplace. While these texts do not specifically focus on the protection of women lawyers, they establish a framework for comprehensive protection, which extends to women lawyers as well. Furthermore, Libya's accession to the First Optional Protocol of the ICCPR offers a practical mechanism for women lawyers to file complaints in cases of rights violations, ensuring additional protection in case of violation of the women lawyers' rights.

9 The United Nations, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights of 1966. They were adopted by the General Assembly of the United Nations by its Resolution No. 2200A (A.D-21) dated December 16, 1966, and came into force as of March 23, 1976, and January 3, 1976 respectively. Libya acceded to them on May 15, 1970. <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx> <https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>

10 Article (3) of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

11 Article (7) of the International Covenant on Civil and Political Rights.

The Convention on the Elimination of All

12 Article (7) of the International Covenant on Economic, Social and Cultural Rights.

13 Article (10) of the International Covenant on Economic, Social and Cultural Rights.

14 The United Nations, the First Optional Protocol to the ICCPR to the International Covenant on Civil and Political Rights, which was adopted by the General Assembly of the United Nations by its Resolution No. 2200A (A.D-21) dated December 16, 1966 and came into force as of March 23, 1976. Libya acceded to them on May 15, 1970.

Forms of Discrimination against Women (CEDAW):

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)¹⁵ is a comprehensive framework that obliges state parties to eliminate discrimination against women. Libya ratified CEDAW in 1989 and acceded to its Optional Protocol in 2004¹⁶.

Upon its accession to CEDAW, Libya initially submitted two reservations, which were later merged into a single general reservation in 1995, stating:

“Libya’s accession to the Convention is subject to the general reservation that its provisions shall not contradict personal status laws derived from Islamic Sharia.”

CEDAW includes several key principles that can serve as a framework for protecting Libyan women lawyers from violence. Among these is the principle of non-discrimination, which bans any distinction, exclusion, or restriction based on gender that affects women’s rights¹⁷. The Convention obliges state parties to take all measures to eliminate all forms of discrimination against women, promote gender equality, and ensure legal protection for women, including in the workplace¹⁸. It also highlights the need to change social and cultural

norms that contribute to discrimination against women¹⁹.

In reinforcing the protection of women from violence, the CEDAW Committee has recommended that state parties strengthen legal protections for women through anti-violence legislation that ensures adequate protection, respect for their safety and dignity, and the provision of appropriate prevention and support services for victims. Additionally, the Committee emphasized the need for training that promotes awareness of women’s rights and ensures fair and inclusive practices among for judicial personnel, law enforcement officers, and government employees²⁰.

In 2024, the CEDAW Committee issued a List of Issues related to Libya’s periodic report, identifying key areas where the State must provide updates on efforts taken to fulfill its obligations under the Convention. Among the main concerns were the absence of a comprehensive law criminalizing all forms of violence against women, particularly during conflict and post-conflict periods, and the need to address barriers to access to justice. The Committee requested information on steps taken to ensure inclusive and accessible legal aid, protection services, awareness-raising for women and girls—especially those affected by conflict or with disabilities—and efforts to eliminate judicial bias. It also called for updates on mandatory training for legal professionals and religious leaders, the protection of women human rights defenders, and the establishment of effective transitional justice and accountability mechanisms. These issues are particularly relevant for women lawyers, both as service providers and as individuals affected by systemic shortcomings.

Moreover, the Optional Protocol to CEDAW allows for filing complaints at the international level if the national legal system fails to provide adequate protection, further strengthening the legal safeguards available to women lawyers against different forms of violence.

15 The United Nations, The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted by the UN General Assembly’s Resolution No. 34/180 dated December 18, 1979. The text of this Convention is available on the following link: www.un.org/womenwatch/daw/cedaw/

16 The United Nations, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted by the UN General Assembly’s Resolution No. 54/4 dated October 6, 1999. The text of this Protocol is available on the following link: www.un.org/womenwatch/daw/cedaw/protocol/

17 Article (1) of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

18 Concerning the measures related to the workplace for women, kindly refer in particular Article (11) of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

19 Article (5) of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

20 The former reference, paragraph (24-b), page 28.

International Labour Organization (ILO) Convention No. 190 on Violence and Harassment in the World of Work:

ILO Convention No. 190 on the Elimination of Violence and Harassment in the World of Work²¹, along with its accompanying Recommendation No. 206²², is a significant step in combating violence and harassment in the world of work. This Convention was adopted in June 2019 and came into force on June 25, 2021. It affirms the right of all individuals to a work environment free from violence and harassment, including gender-based Violence against Women.

The Convention covers all forms of violence and harassment, whether they result in actual or potential harm, and whether that harm is physical, psychological, sexual, or economic. This protection extends to all workers, including trainees and employees across all sectors, regardless of their workplace location, size, or type of institution. Additionally, the Convention addresses violence linked to or arising from the world of work²³.

Under the ILO Convention, state parties are required to enact laws, measures and policies that guarantee a safe work environment, promoting equality and non-discrimination²⁴. The Convention also obliges states to monitor and enforce national laws and regulations related to workplace violence and harassment. Furthermore, it obliges the member states to take appropriate measures to ensure

access to appropriate, effective, safe, and fair remedies for victims²⁵.

Despite the significance of ILO Convention No. 190 and its accompanying Recommendation No. 206, Libya has not yet acceded to this Convention. If ratified, it could provide a specific legal framework for protecting working Libyan women, including women lawyers, from violence and harassment in the workplace. This differs from the protection provided by CEDAW, which covers all aspects of women's rights.

International Resolutions

United Nations Security Council Resolution No. 1325:

In 2000²⁶, the UN Security Council Resolution No. 1325 was adopted as the first formal document recognizing the impact of armed conflicts on women and girls. It highlights the crucial role of women in peace and security processes, establishing a comprehensive framework for protecting women from violence before, during, and after conflicts. The resolution consists of 18 articles divided into four key pillars²⁷:

- **Participation:** Aims to increase women's involvement at all levels of decision-making, including in national, regional, and international institutions, conflict prevention mechanisms, peace negotiations, and peacekeeping operations.
- **Prevention:** Focuses on protecting women from the negative effects of conflicts by

21 The United Nations, International Labour Organization (ILO), ILO Convention No. 190 on the Elimination of Violence and Harassment, adopted by the ILO International Conference on June 21, 2019. The text of this Convention is available on the following link: https://www.ilo.org/sites/default/files/wcmsp5/groups/public/@ed_norm/@relconf/documents/meetingdocument/wcms_712157.pdf

22 The United Nations, International Labour Organization (ILO), "Recommendation to Eliminate Violence and Harassment in the World of Work, 2019 (No. 206), adopted by the ILO International Conference on June 21, 2019. The text of this Recommendation is available on the following link: <https://www.ilo.org/ar/resource/conference-paper/ilc/108/twsyt-bshan-alkda-ly-alf-walthrsh-fy-alm-alm1-2019-rqm206>

23 Articles (1, 2 and 3) of ILO Convention on the Elimination of Violence and Harassment

24 Articles (6, 7 and 8) of ILO Convention on the Elimination of Violence and Harassment

25 Article (10) of ILO Convention on the Elimination of Violence and Harassment

26 The United Nations, Security Council, Resolution No. 1325 (2000), adopted on October 31, 2000. Document No.: (S/RES/1325(2000), available on this link: <https://www.un.org/womenwatch/osagi/wps/>

27 For more information about the Resolution, see the United Nations Economic and Social Commission for Western Asia (ESCAW) "Women, Peace and Security: The United Nations, Security Council - Resolution No. 1325.

strengthening their rights and prosecuting those who violate them. This includes preventive measures ensuring women's protection during and after conflicts, with an emphasis on legal accountability and prosecution of perpetrators.

- **Protection:** Seeks to shield women from violence during and after conflicts by limiting gender-based violence in communities and by conflict parties or peacekeeping forces.
- **Participation in Relief and Reconstruction:** Supports women's involvement in humanitarian aid, economic recovery, and post-conflict reconstruction.

Under this resolution, UN member states, including Libya, are required to develop policies and programs that enhance women's participation and protection throughout all stages of conflict. The resolution provides a legal and political framework that can be leveraged to strengthen the protection of Libyan women lawyers from violence, especially in the context of political transitions and armed conflicts.

To effectively implement this resolution, governments are expected to take proactive measures, such as adopting national action plans to integrate its provisions into policies and legislation. However, in Libya, the implementation of such initiatives, including the finalization of the National Action Plan for the implementation of the Resolution, has stalled due to the ongoing conflict and fragmented governance structures²⁸. The conservative actors, the risk of violence, influence of armed groups, and political division have undermined efforts to hold inclusive forums and implement resolutions.

International Declarations

Beijing Declaration and Platform for Action (1995):

Adopted during the Fourth World Conference on Women, the Beijing Declaration and Platform for Action serves as a cornerstone for international efforts to promote women's rights and gender

equality²⁹. The Platform set forth clear commitments urging states to take decisive steps to address key issues such as Violence against Women, poverty, education, health, and human rights, with a particular focus on empowering women across all sectors and levels.

Although the Declaration is not legally binding, it holds significant moral and political weight, serving as a global reference guiding states in adopting policies and measures that promote gender equality and enhance women's status in the community.

In 2019, Libya submitted its national report as part of the comprehensive review of the implementation of the Beijing Declaration, marking 25 years since its adoption. This report, presented to the United Nations, reviewed progress made in Libya and the challenges encountered in implementing the commitments of the Declaration³⁰. However, in 2024, 30 years since the adoption of the Beijing Declaration, Libya did not submit a national review of its implementation.

The Beijing Declaration constitutes a valuable reference for strengthening protections against violence directed towards Libyan women lawyers. It advocates for developing national policies and legislation that ensure their safety and create a violence-free work environment. Notably, the Platform calls on states to enact legislation including criminal, civil, workplace, or administrative sanctions against perpetrators of Violence against Women, including workplace violence³¹. It also stresses the adoption and enforcement of laws combating sexual harassment and other forms of workplace abuse³².

²⁸ The Report of the United Nations Special Rapporteur on Violence against Women and Girls, and its Causes and Consequences. This reference is mentioned earlier in page 6.

²⁹ The United Nations "Beijing Declaration and Platform for Action", adopted during the Fourth World Conference on Women, Beijing 4-15 September 1995. The text of this Declaration is available on the following link: <https://www.un.org/womenwatch/daw/beijing/platform/>

³⁰ For more details about this Report, see the national comprehensive review of the implementation of the Beijing Declaration and Platform for Action after lapse of 25 years, 2019. It is available on the following link: https://www.unescwa.org/sites/default/files/event/materials/Libya_ar_National%20Report_25.pdf

³¹ Beijing Declaration and Platform for Action, Paragraph No. (124-c).

³² Beijing Declaration and Platform for Action, Paragraph No. (180-c).

United Nations General Assembly Declaration on the Elimination of Violence against Women:

This Declaration was issued as part of global efforts to strengthen women's rights and protect them from all forms of violence³³. It is recognized as the first international document to provide a comprehensive definition of Violence against Women. The Declaration categorizes violence into various forms, including domestic violence, sexual violence, and harassment, and emphasizes state responsibility in preventing violence, protecting women, and supporting survivors.

The UN General Assembly Declaration on the Elimination of Violence against Women can serve as a guiding framework for legislation and policies aimed at protecting Libyan women lawyers from violence. This Declaration calls on states to introduce criminal, civil, and administrative sanctions against perpetrators of Violence against Women; ensure compensation for victims; and provide accessible, fair, and effective remedies for women affected by violence³⁴. The Declaration stresses the significance of adopting preventive approaches and legal, political, administrative, and cultural measures to enhance women's protection from violence³⁵.

The Declaration also calls on states to allocate sufficient resources in their budgets to support the state's activities related to the elimination of violence³⁶.

Further, the Declaration acknowledges the crucial role of women's rights movements and non-governmental organizations (NGOs) in raising awareness and combating Violence against

Women³⁷. It urges governments to cooperate with civil society organizations in combating gender-based Violence against Women³⁸.

Declaration on Human Rights Defenders:

In the context of protecting Libyan women lawyers who advocate for human rights, this Declaration³⁹ can constitute a key reference for developing national policies and legislation. It obliges states to protect human rights defenders from arbitrary actions, including violence, threats, retaliation, harmful discrimination (either legally or practically), pressure, or any arbitrary measures resulting from their legitimate defense of human rights⁴⁰.

The Declaration also obliges states to ensure that human rights defenders have access to fair and effective remedies in cases of rights violations⁴¹.

Beyond the protection of women lawyers themselves, the importance of this Declaration extends to safeguarding the rights of their male and female clients. Violations or pressure faced by women lawyers—as will be detailed later in this study—can directly impact their ability to provide quality legal defense in the cases undertaken by them, ultimately affecting clients' rights and their access to fair legal representation.

In addition, drawing on the guidance of the Special Rapporteur on the situation of human rights defenders, Libya is encouraged to adopt targeted legislation to safeguard human rights defenders, establish dedicated protection focal points, ensure independent investigations into abuses, reinforce access to justice, and build institutional frameworks

33 United Nations "Declaration on the Elimination of Violence against Women", adopted by the UN General Assembly's Resolution No. 48/104 dated December 20, 1993. The text of this Declaration is available on this link: <https://www.ohchr.org/ar/instruments-mechanisms/instruments/declaration-elimination-violence-against-women>

34 The Declaration on the Elimination of Violence against Women, Article (4-d)

35 The Declaration on the Elimination of Violence against Women, Article (4-f)

36 The Declaration on the Elimination of Violence against Women, Article (4-h)

37 The Declaration on the Elimination of Violence against Women, Article (4-o)

38 The Declaration on the Elimination of Violence against Women, Article (5-h)

39 United Nations, Declaration on the Right and Responsibility of Individuals, Groups, and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, known as (Declaration on Human Rights Defenders), adopted by the United Nations General Assembly Resolution No. 53/144 dated, December 9, 1998. The text of this Declaration is available on the following link: <https://www.ohchr.org/ar/civic-space/declaration-human-rights-defenders/>

40 Declaration on Human Rights Defenders (Article 12 – Paragraph 2).

41 Declaration on Human Rights Defenders (Article 19).

for prevention and redress—especially for women lawyers and defenders at heightened risk⁴².

2.2 NATIONAL LEGAL AND POLICY FRAMEWORK

This section examines the national legal and political framework related to combating Violence against Libyan Women Lawyers, focusing on legislation, judicial applications, and national policies. This analysis aims to assess the effectiveness of legal protections granted to women lawyers and the role of national policies in fostering a safe and non-discriminatory work environment.

Legal Framework

The Interim Constitutional Declaration (2011):

The Libyan Interim Constitutional Declaration of 2011 and its amendments can be regarded as a key foundation for studying the protection of women, including women lawyers, from violence in Libya.

As the supreme law of Libya during the transitional period, the Constitutional Declaration enshrines several principles that uphold human rights, guarantee equality, and protect women from discrimination and violence. The following topics form the constitutional basis for protecting women, including women lawyers, from violence:

- The Constitutional Declaration recognizes the family as the cornerstone of society and obliges the state to protect motherhood and childhood and provide them with care and support⁴³. This commitment can be interpreted as an obligation to protect women in their roles both within the family and in society at large.
- The declaration ensures equality for all Libyans before the law, regardless of gender or social status⁴⁴. This provision ensures protection of all women, including women lawyers, against any form of violence or discrimination.

42 United Nations Human Rights Council, Report of the Special Rapporteur on the Situation of Human Rights Defenders, A/78/131, 11 July 2023, available at: <https://www.ohchr.org/en/documents/thematic-reports/a78131-report-special-rapporteur-situation-human-rights-defenders>

43 The Libyan Constitutional Declaration (Article 5)

44 The Libyan Constitutional Declaration (Article 6)

- The state affirms its commitment to protecting fundamental human rights, including adherence to international treaties that safeguard these rights⁴⁵. This enhances the legal protection of women from violence, referencing the international legal standards discussed earlier in this chapter.
- The Declaration guarantees all citizens the right to work and to a dignified standard of living⁴⁶. This places a responsibility on the state to ensure a work environment that is based on equal opportunities, free from violence, harassment, and negative discrimination, including for women working in the legal profession.
- The Declaration protects freedom of opinion, expression, and peaceful assembly⁴⁷. This strengthens women's ability to advocate for their rights and reject violent or discriminatory practices. It also allows for civil society engagement in the fight against Violence against Women.
- The Declaration guarantees the right to seek justice through the judiciary⁴⁸, offering legal protection to women who experience violence and enabling them to pursue legal remedies to assert their rights.

Libyan Penal Code:

The Libyan Penal Code is a fundamental pillar of the Libyan legal framework for protecting individuals' rights and preventing crimes, including those that specifically target women and women lawyers. In analyzing the Penal Code, the following key points emerge:

The Libyan Penal Code contains several provisions criminalizing acts of violence, including those related to assault on life and bodily integrity, such as murder, assault, and battery⁴⁹. These provisions play a critical role in criminalizing forms of Violence against Women.

However, since the Penal Code was enacted in 1953, it lacks a gender-sensitive approach to

45 The Libyan Constitutional Declaration (Article 7)

46 The Libyan Constitutional Declaration (Article 8)

47 The Libyan Constitutional Declaration (Article 14)

48 The Libyan Constitutional Declaration (Article 31)

49 Libyan Penal Code, Article (368 et. Seq.)

combating Violence against Women. The Code generally treats violence in broad terms, without specific provisions targeting crimes against women, such as domestic violence or workplace violence. This legislative gap has resulted in inadequate protection for women, particularly in situations where they are more vulnerable to violence and discrimination. Consequently, the Code fails to ensure gender-sensitive justice and does not adequately address the specific risks faced by women.

While the Penal Code imposes severe penalties for crimes involving assault and murder, which could act as a deterrent against violent crimes targeting women, including women lawyers, its failure to consider the unique nature of certain gender-based crimes has resulted in legal inconsistencies and lenient treatment of certain offenses, as illustrated in the following cases:

- Article 375 of the Libyan Penal Code states that a man who commits what is referred to as a “killing or assault in defense of honor” against his wife, daughter, sister, or mother, resulting in their death or injury, shall be punished with imprisonment of no more than two years if the act causes serious harm⁵⁰.
- This penalty is lenient compared to the harsher punishments for other violent crimes committed other than crimes of honor. The legal distinction between “honor crimes” and other violent offenses reflects a biased legal approach, effectively granting undue leniency to perpetrators of violence and crimes committed against women under the pretext of honor. Such legal provisions undermine the seriousness of treatment with such crimes and enhance a culture of social tolerance toward Violence against Women.
- The Libyan Penal Code also stipulates that if a rapist marries his victim, the crime and its penalties are nullified, and all legal consequences are lifted⁵¹.

This legal provision discriminates against women, as it allows perpetrators of sexual violence to

escape punishment by marrying their victims. Instead of offering effective legal protection for women against sexual violence, this law reinforces impunity for offenders and places victims in a legally and socially disadvantaged position. Many civil society actors in Libya argue that this legal provision institutionalizes and normalizes Violence against Women. Although the Code does not explicitly force victims to marry their rapists, social customs and traditions often pressure victims into accepting such arrangements⁵².

Such legal provisions not only perpetuate societal and legal tolerance for Violence against Women, but also reinforce discriminatory norms that affect the work environment within courts and the judicial system. Legal provisions that reflect gender biases can contribute to a lack of professional respect for women lawyers among fellow lawyers, judges, and prosecutors, creating a non-supportive work environment for women lawyers.

This legal bias aligns with the narratives reported by some women lawyers, as will be explored in chapters 4 and 5. Some lawyers have encountered deeply rooted gender stereotypes, such as the belief that a woman’s rightful place is at home, not advocating for the rights of others. These attitudes reflect how discriminatory legal provisions reinforce societal discriminatory perceptions and influence the treatment of female professionals in the justice sector.

Despite containing general provisions aimed at protecting individuals from violence, the Libyan Penal Code lacks specific legal definitions and criminalization of various forms of harassment, particularly in public spaces and workplaces. Additionally, the law does not adequately address

50 Libyan Penal Code, Article (375)

51 Libyan Penal Code, Article (424)

52 The network “mish hal 424” “ميش حل 424” was created of a group of NGOs with the aim of cancelling this Article.

domestic violence⁵³ or Violence against Women in professional settings. This lack of legal protection presents a major challenge for women, including women lawyers, who may face violence while performing their professional duties or as a result of their work.

In the context of women lawyers' work, the absence of clear legal protections against violence and harassment is particularly alarming, as it exposes them to heightened risks and places them in vulnerable positions when confronting aggressors. Furthermore, this legislative vacuum and negative gender-based discrimination may contribute to a sense of impunity among perpetrators, while placing an additional burden on women to defend their rights in a legal system that lacks sufficient protective measures.

Labour Relations Law No. 12 of 2010:

The importance of discussing this law lies in evaluating its effectiveness in providing the necessary protection for women working in the legal profession, whether they are private lawyers, working in the General Directorate of Law, or in the Litigation Department. This category of women may be exposed to various forms of violence, making it essential to analyze the extent to which the law provides a safe and supportive work environment for them.

The Libyan Labour Relations Law clearly states that equality between men and women in employment is based on competence, merit, and qualification, without discrimination in pay for work of equal value based on gender⁵⁴. This approach promotes equal employment opportunities, which represents

an important step toward reducing discrimination against women in the labor market, including in the legal profession.

The Law includes certain provisions aimed at protecting workers, including women, in the workplace. For example, Article (24) prohibits the employment of women in jobs deemed “not commensurate with the nature of women,” as determined by the General People’s Committee. While possibly intended as a protective measure, this language may reinforce traditional assumptions and limit women’s access to a broader range of professions.

The same article also prohibits discrimination between men and women in treatment, employment, and remuneration for work of equal value. However, it allows for reduced working hours for women in certain professions, again as defined by the General People’s Committee. While this might appear supportive, the fact that such provisions are exclusive to women—regardless of their caregiving responsibilities—may overlook the needs of other workers, including men who may also have similar responsibilities.

There are no equivalent measures that accommodate individual needs across the workforce. Additionally, the law does not distinguish between married and single workers or address diverse family situations, which may affect professional obligations and require flexibility.

A more inclusive approach would be to base workplace protections and accommodations on specific needs or roles rather than assumptions about personal attributes. This would ensure equal access to opportunities and support across the workforce⁵⁵. Additionally, the law grants female workers rights such as maternity leave⁵⁶ and requires workplaces to provide childcare facilities for the women with children, reflecting an effort to consider the needs of female workers in various sectors⁵⁷ (Article 26). These provisions reflect a tendency toward enhancing social protection for working women and achieving a balance between their professional and personal lives.

53 In contrast, the Personal Status Law refers to the concept of domestic violence in a brief manner, as it addresses the rights of the wife towards her husband by stipulating that no harm shall be inflicted on her, whether this harm is material or moral. However, this general reference remains insufficient to provide comprehensive protection against domestic violence, as it lacks precise details and clarifications on the legal mechanisms and procedures necessary to protect women from all forms of violence within the family. Law No. 10 of 1984 AD regarding The Provisions Related to Marriage and Divorce and Their Effects (Article 18). In some cases, the judiciary considers that beating one’s wife is permissible and does not require punishment. See Libyan Supreme Court’s Ruling, Criminal Appeal No. 739/65 JY, Session of December 9, 2020.

54 Labour Relations Law (Articles 2, 3 and 21)

55 Labour Relations Law (Article 24)

56 Labour Relations Law (Article 25)

57 Labour Relations Law (Article 26)

However, the exclusive focus on women in these provisions reinforces traditional assumptions that caregiving is solely a woman's responsibility, particularly within the family context. Article 25 grants women a fourteen-week maternity leave upon submission of a medical certificate showing the probable date of delivery. This includes compulsory post-delivery leave of at least six weeks. Women are also protected from dismissal during pregnancy or maternity leave, unless for reasons unrelated to their maternal status.

In the eighteen months following childbirth, a working woman is entitled to one or more nursing breaks totaling at least one hour during the workday, counted as paid working time.

Notably, the Labour Law does not provide for parental leave that includes or targets fathers or non-birthing parents, nor does it offer shared or transferable leave options. This absence limits men's ability to participate in early childcare and further entrenches the expectation that caregiving falls exclusively on women.

Despite the existence of provisions that offer general and social protection for working women linked mainly to their roles as mothers, the law lacks explicit and specific provisions that protect women in the workplace from violence, including harassment, verbal abuse, and physical violence. This represents a gap in the legislation, especially for women lawyers who may face specific challenges in their work environment. It is important that the law includes clear policies to combat harassment and violence in the workplace to ensure a safe working environment for women. Such protections should extend beyond traditional safeguards related to infrastructure to practical, preventive, and responsive measures that protect women from any form of violence, regardless of their role or status.

Law Practice Law No. 3 of 2014:

Libyan Law No. 3 of 2014 on Legal Practice serves as an important legal framework regulating the legal profession in Libya. It includes various provisions related to the legal profession and the rights and duties of lawyers. In the context of protecting women lawyers from violence, whether inside or outside the workplace, this law can be evaluated

based on provisions related to the professional environment and lawyers' rights, with a focus on protection from violence and discrimination.

Although the law affirms the independence of the legal profession⁵⁸ and the protection of lawyers' rights while performing their duties⁵⁹, it does not contain explicit provisions addressing the protection of women lawyers from violence or discrimination in the workplace environment. The law does not clearly address gender-based discrimination, whether in professional practice or in access to leadership positions within professional bodies. It also lacks specific procedures for handling cases of discrimination, harassment, or violence that women lawyers may face in their professional practice. This absence of legal provisions creates a gap in the legislation, leaving women lawyers without adequate legal protection in the face of the unique challenges they may encounter.

Regarding immunity, the law states that lawyers enjoy the same legal immunities granted to members of the judicial authorities⁶⁰, providing legal protection while carrying out their professional duties. These immunities aim to safeguard lawyers' independence and protect them from external interference or pressures while performing their work. However, these immunities are designed in general terms without considering the specific challenges and risks that women lawyers may face. Women in the legal profession may be exposed to additional risks such as sexual harassment, verbal violence, or workplace discrimination, challenges that traditional legal immunities do not address (i.e. the legal protection that guarantees lawyer's independence and neutrality and protect him from external interference or pressures while practicing his/her profession). In other words, while the immunities provide protection from external interferences or direct pressures, they do not provide sufficient safeguards against gender-based violence that women lawyers might experience.

Additionally, the law includes provisions on the disciplinary responsibilities of lawyers⁶¹, but it

58 Law No. 3 of 2014 on Legal Practice (Article 1)

59 Law No. 3 of 2014 on Legal Practice, chapter two (Articles 24-28)

60 Law No. 3 of 2014 on Legal Practice (Article 27)

61 Law No. 3 of 2014 on Legal Practice (Article 41)

does not specify measures for addressing violence against lawyers, including women lawyers.

Defending human rights in Libya presents a significant challenge, as lawyers handling such cases face additional risks, including threats, harassment, and various forms of violence. The absence of legal provisions that offer special protection for the lawyers who defend human rights highlights a legislative gap that needs attention. For female human rights lawyers, the risks are compounded due to intersectional violence, where the risks associated with being a woman intersect with those linked to their work in defending human rights. In this context, they may face specific threats arising from both their gender and profession, such as violence, threats of violence, and workplace discrimination. This gap calls for targeted legislative action by the House of Representatives and relevant authorities to adopt and reform key legal frameworks such as the Civil Society Law and the draft Law on Ending Violence Against Women to ensure adequate legal protection for human rights defenders.

Legal Protection for women lawyers Working in the General Directorate of Law or the Litigation Department:

The public defense system continues to operate alongside the judicial assistance system established under the Private Legal Practice Law. Law No. 22 of 2023 amending the Judicial System Law reaffirmed the continued representation of the General Directorate of Law within the Supreme Judicial Council.

The legal basis for public legal defense is Law No. 4 of 1981 on the establishment of the Department of People's Legal Defence, which provides a legal framework ensuring free legal services for citizens in cases filed by or against them before judicial authorities, regardless of their financial capacity⁶². This system guarantees access to justice for all citizens, including women who face physical, psychological, or economic violence, ensuring that financial barriers do not prevent them from obtaining their rights.

⁶² Law No. 4 of 1981 on Establishment of the Department of People's Legal Defence, (Articles 1 and 6).

However, the current legislation lacks explicit provisions offering specific protection to women lawyers working in the General Directorate of Law or the Litigation Department⁶³ from violence or discrimination in the workplace. The two laws governing these sectors treat employees in a general manner without distinguishing between male and female workers, leading to an absence of recognition of the specific challenges and risks that women lawyers may face in carrying out their duties in both General Directorate of Law and the Litigation Department.

The Code of Conduct for the Legal Profession in Libya – 2021:

The Code of Conduct issued by the Libyan Bar Association represents an important step towards enhancing the protection of lawyers. It emphasizes the principles of independence and integrity, which are essential for ensuring that lawyers can carry out their duties within a fair and just legal environment.

In terms of promoting independence, Article 1 of Chapter Two states that a lawyer must practice without fear of any pressure, and within the framework of laws and regulations, free from threats or interference by any party. While this provision reinforces the principle of professional independence, it lacks specific protections for women lawyers, especially in legal work environments where they may face discrimination or social pressures due to their sex.

As for honesty and integrity, the same section of the Code emphasizes that lawyers must refrain from any conduct that constitutes insult or discrimination, whether based on religion, ethnicity, sex, or other inappropriate behavior. This article could serve as a fundamental principle for general protection against negative discrimination, sexual harassment, or any unprofessional conduct women lawyers may face from colleagues. However, the text remains broad and does not specifically address legal protections for women lawyers against the specific forms of violence they may experience in legal work settings.

⁶³ See Law No. (6) of 2006 on the Judicial System and Its Amendments.

Regarding professional behavior toward colleagues, Article (8) of the Code calls on lawyers to treat their peers with respect, courtesy, and integrity, and to avoid arrogance or incitement against them. The Code also urges lawyers to refrain from slander or defamation, which could serve as a basis for protecting women lawyers from negative discrimination or gender-based incitement within the profession.

On the other hand, the Code lacks explicit provisions related to the protection of women lawyers from violence, which may lead to weak implementation of effective protection in this area. Moreover, it does not include clear mechanisms for handling complaints related to violence against women lawyers, making it difficult to practically enforce these rules in response to the challenges women lawyers may face in the legal work environment.

Judicial Applications and Access to Justice in Cases of Violence against Women

An analysis of judicial applications in cases of Violence against Women in Libya reveals that courts primarily rely on general laws, such as the Penal Code, due to the absence of specialized legislation. This lack of specific laws hinders the precise classification and documentation of cases. It also raises questions about the extent of the Libyan judiciary's commitment to international human rights treaties and the protection of women from violence, as well as the impact on their access to justice.

A notable positive development is the Supreme Judicial Council's decision to establish a court for Violence against Women in 2020, added to the Personal Status Circuit at the Tripoli Court of Appeals and another similar circuit in Benghazi. Despite this progress in creating specialized courts for Violence against Women, the Libyan judiciary continues to primarily apply general laws, such as the Libyan Penal Code, due to the lack of a

specific legislative framework addressing crimes of Violence against Women.

Thus, cases of violence are considered within the framework of general crimes such as assault or bodily harm, without a distinct classification or documentation as cases specifically related to Violence against Women. This creates a significant challenge in tracking and analyzing these cases accurately.

Moreover, there is a lack of comprehensive public reports documenting how the Libyan judiciary handles cases of Violence against Women, including the enforcement of judgments and their impact on women's protection. Non-governmental organizations working on human rights issues are among the primary sources of information on these matters, through their reports and field monitoring efforts.

International law is considered superior to Libyan national law, a principle confirmed by a Supreme Court ruling stating that international treaties ratified by Libyan legislative authorities take precedence over national law. In cases of conflict between domestic laws and international treaties, the latter should be directly applied in national courts⁶⁴.

However, in practice, international treaties are not directly enforced. A recent study indicates that some legal professionals believe that judicial rulings are not based on international treaties⁶⁵. Some argue that judicial authorities lack understanding of international human rights standards, particularly because they have not been incorporated into national legislation. Others consider international law not as a primary legal foundation but rather as a supporting reference in specific cases. Some others also argue that the Libyan Penal Code and other national laws are well-crafted and contain no loopholes or violations. This view aligns with the testimonies of some women lawyers who have been explicitly instructed not to rely on international laws in their legal memoranda, reflecting a lack

64 Libyan Supreme Court. Constitutional Appeal No. 1/57 J, Session of 23/12/2013 - Supreme Court Journal - Vol. 44 - Issue 2 - Page 13.

65 The Legal Framework Regulating the Work of Civil Society Organizations and Human Rights Defenders in Libya. DRI, 2023, Page 13.

of practical recognition of the supremacy of international law in Libyan courts.

Policy Framework

National Plan of the Ministry of Justice (Together to End Violence against Women):

The national plans to combat Violence against Women represent a comprehensive strategic framework adopted by governments to promote women's rights and protect them from all forms of violence. These plans aim to establish integrated policies and measures covering legal, administrative, and social aspects to ensure effective protection for women in various environments, including the judicial sector. They direct national efforts toward prevention, protection, and legal prosecution of perpetrators of violence. Within this framework, the Libyan Ministry of Justice's national plan "Together to End Violence against Women"⁶⁶ was developed.

The plan aims to raise public awareness of the dangers of domestic violence and Violence against Women, educate women about their rights, and establish women and childcare units within security directorates. In cooperation with specialized UN agencies, it also seeks to expand its national campaign to reduce Violence against Women.

The plan further aims to enhance awareness of the severity of violence and train judicial personnel on handling cases of Violence against Women in a way that reflects its seriousness and psychological impact. This indirectly contributes to improving the work environment for Libyan women lawyers.

However, the challenge remains in securing the political will, as well as the necessary human and financial resources, to implement these measures and ensure their reach across different regions of Libya.

Governmental Measures to Address Violence against Women and Deal with the Survivors:

⁶⁶ Libya, National Report Submitted Pursuant to Paragraph 15(a) of Annex to Human Rights Council Resolution 5/1, Working Group on the Universal Periodic Review, Thirty-sixth Session, United Nations Human Rights Council May 4-15, 2020, Page 13.

In efforts to strengthen women's protection from violence, several relevant ministries, including the Ministry of Women's Affairs, the Ministry of Health, and the Ministry of Interior, have established multi-sectoral teams to address violence and created the Child and Family Protection Office within the Ministry of Interior. However, without clear authority, jurisdiction, and adequate resources, these teams will not be able to develop effective programs and interventions⁶⁷.

The services available to survivors of violence remain extremely limited, as noted by the UN Special Rapporteur on Violence against Women and Girls⁶⁸. These services still rely on support from humanitarian agencies rather than being institutionalized by the government. On the other hand, the initiative by the Ministry of Health to expand healthcare and psychological services for survivors of violence, train medical teams, conduct research, and improve coordination between relevant ministries is viewed positively⁶⁹.

Absence of the Reporting Mechanisms Dedicated to Protect Women from Violence:

The absence of dedicated reporting mechanisms both in general and within professional associations and judicial institutions stands out as one of the major challenges in protecting women lawyers from violence. This issue is not only limited to the lack of clear mechanisms but also extends to the weak handling of complaints filed by women lawyers when they face various forms of violence, whether physical, verbal, or psychological. In this context, establishing dedicated reporting channels is crucial to ensuring effective and comprehensive protection. Additionally, there is an urgent need for ongoing training of personnel in these institutions on how

⁶⁷ The Report of the United Nations Special Rapporteur on Violence against Women and Girls, and its Causes and Consequences. This reference is mentioned earlier in page 8 and 9.

⁶⁸ Report of the Special Rapporteur on violence against women, its causes and consequences, Reem Alsalem – Visit to Libya, A/HRC/53/36/Add.2 (2023). Available at: <https://www.ohchr.org/en/documents/country-reports/ahrc5336add2-visit-libya-report-special-rapporteur-violence-against-women>

⁶⁹ See the previous reference, page 9.

to handle complaints of Violence against women lawyers effectively and sensitively. These gaps indicate that women lawyers may not receive adequate protection, exposing them to greater risks in their work environment.

In conclusion, both the international legal framework and the national legal and political framework form a fundamental theoretical basis for understanding the context of Violence against women lawyers in Libya. This section of the study has identified the legal and policy foundations that are expected to protect women lawyers' rights from violence and support their professional roles, the challenges related to existing national legislation and policies, and the implementation of the international normative framework.

The Draft Law on the Protection of Women from Violence:

The proposed law on the protection of women from violence aims to provide comprehensive legal protection for women in Libya⁷⁰, by criminalizing various forms of Violence against Women and specifying appropriate penalties for each offense. The law focuses on protecting women in all areas, both private and public, and establishes clear mechanisms for handling violence complaints and ensuring that victims can access justice. This proposal is particularly significant in combating Violence against Women, including women lawyers.

The proposed law includes clear provisions defining various forms of Violence against Women, including domestic, psychological, sexual, economic, cyber violence, and violence associated with hate speech, as well as violence in armed conflicts⁷¹. It criminalizes these different forms of violence and imposes strict penalties on perpetrators⁷², thereby enhancing the legal protection of women. This

aspect of the proposed law is a crucial step toward ensuring comprehensive protection for women lawyers from any form of violence, whether in their workplace or personal lives, contributing to the promotion of a safe environment that enables them to perform their duties effectively and without fear.

Additionally, the proposed law includes provisions for establishing effective mechanisms to implement the law and monitor cases of Violence against Women⁷³. These mechanisms include setting up specialized units within judicial and security institutions to handle violence cases, as well as providing psychological, legal, medical, and rehabilitative support programs for victims⁷⁴. These mechanisms are essential to ensuring the effective enforcement of the law and institutionalizing protections for survivors of violence.

The proposed law emphasizes the importance of education and training initiatives across various fields, including training professionals who interact with victims of violence, such as police officers, prosecutors, judges, and lawyers. While this measure primarily targets security and judicial personnel, it also has direct implications for the working environment of women lawyers. The draft law⁷⁵ underscores the importance of including training sessions for judges, prosecutors, court clerks, security officers, law enforcement personnel, and forensic doctors on their legal responsibilities to protect victims' rights and provide legal remedies for survivors of violence.

Given the vital role that women lawyers play in defending human rights and providing legal assistance to other women, they are likely to face retaliatory violence or threats. The proposed law includes a "protection order"⁷⁵ provision, issued by the relevant judicial authority handling cases of Violence against Women, which offers protection to the victim and anyone assisting her. This measure provides additional safeguards for female human

70 Proposed Law on the Protection of Women from Violence, version: November 16, 2023. For more information about the proposed law and understanding of different contexts synchronized with the status of the proposal, see Jaziya Jibril Shaiteer "The Impact of the Dominant Value System on Rights-Based Laws: The Draft Law on the Protection of Women from Violence as a Model", Defender Center for Human Rights, 2023.

71 Proposed Law on the Protection of Women from Violence, (Article 2 – Paragraph 5-14).

72 Proposed Law on the Protection of Women from Violence, (Article 42 –62).

73 Proposed Law on the Protection of Women from Violence, (Article 3-6).

74 Proposed Law on the Protection of Women from Violence, (for example, Articles 15 – 23 – 28 – 29).

75 See the Articles related to the order of protection provided in the proposed law (Article 2 – Paragraph 15 and 16, in addition to Articles 10, 11, 12 and 13).

rights lawyers and other women exposed to violence.

The Libyan House of Representatives has yet to take steps to pass a comprehensive law on Violence against Women, a significant obstacle to protecting and advancing women's rights, according to the UN Special Rapporteur on Violence against Women and Girls. She noted that the absence of such a law hinders Libya's compliance with international standards and best regional practices. The proposed law is a necessary step not only for protecting women from violence but also for promoting justice and equality in the country.

women lawyers participating in focus groups considered that adopting this law would be a fundamental step toward enhancing their protection while carrying out their professional duties. Many women lawyers expressed strong support for the proposed law, seeing it as a The Libyan House of Representatives has yet to take steps to pass a comprehensive law on Violence against Women, a significant obstacle to protecting and advancing women's rights, according to the UN Special Rapporteur on Violence against Women and Girls. She noted that the absence of such a law hinders Libya's compliance with international standards and best regional practices. The proposed law is a necessary step not only for protecting women from violence but also for promoting justice and equality in the country⁷⁶.

women lawyers participating in focus groups considered that adopting this law would be a fundamental step toward enhancing their protection while carrying out their professional duties. Many women lawyers expressed strong support for the proposed law, seeing it as a means to create a safer working environment for themselves and their fellow lawyers in the legal profession, which would positively impact their ability to perform their work effectively and safely. They also emphasized that having comprehensive legislation criminalizing all forms of Violence against Women, including workplace harassment and violence, would strengthen their confidence in the legal system and

encourage them to demand their rights and defend others without fear of reprisal or of any negative consequences.

⁷⁶ Report of the Special Rapporteur on violence against women, its causes and consequences, Reem Alsalem – Visit to Libya, A/HRC/53/36/Add.2 (2023). Available at: <https://www.ohchr.org/en/documents/country-reports/ahrc5336add2-visit-libya-report-special-rapporteur-violence-against-women>

CHAPTER 3

THE GENERAL CONTEXT OF VIOLENCE AGAINST LIBYAN WOMEN LAWYERS

3. THE GENERAL CONTEXT OF VIOLENCE AGAINST LIBYAN WOMEN LAWYERS

3.1 HOW DO WOMEN LAWYERS UNDERSTAND AND DEFINE VIOLENCE AGAINST WOMEN AND WOMEN LAWYERS?

Violence against women lawyers in Libya is characterized by a complex interplay of professional challenges, societal expectations related to the role of women, and the political and societal context shaped by democratic transitions and various conflicts. Within this framework, women lawyers face interconnected forms of violence that reflect the broader complexities of the environment in which this violence occurs.

This section of the study aims to provide an in-depth perspective on the general context of Violence against Libyan Women Lawyers by examining their own understanding of violence. It examines the interaction of violence against women generally and as it specifically affects women lawyers within the context of conflict and political transition in Libya, while focusing on professional challenges in the legal field. It highlights the unique characteristics of violence directed at women lawyers and how it differs from the violence experienced by women in other fields.

The opinions of Libyan women lawyers participating in the study on the concept of Violence against Women vary significantly, reflecting the influence of social, cultural, and political contexts, as well as their individual experiences and professional backgrounds.

This section presents and analyzes the views shared by women lawyers in focus groups regarding their understanding of Violence against Women and women lawyers.

- **Violence as a harm extending to violation of rights:** Many women lawyers perceive Violence against Women as extending beyond physical or verbal abuse to include broader violations of their human and professional rights.
- **Violence as restriction of freedoms and marginalization of the social role:** Some women lawyers believe that violence manifests in actions that restrict women's freedoms or marginalize their roles in society. This includes political, economic, and social barriers that limit their opportunities for active participation. As one lawyer in the focus groups commented, "Violence can appear in discrimination against women in work and rights, and in marginalizing their voices in the public sphere," indicating that violence goes beyond the physical to include threats, exclusion, and negative discrimination.
- **Violence associated with stereotypical norms and concepts about the roles of women:** Some women lawyers see social norms and values as contributing to perpetuating Violence against Women by confining their roles to stereotypical molds and imposing restrictions on their participation in public life. One participant explained, "There is a common belief that women, and particularly women lawyers, are not qualified for leadership or active social engagement." Another described this culture as "perpetuating violence by reinforcing attitudes that reject women's presence in the public sphere, leading to their exclusion, societal rejection, and sometimes psychological abuse and bullying."
- **Political violence as a significant form of violence against women:** Some of the women

lawyers in the study emphasized that political violence is one of the most significant forms of Violence against Women, particularly through their exclusion from decision-making positions and the restriction of their right to expression and political participation. Some women lawyers noted that this form of violence is particularly evident against female political activists and election candidates, who may face threats or harassment, ultimately discouraging some from participating in politics altogether.

- **Consequences of absence of a unified legal definition:** A group of women lawyers in the focus groups agreed that the absence of a clear legal definition of violence contributes to the continued lack of a unified understanding of Violence against Women, including Violence against women lawyers, and limits the ability to address it effectively. Some women lawyers associate the concept of violence with the most common forms in Libya, such as verbal, physical, and online abuse, as they consider these to be the most frequently encountered types of violence in society.
- **Violence in the work environment:** Some women lawyers also identified violence in the workplace as a significant issue, encompassing any behavior that undermines a woman's right to work with dignity or diminishes her professional and social role. They describe it as a violation of women's fundamental human rights in the workplace, considering it one of the professional challenges faced by women lawyers throughout their careers.

These discussions reveal a significant variation in how women lawyers define violence, influenced by their personal experiences, social and professional environments, and the different perspectives from which they view violence. This highlights the absence of a unified and comprehensive legal framework defining Violence against Women. The perception of Violence against women lawyers

as a violation of human rights or a form of social discrimination demonstrates an important level of professional awareness. However, this alone is not sufficient to provide unified and comprehensive legal protection.

There is a clear need to develop a shared and comprehensive understanding of Violence against women lawyers so that they, along with the legal community and other stakeholders, can have a deeper awareness of the various dimensions of violence and how these dimensions intersect with professional and social conditions. This need is particularly pressing in a political context characterized by ongoing conflict and political transition, where it is essential to ensure the promotion of rights-based institutions and protect women from the heightened risk of violence that often occurs during conflict.

3.2 VIOLENCE AGAINST WOMEN AND WOMEN LAWYERS IN THE CONTEXT OF CONFLICTS AND POLITICAL TRANSITIONS

Women around the world experience increased suffering and heightened forms of violence in contexts marked by political transitions, armed conflicts, and civil wars. During these periods, women are subjected to diverse types of violence, including sexual, psychological, and physical violence. These times are fraught with political and social tensions and uncertainty, making women particularly vulnerable to exploitation and harm to varying degrees. In a period of conflicts, alongside traditional forms of violence such as sexual violence⁷⁷, forced displacement, and mass expulsion, other forms emerge, including domestic violence and the social tolerance of violence, which often extends into the post-conflict phase. It is

⁷⁷ A UN report indicates that there are 3677 cases of sexual violence that occurred during 2023. They are incidents related to the conflict that were verified by the United Nations. The women and girls recorded 95% of those cases. United Nations, "The Secretary-General's Report on Conflict-Related Sexual Violence". Document No.: S/2024/292, April 4, 2024. This report is available online: undocs.org/ar/S/2024/292

common for a new wave of domestic violence to arise after conflicts, as men struggle to cope with war-related trauma or react to the restructuring of homes and communities in ways that leave them feeling displaced from their previous roles⁷⁸. More concerning is that violence becomes more socially acceptable after wars, with society tolerating and overlooking it⁷⁹.

During armed conflicts, military priorities take precedence⁸⁰, increasing women's suffering and exposing them to continuous economic and social setbacks. The intense focus on military needs comes at the expense of humanitarian and social concerns, and as a result, women's human rights, such as access to education, healthcare, and employment, deteriorate significantly. Discrimination and Violence against Women also escalate during political transitions, during which women face significant challenges in securing fair political representation. They may be marginalized and excluded from political processes and decision-making roles, perpetuating violence against them in political settings. Additionally, women engaged in political or human rights activism during transitional periods, often face threats, harassment, and physical and psychological attacks. This violence serves to restrict their participation and silence their voices.

According to a report by the UN Special Rapporteur on Violence against Women and Girls in Libya⁸¹, the increasing power struggles and conflicts among various armed groups have led to the exclusion of women from public life and the normalization of widespread violence, particularly among younger generations. This environment prevents open discussions on violence, limits its media coverage, and reduces public condemnation. In this context,

78 Mannergren Selimovic, J., Nyquist Brandt, Å., & Söderberg Jacobson, A. *Equal Power – Lasting Peace: Obstacles for women's participation in peace processes*. Edited by Åsa Carlman. The Kvinna till Kvinna Foundation. I (2012). p.8

79 For more information, kindly see Agneta Soderbari Jakobsson. *Let's Reconsider*. The Kvinna till Kvinna Foundation, 2004.

80 For more information, kindly see Bashir Omar. *The Struggle for Survival: Inspiring Stories of Women's Struggles in Times of Armed Conflict*. Al-Insani Magazine, Red Cross.

81 Reem Al-Salem. Report of the UN Special Rapporteur on Violence against Women and Girls, Its Causes, and Consequences. United Nations General Assembly, Document A/HRC/53/36/Add.2, May 3, 2023, pages 11 and 12.

violence disproportionately affects female political activists and human rights defenders. Women, or members of their families who hold or are perceived to hold political views opposing those in power, are particularly targeted by violence.

Although most survey participants (55%) did not link violence to conflict conditions directly⁸², discussions in focus groups revealed a different perspective. Many participants connected political instability with the rise of Violence against Women, summarizing their observations as follows:

- One lawyer pointed out that “problems related to the decline of the rule of law and the absence of legal enforcement make chaos and violations common,” explaining that women's rights diminish in the absence of order, leading to increased violence against them.
- Another lawyer emphasized that “security deterioration increases the causes of violence,” highlighting that weak law enforcement enables influential groups to commit violations against women without fear of punishment.
- Participants discussed the systematic violence faced by women active in politics, particularly threats of kidnapping, sexual violence, and cyber violence. One lawyer stated, “Women involved in politics are more vulnerable to violence, especially threats of abduction and online violence,” reflecting the significant risks faced by politically active women in times of conflict and political transition.
- A lawyer spoke about “tribal influence and community conflicts in southern Libya,” noting that women are more susceptible to violence in areas marked by tribal sensitivities. She explained.
- “When a female lawyer begins pleading a case

82 However, when asked whether there are specific areas or situations that women lawyers believe have become more dangerous for them due to the conflict, 26% said that these places are areas controlled by certain groups, 21% said that these places are associated with meetings or events related to sensitive issues, and the remaining percentages went to: the digital space, remote areas, courts or legal venues, while traveling or moving between cities. These numbers express the impact of conflicts on the safety and security of women lawyers.

in Sabha, her tribal affiliation is questioned, and women face greater negative discrimination and belittlement compared to men,” illustrating the deep societal dimensions of Violence against women lawyers within the framework of tribal traditions and the historical legacy of conflict⁸³.

- Finally, one lawyer summarized the overall situation by saying, “Violence against Women in general, and women lawyers in particular, is increasing due to the political, social, and even economic context,” stressing that impunity and ongoing conflicts exacerbate Violence against Women.

3.3 VIOLENCE AGAINST WOMEN LAWYERS IN WORKPLACES

Relationship between Women’s Work and Violence against Them

Women’s participation in the labor market and economic activities represents an important opportunity for self-fulfillment, independence, and economic and social empowerment, and is a practical exercise of their human rights. However, this participation is sometimes accompanied by violent practices directed at women due to their association with work or their professional duties.

Violence against working women includes all forms of violence they may face in the workplace or due to their jobs. It is a significant threat to human rights and gender equality. Women in various professional fields experience multiple forms of violence and discrimination linked to their occupational roles, which hinders their career advancement and reinforces social and economic discrimination against them.

women lawyers affirm that violence against working women persists due to stereotypical perceptions of women’s roles. This violence manifests in different forms, including negative discrimination and the denial of leadership positions despite women’s

competence. One lawyer noted that “women entering the workforce increases the intensity of violence, as some still do not accept women’s presence in the job market.” Another lawyer stated that violence against working women, especially women lawyers, has increased significantly. The legal profession poses unique challenges for women, and the level of violence they experience differs from that faced by women in other professions.

Challenges Related to Practicing Legal Profession According to Quantitative Data

Quantitative data from the survey analysis highlights the key challenges directly affecting women lawyers in their profession. 23% of the respondents stating that the workplace or its conditions were unsuitable and posed a continuous challenge. Additionally, 17% cited difficulties in accessing information, while 13% pointed to administrative challenges. Furthermore, 12% of the women lawyers reported experiencing gender-based discrimination. These challenges limit the women lawyers’ ability to practice effectively and reflect one aspect of the negative discrimination they face, particularly for those in private practice.

In the same context, 11% of the women lawyers identified economic challenges as their primary concern, while 9% cited harassment, 9% highlighted physical safety issues, and 6% mentioned other challenges.

Characteristics of Violence against women lawyers Compared to Other Women

Violence against Libyan Women Lawyers has distinct characteristics resulting from the intersection of multiple forms of violence, known as intersectional or multi-layered violence. This occurs when violence related to women’s social roles overlaps with violence linked to the legal profession itself. The complexity and sensitivity of legal work expose women lawyers to direct and indirect threats from various parties due to their involvement in cases of conflicting interests and dealing with influential figures.

⁸³ Oral history of conflict is the unwritten narratives that individuals orally say about conflicts, reflecting their individual and collective experiences, including tribal and societal dimensions, which contribute to shaping current perceptions of conflicts and their ongoing effects.

According to the women lawyers participating in focus groups, they experience violence at a higher intensity than other women. This violence occurs in two main forms: direct violence while performing their duties in courts, police stations, and public prosecution offices; and indirect violence in the form of various threats and harassment outside of work, including threats in public spaces or through social media, and sometimes even threats to their families. This violence includes verbal abuse, psychological harm, and even physical violence, exacerbated by a lack of security, widespread weapons, and weak legal deterrence. As one lawyer explained, “We face violence both within and outside the profession, from individuals who consider themselves above the law.”

In the same context, one participant noted, “Discussions often focus on violence against female politicians and human rights activists, but Violence against women lawyers is not addressed adequately, even though their profession exposes them to significant risks.”

The severity of violence or the threat of it increases for women lawyers who defend human rights and women’s rights or handle sensitive cases. As one participant stated, “women lawyers defending women’s rights face greater violence due to their public visibility and active societal roles.” Another lawyer added, “As women lawyers, due to the nature of our work, we face multiple sources of violence and often struggle to claim our rights and seek justice for ourselves.”

In conclusion, the severity of Violence against women lawyers lies in its complex nature, targeting them both as women and as legal professionals. This makes them more vulnerable to risks compared to other women in different fields.

To gain a deeper understanding of these challenges, the next chapter will provide a detailed analysis of the patterns and forms of this violence, depending on statistical data and personal narratives that reveal the lived experiences of women lawyers behind the figures.

CHAPTER 4

PATTERNS AND FORMS OF VIOLENCE AGAINST WOMEN LAWYERS: BEYOND THE NUMBERS AND NARRATIVES

4. PATTERNS AND FORMS OF VIOLENCE AGAINST WOMEN LAWYERS: BEYOND THE NUMBERS AND NARRATIVES

4.1 VIOLENCE AGAINST LIBYAN WOMEN LAWYERS: AN EXISTING PHENOMENON OR ISOLATED CASES?

The Libyan context suffers from a clear lack of reliable statistics on violence against women in general, and against women lawyers in particular. This data gap significantly hinders the ability of relevant stakeholders to assess the prevalence and nature of the phenomenon, which in turn impedes the design of effective responses and targeted intervention programs aimed at addressing the issue and enhancing the protection of women in their professional and social environments. The analysis of statistical data and focus group narratives seeks to provide insights into the existence and frequency of such violence.

Verifying the Existence of Violence against women lawyers

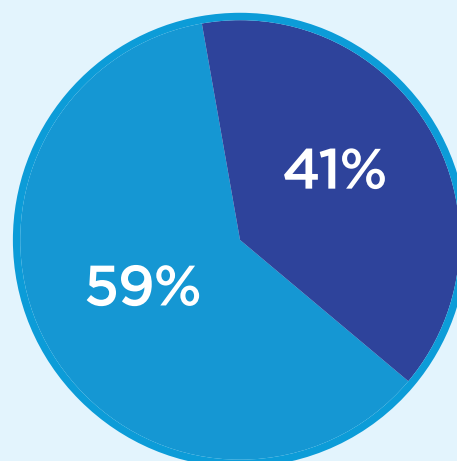
A descriptive analysis of statistical data and focus group discussions on Violence against women lawyers in Libya presents a mixed picture regarding its prevalence and frequency of Violence against women lawyers.

According to statistical data analysis, 41% of women lawyers participating in the survey reported experiencing violence or discrimination due to their legal profession, while 59% stated that they had not encountered any form of violence or discrimination.

Based on this survey data, these figures indicate a significant presence and spread of violence and negative discrimination. More than a third of women

lawyers have faced some form of discrimination or threats related to their professional practice.

Have you experienced violence or discrimination due to practicing the legal profession?



● Yes ● No

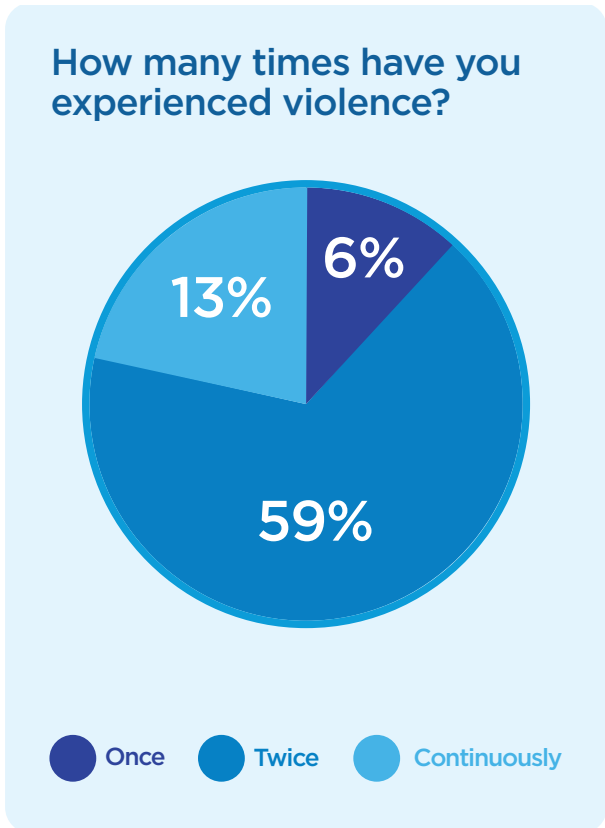
Percentage of women lawyers Who Experienced Violence or Professional Discrimination According to Survey Result.

However, the analysis of focus group discussions reveals a different perspective. All women lawyers participating in these sessions unanimously agreed on the existence of violence directed against women lawyers in Libya. Many of them even shared personal experiences of violence encountered while practicing their profession.

The discrepancy between the survey results and the focus group discussions may be attributed to a limited understanding of violence among women lawyers. Their definition of violence may be confined to physical or verbal abuse, while other forms, such as economic violence, negative discrimination, or psychological pressures resulting from the work environment, are overlooked. The focus group discussions provided women lawyers with an opportunity to deepen their understanding of violence through the dialogue methodology used, as well as by sharing experiences and engaging in discussions. This helped them recognize other dimensions of violence that they may not have previously acknowledged or fully understood.

Frequency and Continuity of Violence

The survey results indicate that Violence against women lawyers in Libya is not limited to isolated incidents but occurs repeatedly. The majority of women lawyers who reported experiencing violence or discrimination stated that they had encountered it multiple times. This recurrence reflects a persistent pattern of violence in the workplace, making it part of the daily challenges faced by Libyan women lawyers.



Frequency of Violence against women lawyers According to Survey Results.

The analysis of focus group discussions supports this finding, as most participants confirmed that violence does not occur as isolated incidents but is rather embedded in the professional and social environment surrounding them. The recurrence of these experiences highlights the urgent need to reassess the work environment of women lawyers and to understand the context that allows violence to persist as a repeated behavior, reproducing itself over time and across different professional and social environments.

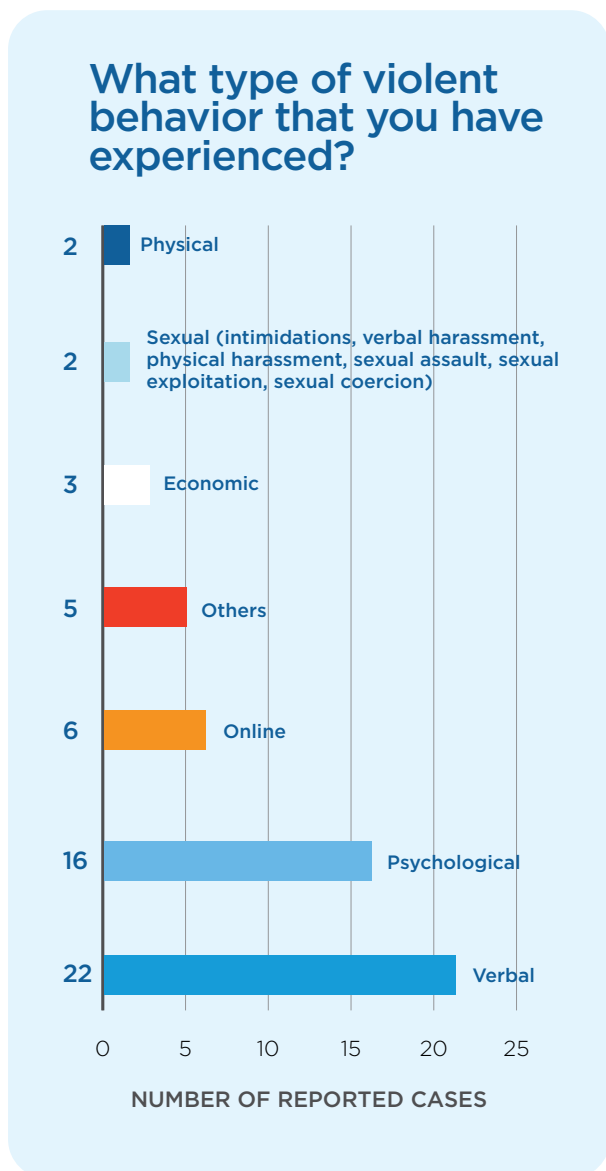
4.2 DIFFERENT FORMS OF VIOLENCE AGAINST WOMEN LAWYERS

Forms of Violence in Numbers

Verbal violence was the most reported form of violence, with 22 cases, indicating that insults and mockery are commonly used as a means

of pressuring women lawyers and undermining their professional status. This is followed by psychological violence, with 16 cases, reflecting the widespread psychological pressures in the work environment, which may include threats or intimidation that affect women lawyers' mental well-being negatively. Online violence was reported in 6 cases, while economic violence was recorded in 3 cases. Physical and sexual violence were each reported in 2 cases.

These figures illustrate the diversity of violence experienced by women lawyers.



Types of Violent Behavior against Libyan women lawyers According to Survey Results.

Verbal Violence and Professional Harassment

According to women lawyers' testimonies, verbal violence is often accompanied by professional harassment, creating an unsafe work environment that negatively affects their professional confidence and psychological and social stability. This includes the use of phrases or comments intended to belittle or insult Libyan women lawyers within the legal work environment, as well as professional harassment involving a series of discriminatory behaviors that hinder their ability to perform their duties effectively. These behaviors include ignoring their professional requests, interfering in their personal matters, or obstructing the progress of their cases. The following points outline the main forms of verbal violence and professional harassment faced by women lawyers:

- **Insults and Verbal Abuse:** women lawyers face verbal abuse, particularly from certain individuals or newly recruited, unqualified members of security forces assigned to court security. One lawyer recounted being insulted by a judicial police officer who told her, "I'll make you my target," after she engaged in a discussion during a court session. This reflects how authority is used to verbally intimidate and threaten women lawyers.
- **Mockery, Ridicule, and Contempt:** Many women lawyers suffer from direct insults and mockery by fellow lawyers, as well as official and security personnel in the workplace. One lawyer shared that a judge insulted her in front of her client, demonstrating a lack of respect and recognition for her as both a woman and a lawyer. Another lawyer noted that ridicule and sarcasm are more frequent against junior lawyers or those still in training. One lawyer stated that some judges deliberately mock less experienced/junior women lawyers and ask them difficult questions solely to ridicule them.

Additionally, several women lawyers reported that verbal abuse is particularly common among security personnel, who treat them with disdain and fail to show them respect or professionalism. In this context, one lawyer remarked, "Verbal violence

from the judicial police has become widespread, and we often feel their dominance over us.”

- **Interference in women lawyers’ Personal Matters:** women lawyers also experience intrusions into their personal affairs, such as their attire and sitting posture. Some women lawyers reported that in certain areas of Libya, “instructions have been given to security personnel and judicial police to interfere in women lawyers’ clothing and even their posture,” which constitutes an infringement on their personal rights and an unjustified intrusion into their private lives. These interferences are sometimes accompanied by verbal violence.
- **Deliberate Delays in Legal Procedures and Undermining women lawyers:** women lawyers suffer from intentional delays in legal and administrative procedures related to their work, and in some cases, the deliberate neglect of such procedures. This includes ignoring the administrative complaints they file. One lawyer commented, “When I filed an official complaint, it was dismissed on the grounds that I am ‘a troublemaker,’ and a prosecutor even reprimanded me.” This behavior, in addition to being a form of verbal violence, reflects an effort to undermine women lawyers professionally. On a broader scale, professional harassment highlights widespread negative discrimination against women lawyers, which will be discussed in detail in the following section.

Discrimination Faced by women lawyers in Private Practice

Discrimination against women lawyers refers to the unfair treatment that deprives them of equal professional rights and opportunities compared to their male fellow lawyers. Based on the analysis of focus group discussions, this discrimination is particularly evident against women lawyers working in private practice, who face restrictions that hinder their ability to practice their profession effectively. However, it should be noted that majority of respondents were private practice lawyers, leading to potential eschewing in the evaluation of discrimination against groups of women lawyers. Still, discrimination against this group of women lawyers leads to a reduction in their career

advancement opportunities and fosters an unfair environment within legal institutions.

This discrimination takes two main forms: one related to the distribution of roles and opportunities within the Bar Association itself, and the other concerning the work environment in courts, where women lawyers in private practice encounter obstacles that impede their professional practice compared to their counterparts in the Department of State Litigation and the Public Legal Defense Office, and even in comparison to their male fellow lawyers in private practice.

Discrimination Within the Bar Association:

Several participants in the focus group discussions expressed that women lawyers face numerous challenges within the Bar Association, where they are notably excluded from leadership positions. These challenges include several aspects:

- Most committees within the Bar Association are chaired by men, except for the disciplinary committee, which was once chaired by a woman lawyer. However, this position was of limited authority, as her advocacy level was only at the primary court level, meaning she was not practically able to investigate lawyers of higher advocacy levels. She was later replaced by a man.
- Women’s voices are marginalized in decision-making and policy-setting within the association. One lawyer stated, “Women’s voices are not heard in shaping the association’s policies.”
- Women are largely absent from electoral lists in the Bar Association elections.
- women lawyers frequently complain about their underrepresentation in training and capacity-building programs, as men often receive the larger share of these opportunities, negatively impacting their skill development and career progression.

Discrimination in Courts:

In courts, women lawyers in private practice experience negative discrimination, manifested in various ways that make practicing their profession more difficult compared to their counterparts in the

Department of State Litigation or the Public Legal Defense Office. Some of the most prominent forms of this discrimination include:

- **Discrimination in Attending Hearings:** In civil cases at Courts of Appeal, lawyers from the Department of State Litigation are allowed to attend sessions inside the judge's chambers alongside the judicial panel, with their case files given priority. Meanwhile, private lawyers, regardless of gender, are required to wait in hallways and are not permitted to sit with the judicial panel. One lawyer commented, "Why does the opponent's lawyer sit with the panel while I have to wait outside?"
- **Prohibition on Photocopying Case Files:** Private lawyers often face rejection when requesting to photocopy case files, being required to manually transcribe details instead. In contrast, public legal defenders are allowed to photocopy documents, which impacts women lawyers in private practice' ability to prepare their cases efficiently.
- **Difficulty in Accessing to Case Files:** women lawyers in private practice are often not allowed to access case files, whereas male lawyers, benefiting from their social relationships with court staff, have better access. This limits women lawyers' ability to advocate effectively.
- **Restrictions on Meeting Clients:** In some regions of Libya, women lawyers in private practice face barriers when attempting to meet with their clients. Security personnel sometimes prevent them from meeting detained individuals to obtain their legal representation, unless prior permission is granted, whereas male lawyers are allowed to do so without restrictions.
- **Discrimination in Using Court Facilities:** Many women lawyers in private practice are not allowed to park their cars in court parking lots, forcing them to find parking elsewhere, which results in delays for their court sessions. While this might seem like a minor issue, it places an additional burden on women lawyers.
- **Delays in Hearing Cases:** There are deliberate delays in hearing the cases handled by private lawyers compared to those managed by state litigators. According to the account of one-

woman lawyer, a judge justified the delay by stating, "You charge high fees," implicitly suggesting that cases brought by lawyers from General Directorate of Law should be prioritized.

These and other forms of discrimination reflect institutional bias that hinders women lawyers in private practice and places them at additional disadvantages. They face challenges not only due to their gender or profession as lawyers but also because of their status as private lawyers, which further exacerbates their professional and social status.

Psychological Violence and Threat-Related Violence

Psychological violence and threats are two forms of violence directed at Libyan women lawyers, posing significant challenges in their work environment. Psychological violence against women lawyers includes actions that create pressure aimed at undermining self-confidence and reducing their ability to perform their professional role effectively. Threats, on the other hand, involve direct or indirect messages intended to intimidate or influence women lawyers' decisions.

This violence manifests in various forms, whether from within institutional structures or from influential external actors, adding another layer of difficulty to their professional practice. Below are key examples of this type of violence faced by women lawyers:

- **Threats from the Bar Association:** Some women lawyers experience pressure from the Bar Association itself. One lawyer recounted being threatened with disbarment if she continued advocating for female representation in committees. She stated, "They asked me to tone down my speech and avoid discussing women's representation in committees. Either I stay silent, or I face disbarment." This form of intimidation places women lawyers under immense pressure and threatens their professional stability.
- **Feeling Unsafe in Courtrooms:** Some women lawyers report feeling unsafe in courts, where they are sometimes treated with contempt by security personnel. One lawyer remarked, "Sometimes I feel like I am the one under investigation and

about to be placed in the defendant's cage because of how security personnel behave in court." This reflects the psychological pressure women lawyers endure in spaces that are supposed to be supportive and secure.

- **Threats from Opponents, Especially Those with Influence:** women lawyers handling cases against powerful individuals or entities face significant challenges, including threats that can extend to their personal lives and even their families. One lawyer described the situation: "When the opposing party is connected to an influential official or militia, threats become expected, from direct intimidation to character assassination and even online violence." In other cases, threats come from victims' families when a defendant is acquitted.
- **Threats from Clients Themselves:** Psychological violence and threats can also come from clients, particularly when court rulings do not favor them. One lawyer explained, "Law is a dangerous profession; even clients can become a source of violence if the court does not rule in their favor." This puts women lawyers in a difficult position, where they are expected to advocate effectively for their clients while fearing repercussions if cases do not go as planned.
- **Threats Against women lawyers Defending Human Rights:** women lawyers working in human rights advocacy face additional risks, including persistent threats due to their activism. One lawyer, for example, received threats for her work in implementing UN Security Council Resolution 1325 on women's rights in conflict settings.

Physical Violence

Although physical violence is less prevalent compared to other forms of violence faced by Libyan women lawyers- only 4% of survey respondents reported experiencing it- it remains a serious threat. It can escalate from psychological intimidation to direct physical assault. Focus group discussions highlighted various instances of physical violence, including:

- women lawyers sometimes face direct physical violence from judicial police officers or

unauthorized security forces while performing their duties in courts or detention centers. This underscores the lack of protection for them in the workplace. One lawyer shared, "I was beaten by a security officer, and no one stood up for my rights or restored my dignity." Another stated, "I was doing my job when a militia member brandished his weapon at me, threatening to attack me." Such incidents highlight the dangers women lawyers face when handling sensitive cases, making them vulnerable to physical violence or immediate threats.

- Handling cases related to public opinion or politically sensitive issues puts women lawyers at risk of physical harm. One lawyer recounted surviving an assassination attempt due to her involvement in a high-profile case, emphasizing that the risks increase when women lawyers take on politically or socially controversial cases.
- In some cases, women lawyers face physical violence from their own clients due to personal or emotional tensions. One lawyer shared her experience: "I was representing a woman in a divorce case, and when the outcome didn't go as she wanted, she physically attacked me."
- In a notable case, a woman lawyer was kidnapped and arbitrarily detained by influential actors due to her involvement in a sensitive case. Despite having legal immunity, she was physically assaulted and mistreated. She was forced to endure nighttime interrogations under harsh conditions, despite her deteriorating health. She described her ordeal: "My legal status as a lawyer did not protect me. I was beaten and detained without regard for my health, forced to undergo nighttime interrogations despite my need for medical care."

These cases illustrate that, although physical violence against women lawyers is less common than other forms, it remains extremely dangerous and has a direct impact on their safety and well-being, adding immense psychological and professional pressure.

Domestic Violence

In the context of Libyan women lawyers, domestic violence emerges as an indirect challenge, manifesting in restrictions and pressures imposed by family members, especially husbands or male relatives, on their professional careers. While this type of violence originates outside legal or judicial institutions, it significantly affects their ability to practice the legal profession freely and independently.

During focus group discussions, some women lawyers shared their experiences with domestic violence. One lawyer mentioned that her husband limits her court appearances to just one day a week, hindering her professional growth and restricting her freedom to work. This form of domestic violence reflects societal constraints that perceive women's work, especially in the legal field, as a matter requiring constant oversight or even criticism.

Economic Violence

Economic Violence against women lawyers in Libya acts as a major barrier to their career advancement and financial independence. It manifests in discriminatory economic practices that undermine their opportunities for fair compensation. This includes wage disparities between women lawyers and their male fellow lawyers, where women in some areas receive lower legal fees due to societal norms that undervalue their professional work.

Additionally, women lawyers face deliberate efforts to limit their caseloads through negative remarks or even indirect incitement against them. According to one testimony, some prosecutors advise plaintiffs and defendants to avoid hiring women lawyers, affecting their ability to secure important cases and reinforcing professional inequality.

women lawyers also experience extortion by court staff, who demand bribes in exchange for legal services or procedural facilitation, further exacerbating their financial and professional challenges. These practices indicate the need for structural reforms to ensure economic and professional justice, allowing women lawyers to perform their duties freely and without undue financial pressure.

Societal Violence

The social and political context in which Libyan women lawyers operate exposes them to a distinct form of societal violence linked to tribal and racial tensions, directly affecting their ability to practice law fairly. This violence manifests through discriminatory practices based on tribal affiliations and ethnic backgrounds, particularly in regions with ongoing societal conflicts.

In southern Libya, for example, the judicial system reflects some aspects of this violence. One female lawyer spoke about discriminatory practices related to skin color and tribal background, stating that judges sometimes look at case files with expressions of clear disdain. She recounted,

"In some cases, a judge looks at my file with a mocking expression and throws it in front of me dismissively because I belong to a tribe other than his."

Some focus group participants of women lawyers revealed that this violence is fueled by ongoing tribal disputes and racial tensions, often reinforced by oral history and unresolved social conflicts. This makes tribal and racial discrimination a significant barrier to achieving justice and professional equality for women lawyers, particularly in southern Libya.

Environmental Violence

According to discussions in focus groups, the lack of proper facilities in court buildings constitutes a form of institutional or environmental Violence against Libyan Women Lawyers, reflecting systemic neglect of their specific needs as women. women lawyers pointed to the absence of essential amenities such as designated restrooms for private lawyers, dedicated parking spaces, and suitable waiting areas. In some cities, women lawyers are forced to walk long distances to reach courtrooms and plead their sessions; in addition, there are no designated working areas for the women lawyers inside the courts.

These obstacles lead to an unsuitable work environment, which can affect the comfort and health of women lawyers and limit their ability to perform their professional duties efficiently.

This lack reflects a clear neglect of their specific needs as women, poses a barrier to equal job opportunities, and highlights a failure to respond to fair work requirements that ensure the safety and efficiency of all parties, regardless of their gender.

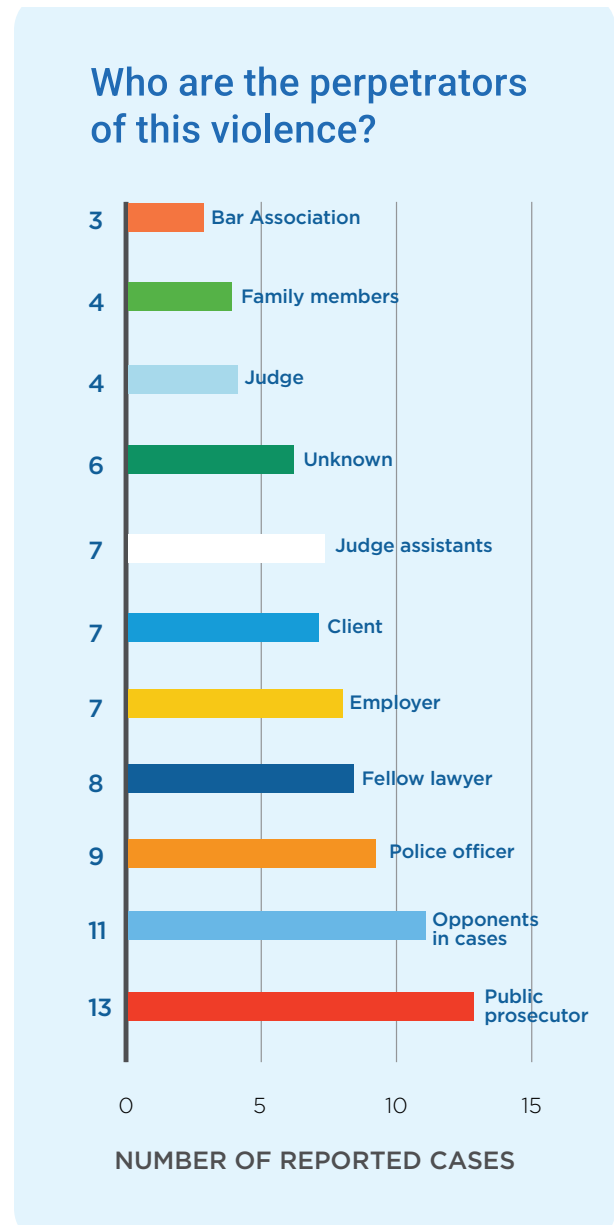
4.3 PERPETRATORS AND LOCATIONS OF VIOLENCE

A comprehensive analysis of quantitative and qualitative data indicates that multiple entities are responsible for Violence against Libyan Women Lawyers, occurring in diverse locations. This reflects a complex professional and social context that imposes ongoing challenges on women lawyers.

Perpetrators of Violence

Statistical data extracted from the survey shows that all 41 women lawyers who reported experiencing violence agreed that the perpetrators were multiple. This indicates that violence does not stem from a single source in most cases; rather, multiple parties are often involved in acts of Violence against women lawyers. Moreover, the Public Prosecution holds the highest percentage of perpetrators of Violence against women lawyers, with 13 cases out of 41. This is followed by case adversaries with 11 cases, reflecting the nature of challenges and risks women lawyers face when dealing with parties in legal disputes. The data also reveals that Violence against women lawyers is not limited to these entities alone but extends to police officers with 9 cases, fellow lawyers with 8 cases, and family members with 4 cases.

These findings highlight the diverse range of perpetrators, further complicating the challenges faced by Libyan women lawyers. They emphasize the urgent need for comprehensive preventive measures to address this phenomenon from all angles.



Perpetrators of Violence against women lawyers According to Survey Results.

Focus groups deepened our understanding of the nature of violence and its perpetrators through discussions of personal stories and live testimonies from women lawyers, which highlighted the main perpetrators of violence as follows:

- **Public prosecutors and judges:** Some public prosecutors and judges contribute to Violence against women lawyers by taking arbitrary actions or making derogatory remarks that undermine their competence. Additionally, some intentionally delay cases, hindering the

professional work of women lawyers.

- **Security personnel:** Judicial police officers and some security entities are among the main perpetrators of Violence against women lawyers, often subjecting them to verbal and physical abuse or direct threats, whether inside courts or in workplaces related to their profession. This places them under additional psychological pressure in an environment that is supposed to be safe.
- **Fellow lawyers and the Bar Association:** Some male lawyers exhibit behaviors that undermine women lawyers, particularly when handling joint or competitive cases. Additionally, the private Bar Association serves as another source of violence through negative discrimination against them.
- **Court employees:** Some court employees obstruct the work of women lawyers by limiting their access to case files or preventing them from using basic court facilities, placing them at a disadvantage compared to their male fellow lawyers.
- **Violence from society and family:** This includes verbal or physical abuse from dissatisfied clients or opposing parties in lawsuits, as well as domestic violence that some women lawyers may face from their husbands or family members. This reflects additional challenges linked to social and cultural roles, affecting their independence and freedom in practicing their profession.

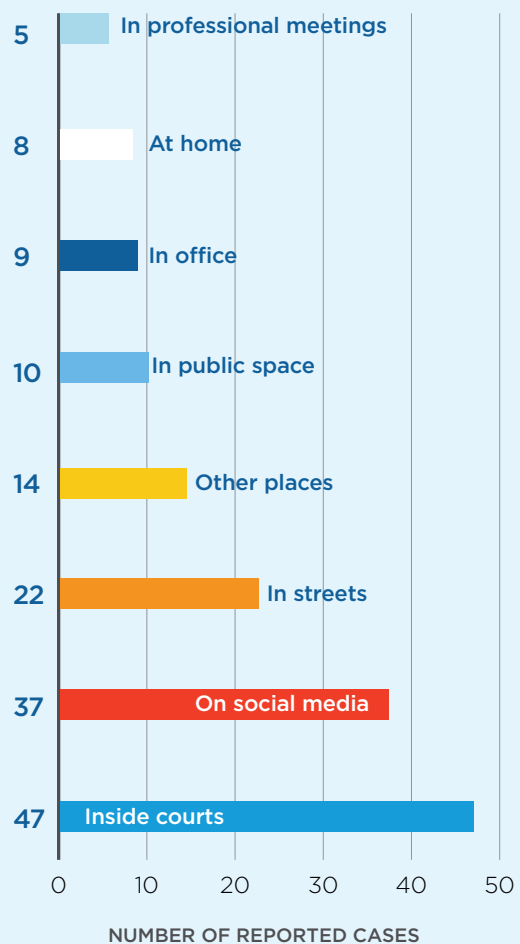
These various entities illustrate the multiple sources of violence and reveal the significant challenges faced by women lawyers both inside and outside the legal work environment. This underscores the need to improve working conditions and provide comprehensive protection for their professional and personal rights.

Locations of Violence

Statistics revealed that courts are the most prominent locations where violence against women lawyers occurs, with 47 respondents—equivalent to 34.31%—identifying them as such. This highlights an unsafe environment and points to structural challenges within the justice system. Social media

platforms followed, accounting for approximately 27.01%, reflecting the digital sphere as an emerging space where women lawyers are subjected to violence by the public. The streets ranked third at 16.06%, indicating that violence extends into public spaces, where women lawyers may face harassment or direct threats outside formal work settings.

In which situations does violence often occur?



Places of violence against women lawyers according to the survey results.

On the other hand, focus groups confirm similar findings regarding the locations where violence occurs, which include:

- **Courts and judicial facilities:** Courts are the primary location for violence, especially during legal sessions, where women lawyers experience verbal, economic, and even physical violence from judicial and security authorities, including inside the Public Prosecutor's Office. Additionally, inadequate facilities in courts, such as the absence of proper restrooms and parking spaces, further complicate the work environment and contribute to exhaustion and a lack of respect, constituting a form of environmental violence.
- **Police stations and detention centers:** women lawyers face violence inside police stations and detention centers, where they interact with personnel who may practice negative discrimination or subject them to verbal and physical abuse.
- **The Private Bar Association:** The Bar Association can be an environment where discriminatory practices limiting women lawyers' opportunities for representation and active participation.
- **Outside the workplace:** In addition to violence within official institutions, women lawyers face various threats outside their official work environment, including direct threats from members of society, family members, or through social media. This highlights the extension of violence into their personal lives, spreading to public spaces/streets and online platforms.

At the conclusion of this section of the study, a comprehensive picture emerges of the dimensions and patterns of violence faced by Libyan women lawyers. The forms of violence are diverse, with deep-rooted causes spanning various environments. The numbers reveal the extent of its prevalence, while the narratives confirm that violence is a recurring phenomenon rather than isolated incidents. Additionally, both statistical and qualitative data provide a deeper understanding of the context in which violence occurs and its perpetrators.

PERPETRATORS OF VIOLENCE	LOCATION OF VIOLENCE
JUDICIAL POLICE OFFICERS AND UNAUTHORIZED SECURITY ENTITIES	Courts - Detention centers - Police stations - Public Prosecutor's Office
PUBLIC PROSECUTORS	Public Prosecutor's Office - Courts
JUDICIARY MEMBERS	Courts
BAR ASSOCIATION MEMBERS	Within the Bar Association or related to its work
MALE FAMILY MEMBERS	Within the family
SOCIETY	Within the local community
LAWYERS	Courts
CASE ADVERSARIES AND CLIENTS	Courts - Streets - Offices
BAR ASSOCIATION MEMBERS - CASE ADVERSARIES	Social media platforms

CHAPTER 5

VIOLENCE AGAINST WOMEN LAWYERS: CAUSES, EFFECTS, AND MEANS OF RESPONSE

5. VIOLENCE AGAINST WOMEN LAWYERS: CAUSES, EFFECTS, AND MEANS OF RESPONSE

5.1 CAUSES OF VIOLENCE AGAINST LIBYAN WOMEN LAWYERS

The causes of Violence against Libyan Women Lawyers stem from a complex interplay of factors and overlapping conditions that contribute to the prevalence of this phenomenon. Comparative analyses indicate that Violence against Women and girls is historically and structurally rooted in unequal power relations between genders, a reality still prevalent worldwide and a major obstacle to the full enjoyment of human rights.

When focusing on the Libyan context, a set of fundamental structural and institutional factors emerge as the main drivers of violence or enablers that increase the likelihood of its occurrence and recurrence. Discussions in focus groups emphasize that this violence is primarily linked to the lawyer's gender and the nature of her professional work. Additionally, Libya's security and political instability, along with cultural traditions that restrict women's roles, significantly exacerbate the situation. However, opinions differ on the extent to which other factors, such as the types of cases handled by women lawyers or the professional sector to which they belong, influence their likelihood of experiencing violence.

The following sections address the key factors fueling this phenomenon, as well as the enabling factors that reinforce the recurrence and expansion of Violence against Libyan Women Lawyers.

Key Factors and Caus Of Violence against women lawyers

Structural Social and Cultural Factors:

Social structures refer to the fundamental frameworks that shape relationships and practices within a society, including cultural systems, values, and roles imposed on individuals. These structures often dictate societal behaviors and expectations regarding gender roles.

For Libyan women lawyers, the structural factors related to stereotypical perceptions of women's roles and deeply ingrained cultural and social norms play a central role in explaining the causes of violence against them. These factors rely on dominant societal beliefs and traditions that confine women to specific roles, limiting societal acceptance of their presence in legal professions. In this context, there is a prevailing belief that professional roles requiring strength or independence, such as law, do not align with the "feminine nature" of women, thereby reducing societal acceptance of these roles.

These perceptions, in some cases, reinforce manifestations of Violence against women lawyers, whether institutional, economic, social, or familial. Women who defy these traditional expectations often become targets of discrimination and hostility within the legal work environment. This, in turn, fosters an atmosphere that impedes their professional advancement, exacerbates gender-based discrimination, and legitimizes practices that are considered "normal" or justified in some circles, thus increasing the likelihood of their exposure to violence and worsening their struggles.

Several testimonies from focus groups illustrate how structural factors contribute to Violence

against women lawyers. One lawyer recounted how the exclusion of women from leadership positions within the private Bar Association was justified by statements like, “Women always have their excuses.” Similarly, another lawyer’s administrative complaint at the Public Prosecutor’s Office was not taken seriously, with a prosecutor telling her, “You are a woman, and there is no point in insisting on your position.” Moreover, societal resistance to women in the legal profession remains strong. One lawyer reported experiencing severe societal and familial violence simply for choosing a profession deemed “unsuitable for women.”

Structural and Institutional Factors:

Structural factors refer to causes linked to political, security, and legal systems that contribute to exacerbating Violence against Libyan Women Lawyers. These include the absence of effective legal protection and the lack of security and political stability, which pave the way for more violence and weaken women lawyers’ ability to practice their profession safely. These structural factors manifest in the following areas:

- **Weak legal protection against violence:** This weakness is evident in several aspects, most notably the absence of comprehensive and effective legislation that protects women lawyers from violence. Several women lawyers pointed out that Libya’s Penal Code does not meet the necessary requirements to protect them. Additionally, the Private Bar Law lacks provisions that specifically address the protection of women lawyers. Furthermore, while the legal immunity granted to lawyers is stipulated in the law, it remains largely unenforced, leaving women lawyers vulnerable to repeated violence without sufficient safeguards for their rights.
- **Ineffective judicial protection against crimes of Violence against Women, including women lawyers:** The Criminal Court’s division for Violence against Women remains ineffective, as its jurisdiction is limited to cases classified as felonies, thereby excluding many other crimes categorized as misdemeanors or infractions—crimes that account for the majority of offenses against women, including women lawyers. Moreover, the mechanism for establishing this

division does not guarantee its continuity, as it was created based on an informal letter from the head of the Supreme Judicial Council to the presidents of the appellate courts in Tripoli and Benghazi rather than through an official decree. women lawyers have expressed concerns about the division’s sustainability, fearing its potential dissolution, which would further weaken judicial protection and foster an environment lacking sufficient deterrence against violence.

- **Unstable security and political context:** The absence of political stability and widespread insecurity provide fertile ground for increased Violence against women lawyers. Weak rule of law and the absence of deterrent penalties for perpetrators create a general sense of insecurity. This situation is further complicated by the presence of non-state armed groups in legal workspaces, exposing women lawyers to physical and verbal violence as well as constant threats. One lawyer explained: “This violence against us has intensified because we interact with individuals affiliated with groups that do not abide by the law or legal procedures.” Dealing on a daily basis with influential parties increases the exposure of women lawyers to additional threats, especially when adversaries are powerful individuals with unrestrained influence and no accountability. This is what is expressed by one of the women lawyers saying “We don’t feel truly safe because filing a complaint means nothing when the perpetrator is someone with real power... He has de facto immunity, whereas we only have legal immunity that carries no real value.” This climate of lawlessness and the absence of legal deterrents reinforce the cycle of Violence against women lawyers, making threats and acts of violence a regular occurrence and undermining their legal rights.

Tolerance of Violence as a Reinforcing Factor for Violence:

Tolerance of violence refers to societal acceptance or disregard for violent behaviors, treating them as normal or acceptable within workplaces or communities. This leads to a lack of accountability for perpetrators and increases the likelihood of recurring Violence against women lawyers. This

tolerance stems from several overlapping reasons, primarily:

- **Lack of awareness about Violence against women lawyers and its downplaying:** The incomplete awareness of the nature and different dimensions of Violence against women lawyers leads to its tolerance, as certain abusive behavior, such as verbal violence or repeated insults, are perceived as trivial or as normal workplace interactions. This lack of awareness results in an underestimation of the seriousness of such behaviors and their impact on women lawyers, fostering an environment that encourages rather than prevents violence.
- **Normalizing certain behaviors:** In the legal profession, verbal violence or undermining women lawyers' status is sometimes seen as acceptable or even expected. This tolerance is sometimes reinforced by responsible authorities themselves. As one lawyer noted, a judge refused to document an incident of verbal abuse against her by a male lawyer, arguing that "this type of violence is not worth official attention." Such attitudes reinforce tolerance for violence and send a message to women lawyers that they lack adequate protection, even from judicial bodies responsible for upholding justice.
- **Social conflicts as an additional reason for tolerating violence:** In some regions experiencing ongoing social conflicts and disputes, Violence against women lawyers may be overlooked on the grounds that there are "more pressing issues." Compared to wider societal conflicts, Violence against women lawyers is perceived as a lower priority, leading to an environment where various forms of violence are accepted rather than confronted.

Oral History of Conflict:

The presence of historical conflicts contributes to entrenched tolerance for violence, serving as a key factor in perpetuating Violence against women lawyers. However, these conflicts can also be seen as an independent factor reinforcing other forms of violence, particularly in the context of the oral history of conflicts. This term refers to the narratives of ethnic or tribal conflicts passed down

through generations, creating social sensitivities that fuel violent behavior based on racial or tribal discrimination.

The effects of this factor are particularly evident in certain regions, as highlighted by a lawyer from southern Libya. She explained that entrenched ethnic and tribal conflicts exacerbate violence based on racial and tribal discrimination. The oral history of conflict reinforces hostile perceptions and sustains discriminatory practices against individuals from specific backgrounds, making women lawyers from different ethnic or tribal origins particularly vulnerable to forms of violence that extend beyond the individual level to a more complex societal structure.

Contributing Factors to the Presence and Recurrence of Violence

Professional Characteristics of women lawyers and Their Role in Exacerbating Violence:

- **Type of Cases:** The nature of the cases that women lawyers handle is one of the potential factors contributing to increased violence against them, although its impact remains a subject of debate. Some women lawyers believe that cases related to human rights or public opinion issues increase the likelihood of violence and threats, as these cases often involve societal or political tensions that create a more dangerous environment for women lawyers. For example, human rights cases or criminal cases involving influential parties may expose women lawyers to threats from opponents or powerful entities.
- In this context, survey results indicate that meetings or events related to sensitive cases have become increasingly dangerous for women lawyers, with 48 out of 76 participants confirming this notion. This highlights how sensitive cases add new dimensions to the risks women lawyers face in their work.
- On the other hand, some women lawyers argue that the type of case is not necessarily the primary determinant of violence risks. They report facing threats even in seemingly non-controversial

cases, such as personal status disputes, where legal conflicts can escalate into threats to their safety, either from clients or opponents.

- This diversity of perspectives reflects the complexity of the working environment for Libyan women lawyers, where case nature intersects with social and political factors, increasing the need for effective professional and legal protection to enable them to perform their roles without threats or discrimination.
- **Law Practice Sector:** In focus group discussions, the type of legal practice, whether private, within public legal representation, or Litigation Department, emerged as a factor in the discrimination and violence faced by women lawyers. A lawyer working in public legal representation stated that the violence faced by women lawyers in private practice is no different from what their counterparts in public legal representation experience, due to the common challenges within court environments. Therefore, she does not consider the type of legal practice a primary factor in their exposure to violence. Conversely, women lawyers in Litigation Department believe they benefit from positive discrimination compared to women lawyers in private practice, as they receive preferential treatment due to their status as members of judicial bodies, with the expectation of being appointed as judges or prosecutors in the future. They attribute this preferential treatment to the nature of their cases, which are often limited to civil or administrative matters related to defending the state and its institutions, reducing their exposure to violence compared to women lawyers in private practice, who handle criminal or sensitive cases. On the other hand, most women lawyers in private practice feel they face negative discrimination and increased violence compared to their fellow lawyers in other sectors. One lawyer described this discrimination by saying: "It seems we are treated differently because of the type of robe we wear." This discrimination may be linked to security personnel's ability to distinguish whether women lawyers work privately or publicly based on their attire, which may influence their treatment. Another lawyer added that some court officials

promote a hostile mindset against them through discriminatory language and behaviors, creating an adversarial atmosphere among judicial staff and security personnel. These behaviors highlight the challenges women lawyers face in an environment that should provide them with protection and professional support but instead contributes to the escalation of violence and discrimination against them.

- **Level of Litigation:** The level of litigation in which a woman lawyer works is an additional factor in her exposure to violence and harassment by fellow lawyers and others. Women lawyers in the early stages of their careers, particularly trainees or those working in lower courts, face higher levels of mistreatment, as they are often perceived as less experienced or influential in the legal field. This group, in particular, is subjected to discriminatory remarks and behaviors that hinder their professional development, adding further challenges to women lawyers at the beginning of their careers.

Avoidance of Filing Complaints as a Factor in the Recurrence of Violence:

The reluctance to file complaints significantly contributes to the recurrence of Violence against Libyan Women Lawyers. Several factors deter them from reporting incidents, ranging from fear of escalating social conflicts to concerns about retaliatory actions from perpetrators. Additional barriers include administrative complexities, prolonged legal procedures, and social pressures from the community or family that discourage women lawyers from seeking justice.

Lack of Awareness of Legal Roles as a Cause of Violence against women lawyers:

A lack of awareness about the roles and responsibilities of women lawyers, as well as their legal immunities, is one of the key factors leading to violence against them. The failure to fully grasp the concept of violence and its various forms allows workplace partners, such as court employees, police officers, and even fellow lawyers, to engage in abusive behaviors, often without realizing the legal protections afforded to women lawyers.

This lack of awareness extends to ignorance about the immunity mechanisms granted to women lawyers, leading to inappropriate and sometimes discriminatory treatment by judicial and security personnel. Moreover, many law enforcement and judicial staff, including police officers, lack the necessary training to interact professionally with women lawyers, which exacerbates instances of violence against them in the workplace.

Lack of Official Statistics on women lawyers as an Obstacle to Enhancing Their Rights:

The absence of official statistics on the number of registered women lawyers within the bar association is a major obstacle to analyzing their professional status and addressing the challenges they face. Without this data, it becomes difficult to assess the representation of women lawyers in training and capacity-building programs offered by the bar association. This lack of information makes it impossible to objectively argue whether women lawyers are receiving adequate opportunities compared to their male counterparts, complicating efforts to achieve genuine balance in professional development.

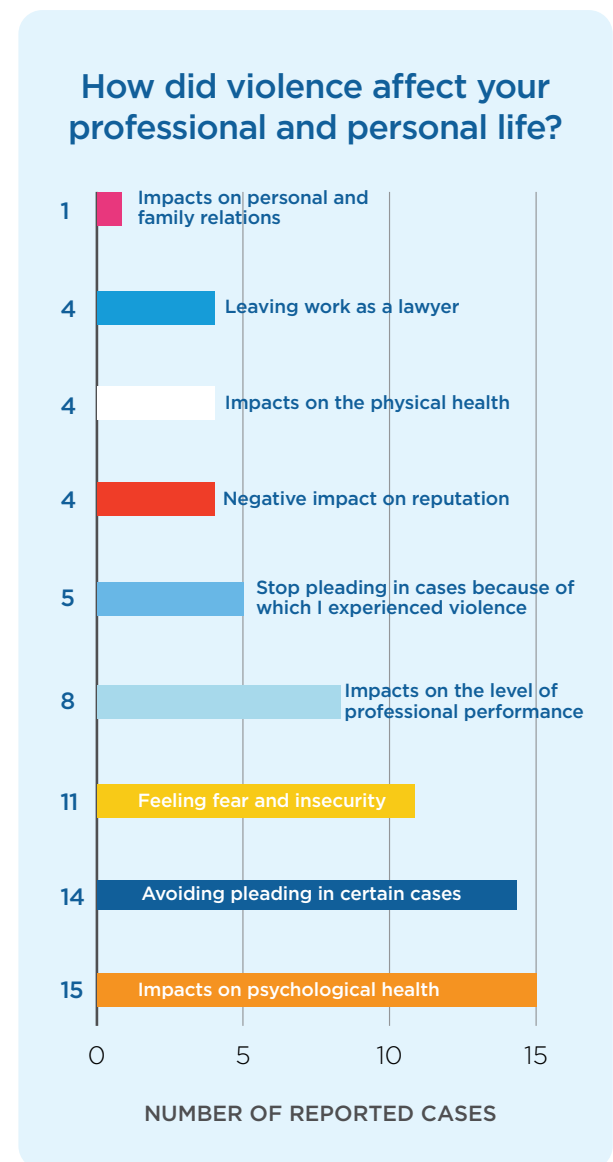
Furthermore, the absence of accurate data on women lawyers hinders the formulation of policies that support their career advancement and protect their rights in the workplace, perpetuating discrimination and undermining efforts to empower women lawyers and promote equality within the legal field.

5.2 CONSEQUENCES OF VIOLENCE

The violence and discrimination faced by women lawyers in Libya have far-reaching effects on various aspects of their lives, both professionally and personally. These challenges hinder their professional capabilities and career development while also causing psychological distress and a sense of fear and insecurity. Survey results indicate that Violence against women lawyers in Libya has widespread impacts on their professional and personal lives, leading to severe psychological, professional, and social consequences. The most

significant of these effects include psychological effects, avoidance of pleading in specific cases, feelings of fear and insecurity, in addition to effects on the level of professional performance.

It is also important to understand that the impact of violence is not limited to women lawyers themselves but extends to their clients who are survivors of violence, particularly in the absence of comprehensive support services. In this context, legal representation often remains the only available means for survivors to access legal services, whether paid or free through public defense. This makes supporting and empowering women lawyers crucial to ensuring that survivors of violence can access justice.



Impact of violence on women lawyers' professional and personal life according to the survey results.

Based on these results, we note that violence and discrimination are not just passing incidents but rather leave deep and lasting impacts on the lives of Libyan women lawyers, which are reflected in their professional practice and personal interactions. In the following sections, we will detail these impacts at both the professional and personal level through an analysis of the focus group outcomes to understand the experiences behind these numbers.

Professional Impacts

- **Hindering Professional Advancement:** Discrimination against women lawyers within the private bar association limits opportunities for professional growth and prevents them from accessing training and capacity-building programs. Negative discrimination against women lawyers in private practice represented in some factors - such as restricted access to case files compared to their male fellow lawyers or female counterparts in Litigation Department or public legal representation - create a professional gap and limit their ability to develop their expertise and skills.
- **Decline in Professional Competence and Performance:** The pressures women lawyers face from court staff and security personnel weaken their ability to focus during pleadings. One lawyer expressed this by saying: "How can I keep my thoughts organized while pleading under this pressure?" Administrative obstacles created by some court employees lead to a decline in their professional performance and force them to request session postponements, which ultimately diminishes their professional efficiency and negatively impacts case proceedings. In addition, negative discrimination against women lawyers in private practice represented in some factors - such as restricted access to case files compared to their male fellow lawyers or female counterparts in Litigation Department or public legal representation - create a professional gap and limit their ability to develop their expertise and skills.

- **Weakened Credibility and Trust before the Clients:** Verbal abuse or mockery from judges or fellow lawyers undermines women lawyers' credibility in front of their clients. Such behavior causes clients to lose confidence in their lawyers' abilities. One lawyer mentioned: "Some clients hesitate to continue working with us" due to the ridicule or belittling they experience in court, which affects their professional reputation and standing.
- **Influence on the Type of Cases They Handle:** Due to fear of violence or retaliation, many women lawyers avoid criminal cases or human rights-related cases, which are considered high-risk and involve both professional and personal dangers. This avoidance limits their experience and growth in key legal fields, hindering their career expansion.

Personal Impacts:

- **Feeling of Fear and Insecurity:** Constant threats deepen women lawyers' fear and sense of insecurity. One lawyer stated that she now avoids certain places out of fear of being attacked. This fear affects not only their movement but also makes many women lawyers hesitant to file complaints due to fear of retaliation. This perpetuates the status quo and prevents any tangible improvement.
- Survey results show that 13% of the 48 women lawyers who participated in the survey indicated that their reason for not reporting incidents of violence was fear of retaliation. This reality clearly demonstrates how threats reinforce a culture of silence, leaving women lawyers in a vulnerable position and highlighting the urgent need for effective protection and a safer professional environment.
- **Psychological Pressures arising from Violence:** women lawyers face dual pressures when subjected to violence, whether publicly—such as being ridiculed in front of clients - or privately - such as dealing with indirect threats. This psychological strain negatively affects their personal balance and professional endurance, especially when they lack proper support or legal protection.

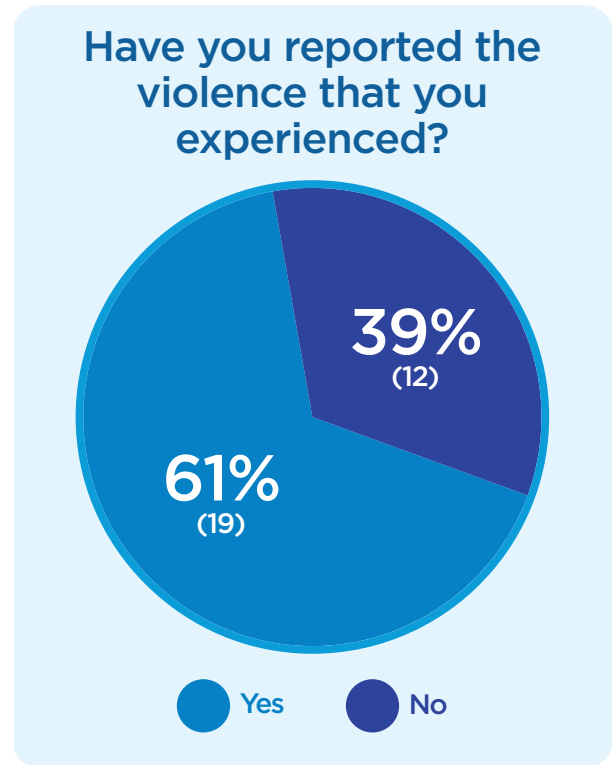
- **Impact on Social and Family Life:** Several women lawyers experience societal pressures due to their profession. Some face blame from family members when they encounter violence, adding to their psychological burdens and pushing them to avoid certain cases in order to maintain personal and family stability.

5.3 ASSESSMENT OF RESPONSES TO VIOLENCE AGAINST WOMEN LAWYERS

Libyan women lawyers respond to violence in various ways, depending on their circumstances and surrounding contexts. Their responses range from avoiding interaction and refraining from filing complaints to seeking legal support, turning to the bar association, relying on family and social support, or adapting as a means of self-protection. In general, social and administrative barriers significantly limit the effectiveness of many of these responses. The following sections explore the main options available to women lawyers, analyzing the reasons for adopting or avoiding them and assessing their effectiveness based on real experiences.

Failure to Report Violence or File Complaints

Most women lawyers who participated in the survey and reported experiencing violence tend not to file complaints. According to the survey results, 61% of women lawyers do not report acts of violence.



Percentage of women lawyers who report incidents of violence according to the findings of the survey.

The reasons that drive women lawyers to refrain from filing complaints or reporting incidents of violence vary. According to the survey results, the two main reasons for this reluctance are a lack of trust in the relevant authorities and the belief that reporting will not yield any results. However, an analysis of focus group discussions revealed additional factors that highlight deeper dimensions of this issue as follows:

- **Fear of tribal and social conflicts:** In some Libyan regions, women lawyers avoid filing complaints out of concern that the case might escalate into a tribal conflict involving male relatives, which could further complicate the situation and turn it into a broader societal dispute. This fear of expanding the problem prompts women lawyers to forgo their right to file complaints about violence to avoid greater repercussions on their families and social circles.
- **Fear of retaliation:** The fear of revenge is a major reason preventing women lawyers from filing complaints, especially when the perpetrator is an

influential entity. Filing a complaint could expose the lawyer to additional risks, making her avoid this course of action to protect herself from any retaliatory measures that may follow.

- **Social influences and traditional mediation:** In the traditional social context, mediators often intervene to resolve disputes, which frequently results in pressure on women lawyers to withdraw official complaints. The issue is usually resolved through reconciliation or compromise, as official complaints are viewed as an unwelcome step, and society generally prefers to settle disputes through informal and amicable means.
- **Exposure to harassment:** women lawyers indicate that when filing an administrative complaint against a court employee, the complainant may face professional restrictions and harassment from the offender's colleagues, which discourages many women lawyers from filing complaints.

Seeking legal and institutional support and the challenges of filing complaints.

Seeking legal and institutional support and the challenges of filing complaints represent one of the available options for women lawyers, primarily through submitting an official complaint to the relevant authorities. Survey results indicate that 50% of women lawyers who chose to report violence preferred to file official complaints in court. However, the preference for other options, such as seeking support from the Bar Association or women's rights organizations, was limited, and none of the women lawyers opted to file complaints with law enforcement agencies.

In cases where complaints were filed, 42% of respondents stated that the relevant authorities did not respond at all, while 33% of women lawyers described the response as ineffective. The lawyers expressed that the formal procedures for handling complaints are complex, as they struggle with prolonged and intricate legal procedures, which result in a lack of the necessary confidentiality in such cases. Filing a complaint requires long waiting periods, adding to the social pressures on women lawyers and often leading them to drop their

complaints to avoid complications and associated consequences.

Interpersonal Support Mechanisms

Professional solidarity among female colleagues was the most common form of support, according to survey results, at 38%. However, discussions in focus groups revealed that this support lacks institutional organization, such as the presence of effective professional networks that provide protection and advice when experiencing violence. Despite the individual efforts of some women lawyers who strive to offer moral support or assist their fellow lawyers in handling cases involving additional risks, this support remains unstructured and unable to provide sufficient protection to effectively address the challenges faced by Libyan women lawyers.

Family support also plays an important role in strengthening the ability of Libyan women lawyers to confront the violence they face. Survey results indicate that 35% of women lawyers received family support, making it the second most common form of support after professional solidarity among female colleagues. However, family support can, in some cases, become a source of pressure and restriction. Some women lawyers fear disclosing their experiences of violence to their families due to concerns that it may lead to restrictions on their professional freedom, such as limiting their working hours or preventing them from taking on cases deemed "sensitive" from the family's perspective. This limits their professional opportunities and forces them to avoid certain essential activities related to their work.

In tribal communities, reporting violence to the family may escalate the conflict into a tribal dispute, further complicating the situation and making family support a limited option that may come with additional challenges

Resorting to International Mechanisms

Libyan women lawyers suffer from a clear lack of knowledge regarding international protection mechanisms, such as the Optional Protocol to the Convention on the Elimination of All Forms

of Discrimination against Women (CEDAW) and individual complaint procedures to international bodies. This lack of awareness is primarily due to limited training and education on these mechanisms, which increases women lawyers' exposure to violence without having effective legal means to combat it at the international level.

A human rights activist lawyer confirmed this reality, stating that, to date, no Libyan female lawyer has ever utilized the individual complaint mechanism, despite Libya's accession to numerous international treaties and protocols concerning human rights and women's rights. This situation presents a significant problem in providing actual protection for women lawyers. The absence of knowledge and training on these mechanisms deprives women lawyers of the ability to benefit from international protection tools, which could serve as an effective means of exerting pressure to improve their professional conditions and combat violence and discrimination against them.

Role of Bar Association in Defending the Lawyers: Challenges and Restrictions

The Bar Association plays a vital role in negotiating and defending women lawyers' rights, as it serves as an institutional framework that enhances their legal and professional standing. In some cases, the Bar Association has demonstrated notable effectiveness, as seen in Benghazi, where it supported a campaign to enable lawyers to park their cars in court premises, highlighting its commitment to defending the dignity of male and female lawyers and their right to a fair and respectful work environment.

However, a number of women lawyers indicate that the Bar Association faces increasing challenges related to its limited ability to influence powerful entities that may handle women lawyers' complaints with leniency or disregard, especially when influential figures or entities are involved in the violations against women lawyers. This means that the Bar Association, given its current limitations, is unable to provide comprehensive protection or ensure effective and swift responses from institutions or individuals responsible for the violence.

CHAPTER 6

FINDINGS AND RECOMMENDATIONS

6. FINDINGS AND RECOMMENDATIONS

6.1 KEY FINDINGS OF THE STUDY

- This study has concluded with a set of key findings, outlined as follows:
- International treaties ratified by Libya, such as the two International Covenants on Human Rights and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), provide an important legal framework for protecting women, including women lawyers, from various forms of violence by enshrining principles of equality and prohibiting discrimination. However, the lack of full implementation of these treaties within the national legal system limits their effectiveness. While Libya's accession to certain optional protocols offers women lawyers a legal tool to submit international complaints when national protection mechanisms fail, the practical application of this mechanism and women lawyers' understanding of how it operates remain limited, reducing its actual impact. Furthermore, UN Security Council Resolution 1325 on protecting women in conflict zones has not been fully implemented due to the suspension of certain executive procedures, such as the National Action Plan, which weakens its ability to provide real protection for women lawyers and safeguard their rights.
- women lawyers in Libya face weak legal protection and the absence of effective legislation directly addressing violence against them. Although legal immunity is theoretically available, it remains largely symbolic and is not effectively enforced. The legal framework lacks a specific law combating Violence against Women, leaving protection from violence limited to general provisions in the Penal Code. Additionally, the Law on Private Practice of Law does not contain explicit provisions that safeguard women lawyers from assaults and violence in the workplace.
- While the Labor Relations Law promotes principles of equality, it lacks specific provisions to combat workplace violence and harassment, weakening the actual protection available to women in the professional field and making it insufficient to ensure a safe working environment.
- The Libyan Labor Relations Law adheres to the principles of equality and non-discrimination, which is a positive step toward empowering women in various fields of work. However, the law does not contain specific provisions for combating violence and harassment in workplaces.
- Certain government initiatives, such as the launch of a national plan to combat violence, represent constructive steps toward enhancing protection for women, including women lawyers. However, the implementation of these measures faces challenges related to the availability of necessary resources and support mechanisms, such as psychological and social assistance, which limits the effectiveness of these initiatives in protecting women lawyers who have experienced violence and in fostering their professional and psychological stability.
- In the absence of a clear legal definition of Violence against Women in Libyan legislation, women lawyers define violence in various ways, encompassing not only physical violence but also discrimination, restriction of freedoms, and marginalization of social roles. This disparity in understanding highlights the need for a unified and comprehensive legal definition of violence that contributes to enhancing the awareness of women lawyers and society regarding its various forms.
- Violence against women lawyers in Libya is further complicated by conflicts and political transitions, as weak rule of law and security instability exacerbate the risks they face, exposing them to targeted violence based

on both professional and social factors and complicating efforts to protect them.

- Statistical data and personal testimonies indicate that Violence against women lawyers is recurrent and manifests as a widespread social phenomenon rather than isolated incidents. This recurrence highlights the widespread nature of this phenomenon and underscores the urgent need to develop specific strategies to address it.
- women lawyers face various forms of violence, with the study revealing that verbal abuse and negative discrimination, particularly against private lawyers, are among the most common forms of violence in the legal environment. Additionally, they face other challenges, including physical, psychological, economic, and domestic violence, as well as online harassment, racial and tribal discrimination, intrusion into their personal lives, and disregard for their professional rights. women lawyers also suffer from a lack of facilities in courts and the absence of accommodations that meet their needs. The perpetrators of violence include court employees, security personnel, judges, prosecutors, clients, influential officials, militias, and even fellow lawyers within the legal profession.
- Discriminatory and violent behaviors contribute to creating an unsafe work environment for women lawyers, negatively impacting their professional performance and self-confidence, limiting their career advancement opportunities, and affecting their relationships with clients. They often find themselves in situations that undermine their credibility and weaken trust between them and their clients. Furthermore, such behaviors have profound psychological and personal effects, such as feelings of fear, insecurity, and psychological distress, prompting some women lawyers to avoid handling certain cases to protect their safety.
- The prevalence of Violence against Women in the legal profession is linked to a range of structural, institutional, normative, social, and cultural factors that restrict their roles and reinforce stereotypical perceptions, making it difficult for society to accept women in the legal field. Structural factors, such as the absence of legal protection and the lack of security and

political stability, further increase the likelihood of violence and its recurrence by creating an unsafe environment that allows violence to persist without effective deterrents. Additionally, professional factors contribute to exacerbating violence, including the level of litigation in which a female lawyer operates, the types of cases she handles, and the legal sector she belongs to. These factors combine to create a work environment lacking the necessary security and support, deepening the challenges women lawyers face and increasing their exposure to violence and discrimination in their profession.

- Violence against women lawyers in Libyan society does not receive the necessary condemnation; instead, it is sometimes tolerated or seen as a normal occurrence. This societal tolerance contributes to the continuation of violence, allowing perpetrators to act without facing significant legal or social consequences. This is evident in the lack of seriousness in handling certain complaints, which reinforces a culture of impunity and heightens women lawyers' sense of insecurity.
- women lawyers face significant difficulties in filing complaints about violence due to fears of retaliation or social repercussions. Additionally, lengthy and complex legal procedures hinder the effective pursuit of complaints, reducing women lawyers' willingness to report incidents of violence. These factors contribute to the persistence of violence in the absence of an effective deterrent.
- women lawyers and legal professionals in Libya lack knowledge of international protection mechanisms and individual complaint procedures, despite the existence of binding international agreements and protocols that provide them with additional means of support. This lack of awareness deprives them of the opportunity to benefit from these tools, which could offer them greater protection and better access to effective international support.

6.2 RECOMMENDATIONS

Recommendations for Policymakers

- To conduct legislative and judicial reforms:
 - Enact a specific law for the protection of women from violence and amend the law governing the legal profession to include explicit provisions protecting women lawyers from violence and negative discrimination.
 - Strengthen penalties for acts of Violence against women lawyers to ensure effective deterrence.
 - Activate the Women's Violence Court and empower it to address all crimes related to Violence against Women, regardless of the legal classification of the crime.
- **To join ILO Convention No. 130 on the Elimination of Violence and Harassment in the World of Work:** Joining this Convention represents an important step towards creating a safe work environment free of violence and harassment, ensuring women's rights, particularly those of women lawyers, to work with dignity and security.
- **To increase the knowledge and build the capacities of judges, prosecutors, court staff, and security personnel regarding women's rights and the prevention of Violence against Women:** The study recommends developing comprehensive training programs targeting judges, prosecutors, court employees, and security officers to increase their awareness of fundamental concepts related to women's rights and the laws that protect them from violence. These programs should include education on different forms of violence, including physical and psychological violence and harassment, and the importance of addressing them seriously and sensitively. The training should also emphasize the role of these actors in creating a safe and supportive environment for women while guiding them to adopt practices that respect women's rights and promote equality and justice in handling violence-related cases.
- **To effectively implement/apply legal immunity provisions to protect women lawyers from violence and discrimination:** The study recommends reinforcing the effective and practical enforcement of legal immunity for women lawyers within the work environment, ensuring the presence of mechanisms that provide immediate protection from any form of violence or professional discrimination.
- **To improve court infrastructure:** The study recommends expanding and improving courtrooms, providing accessible and designated restrooms for women lawyers to ensure a safe and respectful environment, and modernizing facilities to better meet their needs. These measures would contribute to improving working conditions and enhancing respect for their professional status and dignity.
- **To improve the employment policies within the judicial police force:** The study recommends establishing clear policies for recruiting and training judicial police officers, with a particular focus on preparing them to appropriately interact with women lawyers, while also limiting the presence of unqualified or irregular security personnel within courts.
- **To enhance the efficiency of the administrative complaint system to enable women lawyers to report violence effectively and easily:** The study recommends developing a more efficient administrative complaint system by ensuring that procedures are quick, clear, and straightforward, allowing women lawyers to report violence in a simple and effective manner. This can be achieved by streamlining procedures, providing direct and accessible communication channels, and designating trained teams to handle complaints promptly and professionally. The aim is to ensure that complaints are addressed seriously and without delay, thereby increasing confidence in the administrative system as a source of support and protection.
- **To provide psychological and social support for women lawyers who experience violence:** Establish psychological and social support programs in collaboration with local organizations to ensure the necessary protection and care for women lawyers who have survived violence.

- **Create a Comprehensive National Database:** Establish a national database to collect and maintain accurate and up-to-date statistics on women lawyers, including their distribution across different sectors and regions.

Recommendations for the Bar Association

- **To promote affirmative action and increasing female representation in leadership positions within the Bar Association:** This involves adopting policies to counter negative discrimination and ensuring equitable representation of women lawyers in leadership positions within the Bar Association, granting them equal opportunities for active participation in decision-making. The recommendation also stresses the importance of supporting women lawyers in shaping the association's policies, particularly those related to women's rights. Additionally, implementing a gender quota system in the association's elections and committees would help strengthen women's presence in union activities and enhance their role in advocating for women's rights and achieving professional justice.
- **To strengthen mechanisms for immediate support and protection for women lawyers:** The study recommends establishing a specialized unit within the Bar Association dedicated to promptly handling violence complaints filed by women lawyers. This unit should provide legal assistance and psychological and practical support without delay. It should also implement swift and tangible protection measures to ensure women lawyers receive necessary safeguards and immediate justice in cases of violence or threats. In addition, the unit should incorporate safety considerations into its procedures, including the creation of safe spaces for women lawyers to report incidents and seek support confidentially. These measures are critical to reinforcing their sense of security and supporting their professional continuity in a safer and more respectful environment.
- **To enhance the Bar Association's role in building legal awareness:** Organize workshops and training sessions to educate members of the association and judicial institutions about issues

related to Violence against women lawyers, including clarifying the concept of violence, its various forms, and preventive measures. Additionally, comprehensive capacity-building programs should be provided, focusing on empowering women lawyers to understand how to file individual complaints, defend their rights effectively, and comprehend and apply international treaties related to women's rights and violence prevention. These initiatives would enhance members' awareness and contribute to creating a safer and more supportive environment for women lawyers.

- **Improve Communication Channels:** Enhance communication channels within the Bar Association to ensure that women lawyers can easily access information about their rights, available support services, and procedures for reporting violence and discrimination.
- **Review the Code of Conduct for the Legal Profession to Strengthen Protection for women lawyers:** This includes amending the code to incorporate clear provisions on protecting women lawyers from violence, along with establishing practical mechanisms to address complaints related to violence or discrimination. The code could also include clauses aimed at protecting women lawyers from harassment and ensuring swift procedures to guarantee their access to necessary protection and prompt justice in cases of any form of violence or threats. Such measures would contribute to creating a safe and supportive working environment for women lawyers.

Recommendations for women lawyers

- **To become well-versed in laws and international protection mechanisms:** women lawyers should develop a thorough understanding of local and international laws that protect them from violence and discrimination and enhance their knowledge of how to use optional protocols under international treaties to file complaints with international bodies when national systems fail to provide adequate protection. This recommendation also includes strengthening women lawyers' understanding of international

protection mechanisms and available legal pathways to reclaim their rights, thereby equipping them with additional tools for self-defense and enhancing their ability to tackle professional challenges more effectively.

- **To engage in professional support networks:** Actively participate in establishing professional support networks aimed at providing continuous training and creating spaces for experience-sharing on combating violence and discrimination. These networks contribute to reinforcing women lawyers' confidence in available legal protection mechanisms and strengthening their awareness of their rights and how to defend them.
- **To document and report cases of violence effectively:** Ensure that all incidents of violence or discrimination experienced are accurately documented and file formal complaints as necessary provided it does not pose a risk to their safety.
- **To develop technical skills:** Improve technological skills to access vital information regarding their rights and complaint procedures while also strengthening digital communication abilities to submit complaints more efficiently and quickly. These skills enhance personal and professional protection and increase women lawyers' ability to keep pace with technological advancements in the legal field.

Recommendations for UN Agencies and International Organizations

- **Capacity-building and skill development:** Provide training programs for legal professionals, with a particular focus on women lawyers to enhance their understanding of international complaint mechanisms, how they function, and how to utilize them in cases of violence. Training should also cover engagement with human rights mechanisms, relevant international treaties, documentation of violence and discrimination cases, advocacy strategies, and lobbying techniques.

- **Community awareness and institutional support:** Provide technical support and necessary resources through local partnerships to promote community and institutional awareness of the importance of protecting women lawyers and work on raising awareness among security and judicial bodies about the necessity of combating violence against them.
- **To support legislative reform efforts to strengthen protection for women and women lawyers against violence:** It is recommended to support legislative reform initiatives aimed at improving laws related to the protection of women and women lawyers from violence by actively involving policymakers and civil society organizations in this process. This can be achieved through inclusive dialogue and by providing legal expertise to guide the reform process while organizing workshops and forums to facilitate discussions on urgent legislative needs. This reform process should be based on a participatory approach that fosters community ownership of the outcomes, ensuring strong commitment from all stakeholders to implementing them effectively and sustainably.
- **Organize Inclusive Dialogue Sessions:** Arrange inclusive dialogue sessions involving policymakers, legal professionals, civil society organizations, and women lawyers to discuss challenges, share insights, and develop collaborative strategies for addressing violence and discrimination.

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APPENDICES

FIRST: SURVEY QUESTIONS FORM

Challenges Facing women lawyers in Libya

We thank you for your time to participate in this study on the Challenges Faced by women lawyers in Libya. This study aims to understand the types and extent of challenges women lawyers encounter and their impact on their professional and personal lives. We assure you that all the information provided will be used solely for academic research purposes. Thank you for your cooperation.

1. What is your age group?

- 20-30 years
- 30-45 years
- 45 years and above

2. In which city do you work? Please write your answer.

3. What is your professional level in practicing legal profession?

- Under training
- Primary level
- Appeal level
- Supreme Court level
- Not practicing.

4. What type of cases do you usually work on? You may select more than one option.

- Criminal cases
- Civil cases
- Commercial cases
- Family cases
- Administrative cases
- Human rights-related cases
- Labor cases
- Others.

5. In which sector of law do you work?

- Private lawyer
- Public lawyer
- Case administration

6. From your perspective, what are the main challenges facing women lawyers in Libya that affect their legal practice? You may select more than one option.

- Economic challenges
- Workplace and work environment challenges
- Administrative challenges
- Challenges related to harassment or intimidation
- Access to information challenges
- Physical safety challenges
- Gender-based discrimination
- Others.

7. Have you ever experienced violence or discrimination due to practicing legal profession?

- Yes
- No

8. Where do you think Violence against women lawyers most commonly occurs? Please select two options.

- In courts
- On social media
- In the office
- At home
- During professional meetings
- In other locations
- On the street
- In public spaces

9. Are there specific areas or situations that you believe have become more dangerous for women lawyers due to conflicts? Please select three options.

- Courts or legal premises
- During travel between cities
- Areas controlled by specific groups
- Digital space (internet)
- Meetings or events related to sensitive cases
- Remote areas or locations far from major cities.

10. Do you believe that the current legislation in Libya provides sufficient protection for women lawyers against violence?

- No
- Yes
- To some extent?

11. How do you assess the effectiveness of current policies and procedures in addressing Violence against women lawyers?
 - Ineffective
 - Effective
 - Highly effective
12. Do you believe there is a need for new legislation or amendments to existing laws to improve the protection of women lawyers?
 - Yes
 - Not sure
 - No
13. How clear are the policies and procedures related to addressing violence in your workplace?
 - Very clear
 - Nonexistent
 - Unclear
 - Clear.
14. What recommendations would you suggest improving the situation of women lawyers in facing violence? Please write your response.
15. Do you have any additional comments on the issue of Violence against women lawyers? Please write your response.

SECOND: GUIDING QUESTIONS FOR FOCUS GROUPS

First Theme: General Context of Violence against women lawyers in Libya

1. What does Violence against Women mean to you?
2. In your opinion, how is Violence against Women related to the political and social context in Libya?
3. To what extent is Violence against Women linked to work?
 - Workplace violence: occurring within the designated time and space of work (during working hours and inside the workplace).
 - Work-related violence: occurring outside direct work settings but linked to a woman's profession or role.
4. How prevalent is Violence against women lawyers compared to Violence against Women in general in Libya?
5. What distinguishes the violence that women lawyers face compared to other women in society? Do you think there are specific types of violence that women lawyers experience?

Second Theme: Analysis of Violence against women lawyers and Violence Narratives

A) Forms of Violence

1. Can you share personal stories or experiences, either your own or those of your colleagues, related to the challenges of practicing legal profession, including violence and discrimination?
2. What types of violence have you experienced? (Verbal, physical, psychological, sexual, economic)

B) Responses to Violence

1. How do women lawyers react when facing violence? Do they seek legal, family, or professional support?
2. Have women lawyers received training on how to handle cases of violence or discrimination they face?

C) Causes and Consequences

1. What do you consider to be the main reasons behind Violence against women lawyers? Is it due to gender or the nature of the profession?
2. What are the factors or circumstances that increase the likelihood of experiencing violence in your work as a lawyer?
3. How does Violence against women lawyers affect their personal and professional lives?
 - How has violence impacted your professional life? (e.g., ability to work, professional relationships, career development opportunities)
 - How has violence affected your personal life? (e.g., mental health, personal relationships, sense of security)

Third Theme: Evaluation of Legal and Institutional Protections

1. How do you assess the use of international mechanisms to address cases of Violence against women lawyers in Libya (such as filing international complaints)?
2. How do you evaluate Libyan legal provisions related to protecting women lawyers from violence? Do you think they are sufficient?
3. How do legal institutions and professional associations handle cases of Violence against women lawyers?
4. Are there clear policies or procedures in professional associations or workplaces to protect women lawyers from violence?
5. Do you think the support available from professional associations or government institutions is sufficient? What type of support do you believe should be provided more (e.g., psychological or legal support)?

Fourth Theme: Recommendations

1. What resources or types of support are needed to combat violence more effectively?
2. What steps can legal institutions or professional associations take to reduce Violence against women lawyers?
3. Are there specific recommendations for policymakers to improve the work environment for women lawyers and protect them from violence?
4. How can Libyan legislation be developed to enhance the protection of women lawyers from violence? Are there legal aspects that need reform or improvement?

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