



ماعت للسلام والتنمية وحقوق الإنسان
Maat For Peace, Development, and Human Rights

Freedom of Opinion and Expression in Libya from the Perspective of Gender Equality

A Written Contribution to the Special Rapporteur on the Promotion and Protection of The Right to Freedom of Opinion and Expression

Introduction

The Libyan female human rights defenders, politicians and journalists are exposed to silencing and removal from the public sphere, particularly under the absence of rule of law before and after the outbreak of the Libyan Civil War in 2014. The Libyan Civil War constitutes widespread violations to the female rights, especially the right to freedom of opinion and expression at all domains, official, academic, media and social media platforms. The Civil War also portrays gender-based discrimination and violence in all their forms, including abduction, sexual and physical assault, arrest, detention, forced disappearances, defamation and hate, discrimination, and arbitrary killing speeches.

Libya's environment for freedom and expression faces many challenges despite Libya's legal and constitutional guarantees in this regard, such as the 2011 Libyan Interim Constitutional Declaration, particularly articles 13 and 14, as well as its international and regional obligations in the International Covenant on Civil and Political Rights (ICCPR) and the African Charter on Human and Peoples' Rights.



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Maat presents a written contribution on freedom of opinion and expression in Libya from the perspective of gender equality through the monitoring and assessment of the reality of female human rights defenders, politicians, journalists, media workers and bloggers in Libya during the period from June 2020 to June 2021. Maat concludes its contribution with a set of recommendations to be submitted to the Special Rapporteur on The Promotion and Protection of The Right to Freedom of Opinion and Expression.

First: The reality of the Libyan female human rights defenders and politicians.

Libya represents a contradictory reality, both legally and practically, that constrain the female and civil human rights defenders in Libya. Such reality also limit their abilities and freedom of opinion and expression in the actual and virtual reality, particularly since the outbreak of the 2014 Civil War despite the constitutional guarantees of the freedom of association under Article 15 of the Interim Constitutional Declaration. There are several women's rights organizations in Libya such as the Libyan Women's Platform For Peace, Al- Nawaat Forum, Pioneer Women Association, Al Waha Foundation and the Development Organization for Youth and Women Support; however, such organizations along with other international and local civil organizations face executive constrains that grant the executive authority the jurisdiction to constrain organizations' activities or to issue suspension and dissolution decisions and obligate these organizations not to sign



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any pledges with an embassy or an international organization without prior authorization, in accordance with Executive Order No. 286 of 2019.¹

This is in addition to what the female human rights defenders are exposed to in Libya, including the assassination of “Salwa Bughaighis”, as she was assassinated by a bullet in the head in Benghazi on the background of her criticism to extremist groups and her advocacy for granting Libyan women their rights², in addition to the assassination of “Fariha al-Berkawi”. Both women were assassinated consecutively on June and July of 2014 as well as the assassination of “Intisar Al-Hasari” on February, 2015 and the abduction of “Seham Sergiwa”- psychologist, politician and a member of the Parliament- to suffer an unknown fate following a TV interview on July, 2019 before the leaked news confirming her death on July 14, 2020 announced by “Issa Al-Araibi”, a Parliament member in Tobruk.³

On November 10, 2020, the political activist “Hanane Al-Barassi” was assassinated by armed gunmen after she criticized some military figures close to “Haftar” and intended to post a video on the corruption surrounding Khalifa Haftar. Al-Barassi strongly denounced the violations in the Eastern areas controlled by The Libyan National Arab

¹ المدافع عن حقوق الإنسان، ليبيا: نحو إصلاح علاقة مفوضية المجتمع المدني ومنظمات حقوق الإنسان، 7، مايو، 2021،

<https://bit.ly/34CORwO>

² ناجية العطراق، دراسة حول مكافحة التمييز في التشريعات الليبية، " منظمة لماذا أنا لحقوق المرأة"، 2020، ص8.

³ القدس العربية، تسريب برلماني لبيبي: النائبة سرقية قتلها أعوان حفتر، 14، يوليو، 2020، <https://bit.ly/3yPCBH8>.



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Army (LNA), with the leadership of Haftar⁴. Moreover, her daughter “Haneen Al-Abdali” was abducted on March 27, 2021 after she announced the names involved in the murder of her mother. The Military Prosecution Department then revealed that she was arrested for the assassination of “Mahmoud al-Werfalli” following his abduction on February 22, 2020 and the assassination of “Fatma Mohamed Yahiya”.

Moreover, On December 2, 2020, there was an assassination attempt on “Khadija Andidi”, a human rights defender, representative of Tuareg women in the High Social Council of Libyan Tuareg in Libya, and coordinator of the Non-discrimination Movement in Ubari, after she criticized the incursion of Brigadier General Tariq ibn Ziyad into one of Ubari’s neighborhoods on November 28, 2020⁵. “Hanadi Khalifa Al-Qadiri” - a human rights defender – was also assassinated in the Al-Tughar Mosque area in southern Tripoli by a gang of masked gunmen on March 8, 2021. Furthermore, her sister was injured in an attack by gunmen and was moved into intensive care and the Government of National Accord did not react at the time. Some suggested that it was a robbery homicide, but the overwhelming majority suggest that the reason behind the murder was for considerations of opinion, expression, and political differences with those militias.⁶

⁴ D W، مقتل المحامية الليبية المعارضة حنان البرعصي في أحد شوارع بنغازي، 10 نوفمبر، 2020 . <https://bit.ly/3vng9wo> .
⁵النسخة الأمازيغية، بعد نجاتها من محاولة اغتيال.. الناشطة “عنديدي” تُطالب بتوفير الحماية للنساء الليبيات، ديسمبر، 2020، <https://bit.ly/3idsDcW> .
⁶وكالة ACC الإخبارية، مليشيا طرابلس تغتال المحامية هنادي القديري، وتصيب شقيقتها، 8، 2021 . [https://bit.ly/2riiopf/](https://bit.ly/2riiopf)

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On April 7, 2021, Magdulein Abaida submitted a complaint to the UN Women’s Rights Committee in 2017 about her subjection to arbitrary detention as well as being tortured, targeted and threatened by a Salafi militia of the government due to her women’s rights activity.⁷

Second: The reality of freedom of opinion and expression of Libyan female journalists and media workers:

Legally, the Libyan women are entitled to the right to freedom of press and information on an equal footing in accordance with Articles 4, 15, 16 of the Interim Constitutional Declaration⁸. Similar to the Gaddafi era, the media sector and the press, including Libyan female journalists and media workers, have faced severe challenges and blatant violations. Such challenges and violations have escalated due to the political and security considerations of the Civil War since 2014 resulting in the fleeing of these women. An example of such is the fleeing of “Sirine al-Amari”, a reporter of the France 24, in November 2014. She was repeatedly questioned by the Libyan authorities about her reports and the nature of her work in general.⁹

“Khadija Al-Amami ”, the presenter of Libya Al Ahrar TV Channel, was also a target of an attempted assassination. She was shot and received threats to close down her newspaper. In addition, “Safa

⁷ United nation human rights, Libya violated human rights defender’s rights by failing to investigate and prosecute her arbitrary detention and torture, 7 April, 2021, <https://bit.ly/3pkveDh>

⁸ Cairo institute for human rights studies, Libya: press freedom is the path to free and fair elections, 15 April, 2021, <https://bit.ly/2s3kbzd>

⁹مراسلون بلا حدود: الإعلام في ليبيا : مهمة مستحيلة، 16، أبريل، 2019، <https://bit.ly/3pjahc3>

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Alhassi”, a Libyan journalist, was subjected to violations and defamation. Accordingly, Libya ranked low in the indicators of freedom of press, ranking 165th out of 180 countries globally and 16th of the Arab countries, according to the 2021 Press Freedom Index issued by “Reporters Without Borders” Organization¹⁰. Hind Ammar, a female media worker at the Libyan Media Foundation, was a victim of abduction and enforced disappearance because of the editorial policies. She was described as atheist and morally decadent by fake pages and Libya Al-Ahrar TV channel on October 21, 2020 before her release¹¹.

Complementing the restrictions by the Libyan Government on the freedom of opinion and expression, the government issued Decree No. 597 of 2020 to establish the Libyan Media Foundation, which has the authority granting it broad powers to use against the political opposition groups and civil society organizations without input, journalists and media workers. Moreover, such decree contains broad expressions such as the community doctrine or societal attitudes.

Third: The reality of freedom of publication and expression of bloggers on the internet:

The Freedom of opinion and expression on the Internet and social media is subjected to several restrictions. Although Article 14 of the Constitutional Declaration guarantees such freedom, which provides for

¹⁰ليبيا الأحرار، ليبيا تحتل المرتبة 165 عالمياً من أصل 180 لعام 2021، 5 مايو، 2021، <https://bit.ly/34F5Qj3>.
¹¹بوابة أفريقيا الإخبارية، اكتشف 10 معلومات عن الإعلامية هند عمار التي اختطفها ثوار طرابلس، 21 أكتوبر، 2020، <https://bit.ly/3vF5uUx>.



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freedom of opinion, expression, scientific research, and printing, as well as Article 13 on the privacy of correspondence and personal conversations, Libyan women suffer from several legal constraint. Such constraints are represented in the Publications Law of 1982, the Defamation Law and the absence of a representative regulatory legal system for the Internet, in addition to the judiciary being in favor of dominant forces such as the Terrorism and Organized Crime Deterrence Agency and its broad powers in accordance with Resolution 555 of the Government of National Accord in Libya in 2018. Such bodies have wiretaps and bugs to spy on private correspondence and communications and frequent interruptions of the Internet.

In 2020, specifically during Ramadan season, women were subjected to hate, discrimination and violence speeches in TV programs and content and they became an object of ridicule. For example the TV series “Sayer Sayer” on the Libyan 218TV channel, which continued to air in 2021 as well as TV programs “Twgih Lakn Meya Meya”, “Iftah El Mic” on Salam TV channel and the TV program of the media worker “Al-Hedi al-Ghanay” on Libya Alrasmia TV channel. All of these programs include a lot of hate and violence speeches against women.¹²

Fourth: The reality of freedom of opinion and expression of the Libyan policies:

¹²المركز الليبي لحرية الصحافة، 33 منصة و منظمة مجتمع مدني ليبية تدين الانتهاكات التي بثت على عدد من البرامج التلفزيونية الليبية خلال شهر رمضان 2020، 23 مايو، 2020. <https://cutt.ly/2nkTNEEx>

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Since the independence of the Libyan state in the 1950s, Libyan women have been given a political empowerment at the legal levels. However, such empowerment was not given effect, which is represented in them obtaining the right to vote and run for office in 1963, but that was not possible during the Gaddafi era, as such right was limitedly exercised in Libya.¹³

Under Article (6) of the Interim Constitutional Declaration, Libyan women had the right to equal citizenship with men. About 32 seats were allocated for women in the House of Representatives (HoR) and at least one seat for each municipal district under the Local Administration Law and its Article (59). However, this did not amount to a real political involvement. Libyan women represented only (16%, 15%) in the House of Representatives (HoR) elections for the years (2012, 2014), respectively and (6) seats in the (2014) Constituent Assembly elections out of (64) female candidates, in addition to her under-representation by (1:2) women in government since (2011).

Turning to the actual reality, and in the middle of the years (2021: 2020), (5) women judges were appointed in Libya for two courts in Tripoli and Benghazi to review the cases of violence against women and children, making for a total of (1431) female members of the judiciary out of (3,658). Moreover, (5) women ministers (15%) were included in the Ministry of "Abdul Hamid Dbeibeh" in (March, 2021), in spite of the

¹³ The tahrir institute for the middle east policy, Libyan woman and political participation: ten years since the revolution, 27 April, 2021, <https://bit.ly/3uj8if4>.



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pledges made by him to the United Nations to ensure female representation by about (30%) on the background to the Libyan Political Dialogue Forum (LPDF) on February, 2021. These women ministries include: Halima Ibrahim Abdel-Rahman, Mabrouka Oki, Najla Mangoush, Wafaa Al-Kilani and Houria al-Turman in the ministerial portfolios of justice, culture and foreign affairs, social affairs and women's affairs, respectively. Nevertheless, " Najla Mangoush " - the first female Foreign Minister in the history of Libya in the ministry of "Abdul Hamid Dbeibeh" since March, 2021- was subjected to mistreatment, threats, and accusations by an armed group following her demands to expel Turkey from Libya on May 9, 2021. Preacher Sadiq Al-Ghariani, residing in Turkey, criticized her On Tanasuh TV Channel saying that she serves the Israeli project and others considered her a supporter of Khalifa Haftar. Meanwhile, her supporters say that she is reasonable in her demands for the departure of foreign forces from her country.¹⁴

Recommendations:

Upon extrapolating the reality of gender equality regarding the right to freedom of opinion and expression in Libya and monitoring the severe violations related to freedom of opinion and expression against Libyan women, represented by attempts to silence and muzzle them as well as the murders, assassinations and enforced disappearance, which has escalated since the outbreak of the 2014 Civil War in Libya In,

¹⁴الإندينتدت، المنقوش تتعرض لـ "سوء المعاملة" بعد مطالبتها القوات التركية بالرحيل، 9، مايو، 2021، <https://bit.ly/2SNnb5K>



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Maat for Peace, Development and Human Rights introduces the following set of recommendations to the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression:

First: The need for the Libyan government to enforce its obligations of freedom of opinion and expression for both genders by implementing agreement's compliance, respect and protection in a manner that guarantees the protection of female journalists, media workers and bloggers, limits their constraints and alleviates their self-censorship. Such enforcement can also be done by giving the space for the press and media, relieving the constraints of publications and printouts, allowing for women's participation in the process of peacemaking and Libyan stability, including their rights in the Libyan Constitutional draft, addressing legal deficiencies and addressing threats and violations made by armed groups against female journalists and media workers to ensure their full enjoyment of such right.

Second: Regarding the Libyan Government, We recommend the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression to focus in its reports on the enforced disappearance of female journalists and human rights defenders in Libya, through the conduction of real legal investigations that explains the cases of enforced disappearances, which are still unknown, and conduction of fair trials and judicial

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accountability for the perpetrators of such violations as well as reducing impunity.

Third: The need for the Libyan government to expand the domains and favorable work environment for civil society organizations as well as strengthening their role in defending human rights, including women, and addressing the limiting social and cultural considerations.

Fourth: The need for the Libyan civil society organizations to play a more effective role that would raise the awareness of Libyan women in their rights, especially the rights to opinion, expression and political participation, in addition to their role in establishing peace and stability in Libya.



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