



Participatory diagnosis – WAHDA

# THE IMPACT ON HUMAN RIGHTS OF THE MANAGEMENT OF COVID-19 CRISIS AND CLIMATE EMERGENCY

**LIBYA**

**NOVACT**



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Noviolència  
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### THE IMPACT ON HUMAN RIGHTS OF THE MANAGEMENT OF COVID-19 CRISIS AND CLIMATE EMERGENCY

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This report on Libya is part of a series of participatory assessment reports regarding Human Rights in crisis contexts carried out in the countries of Libya, Tunisia, and Algeria between 2021 and 2022.

This report on Libya was carried out by NOVACT, written by Marc Almodóvar.

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With the collaboration of the Catalan Agency for Cooperation of the Government of Catalonia



Agència Catalana  
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## Introduction

This participatory diagnosis consists of analysing the impact of the management of both the COVID-19 pandemic crisis and the environmental crisis on socio-economic rights and on civil and political liberties. In a context as complex as that of Libya, it aims to identify the violations of human rights, based on the testimonies and data of a series of actors and actresses consulted.

The report shows how both crises, COVID-19, and the environmental crisis, have had a very strong impact on an already precarious situation regarding respect and defence of Human Rights by public institutions and civil society organisations. This is especially evident regarding the management of the environmental crisis, which still is not a priority for institutions and civil society in general, nor present in the public debate (although it is a phenomenon that has been developing for decades and its risks and impact on the region are well studied).

Nevertheless, it has been widely perceived that these events, particularly the pandemic, have had a negative impact on the respect and defence of Human Rights in the country. The measures promoted by the government have mostly worked to the detriment of rights and freedoms. Likewise, the complex governmental situation that has existed in Libya for years prevents the correct implementation of measures that could be beneficial to the population —such as the distribution of aid to health centres or directly to individuals.

All of this has worsened a pre-existing fragility in the defence and promotion of Human Rights in Libya. Hence, this report concludes with a series of recommendations for international institutions and associations seeking to intervene in the country through development cooperation projects or programmes. The intention is to gather operational suggestions proposed by the actors and actresses consulted which can show effective support for the work of people operating within civil society and Libyan institutions to guarantee a framework for Human Rights.



# **1. GENERAL CONTEXT OF INTERVENTION**

Over the last five years, Libya has undergone enormous changes that have reshaped it from top to bottom, both politically and socially. The unresolved eruption of the revolutionary upheaval of 2011, which turned into a fratricidal civil war for power, led to a changing situation that is still unstable. This clearly determines the context of our work, which is why we consider it important to look at the changes of this turbulent decade to better situate an intervention in such a place —one that has been in constant turmoil for over six years.

The arrest of Fathi Terbil in Benghazi on 15 February 2011 was the spark that ignited the revolt in Libya<sup>1</sup>. The arrest of this lawyer, prominent in the fight for the defence of the Abu Selim prison massacre victims (1,270 prisoners were massacred<sup>2</sup> in 1996), sparked an angry protest led by the families of the victims. Two days later, and clearly inspired by the popular uprisings in Egypt and Tunisia<sup>3</sup>, demonstrations spread across the country demanding the fall of Muammar al-Gaddafi's regime, in power since 1969.

With the largest oil reserves in Africa, accounting for almost half of the country's GDP and 97% of its exports, the regime's stability was based both internally and externally on the use of these commodities. Despite some of the best statistics on the continent in terms of life expectancy and purchasing power, Libya was also at the top of the censorship and repression rankings, with high levels of corruption, an almost schizophrenic secrecy, and an absolute lack of collective and political freedoms. President Gaddafi had proven his capacity for chameleon-like behaviour over time, with alliances that shifted depending on the political context: ranging from logistical and economic support for the armed insurgencies of the 1970s to financing the election campaigns of several French presidents such as Sarkozy; from moving from Nasserist pan-Arabism at the beginning of his reign to his later desire to spearhead a kind of sui generis Pan-Africanism... He had always been obsessed with controlling power.

The protests were quickly met with repression by Gaddafi's regime, whose men fired on the demonstrators. The situation escalated rapidly. Police forces withdrew from towns

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1 <https://www.alarabiya.net/articles/2011%2F02%2F27%2F139488>

It must be said that since mid-January several demonstrations against corruption took place in cities such as Bayda, Derna and Benghazi itself, and there were arrests for inciting demonstrations against the regime.

2 On 28 June 1996, a group of prisoners demonstrated against the poor conditions of imprisonment at Abu Selim prison in Tripoli. They complained about the poor food, the visiting arrangements, and the medical care. The prisoners mutinied and kidnapped a couple of officials. After negotiations with the state, they agreed to release the officers. On the following day, however, hundreds of prisoners were shot indiscriminately in the prison yard. Over 1,200 prisoners lost their lives. For five years, officials led their relatives to believe that the prisoners were still alive inside the prison, even allowing them to bring food. The state, despite promises, never condemned anyone for these acts. Fathi Terbil led the family protests that had been taking place every week in Benghazi since 2009. Out of fear that the protests would escalate like in Egypt or Tunisia, the authorities arrested Fathi Terbil.

3 Massive popular protests had just led to the resignation of Ben Ali in Tunisia on 14 January and Hosni Mubarak in Egypt on 11 February. Both had ruled their countries with an iron fist for 23 and 29 years, respectively. Gaddafi had been in power for 41 years when the protests broke out.

such as Benghazi, which fell under rebel control, while state forces used snipers and the air force to suppress the protests<sup>4</sup>.

Contrary to what had happened in neighbouring Egypt and Tunisia, where the so-called international community had preferred not to intervene directly, the leaders of the most influential Western countries saw this as an opportunity to get rid of an ally they considered unreliable in a location so sensitive for the global economy. On 26 February the United Nations froze Gaddafi's assets and on 17 March, a month after the start of the protests, the Security Council declared an air exclusion zone and authorised the use of any measures to intervene in the conflict<sup>5</sup>. This resulted in NATO entering the conflict directly, which had clearly turned into a war and was splitting the country into different fronts. Foreign military assistance was decisive. In October 2011, just three days after the death of Colonel Gaddafi was announced with iconic images, the opposing force, the National Transitional Council (NTC), announced the official end of the war.

A war of insurgency continued in a fractured country, with a weak state and a weak central power unable to be effective throughout the country.

This announcement, however, did not mean the end of the conflict. A war of insurgency continued in a fractured country, with a weak state and a weak central power unable to be effective throughout the country and with various foreign forces trying to influence their own interests. This period was marked by the struggle for control of the oil wells. The NTC, made up of political figures in exile, lacked internal legitimacy. A legitimacy that it tried to consolidate with the parliamentary elections of July 2012 which, although they reflected the fragmentation of the country, led to an increase in the political influence of the Islamist forces close to the Muslim Brotherhood. Although they were not a majority force in parliament, they were able to build sufficient alliances to become the dominant political force in the face of the other forces' desperation. The new institutions, however, did not manage to impose their power throughout a country where the militias were gaining more weight.

The situation became untenable in 2014. The year began with several attempts to overthrow the parliament. Veteran General Khalifa Haftar attempted a couple of unsuccessful coups d'état<sup>6</sup> while the Supreme Court declared the appointment of Ahmed Maiteeq

4 <https://www.telegraph.co.uk/news/worldnews/africaandindianocean/libya/8335934/Libya-protests-140-massacred-as-Gaddafi-sends-in-snipers-to-crush-dissent.html>

5 <https://news.un.org/en/story/2011/03/369382-security-council-authorizes-all-necessary-measures-protect-civilians-libya>

6 <https://www.cbsnews.com/news/libya-major-general-khalifa-haftar-declares-govt-suspended-in-apparent-coup-bid/>

as prime minister null and void<sup>7</sup>. In June, new legislative elections were held again, and the decreased legitimacy of the central power was reflected in the resounding drop in turnout. From 62% in 2012 it fell to 18%. The main result was the fall in the representation of political Islamism, which had opposed the elections, denounced irregularities, and did not accept the results. It accused the new Parliament of being under the control of Gaddafi sympathisers.

The power struggle raged on. The clashes in Tripoli between rival militias led to the control of the capital by forces close to political Islamism<sup>8</sup>. In view of this, the new parliament decided to transfer its activities to Tobruk at the end of September and

From that moment on, Libya had two parliaments and two governments, each of which was backed by its own armed factions and international support.

appoint a new government there under the leadership of General Khalifa Haftar. The pro-Muslim Brotherhood groups refused to dissolve the old parliament and, with favourable majorities, decided to appoint a new government recognised by the Supreme Court in Tripoli. From that moment on, Libya had two parliaments and two governments, each of which was backed by its own armed factions and international support. Haftar's government, known as the LNA (Libyan National Army), en-

joyed the support of Egypt, the Arab Emirates and Russia as well as France and other European countries. Turkey and Qatar supported the Tripoli government.

The so-called Second Libyan Civil War then began, with the two sides fighting each other for control of the country in a conflict that also involved the presence of Islamist insurgencies and Amazigh separatists. The clashes were spreading across the country, which was increasingly fractured. In early October 2015, the United Nations envoy proposed establishing a national unity government headed by Fayez Sarraj. Although the proposal initially stemmed from a process of negotiation between the two factions and was supported by London and Washington, it was rejected by both the Tobruk and Tripoli governments. Faced with international pressure to make the new government effective, Sarraj and six members of his government were forced to arrive in the capital by sea after opposition militias in Tripoli blocked the airspace. Over time, supporters of the Tripoli government joined the Farraj government – the Government of National Accord (GNA) – which ended up legitimising itself as the repository of Turkish and United Nations support. However, General Haftar, who controlled most of the land (although

7 <https://english.alarabiya.net/News/middle-east/2014/06/05/Libya-court-annuls-PM-election->

8 [https://web.archive.org/web/20140825135414/http://www.washingtonpost.com/world/middle-east/egypt-denies-intervening-in-libya/2014/08/24/88b364ee-2b7d-11e4-be9e-60cc44c01e7f\\_story.html](https://web.archive.org/web/20140825135414/http://www.washingtonpost.com/world/middle-east/egypt-denies-intervening-in-libya/2014/08/24/88b364ee-2b7d-11e4-be9e-60cc44c01e7f_story.html)



he did not dominate the most densely populated areas), did not intend to surrender. The feeling that the country could be literally split into two distinct entities, or more, grew each day.

Attempts to redirect the situation were constant but unsuccessful, even when it came to stopping the hostilities. In mid-2019, the attempts to re-establish a peace process led to various negotiations and ceasefire proposals with varying degrees of success. Putin and Erdogan, two of the two main international figures who were supporting the two main warring factions, called for a ceasefire and an end to the proxy war in the country in 2020<sup>9</sup>. The outbreak of the pandemic gave hope for a more permanent ceasefire, but it was not definitive. Egyptian General al-Sissi also tried to lead an agreement to no avail.

With internal discontent growing on both sides, the summer of 2020 saw citizens rallying against the governments in Tripoli, Misrata and Zawiya (under GNA control) and in Benghazi, Bayda, Sabha and Marj (under LNA control). Both the LNA's al-Thani and the GNA's Sarraj governments submitted their resignations, even though they did not become effective. In August 2020, under pressure both locally and internationally, the opposing authorities announced a permanent ceasefire<sup>10</sup>. The agreement would be ratified in October by a joint commission of both opposing sides, officially ending the war<sup>11</sup>. According to the agreement, all foreign forces had to leave the country within three months. The first attempts to appoint an interim government failed, however, and it was not until January that the parties reached an agreement to appoint a unified executive, and not until six months later, in March 21, that an interim unity government was formed. This government, led by Abdelhamid Dbeibah<sup>12</sup>, was to be in charge until elections were called, which were expected to take place in December of the same year.

After a hectic pre-campaign with ninety-eight candidates for the presidency, featuring all the public figures of recent years<sup>13</sup>, including Seif al-Islam<sup>14</sup> (the son of the former dictator Muammar al-Gaddafi), the elections did not take place. Once again, lack of agreement prevented the elections from being held on the expected date. A few days before the polls opened, the Electoral Commission decided to postpone them for in-depth discussions on the details of the new electoral law. At the time of writing, it was still unclear when the voting could take place.

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9 <https://www.aljazeera.com/news/2020/1/8/putin-and-erdogan-call-for-libya-ceasefire>

10 <https://www.bbc.com/news/world-africa-53863627>

11 <https://www.reuters.com/article/us-libya-security-ceasefire/warring-libya-rivals-sign-truce-but-tough-political-talks-ahead-idUSKBN2781BD?il=0>

12 <https://www.aljazeera.com/news/2021/3/10/libyan-lawmakers-endorse-govt-of-pm-designate-dbeibah>

13 <https://www.aa.com.tr/en/politics/98-hopefuls-apply-to-run-for-libya-s-presidency-election-official/2428341>

14 [https://www.lemonde.fr/afrique/article/2021/11/15/saif-al-islam-kadhafi-un-revenant-a-la-conquete-de-la-libye\\_6102079\\_3212.html](https://www.lemonde.fr/afrique/article/2021/11/15/saif-al-islam-kadhafi-un-revenant-a-la-conquete-de-la-libye_6102079_3212.html)



Just as this dossier was being drafted, the first crisis broke out. At the beginning of March, the Tobruk parliament decided to entrust Interior Minister Fathi Bashagha with the formation of a new government, discrediting that of Abdelhamid Dbeibah, the fruit of the peace process sponsored by the United Nations<sup>15</sup>. The latter, however, refused to transfer power before the elections while both sides denied the legitimacy of the other. The threat of a new political fracture in the country was growing.

After years of armed conflict, public infrastructures and services had been seriously affected. Electricity and water shortages were common in some towns, while inflation hit the country hard in 2021. Libya became the eleventh country in the world with the highest inflation, reaching 21.11%<sup>16</sup>. This accumulation was caused by years of conflict

<sup>15</sup> <https://www.libyaobserver.ly/news/libya%E2%80%99s-parliament-gives-confidence-bashaghas-government>

<sup>16</sup> <https://www.libyaobserver.ly/inbrief/inflation-rate-2021-libya-3rd-arabic-world-11th-globally>

and instability, and the impact was huge. International organisations estimated that 1.3 million Libyans needed aid<sup>17</sup>. As a result of the armed conflicts, almost half a million people (out of a total 6.8 million) were internally displaced, although many of them have already returned to their places of origin. However, 200,000 Libyans are still internally displaced in the country<sup>18</sup>.

For 42 years, Gaddafi's regime managed to hold the various identities and groups that make up modern Libya together by coercive force. After his death and the fall of the central state, the inability to create a unifying political project led to the enormous fragmentation of the country. What are known in the media as tribes, or tribal identities (which are basically strong informal kinship structures with relationships based on self-imposed legitimacy) made up for the absence of the state in the worst moments of the conflict. Consequently, their re-inforcement has accentuated old confrontations, making it even more difficult to build legitimacy for the political process underway.

Political instability is the dominant feature of the country, which still does not have a definitive constitution. The provisional one of 2011 is still in force, while the draft proposed by experts in 2017 has not yet been put to a referendum. In fact, the constitutional chamber of the

Supreme Court has been inoperative since 2014, which hinders the country's political stability. The judicial system remains dysfunctional while public security remains incapable of opposing the militias, which effectively dominate the public space. The fragility of peace agreements poses the risk of hostilities flaring up again at any moment.

Regarding the role of women, some of the people interviewed stressed that there is probably a greater recognition of the essential role of women in supporting families, but that in terms of political responsibility and decision-making, women still need to struggle to assert themselves. Even though in recent years there has been an increase in female political representation, with the appointment of several ministers, the people consulted see it more as an aesthetic than a real issue. "The perception is that if you look closely, they have no power", said one interviewee, a specialist in gender and feminist issues.

The interviewees highlight 2014 as one of the turning points in the revolutionary process. "There has been a very important change since then. There is not the freedom of

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17 <https://reports.unocha.org/en/country/libya/>

18 <https://displacement.iom.int/node/12674>

expression that we had when the revolution ended”, says one of the interviewees. Divisions and confrontation put an end to freedom and undermined the country’s economy, they say. “The real power in Libya lies with the militias. The international community is tolerating those who violate the law in Libya, but that must stop. The situation is very volatile, what we need is stability, a common agenda for all countries with a common beneficiary: Libya”, states the interviewee.

These interviewees highlight the lack of security and the total power of the military as key factors in the current situation, together with the lack of a strong state which cannot

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even impose its security forces against the armed ones. “People can criticise the government, but they can’t talk about the militias,” says one journalist. In the conflict that began in 2014, there were up to sixty different armed groups fighting on the various war fronts. Many of them with the direct or indirect support of international agents operating in the conflict. In Tripoli, the capital, half a dozen militias are currently operating. The lack of accountability has been widely denounced by human rights organisations, demanding that crimes committed during the armed conflict be brought to justice<sup>19</sup>. In fact, many of the militias or armed groups have been

assimilated directly into the security structures of the state. Moreover, some prominent figures in these militias have been rewarded with positions of responsibility in the country’s various governments and institutions. Abdel Ghani al-Kikli, leader of Abu Salim’s Central Security Forces militia, which Amnesty International holds responsible for war crimes and Human Rights violations, was appointed to a leadership position by the GNA in Tripoli. In 2018, the Tripoli government also integrated the Radaa militia into the Ministry of the Interior, despite being the subject of repeated complaints of forced disappearances, torture and persecution of women and members of the LGTBQ+ community. The impunity with which some of the militias accused of serious war crimes operate in the sector under Haftar’s control has also been widely denounced. A law introduced in 2012, providing immunity to militia members who have committed crimes with the vague aim of “protecting the 17 February revolution”, only increases the sense of impunity for these abuses of power. “The problem is that there is no police force or army; the officers wear uniforms but do not answer to the ministry, they only receive

19 <https://reliefweb.int/report/libya/libya-ten-years-after-uprising-abusive-militias-evade-justice-and-instead-reap-rewards>

their salaries; they are controlled by others,” says one interviewee. “If the militias retain power, and if the families that control the country continue to have this power, whether there is one government, or the other doesn’t change anything. If that continues to happen, there will be no peace”, said another interviewee.

Despite the arms embargo established by the United Nations in 2011, countries such as Turkey, the Arab Emirates, Russia, and Egypt have continued to supply arms to the various parties involved in the conflict. The concept of proxy war as well as foreign intervention are aspects to be addressed in the current situation. Most of those interviewed see them as key points, denouncing interference and at the same time demanding responsibility from the international community to help stabilise the country. The readings in this area, however, are entirely pessimistic. “It is difficult to see any success in current attempts to achieve political stability when issues such as disarmament have not been adequately addressed. If there continue to be no clear and concrete plans to solve this problem, it is difficult to have any hope in the new faces and changing political affiliations of government officials”, says one interviewee.

Some views, however, are more optimistic and appreciate, for example, that communities such as the Amazigh people have a voice now. “In Gaddafi’s time we were persecuted, now we have people in government. That makes all the difference”, says an Amazigh activist. This minority, which represents 10% of the population, was the victim of Gaddafi’s so-called cultural revolution, aimed at assimilating and “arabising” its people. After the fall of the dictator, they began to disseminate their ancestral language and culture and to promote associations for the preservation and remembrance of the Amazigh legacy. The Amazigh Supreme Council currently serves as a political body representing the country’s eight main Amazigh populations. In January 2021 they even announced the creation of the first Amazigh television station in Libya<sup>20</sup>. The leaders of the community, however, have expressed concern about the possibility that the Haftar sector’s consolidation of power would set back these cultural and political advances made by their community. The limits are obvious. In fact, representatives of the Amazigh and Tuareg minorities have denounced feeling marginalised from the dialogue process led by the United Nations in 2020. Previously, during the failed constitutional process of 2017, although some seats were reserved for the three recognised non-Arab minorities, the Amazigh decided to boycott the elections and the members of the Tuareg minority rejected the election that was finally held.

In terms of employment, Libya continues to be one of the countries in the world with the highest rate of public sector employment. In 2015, the public sector accounted for 85% of the labour market, rising to 93% in the case of women<sup>21</sup>. This reflected a

20 <https://www.libyaobserver.ly/inbrief/libya%E2%80%99s-first-amazigh-tv-channel-be-launched-soon>

21 <https://www.ly.undp.org/content/libya/en/home/library/Sustainabledevelopment/Labour-Market-Assessment.html>

slight upward trend, since in 2012 the percentage was 78.5<sup>22</sup>. This provides enormous job security, especially bearing in mind that public contracts facilitate health coverage. But at the same time, it facilitates clientelist relationships, especially with thousands of workers who are underpaid but have no real job responsibilities. For example, the hundreds of workers on the Board of Execution and Management of the Libyan Railways, who have jobs even though no trains have been running in the country since 1965 and that Gaddafi's plans to change this have been at a standstill since the 1990s<sup>23</sup>. This fragile state is a ticking bomb on which millions of jobs depend. In a country where almost all exports and two thirds of GDP come from a single sector, oil production has been one of the central local and international obsessions in the conflict. After suffering huge losses because of the armed conflicts in 2011 and 2014 (with production falling by up to 71.82%), the figures have been recovering gradually. From 470,000 barrels per year in 2014, 1.1 million barrels are now produced. However, this is still 1.1 million below the 2010 figures<sup>24</sup>. Despite being such a central economic sector for the country, the oil industry only employs around 43,000 people. Between industry and agriculture, not even 10% of the population is employed. Moreover, a large part of the private agricultural sector also depends on the state in the form of subsidies, which reinforces the country's clientelist structure in a context of instability and power struggles.

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In fact, many public sector workers supplement their income with small jobs in the private sector. Despite this, unemployment figures doubled from 10% to 19% between 2010 and 2012, remaining stable since then. Predictable, the sector most affected is teenagers with an unemployment rate of 49%. With 30% of the population under the age of 14, this is another of the country's challenges. On the other hand, the foreign labour force, which was significant before the end of the revolution, has declined sharply. Between 2005 and 2015 it fell from 1.3 million to 0.3 million.

Some of the people interviewed highlighted the window of opportunity that the years 2012-13 provided for the opening of small businesses. However, in 2014, with the escalation of the conflict, this opportunity vanished. "Things moved a little in 2012 and 2013 and people started setting up businesses, import and export services, but

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22 <https://documents1.worldbank.org/curated/en/967931468189558835/pdf/97478-PUB-PUBLIC-Box-382159B-9781464805660.pdf>

23 <https://www.dw.com/en/libyas-train-project-remains-off-the-rails/a-19565824>

24 <https://www.indexmundi.com/energy/?country=ly&product=oil&graph=production> i <https://trading-economics.com/libya/crude-oil-production>

in 2014, when the CGT refused the elections, at that moment the economy went into meltdown and the country split in two". The country is once again out of the Spanish and European media spotlight in which it was temporarily in 2011. It is currently only attracting some media attention for the phenomenon of migration, despite the numerous denunciations expressed by human rights groups.



## 2. METHODOLOGY



Fieldwork for this report was carried out during August 2021 in the cities of Tripoli, Misrata, Zwara and Zawiya. The impossibility of accessing the area under the control of the Libyan National Army meant Benghazi couldn't be included in this list. Nor was it possible to visit Sabha, the main city on the migration route. Tripoli and Misrata were chosen because of their political and economic importance within the country. The next two cities, Zwara and Zawiya, were chosen because they were a good measure of the anger that human rights activists had for the Amazigh situation and for the issue of refugees and immigrants. Although on previous trips it was possible to access detention centres for migrants and to have access to the Libyan coast guard, the security situation and the arbitrary control of the militias made it impossible on this visit.

The difficulties in accessing information and the restriction of movement that have prevailed in the country in recent times have been evident when carrying out of this fieldwork. This also complicates the reliability of the sources and the constant need to contrast and re-evaluate the information acquired. The unstable situation fosters a widespread reluctance to speak and a

lack of trust, as well as the complete variance with which some people express themselves depending on their personal interests or those of the group they belong to, whether by conviction or coercion. In this aspect, the evolution of the situation in the country has made it increasingly difficult to access female sources. This has been one of the great handicaps when carrying out fieldwork, owing to the growing situation of control and private confinement of women, added to the general context of lack of freedom of expression and speech.

During fieldwork, 27 short interviews were carried out with people aged between 30 and 65, as well as with different social and political profiles, employing a short questionnaire. Of these 27 interviews, only two were with women due to the problems explained above. Academic experts, representatives of public authorities, members of civil society and members of local communities were interviewed. The interviews were conducted alternately by telephone, in person and, in some cases, by e-mail. For security reasons, all the people consulted stressed their desire to remain anonymous and to guarantee that their identity could not be traced under any circumstances, as they feared that any evidence could put them at risk. These interviews were later complemented from outside the country with a virtual interview (March 2022) with an expert lawyer concerning gender issues carried, and two more in May and June of the same year with two women analysts and evaluators used to working with civil society and Libyan institutions.

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Apart from this fieldwork, the report has been elaborated by researching data and information on the country in relation to the different topics addressed with the aim of building a consolidated and coherent body of analysis. The difficulties encountered in carrying out fieldwork and obtaining data and information only highlight the need for more in-depth research, with the necessary participation of local Libyan researchers, to find more definitive conclusions to the questions posed by this report.



### **3. HUMAN RIGHTS VIOLATIONS**

After almost a decade of armed conflict in Libya, the impact on Human Rights has been huge. A weak state, major security problems, the effective control of the situation in the hand of armed militias, the weakness of a relatively young civil society (forced to develop and survive in this context). All these factors have made exercising respect for the most basic rights extremely difficult. Some international indexes have placed Libya at the bottom of the list for personal freedoms, such as the Freedom Index, which ranked it as the

“The situation is getting worse; personal and collective freedoms are being limited; there is a fear of being arrested or having one’s possessions seized; we are far from freedom.”

third worst country in terms of personal freedoms<sup>25</sup> or Freedom House, which gave it a 9 out of 100 in terms of freedoms, especially in terms of political freedoms<sup>26</sup>. But beyond rankings and scores, the country’s instability has led to the violation of many human rights.

The feeling that the situation is getting worse in this respect is increasingly present. One interviewee, who had previously held high-level positions of responsibility in the Libyan administra-

tion, stated clearly: “The situation is getting worse; personal and collective freedoms are being limited; there is a fear of being arrested or having one’s possessions seized; we are far from freedom”. An NGO worker also stated that “We are going backwards, and there is no way out”.

## Civil and political rights - Impunity, arbitrariness, and abuse

Many organisations denounce that wartime abuses continue to go unpunished. Local authorities have recognised up to 3,650 people missing in different cities. Since the summer of 2020, dozens of mass graves have been discovered as far away as the outskirts of Tripoli. One of the epicentres of this repression was the city of Tahuna, a town of 13,000 inhabitants 65 kilometres south-east of Tripoli<sup>27</sup>. In this town alone, by the end of 2021, 43 mass graves and 37 individual graves<sup>28</sup> had been found (80 burial sites in total). At least 338 residents of the town had disappeared after the al-Kani militia, linked to Haftar’s troops, took control of the town in 2015<sup>29</sup>. Human Rights or-

25 <https://worldpopulationreview.com/country-rankings/freedom-index-by-country>

26 <https://freedomhouse.org/country/libya/freedom-world/2021>

27 <https://www.aljazeera.net/news/2021/10/12/%D9%84%D9%8A%D8%A8%D9%8A%D8%A7-60>

28 <https://xurl.es/flz58>

29 <https://www.hrw.org/news/2021/01/07/libya-militia-terrorized-town-leaving-mass-graves>

organisations have denounced the abuses committed by the militia during the 5 years it controlled Tahuna. The brutality of the al-Kani militia has led the US government and the European Union to act against their representatives<sup>30</sup>. Their supporters, on the other hand, claim that only members of the Muslim Brotherhood<sup>31</sup>. The truth is that among the corpses were minors and women.

On 26 December 2021, a military court sentenced Mesbah el-Sharif, a member of the militia, to six and a half years in prison for the premeditated murder of six people in Tahuna<sup>32</sup>. It was the first sentence for crimes committed in the city. Five months earlier, Mohammad al-Kani, leader of the militia named after him, was assassinated in Benghazi while resisting an armed group that tried to arrest him at his home<sup>33</sup>. Some claimed that it was a premeditated extrajudicial assassination with the aim of avoiding making al-Kani accountable for his crimes.

Impunity continued to be the general trend<sup>34</sup>. Several Libyan courts annulled the sentences against Gaddafi era officials arrested during the revolution, recognising that the trials lacked the minimum procedural guarantees. Seif al-Islam and al-Saadi, two of Gaddafi's sons, benefited from these decisions. Several organisations denounced that the authorities continued to ignore the arrest warrants issued by the International Criminal Court against various figures of the former regime. In the case of Mahmoud Werfalli, accused of killing 33 people in Benghazi, he held positions of power within Haftar's army. A similar situation occurred with Ahmed Dabbashi, who fought with GNA government forces despite having an arrest warrant from the Libyan prosecutor's office for his alleged links to human trafficking<sup>35</sup>.

The judicial system remains dysfunctional, while military courts continue to try civilians. Judges, prosecutors, and lawyers continue to work under threat from armed groups. Of the 12,300 prisoners recognised by the Libyan state in 2021, more than 41% were held without trial, often in arbitrary conditions without formal charges, and in overcrowded prisons, under inhumane conditions of detention<sup>36</sup>. Armed groups continue to arbitrarily detain thousands of people, some of whom have been held for over two years without charge or trial<sup>37</sup>. Reports of mistreatment and torture in these

30 <https://home.treasury.gov/news/press-releases/sm1192>

<https://www.libyaobserver.ly/news/eu-sanctions-al-kani-militia-leaders>

31 <https://www.libyaobserver.ly/news/pro-haftar-militiaman-claims-al-kani-militia-tarhouna-killed-muslim-brotherhood-members-only>

32 <https://www.libyaobserver.ly/inbrief/al-kaniyat-militiaman-sentenced-six-years-prison>

33 <https://www.libyaobserver.ly/news/pro-haftar-militia-leader-al-kani-assassinated-benghazi>

34 <https://www.icj.org/libya-impunity-prevails-10-years-on-from-the-revolution/>

35 <https://www.es.amnesty.org/en-que-estamos/paises/pais/show/libia/>

36 <https://www.hrw.org/world-report/2022/country-chapters/libya>

37 <https://www.es.amnesty.org/en-que-estamos/paises/pais/show/libia/>

centres are very common. Amnesty International denounced the death under torture of Tarek Abdelhafiz in the summer of 2020 at the hands of Brigade 128, affiliated to Khalifa Haftar's Libyan Armed Forces. The organisation denounced that "he was subjected to brutal beatings, was imprisoned for prolonged periods and deprived of food and water. His lifeless body was abandoned in front of a local hospital (in Houn) two weeks later"<sup>38</sup>. Tarek's brother, Ahmed, was also arrested in 2019 and his whereabouts are unknown.

Forced disappearances are also the order of the day, with major problems in maintaining a clear count. Activist Libyan women are a common target. In July 2019, it was reported that MP Siham Sergiwa was kidnapped at her home in Benghazi by militiamen close to Khalifa Haftar's Libyan Armed Forces<sup>39</sup>. After initial rumours of her being dead, her whereabouts are still unknown and her seat in parliament remains empty. In the spring of 2020, the United Nations reported a worrying increase in disappearances such as these<sup>40</sup>. The report also noted an increase in extrajudicial executions in detention centres around the country.

The death penalty is stipulated in over 30 articles of the Libyan penal code and includes acts of opinion and association. No death sentences have been officially executed since 2010, although both military and civilian courts have continued to hand them down. The Libyan Penal Code imposes severe penalties, up to and including capital punishment, for forming "illegal" associations and prohibits Libyans from joining or establishing local branches of international organisations unless they receive authorisation from the government, which is rarely granted.

Several laws restrict freedom of expression and maintain criminal prosecution for defamation of the flag or public workers as well as insults against religion. The penal code establishes the death penalty for "promoting theories or principles" that seek to overthrow the political, social, or economic system. Recently, a new law against so-called cybercrime has alerted specialists to the dangers faced by freedom of expression on the internet<sup>41</sup>.

Reporters Without Borders (RSF) ranked Libya 165th out of 180 in the press freedom index, down one place from the previous year<sup>42</sup>. At the end of January 2022, the organisation released a report to the United Nations on the violations against journalists recorded in the country since 2016. The report included threats and attacks against

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38 <https://www.amnesty.org/es/latest/news/2020/11/libya-un-rights-council-members-must-address-widespread-torture-during-periodic-review/>

39 <https://xurl.es/zwlkr>

40 <https://reliefweb.int/report/libya/unsmil-expresses-concern-about-increased-enforced-disappearances-libya>

41 <https://www.hrw.org/world-report/2022/country-chapters/libya>

42 <https://rsf.org/en/libya>

12 journalists and 11 media outlets, including extrajudicial executions, arbitrary arrests and acts of intimidation against professionals, and warned that none of these cases had been brought to court<sup>43</sup>. RSF also denounced that it was becoming increasingly difficult for foreign journalists to access the country. These difficulties were experienced first-hand when putting this report together.

Among the repressed Libyan journalists was Ismail Abu Zuraiba, sentenced in 2020 by a military court to 15 years in prison on charges of cooperating with Islamist armed groups<sup>44</sup>. Samy Sherif, a radio journalist, was also arrested by a militia linked to Tripoli's local government in the summer of 2020 and held for 11 days because of his

professional work<sup>45</sup>. Lawyer Hanan el-Barassi's car was shot up in the streets of Benghazi in November 2020 after she shared messages criticising acts of corruption by Khalifa Haftar's son on social media<sup>46</sup>. Both she and her daughter had received several threats. Her death caused strong condemnation<sup>47</sup>.

A series of government decisions in the summer of 2021 also raised the alarm about the Libyan government's intention to undermine the media's freedom of expression. A couple of decrees reassigned the control and supervision of media licenses to non-monitorable entities. According to Article 19, a press freedom organisation, this threatened the independence of the media<sup>48</sup>. A journalist consulted considers that the regression in freedom is evident: "There was a time when we enjoyed freedom, but that is no longer the case; you have to restrict yourself to the official version of everything. I suffered the consequences when they closed my radio station. There is no freedom of the press", he said. Closing radio stations, many of which were set up in the wake of the revolution, was common during the last years of the conflict<sup>49</sup>.

Defending Human Rights has not been an easy task either. Various abuses against defenders of these rights have been recorded. Some people interviewed stressed that the situation today is even more complex than it was some time ago, as the integration

Reporters Without Borders (RSF) ranked Libya 165th out of 180 in the press freedom index, down one place from the previous year.

43 <https://rsf.org/en/news/rsf-draws-uns-attention-press-freedom-violation-libya-2016>

44 <https://www.libyaobserver.ly/inbrief/un-eu-condemn-military-trial-benghazi-journalist>, <https://xurl.es/jnj11>

45 <https://www.es.amnesty.org/en-que-estamos/paises/pais/show/libia/>

46 <https://www.youtube.com/watch?v=NErWe-J2bP8>

47 <https://edition.cnn.com/2020/11/11/africa/libya-lawyer-rights-activist-killed-intl/index.html>

48 <https://www.article19.org/resources/libya-latest-governmental-decision-undermines-media-freedom/>

49 <https://rsf.org/en/news/rsf-decries-closure-two-radio-stations-libya>

of certain militias into state security forces has given their actions greater power and legitimacy, even though they are directed against political and social rights. The mere branding of activists as feminists by the state security apparatus is an increasingly common threat, according to some of those interviewed. The United Nations Mission reported having received several reports of human rights activists who had been arrested and subsequently subjected to sexual violence to dissuade them from participating in public life. “Beyond actual detention, there is evidence suggesting that state agents or militia members also use sexual violence as a means of subjugation

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or humiliation to silence those who are perceived to speak out against their interests or who appear to challenge social norms or acceptable gender roles,” said the report<sup>50</sup>. On top of that, worse abuses were recorded: On 3 June 2021, an armed group linked to Khalifa Haftar kidnapped journalist, activist, and photographer Mansour Atti<sup>51</sup>. A member of the Libyan Half Moon and the Adjabiya Civil Society Commission, Atti also became popular for ridiculing political power in a comic series called Shatt el-Horreya.

He is presumably held in al-Rahma prison, near Benghazi. Activist Hamza el-Traiki is also still missing since he was kidnapped in Misrata at the beginning of December by unidentified gunmen<sup>52</sup>. The abduction took place a few days after Traiki criticised Dbaida’s unity government on Facebook<sup>53</sup>. Additionally, the reality of employment in the state, where 85% of jobs come from the public sector and where thousands of people depend on this income for their livelihood, allows for more subtle measures of coercion. Many activists are threatened with having their working lives destroyed if they cross certain lines.

Several NGOs criticised Presidential Decree-Law 289 promulgated in 2019, which greatly restricted the scope of operation of civil society organisations<sup>54</sup>. The decree enacted the establishment of a government agency, the Civil Society Commission, to authorise new organisations and monitor their funding and activities. It also allows the agency to revoke their licences based on a set of vague and ill-defined infractions.

50 <https://reliefweb.int/sites/reliefweb.int/files/resources/A-HRC-48-83-AUV-EN.pdf>

51 <https://www.libyaobserver.ly/news/lcw-photographer-mansour-atti-haftars-detention-7th-month>

52 <https://libyareview.com/19392/libyan-activist-kidnapped-after-criticising-pm/>

53 <https://xurl.es/g855w>

54 <https://apnews.com/article/africa-libya-middle-east-b5439c264f290caa43c65395947655d4>



State control over the work of civilian entities is total, even for those international organisations that wish to operate on Libyan soil. Some of these organisations have given up their projects due to the impossibility of carrying out their work as defenders of rights.

Said entities have protested the absurdities linked to the arbitrariness and lack of independence of the government agency that made it impossible for them to carry out their work<sup>55</sup>. The Libya Platform, a coalition of 14 Libyan organisations working to protect and promote human rights in the country, denounced that the decree impedes the work of civil society and restricts public freedoms. The organisations denounced that, beyond this restrictive legislation, Gaddafi-era regulations were still being applied in the country, which greatly limits the tasks of Libyan civil society and keeps it from growing. They denounced unclear and undefined restrictions that opened the door to arbitrary state repression.

## Cultural rights - Progress under threat with diversity at risk

It is estimated that over 90% of the Libyan population is of Arab or Berber origin and that, despite their different origins, they share a common language and culture. Despite this apparent unity, between 3 and 7% of the population are Amazigh, 1.3% are Tebu and 0.2% are Tuareg. In addition to these ethnic groups, there are other relevant socio-political divisions, such as tribal ties. There are 20 main tribal ties in Libya, some of which are linked to ethnic and linguistic ties. Some studies have increased this figure to 140 tribes. In addition to this division, there is the added category of black Libyan, under which citizens from different ethnic or tribal groups can be found (in addition to migrants) adding a new socio-cultural level of discrimination. Racial discrimination is rampant in Libyan society and episodes of race-related abuse, including refusal of medical care in public health centres, are constantly denounced.

Cases of abuse against the Tuareg community have been reported and it is considered that they are victims of habitual discrimination in the country because of the association that some people make between Tuaregs and Ghaddafi. During the revolution, Gaddafi contracted some mercenary units of non-Libyan Tuaregs to fight the revolutionary forces, which has now made episodes of discrimination against this group commonplace. This situation does not help to solve an endemic problem in the community, which is the lack of documentation. It is estimated that some 14,000 Tuaregs, a huge percentage of their community, do not have citizenship or official papers, as the citizenship legislation

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<sup>55</sup> <https://www.hrw.org/news/2021/06/04/libya-draconian-decree-would-restrict-civic-groups>

does not consider the nomadic reality of this community<sup>56</sup>. In this respect, they share problems with the Tebu people, who are often considered by the Libyan authorities to be a Chadian people.

The Amazigh people, on the other hand, were historically marginalised by the Gaddafi regime, which was committed to the process of Arabisation of its citizens. Amazigh names were banned from the registers, the language was officially persecuted, and mixed marriages were forced to erode the sense of identity. Amazigh associations

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were banned. The Amazigh were clearly involved in the struggle for the fall of the regime, and the fall of the regime led to an explosion of Amazigh associationism and consciousness. Their language was officially recognised, their own cultural entities were allowed, and space was given to a resurgence of the Amazigh identity. After the fall of the dictator, they began to disseminate their ancestral language and culture and to proliferate associations for the preservation and remembrance of Amazigh heritage.

The Amazigh Supreme Council currently serves as a political body representing the country's eight main Amazigh populations. In January 2021 they even announced the creation of the first Amazigh television station in Libya<sup>57</sup>. However, they fear that the rise of Khalifa Haftar's Libyan Arab Army could threaten these small but important advances.

According to the US Department of State, religious freedoms are severely limited, and freedom of worship is not guaranteed in the country<sup>58</sup>. Islam remains the official religion and there is still a legal framework that prohibits the dissemination or publication of information that questions it. The penal code prohibits religious conversion, even though the 2011 constitutional declaration explicitly prohibits religious discrimination. It is estimated that there are some 34,000 Christians in the country. Barely a hundred are converts from Islam.

Some militias, such as the Radaa or the al-Nawasi brigade, linked to the GNA government, or the Salafists of the Madkhali, aligned with Haftar's LNA, have been accused of acting as religious police in the capital's neighbourhoods and of carry-

<sup>56</sup> <https://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=search&docid=5b9fb76e7&skip=0&query=amazigh&coi=LB&searchin=fulltext&sort=date>

<sup>57</sup> <https://www.libyaobserver.ly/inbrief/libya%E2%80%99s-first-amazigh-tv-channel-be-launched-soon>

<sup>58</sup> <https://www.state.gov/reports/2020-report-on-international-religious-freedom/libya/>

ing out arrests of individuals accused of disrespecting Islamic law. These groups were also accused of controlling women's dress code and presence in public spaces, even though these restrictions are not supported by current legislation. Some sources warned of the growing influence of the Salafist Madkhalis, military allies of Haftar's LNA, who, while supposedly fighting against Islamic extremism, have forged alliances with conservative groups such as these<sup>59</sup>. Various sources have denounced attacks on religious minorities, including Christian migrants, converts to Christianity and foreign residents through physical attacks, sexual assaults, arrests, kidnappings, and assassinations. These groups have also banned the sale of books they do not consider morally acceptable. Some organisations have denounced that, in detention centres for migrants, Christians complained that they were more exposed to episodes of physical and sexual abuse by the guards because of their religious condition.

## Women's rights - Militarisation, control, and regression of rights

The presence of armed militias that effectively act as religious police in some areas has undermined the freedom of movement and public presence of many women, who feel coerced by these armed groups. One woman interviewed said that "the security situation has made women more afraid to participate in both cultural and political issues". According to the same interviewee, this is not only the fault of the militia. She also points towards public officials. "Women are subject to additional harassment by the authorities in places such as airports, for example", where, although no law enforces it, civil servants question women who travel alone. This situation further complicates gender issues in Libyan society. According to the United Nations Development Programme, Libya has a Gender Inequality Index of 0.172 on a scale of zero to one<sup>60</sup>. This placed it in 2018 in 41st position out of 162 in the ranking of countries with the worst inequality. However, there are too many holes to get a complete picture. According to the United Nations Women Count Data Hub, as of December 2020, only 17.3% of the indicators needed to monitor the SDGs from a gender perspective are available<sup>61</sup>. There is a lack of data on violence against women, unpaid care and domestic work and key labour market indicators, such as the wage gap. However, it is clear unemployment rates are ten points higher for women than for men (25.1% vs. 15.9%) and that food insecurity is also much higher among women than among men (43.6% vs. 30.6%). Women, however, have a higher literacy rate than men (86.1% vs.

59 <https://www.crisisgroup.org/middle-east-north-africa/north-africa/libya/addressing-rise-libyas-madkhali-salafis>

60 <https://www.ly.undp.org/content/libya/en/home/gender-equality.html>

61 <https://data.unwomen.org/country/libya>

77.8%), with only 45% of men having completed secondary education as compared to 69.4% of women<sup>62</sup>.

By February 2021, only 16% of deputies were women. The transitional government of Abdelhamid Debeida promised that 30% of ministerial posts would be held by women. In the end, however, only 15% of the 33 ministerial posts in this macro-government were women<sup>63</sup>. In total, five female ministers, two of which hold important ministerial portfolios: Halima Ibrahim Abderrahmane is the Minister of Justice and, on 16 March 2021, Najla el-Mangoush became the first Libyan woman to be appointed foreign minister and the fourth in the Arab world. Despite this achievement, the task was not easy, and they have been under enormous pressure. Two months after her appointment, Najla el-Mangoush, came under strong pressure from armed militias and was singled out by tele-preachers<sup>64</sup>. In November, the Presidential Council, an independent body of the government, suspended Mangoush from her powers and even prevented her from leaving the country, considering that she had taken sensitive decisions unilaterally<sup>65</sup>. The government rejected the council's intercession and confirmed Mangoush in her post. Although there is an obvious political dispute at the root of the pressure to remove Mangoush, it is difficult not to think of her status as the first woman in office and the difficulties some men have in accepting the normalisation of this situation. The general feeling is that women ministers have no real power. One of the interviewees precisely stated this and asserted that Mangoush had no power to appoint ambassadors<sup>66</sup>. Others consulted think this is an unrealistic perception. "The ministers do have decision-making power, although it is obviously within the limits of political control of the current authority, clearly patriarchal", said a lawyer specialising in gender and feminist issues: "But it is true that the impact they have is limited".

Coinciding with Women's Day, on 8 March 2022, the government of Abdelhamid Dbeidah decided to definitively suspend an agreement with the United Nations concerning gender equality<sup>67</sup>. The agreement had been signed the previous October by

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62 <https://www.ly.undp.org/content/libya/en/home/gender-equality.html>

63 <https://www.theafricareport.com/72773/libya-who-are-the-five-influential-women-ministers-in-the-new-government/>

64 <https://www.theguardian.com/world/2021/may/09/libya-foreign-minister-najla-el-mangoush-pressd-to-quit-after-calling-for-turks-to-leave>

65 <https://www.aljazeera.com/news/2021/11/7/najla-mangoush-libyas-ruling-council-suspends-foreign-minister>

66 Although this information has not been verified (it could be a rumour on the street) Mangoush has been blamed for the dismissal of the Libyan ambassador to the United States in August (<https://libyaupdate.com/mangoush-dismisses-libyas-ambassador-to-the-us/>). Whether this was entirely her decision or not we do not know, but the very existence of these rumours already attests to the popular acceptance of a ministry led by a woman.

67 <https://www.africanews.com/2022/03/08/libya-suspends-the-implementation-of-gender-equality-agreement/>

the Minister for Women's Rights, Houria Khalifa Miloud al-Tormal, causing enormous political turmoil in the country<sup>68</sup>. The agreement was brought before the courts and even before the religious institutions of the Mufti and Dar el-Iftaa, who were against the proposal, claiming that Islam already guarantees women's rights.

Legislation has not progressed in terms of gender either. "There have been no changes because it is not a priority", said one of the people consulted. The lack of female presence in parliament, with the added fact that this presence is spread across the opposing political blocs, makes it impossible to have any legislative influence on gender issues. A preliminary draft law on violence against women was proposed, but it was not even brought to parliamentary debate. The lack of political priority, according to some of the people consulted, makes it impossible to make progress in this area.

Libyan law still does not specifically criminalise domestic violence or violence against women and still maintains a clear gender bias and abusive principles against women.

Libyan law still does not specifically criminalise domestic violence or violence against women and still maintains a clear gender bias and abusive principles against women<sup>69</sup>. The Libyan Family Code discriminates against women in marriage, divorce, and inheritance. The penal code allows for a reduced penalty for a man who kills or injures his wife or another woman when she is suspected of having sexual relations outside marriage. According to the penal code, rapists can escape prosecution if they marry their victim. The 2010 nationality law states that only Libyan men can transmit Libyan nationality to their children. The penal code prohibits all sexual acts outside marriage, including consensual same-sex relations, and punishes them with flogging and up to five years in prison<sup>70</sup>. According to various reports, cyber-violence against women has grown steadily in recent years, often escalating into physical attacks, and there are no laws to combat it.

Since 2011, very little progress has been made in terms of legal safety for women. Laws have been amended that have consolidated discrimination against women and the laws that exist to protect them are considered weak in their capacity to be applied. Examples are the specific provisions on marriage, child custody, divorce, and its consequences. Although the abolition of polygamy was one of the political promises of the first post-Gaddafi government, the truth is that in 2014 the Constitutional

68 <https://www.memri.org/reports/memorandum-understanding-signed-un-promoting-womens-rights-sparks-opposition-libya>

69 <https://www.hrw.org/world-report/2022/country-chapters/libya>

70 <https://www.hrw.org/world-report/2022/country-chapters/libya>

Court did the opposite. With this decision, it was no longer necessary to have, as before, either the consent of the first wife or proof that multiple marriages could be

According to various reports, cyber-violence against women has grown steadily in recent years, often escalating into physical attacks, and there are no laws to combat it.

maintained financially without harming any of the spouses<sup>71</sup>. Protection in cases of gender violence is a chimera both in the legal context and in the prominent presence of militias. This situation is exacerbated by the lack of collective awareness of the problem in Libyan society, and the lack of knowledge of where to turn if an episode is detected. Up to 77% of the general population acknowledged not knowing where to report cases of domestic violence<sup>72</sup>. Only 23% of women said they knew where to do so.

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## Migrants' rights – The business of exploitation

The vulnerability and risk of abuse of displaced communities is another sensitive human rights issue in the country. One of the cases is the Taouergha community, a town of some 40,000 inhabitants 30 km from Misrata formed by the descendants of the slaves brought to Libya from Sub-Saharan Africa in the 18th and 19th centuries. Most of this population were expelled from their homes and have been displaced since 2011 when anti-Gaddafi groups seized the city, considered a dictatorial stronghold. Most of them live in settlements all over the country and although in 2018 a reconciliation was negotiated to guarantee the return of the Taouergha people to their homes, only some 6,900 (17.2%) had returned by the end of 2021<sup>73</sup>. The situation of devastation in the city made it materially impossible. Various attempts to return to their homes have been opposed by armed groups who refuse to accept the return agreements reached<sup>74</sup>. The vulnerable situation of these displaced people in the settlement camps exposed them to various attacks. In September 2018, the camps in Tripoli were even bombed.<sup>75</sup>

71 <https://english.alarabiya.net/articles/2013/02/07/264927>

72 [https://reliefweb.int/sites/reliefweb.int/files/resources/covid19\\_behaviour\\_assessment\\_report.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/covid19_behaviour_assessment_report.pdf)

73 [https://reliefweb.int/sites/reliefweb.int/files/resources/RNA%20of%20Returnees%20to%20Taw-ergha\\_FINAL.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/RNA%20of%20Returnees%20to%20Taw-ergha_FINAL.pdf)

74 <https://www.hrw.org/news/2019/01/24/libya-displaced-population-cant-go-home>

75 <https://www.france24.com/en/20180902-hundreds-escape-prison-near-libyas-tripoli-police-0>



One of the issues that has most focused the attention of Western media in Libya in recent years has been the treatment of migrants and refugees in the country. The various episodes of abuse against migrants recorded in detention centres or directly at sea, sometimes recorded and shared on social networks, have set the alarm bells ringing internationally.

At the beginning of January 2022, Doctors Without Borders (MSF) denounced that more than 600 migrants, refugees and asylum seekers had been arrested and taken to an overcrowded detention centre in Tripoli, where the organisation reported beatings, stab wounds and signs of shock and trauma because of the violent arrests<sup>76</sup>. The cause, apparently, was a peaceful demonstration by the detainees. In October 2021, the spokesperson of the United Nations High Commissioner for Human Rights denounced an increase in the use of hard measures and beatings against migrants and asylum seekers in the country<sup>77</sup>. It denounced the raid on an informal settlement in Gergaresh, 12 km from Tripoli, in which one person was killed and some 4,000 arrested and taken to an already overcrowded detention centre for migrants. That same week 4 more migrants were killed by the security forces when attempting to escape to a centre in Gheriyan. Similar episodes were reported in al-Mabani and at the Abu Selim centre a few weeks earlier<sup>78</sup>. These occurred in a context of overpopulation and unhealthy conditions in detention centres for migrants in the country. According to Amnesty International, “Authorities, members of armed groups and militias, as well as criminal gangs systematically subjected detained refugees, asylum seekers and migrants to torture and other ill-treatment, unlawful killings, sexual violence and forced labour<sup>79</sup>”. The detainees in these centres, dependent on the Ministry of the Interior, had no mechanisms to challenge their detention. There were also reports of forced disappearances in unofficial centres, such as the Tabac factory in Tripoli, under GNA control and directed by the former head of Libyan intelligence, Emad el-Trabulsi<sup>80</sup>. Forced expulsions without legal procedures have also been reported. In 2020, up to six thousand cases were reported to have been carried out by Khalifa Haftar’s Libyan Arab Armed Forces and other similar groups<sup>81</sup>.

Last June, MSF stopped working in two camps (Mabani and Abu Salim) because of the violence and inhumane treatment that took place there. “The persistent pattern of violent incidents and serious harm to refugees and migrants, as well as the risk to the

76 <https://reliefweb.int/report/libya/libya-over-600-migrants-arrested-after-speaking-out-their-rights>

77 <https://www.ohchr.org/FR/NewsEvents/Pages/DisplayNews.aspx?NewsID=27646&LangID=E>

78 <https://msf-seasia.org/news/libya-recurrent-violence-against-refugees-and-migrants-tripoli-detention-centres-forces-msf>

79 <https://www.es.amnesty.org/en-que-estamos/paises/pais/show/libia/>

80 <https://www.aljazeera.com/news/2021/10/4/libyas-roundup-tops-5000-migrants-as-crackdown-continues>

81 <https://www.es.amnesty.org/en-que-estamos/paises/pais/show/libia>

safety of our staff, has reached a level that we can no longer accept,” said Beatrice Lau, head of the mission in the country, in a statement<sup>82</sup>.

Beneath all this, an economic and lucrative approach to migration can be detected. According to some researchers, such as Jonathan Tossel, of the Clingendael Conflict Research Unit, the business model linked to human trafficking has changed. “It is now

According to Amnesty International, “authorities, members of armed groups and militias, as well as criminal gangs systematically subjected detained refugees, asylum seekers and migrants to torture and other ill-treatment, unlawful killings, sexual violence and forced labour”.

more profitable to detain a migrant than to transport him or her to a disembarkation point”, he said<sup>83</sup>. A perverse situation caused by the growing European aid to prevent the arrival of migrants on the northern Mediterranean coast. The guards, moreover, see the opportunity to make a profit by extorting money from detained migrants or their families in exchange for their release. In this context, migrant women are particularly vulnerable. Forced sex work or other new forms of slavery are also common, as well as networks of forced prostitution and trafficking in white women. Amnesty International denounced in the summer of 2021 having reported cases of guards demanding sexual favours in exchange for access to clean

water or food and pregnant women who reported having been repeatedly raped by camp guards<sup>84</sup>. Two Nigerian migrants have taken their case to the United Nations and claim responsibility from the Libyan and Italian governments<sup>85</sup>.

The Libyan Coast Guard, which works in collaboration with Italian and European authorities, has been denounced for the interception of thousands of refugees and migrants on the high seas who, during their return to the Libyan coast, have been subjected to enforced disappearances, arbitrary and indefinite detention, torture, forced labour and extortion. In 2020, almost 12,000 such cases were counted<sup>86</sup>. By June 2021 these fig-

82 <https://msf-seasia.org/news/libya-recurrent-violence-against-refugees-and-migrants-tripoli-detention-centres-forces-msf>

83 <https://english.alaraby.co.uk/features/how-human-traffickers-are-exploiting-covid-19-north-africa>

84 <https://www.euractiv.com/section/justice-home-affairs/news/amnesty-says-migrants-in-libyan-camps-forced-to-trade-sex-for-clean-water/>

85 <https://www.infomigrants.net/en/post/37752/exploitation-and-enslavement-two-nigerian-migrants-take-rights-case-to-un-committee>

86 <https://www.es.amnesty.org/en-que-estamos/paises/pais/show/libia>



ures had already been exceeded<sup>87</sup>. Since 2015, Libyan coastguards have received 455 million dollars from European institutions<sup>88</sup>.

This business of exploiting migrants has attracted the attention of many people. “Not all the mafia is Libyan” clarifies an interviewee who has held high political office in the past. “There is trafficking in people and there is a business in it, but it goes beyond Libyan agents” he says. Some NGO workers admit that the situation, in this respect, was better in Gaddafi’s time.

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87 <https://msf-seasia.org/news/libya-recurrent-violence-against-refugees-and-migrants-tripoli-detention-centres-forces-msf>

88 <https://www.brookings.edu/blog/future-development/2021/11/02/libyas-migrants-and-crimes-against-humanity/>



## **4. THE IMPACT OF COVID ON THE SITUATION**

According to data collected by John Hopkins University, Libya had 459,000 cases of Covid and just over six thousand Covid-related deaths by the end of January 2022<sup>89</sup>. This represented a mortality rate of 1.3% and almost 90 deaths per 1,000 inhabitants, placing Libya in a medium position compared to the rest of the world. The death rate was on a par with Italy, similar to that of the United States (1.2%) or Morocco (1.4%), and a tenth higher than that of Spain, which stood at 0.9%. In terms of deaths per inhabitant, however, it represented approximately half as many cases as Italy or Spain, three times less than the United States and twice as many as Morocco.

The first officially reported case was on 24 March 2020, and the contagions initially hit the Sabha area in the south of the country hardest. Libya had a relatively milder first wave compared to other countries but experienced the worst peaks of the pandemic during the second half of July 2021 and, recently, in early February 2022 with peaks of 2,500 and 3,800 daily positives, respectively<sup>90</sup>. Despite a very difficult start, some 25,000 tests per week have been consolidated<sup>91</sup>. This means that the rate of tests is considerably higher than average of those carried out in Spain.

After nine years of conflict, approximately half of the healthcare installations were still closed or inoperative at the beginning of the pandemic. What's more, three out of every four hospital centres wound up being inoperative due to a lack of staff, medicines, or equipment.

It is likely that the real scale of the pandemic is much larger than has been reported, as testing capacity remains limited and concentrated in Benghazi and Tripoli in particular. Moreover, the National Centre for Disease Control in Libya (NCDC) is the public body in charge of managing the pandemic, but the management problems of the public administration, deteriorated after a decade of armed conflict and especially in the field of health, make its task difficult. Some institutions have been unwilling to accept the figures as valid while the armed conflict makes it difficult to weigh these official figures against the excess deaths recorded and obtain more approximate figures of the real impact of the pandemic.

The risks of a healthcare collapse, like the ones faced by more robust healthcare systems in Europe, placed the Libyan health system in a position of extreme vulnerability. This collapse of the system meant that up to 50% of Libyans had problems accessing

89 <https://coronavirus.jhu.edu/data/mortality> (Updated 10/2/22)

90 <https://ourworldindata.org/coronavirus/country/libya>

91 [https://reliefweb.int/sites/reliefweb.int/files/resources/covid-19\\_epi\\_weekly\\_libya\\_26\\_dec\\_2021.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/covid-19_epi_weekly_libya_26_dec_2021.pdf)

medical treatment when they needed it, according to a United Nations report<sup>92</sup>. This was twice as high compared to two years earlier. After nine years of conflict, approximately half of the healthcare installations were still closed or inoperative at the beginning of the pandemic<sup>93</sup>. What's more, three out of every four hospital centres wound up being inoperative due to a lack of staff, medicines, or equipment<sup>94</sup>. Problems with

supplies such as water and electricity also made the work of those centres that were open extremely difficult.

According to an ambulance driver in Tripoli, the situation was complex. "I helped carry oxygen and medicines wherever I was told to. I saw many people die that day. The hospitals had no resources. It was normal, we lacked medical resources, oxygen bottles, medical supplies, medicines ...." he says, as well as pointing to the impossibility of treating other illnesses. Ac-

cording to the accounts of many people interviewed, those who could afford it sought private healthcare, where waiting times were shorter. Some people suggest that this led to situations of corruption.

At the beginning of the pandemic, with the war in progress, many citizens access to health resources was limited due to the armed conflict. At the end of March, only three public hospitals in the country had the capacity to treat critically ill patients. One of them was the Al-Khadra hospital in Tripoli, equipped with 400 beds. On 7 April 2020, however, it had to be evacuated due to bombing by Haftar's forces<sup>95</sup>. The WHO estimates 27 hospitals were attacked during this period<sup>96</sup>. Other hospital compounds were occupied during the pandemic by armed groups as a way of punishing their populations, hence affecting their operations. As the months went by, and with the arrival of Turkish, Russian, Qatari and Emirati aid from abroad, the situation became increasingly difficult.

In addition to the material and logistical difficulties, there were also security problems for the medical staff themselves. The insecurity and intimidation of medical professionals was also relatively frequent. The Doctor's Syndicate in Libya demanded an end

In addition to the material and logistical difficulties, there were also security problems for the medical staff themselves. The insecurity and intimidation of medical professionals was also relatively frequent.

92 [https://reliefweb.int/sites/reliefweb.int/files/resources/hno\\_2021-final.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/hno_2021-final.pdf)

93 [https://reliefweb.int/sites/reliefweb.int/files/resources/hno\\_2021-final.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/hno_2021-final.pdf)

94 <http://www.emro.who.int/lby/libya-news/libya-fighting-covid-19-in-times-of-conflict.html>

95 [https://www.aa.com.tr/en/africa/libya-haftars-forces-target-medical-warehouses/1801969?utm\\_campaign=20200413&utm\\_source=sailthru&utm\\_medium=email&utm\\_term=MEM%20send%20list](https://www.aa.com.tr/en/africa/libya-haftars-forces-target-medical-warehouses/1801969?utm_campaign=20200413&utm_source=sailthru&utm_medium=email&utm_term=MEM%20send%20list)

96 <https://xurl.es/021oh>

to “the farce” against doctors due to the arrest of Al-Siddiq bin Dallah, a surgeon at al-Khadra hospital in Tripoli<sup>97</sup>. Bin Dallah was arrested in December 2020 by militias linked to the GNA<sup>98</sup>. Two months earlier, a team of six doctors who were travelling from Tripoli to Gadames to support the local hospital were also captured by an armed group and released 11 days later<sup>99</sup>. In September, Doctor Abdel Moneim al-Ghadamsi, well-known for his health convoys that tried to bring medical assistance from all over the country, was also seized in Tripoli<sup>100</sup>. Muhammad al-Hariri, a cardiovascular surgeon in Tajoura, was arrested in October 2021<sup>101</sup>.

The armed conflict also made home curfews impractical for many communities, as staying at home was a risk of exposure to attack. Water supply problems in towns like Tripoli made it difficult to take precautionary measures such as hand washing and reduced the capacity to treat the sick in hospitals. Both sides in Libya applied measures such as closing borders, restriction of movement between regions, closing schools and non-essential businesses, and the introduction of social isolation measures, although these had varying degrees of application depending on the region or city. The GNA government went so far as to impose total confinement for ten days<sup>102</sup> which would later be followed by a night-time curfew in the capital. But the state's inability to force the implementation of the measure provoked non-compliance on the part of many people and once again called into question the effective power of the institutions. Moreover, during an episode of attacks on the capital by Haftar's loyalist forces, it exposed those citizens who stayed at home to being targeted by the military.

The lack of knowledge and the opposition and stigma associated with the pandemic also facilitated strong opposition to some of these measures. The fragmentation of the country and the impossibility of undertaking measures at the national level meant that many of these measures were implemented locally. One interviewee explained that in

Water supply problems in towns like Tripoli made it difficult to take precautionary measures such as hand washing and reduced the capacity to treat the sick in hospitals.

97 <https://al-ain.com/article/orthopedic-surgeons-in-libya>

98 <https://xurl.es/wuogm>

99 <https://xurl.es/5vu42>

100 <http://alwasat.ly/news/libya/296057>

101 <https://al-ain.com/article/kidnapping-official-libyan-west-tripoli>

102 <https://xurl.es/rapua>

Zuwara, a coastal town 60 km from the Tunisian border, they were confined for three months, first at night and then completely<sup>103</sup>.

On the other hand, the government of the Libyan Armed Forces, headed by Haftar, was criticised for taking advantage of the pandemic's escalation to increase its tight control over the territory. Significantly, the Covid control committee was headed by a military man, Abdul-Razzaq el-Nadouri<sup>104</sup>. In one of his first public speeches, he assured that any doctor who opposed his measures would be persecuted and would be considered a traitor and a spy<sup>105</sup>. He also threatened Libyan doctors and activists abroad with arrest on arrival in Libya if they criticised the actions of the Ministry of Health or the

COVID Control Committee. The statement came just after the arrest of Dr Muhammad Ajram, a volunteer with the epidemic team at the Benghazi Medical Centre, who had appeared on television criticising the management of the crisis and the lack of preparation and equipment to deal with the pandemic<sup>106</sup>. These episodes alerted to

Healthcare access problems were greater in the southern regions, among women and, above all, among the migrant population.

the risk that the pandemic could be used to further increase the military rule of the State of Libya. In the context of the war, both sides were accusing each other of bringing the virus into the country by spreading lies on social networks<sup>107</sup>.

Healthcare access problems were greater in the southern regions, among women and, above all, among the migrant population. Regarding the displaced population, which still numbered around 200,000 people during the outbreak of the pandemic, the heightened exposure caused by the Covid crisis made them even more vulnerable due to the difficulty of access to public healthcare and their precarious housing situation. 64% of migrants have had problems with access to health care. This is 14% more than the Libyan average. Migrants, refugees, and asylum seekers have been particularly vulnerable to Covid-19. Especially those who have been held in detention centres where many abuses of power and lack of access to health resources have been recorded... A situation that has further exposed them to the impacts of the pandemic<sup>108</sup>. The United Nations denounced the lack of commitment of local administrations to inform the migrant

103 The truth is that I have not been able to confirm this information anywhere.

104 <http://alwasat.ly/news/libya/276722>

105 [https://twitter.com/w\\_lacher/status/1245590015691771905?lang=en](https://twitter.com/w_lacher/status/1245590015691771905?lang=en)

106 <https://ar.libyaobserver.ly/article/7754> , <https://www.youtube.com/watch?v=O7oiWjCjSR8>

107 Qatari-linked media accused Covid of bringing in Syrian foreign fighters to fight with Haftar's troops. <https://english.alaraby.co.uk/news/haftars-foreign-mercenary-fleet-potentially-bringing-coronavirus-libya>

108 "Libya and COVID-19: How the pandemic has affected migrants, refugees and internally displaced persons" by Emadeddin Badi

population about the risks of the pandemic despite their humanitarian obligations<sup>109</sup>. The criminalisation of migration, as well as the lack of legal security, means that many migrants did not consider the option of approaching a health centre for fear of arrest. In several reports, arrests of migrants in hospitals were reported when they had gone there to receive medical care. In other cases, they reported having received inadequate treatment or having been refused treatment altogether due to being black. The combination of an overburdened system and structural racism have encouraged these practices, according to experts.

Moreover, while only 20% of Libyans lost their jobs due to the pandemic, the figure rose to 90% in the case of migrants consulted by the IOM<sup>110</sup>. According to another survey, 65% lost their usual source of income<sup>111</sup>. Migrants have seen how the pandemic has made it difficult for them to earn a minimally decent living. The rise in prices and the lack of job opportunities also hit these communities particularly hard. Up to 85% of the migrants surveyed in the Abu Salim area admitted to having problems of access to food, while unemployment among migrants rose from 17 to 24% in just the first four months of 2020<sup>112</sup>. This situation resulted in many migrants being exposed to situations of abuse and labour exploitation. Many women turned to sex work, just when it was being reported that this practice was becoming increasingly precarious and dangerous in the wake of the pandemic.

In general, the restrictions on movement did not excessively alter migratory flows, but they did make them more cautious. For those crossing the desert as well as the sea, the difficulties increased, causing border smugglers to demand to be paid higher figures. The restrictions on Italian ports applied in the wake of the crisis have made sea rescues of migrant boats more difficult. The IOM denounced in May 2020<sup>113</sup> that the lack of monitoring by NGOs or state institutions means that many shipwrecks are going unrecorded. The institution recognised a large influx of boats between the coasts of North Africa and Italy and Malta. While twice as many attempts to cross the Mediterranean had been recorded by April 2020 than a year earlier, during the period of restrictions deaths had fallen by up to four times compared to those recorded 12 months earlier in the same area. The authorities believed that the lack of monitoring because of the Covid restrictions could explain these disparate figures, hiding far higher death tolls.

Towards the end of 2020, however, the increased activity of the Libyan coastal author-

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109 [https://www.ohchr.org/Documents/Issues/Migration/A\\_pandemic\\_of\\_exclusion.pdf](https://www.ohchr.org/Documents/Issues/Migration/A_pandemic_of_exclusion.pdf)

According to an April 2020 survey, 45% of migrants in Tripoli did not know how to get medical care if they had symptoms of Covid-19.

110 [https://www.ohchr.org/Documents/Issues/Migration/A\\_pandemic\\_of\\_exclusion.pdf](https://www.ohchr.org/Documents/Issues/Migration/A_pandemic_of_exclusion.pdf)

111 [https://www.ohchr.org/Documents/Issues/Migration/A\\_pandemic\\_of\\_exclusion.pdf](https://www.ohchr.org/Documents/Issues/Migration/A_pandemic_of_exclusion.pdf)

112 “Libya and COVID-19: How the pandemic has affected migrants, refugees and internally displaced persons” by Emadeddin Badi

113 <https://www.infomigrants.net/en/post/24745/iom-concerned-about-invisible-migrant-shipwrecks>



ities once again resulted in overcrowded detention centres for migrants. According to the International Rescue Committee (IRC), in two weeks during September, a detention centre in Tripoli grew from 25 people to more than a thousand, despite having a capacity for only 150 people<sup>114</sup>. The overpopulation of the centres facilitated the spread of diseases such as scabies and tuberculosis in parallel to Covid, as well as having significant effects on the mental health of the detainees. Access to the centres by human rights organisations, in order to monitor respect for the dignity of the refugees, was seriously affected by the restrictions imposed by the pandemic. The organisations denounced the increase in bureaucratic procedures for monitoring the centres; some gave up doing so.

The partial halt in the activity of smugglers since the beginning of the pandemic has also reconfigured the routes and the business model. Jonathan Tossel, a researcher at the Clingendael Conflict Research Unit, points out that the growing European aid for the prevention of migrant arrivals in the Northern Mediterranean has changed the perspective of the people smuggling business. They now consider it more profitable “to detain a migrant than to transport him to a disembarkation point”, he says<sup>115</sup>. In addition to European aid, detainees or their relatives might also suffer extortion and be asked for large sums of money in exchange for their release, which exponentially increases the chances that they will be subjected to torture or malnutrition. Many cases have also been reported of women being exposed to prostitution and pimping rings and the creation of new forms of associated slavery. A change of model, in short, which is associated with a whole range of violations of the rights of people in the migration process. In some cases, people were reported to have gone through the whole detention centre/ migrant release process up to five times<sup>116</sup>.

UNICEF and WHO denounced, in a joint communiqué in May 2020, that the vaccine supply problems exacerbated by the pandemic would leave 250,000 infants at risk<sup>117</sup>. Diseases such as diphtheria, tetanus, polio, and hepatitis B were among those listed, while it was warned that stocks of polio vaccines were running low.

As almost everywhere else in the world, confinement measures have increased the risk of exposure of many women to domestic and gender-based violence. According to a United Nations survey, 46% of women feared that this was the result of confinement and, despite the apparent lack of awareness of the issue, one in five Libyans acknowledged that they had noticed an increase in cases since the beginning of confinement<sup>118</sup>.

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114 <https://www.rescue.org/press-release/new-irc-data-nearly-500-children-sent-libyan-detention-centres-past-6-months-irc-calls>

115 <https://english.alaraby.co.uk/features/how-human-traffickers-are-exploiting-covid-19-north-africa>

116 <https://reliefweb.int/sites/reliefweb.int/files/resources/A-HRC-48-83-AUV-EN.pdf>

117 <https://reliefweb.int/report/libya/over-quarter-million-children-libya-are-risk-vaccine-preventable-diseases>

118 <https://twitter.com/unwomenarabic/status/1255129769668014080>

I have not been able to find the original source. The links don't reveal where this vague data comes from.



In the first weeks of the pandemic, feminist groups reported three deaths of women at the hands of their husbands in a single week<sup>119</sup>.

In another turn of events, the GNA government announced the release of a group of up to 450 prisoners to reduce prison overpopulation and combat the spread of the virus within the institutions. One month after the announcement, human rights organisations claimed that they had not been able to verify the implementation of the measure<sup>120</sup> which, in any case, was highly controversial.

The various measures to provide funds in the fight against Covid provoked enormous suspicion. Many local councils complained that the promised money never arrived, opening the door to renewed speculation about corruption. 81% of students reported that they were unable to continue their studies due to the impossibility of accessing online resources for distance learning<sup>121</sup>.

As almost everywhere else in the world, confinement measures have increased the risk of exposure of many women to domestic and gender-based violence. [...] One in five Libyans acknowledged that they had noticed an increase in cases since the beginning of confinement.

In August 2020, a series of protests took place in several Libyan cities. The most important of these took place in Misrata and Tripoli, where Fayez Serraj's GNA was accused of corruption and inefficiency, among other things, in the management of the Covid-19 pandemic. Security problems, water shortages, access to cooking gas and a lack of cash in the banks were the main causes of the protests, which highlighted the government's corruption. Amar Jamil, one of the protesters, told Al-Jazeera, "Since the beginning of the coronavirus pandemic, the government has spent hundreds of millions, but the sick people have no place to be treated. People are dying because they have been robbed of their money"<sup>122</sup>. The first demonstrations in Tripoli were repressed. "At least six demonstrators were arrested, and several others were killed after gunmen fired live ammunition, using heavy machine guns, to disperse a demonstration in Tripoli on 23 August, according to eyewitness accounts and video evidence examined by Amnesty Interna-

119 <https://xurl.es/x2nuv>

120 <https://www.alaraby.co.uk/%D9%83%D9%88%D8%B1%D9%88%D9%86%D8%A7-%D9%81%D9%8A-%D8%B3%D8%AC%D9%88%D9%86-%D9%84%D9%8A%D8%A8%D9%8A%D8%A7>

121 [https://reliefweb.int/sites/reliefweb.int/files/resources/hno\\_2021-final.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/hno_2021-final.pdf)

122 <https://www.aljazeera.com/news/2020/8/24/libya-2nd-day-of-misrata-protests-over-corruption-poor-services>

tional", the organisation denounced<sup>123</sup>. It appears that several armed groups close to the government might have been behind it<sup>124</sup>. The police, in any case, intervened to defend the demonstrators. The Ministry of the Interior promised an investigation<sup>125</sup>, although, in a televised speech, President Serraj pointed out that the demonstration hadn't been authorised and that there were armed infiltrators among the demonstrators who provoked riots<sup>126</sup>. However, he decided to dismiss the interior minister and reshuffle his cabinet in the wake of the events<sup>127</sup> and imposed a 4-day curfew, which would eventually be extended to 10 days, a measure that demonstrators saw as an attempt to coerce their right to protest<sup>128</sup>.

The protests were to spread to the eastern side of the country a few weeks later. On 11 September, demonstrators took to the streets in Benghazi criticising power cuts and worsening living conditions. They blocked streets and burnt tyres, in a protest that had its origins in the lack of fuel to run the electricity stations. Haftar's government accused Tripoli of not supplying enough oil and of trying to damage the region. The protests spread over the next few days to Bayda, Sabha and even el-Marj, where on the 12th of September a demonstrator was killed, and several others arrested<sup>129</sup>. A day later, the Tobruk government officially resigned, although it stayed in power several weeks more<sup>130</sup>.

Protests continued for the next few days on both sides of the country. These came in a very specific context marked by negotiations for a permanent ceasefire between the two opposing sides in the country. Cause or consequence, the protests would continue until October, when both sides ratified the peace agreement. Serraj, who had announced that he would resign amid the wave of protests, finally stepped down, as did the government of Tobruk. Based on an unstable equilibrium and built on this context, the fragility of the agreement has persisted in the months since.

In conclusion, we can affirm that, despite the risks involved in the management of the pandemic by the local authorities, most of the threats and violations of rights linked to

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123 <https://www.amnesty.org/en/latest/news/2020/08/libya-heavy-weaponry-used-to-disperse-peaceful-protesters-demanding-economic-rights/>

124 <https://www.libyaherald.com/2020/08/24/shooting-at-tripoli-demonstrations-moi-identifies-shooters-will-investigate-and-reveal-results/>, <https://www.amnesty.org/en/latest/news/2020/08/libya-heavy-weaponry-used-to-disperse-peaceful-protesters-demanding-economic-rights/>

125 <https://www.facebook.com/Fathi.Ali.gov/posts/970093326747362>

126 <https://www.libyaherald.com/2020/08/25/serraj-big-speech-post-demonstrations-wont-resign-would-leave-office-through-lpa-reform-to-reform-ministries-and-use-emergency-powers-thanked-saviour-turkey/>

127 <https://federalnewsnetwork.com/world-news/2020/08/libyas-tripoli-based-gov-suspends-minister-after-shooting/>

128 <https://xurl.es/mm22c>

129 <https://unsmil.unmissions.org/unsmil-statement-protests-al-marj-city-12-september-2020>

130 <https://www.aljazeera.com/news/2020/9/14/libyas-eastern-based-government-resigns-amid-protests>

the Covid-19 crisis were already present in a country still in the process of emerging from a bitter civil war, with a fragile state and two competing political entities seeking to legitimise their authority by force of arms. The management of the pandemic has only slightly worsened the already very restricted right to movement and demonstration in the country and, in any case, some elements have only served to accentuate repressive tendencies that have existed in the country for years.



## **5. LINK WITH CLIMATE CHANGE**

Experts warn that the geographical conditions in Libya make it particularly vulnerable to climate change. The southern coast of the Mediterranean is one of the points of greatest temperature increase on the planet<sup>131</sup>, with a surge of 1.5 degrees in the last 140 years. It is predicted that by 2040 this increase could reach 2.2 degrees and that it will reach 4 degrees before the end of the century<sup>132</sup>. One of the people interviewed, an aircraft pilot, admits that because of the increase in temperatures, small aircraft must avoid flying in the desert. Another interviewee, a coastguard, remarked that the temperature changes are causing new and violent sea currents and wind changes.

The population's awareness of climate change seems to be shallow and unconsolidated. The people interviewed acknowledged that they were mostly

aware of the issue but felt that it was not a priority for a population more concerned with basic security or survival issues. Some recent studies, however, indicate a relatively reasonable level of awareness among farmers<sup>133</sup>.

Currently 95% of the country is a desert and only 2% is arable land<sup>134</sup>. The lack of agricultural land means that 75% of food for domestic consumption must be imported<sup>135</sup>. Agricultural production has fallen by up to 70% since 2011 and the lack of irrigation efficiency measures is criticised<sup>136</sup>. The situation is particularly critical in some areas, such as the Fezzan region<sup>137</sup>. The proximity to the Mediterranean means that many parts of the country are susceptible to flooding, drought, dust storms and desertification. This condition entails serious climatic risks for Libya, as the scarcity of water resources often leads to inter-community competition among the local population. 9 out of 10 Libyans

Experts warn that the geographical conditions in Libya make it particularly vulnerable to climate change. The southern coast of the Mediterranean is one of the points of greatest temperature increase on the planet.

131 [https://climate-security-expert-network.org/sites/climate-security-expert-network.org/files/documents/csen\\_risk\\_brief\\_libya.pdf](https://climate-security-expert-network.org/sites/climate-security-expert-network.org/files/documents/csen_risk_brief_libya.pdf)

132 [https://climate-security-expert-network.org/sites/climate-security-expert-network.org/files/documents/csen\\_risk\\_brief\\_libya.pdf](https://climate-security-expert-network.org/sites/climate-security-expert-network.org/files/documents/csen_risk_brief_libya.pdf)

133 [https://www.researchgate.net/publication/332158244\\_ATTITUDE\\_AND\\_RISK\\_PERCEPTION\\_OF\\_CLIMATE\\_CHANGE\\_IN\\_FARMING\\_COMMUNITIES\\_IN\\_TRIPOLI\\_LIBYA](https://www.researchgate.net/publication/332158244_ATTITUDE_AND_RISK_PERCEPTION_OF_CLIMATE_CHANGE_IN_FARMING_COMMUNITIES_IN_TRIPOLI_LIBYA)

134 [https://climate-security-expert-network.org/sites/climate-security-expert-network.org/files/documents/csen\\_risk\\_brief\\_libya.pdf](https://climate-security-expert-network.org/sites/climate-security-expert-network.org/files/documents/csen_risk_brief_libya.pdf)

135 <https://climateknowledgeportal.worldbank.org/country/libya>

136 <https://www.planetarysecurityinitiative.org/news/climate-change-threatens-basic-state-functionality-libya>

137 <https://centaur.reading.ac.uk/79720/1/wadi%20shati%20paper%20ref%20pdf%20copy.pdf>

live on the coast, where water reserves are either dry or polluted by seawater intrusion. The existing desalination plants are in urgent need of repair and the problems arising from the armed conflict have only worsened the outlook<sup>138</sup>. Climate change, together

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The people interviewed acknowledged that they were mostly aware of the issue but felt that it was not a priority for a population more concerned with basic security or survival issues.

with the incapacities of the state in the face of conflict, only add up. Large proportions of the population are left without water supply for periods of 8 to 10 hours a day.

The rainfall is decreasing at a constant rate of 1.95 mm each year while the Mediterranean Sea level is rising 3 times faster than the rest of the planet<sup>139</sup>. By the end of the century, the sea level could have risen by two and a half metres, and since most of the Libyan population lives on the maritime fringe, they would be directly affected. Poor management of water resources causes scarcity and conflicts between

communities. With high water consumption rates, little concern for agricultural water use efficiency and high employment in the agricultural sector, the strains on people's livelihoods are gradually increasing.

In 1984, Gaddafi's government promoted the Man-Made River project, a large pumping system designed to channel fresh water, located 500 metres underground in the so-called Nubian Stoneware Aquifer System (one of the largest aquifers on the planet), to the coastal population, hundreds of kilometres away. With this seemingly unlimited resource, through a network of up to 1,300 wells, the government created massive circular state farms in the desert, cultivating everything from wheat to watermelons. Gaddafi famously claimed that with this water the desert would end up being as green as the flag of the Libyan Republic. The truth is that being the most ambitious engineering project of the time, it became tempting for many companies who wanted their piece of the pie, and allegations of corruption and bribery were the order of the day.

Currently 60% of the water used in the country comes from this project<sup>140</sup>. In 2010, the government stated that the well could last up to 4,000 years, but other reports claimed

138 <https://www.libyaobserver.ly/life/leak-main-pipeline-water-desalination-plant-may-cut-water-supply-tobruk-official-warns>

139 [https://climate-security-expert-network.org/sites/climate-security-expert-network.org/files/documents/csen\\_risk\\_brief\\_libya.pdf](https://climate-security-expert-network.org/sites/climate-security-expert-network.org/files/documents/csen_risk_brief_libya.pdf)

140 <https://reports.unocha.org/en/country/libya/card/2r82XSjHkw/>

that it could have a life of between 60 and 100 years<sup>141</sup>. It is currently estimated that it could last for 200 years, as long as no one else exploits these underground wells. However, current extraction levels are 4 to 10 times higher than the level of natural renewal, calling these figures into question. In addition to the risk stemming from draining these wells, lack of security and sabotage are another threat. Some communities have sabotaged hundreds of wells because they considered that the north was sucking up their water. A situation that has caused enormous supply problems. In July 2011 NATO planes bombed one of the pumping stations, leaving communities without access to water and causing enormous resentment<sup>142</sup>.

Temperature peaks also cause problems when stabilising the electrical system. Neither the grid nor production can keep up with the likely increase in water usage caused by rising temperatures. The country is extremely dependent on oil, which leaves it highly exposed to price fluctuations. Although it is not yet clear whether we have reached or are about to reach the so-called oil peak, it is estimated that demand will fall by 27% over the next 25 years<sup>143</sup>. Libya and Iraq are the most vulnerable oil-producing countries as they have not built alternatives to oil industry. Furthermore, the country's main electricity generator is oil cream, which means that Libya tops the ranking of greenhouse gas emissions in the whole of Africa, with between two and four times more emissions than any other country in North Africa<sup>144</sup>.

The threats of climate change could, in short, accentuate the conflict in a country that is still unstable and with a weak state that is incapable of facing the enormous challenges that lie ahead. Most coastal cities will suffer the effects of rising sea levels and residential instability on the coast, where almost the entire population is concentrated, could be a serious problem in the coming decades. Moreover, problems of access to resources, especially water resources but also to scarce arable land, could accentuate the already existing conflicts between communities. The local reality, marked by more than five years of conflict and instability, centred on the basic principle of survival, makes it difficult for climate change to be a priority. It is an issue that is mainly perceived as a concern for privileged people and countries.

Regarding the work of civil society in defending environmental rights, this report cannot make a significant contribution. According to the sources consulted, there are associations and social movements that work in this area, mostly with a local perspective.

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141 <https://www.csmonitor.com/World/Africa/2010/0823/Libya-s-Qaddafi-taps-fossil-water-to-irrigate-desert-farms>

142 <https://theecologist.org/2015/may/14/war-crime-nato-deliberately-destroyed-libyas-water-infrastructure>

143 [https://climate-security-expert-network.org/sites/climate-security-expert-network.org/files/documents/csen\\_risk\\_brief\\_libya.pdf](https://climate-security-expert-network.org/sites/climate-security-expert-network.org/files/documents/csen_risk_brief_libya.pdf)

144 [https://climate-security-expert-network.org/sites/climate-security-expert-network.org/files/documents/csen\\_risk\\_brief\\_libya.pdf](https://climate-security-expert-network.org/sites/climate-security-expert-network.org/files/documents/csen_risk_brief_libya.pdf)



However, upon being contacted to inquire about the situation of environmental rights and the priorities of their work, no answers were offered —the reasons for which are unknown. Therefore, although it is possible to conclude that some of these initiatives exist in Libyan civil society, this report has not been able to verify their level of activity or influence, nor access their testimony on the impact of the environmental crisis management on human rights within the country.



## 6. **RECOMMENDATIONS**

The situation in Libya is certainly complex and the recommendations made here are neither exhaustive nor applicable without an up-to-date analysis of the context of intervention. Nonetheless, several points emerge from the interviews and the research that seem to be “consensual” and can serve as a starting point for reflection before (or after) any possible external action in Libya.

Although there is considerable division and scepticism about the role that the international community has played and is playing in Libya, it can be concluded that there is a consensus that, if it is done well, international cooperation can have added value and accompany the improvement of human rights protection in Libya.

The objectives of these recommendations are:

- 1) Design actions that lead to increased respect for human rights.
- 2) Ensure that these actions are effective and appropriate, and do not aggravate or endanger local populations or stakeholders.
- 3) Ensure that these actions have a real and sustainable impact on the local population in terms of living conditions and respect for human rights.

## Thinking outside the box

- Define a precise intervention area. It is impossible to think that the same intervention will be applicable to the whole territory.
- Adapt the area of intervention to the subject you want to address. We recommend to turn to experts in the country, who will be able to guide your decision. For example: issues of racism are more relevant and potentially more acceptable by the population in the south of the country. It will be more difficult to deal with them in Tripoli.
- Consider actions in consultation with local authorities to facilitate procedures and ensure their cooperation or avoid blockages in case of non-cooperation.
- Define partners on the ground considering the communities and the need to include the authorities (define their level of involvement).
- Carry out conflict awareness courses before entering the country.
- It is very important to be aware of the limits and risks of addressing issues related to the promotion of human rights. Therefore, it is necessary to be prepared, to have a very controlled discourse, and evaluate the strategy to achieve impact.
- Propose non-violent and innovative alternatives to respond to a highly conflictive context. All actions must be based on this approach and emphasise the need for dialogue and reconciliation between different groups and communities.

## Respect for human rights

As this report has shown, not all human rights are treated in the same way and some are more controversial than others, or more difficult for the authorities to deal with. For this reason, the intervention strategy must be adapted to the type of law we want to deal with.

### Civil and political rights

- As this issue is extremely sensitive in Libya, avoid dealing with it directly and use a more general approach.
- This is the issue that can cause the most problems, especially for defenders. The notion of “do no harm” is fundamental and must be taken as a priority.
- Focus on tools for the effective protection of ombudsmen: online and offline. This may include:
  - › Training in digital security.
  - › Creation of support networks.
  - › Reinforcement of skills in context analysis, security...
  - › Personal protection techniques.
- Include this topic and the work that will be carried out as part of a broader task that deals with “authorised” issues and does not go into the details of planned actions. In this way, it is possible to work on monitoring human rights violations, data collection...
- In general, on this issue, promote work with key Libyan expatriates, especially human rights defenders.
- To approach the subject with Libyan citizens, present it through notions such as “citizenship” and “civic education”, as these are subjects on which there is a great deal of work to be done to raise awareness and inform the population.
- Avoid addressing torture, which is highly controversial and can lead to being blocked by the authorities.

## Cultural rights

- Consider regionalism and the specificities of each community and group.
- Approach the subject through the ideas of coexistence, tolerance, respect.
- Give priority to projects linked to cultural action and introduce cultural rights in this type of mission.
- Design awareness-raising or advocacy campaigns according to regions and communities

## Women's rights

- Organise the work on women's rights according to sensitive issues.
- Prioritise actions around women's political participation, especially at this time (2022-2023), or around access to resources (which can be linked to socio-economic rights).
- Avoid dealing directly with gender issues, inequality, and social roles. For many, these issues are considered "Western".
- Consider the "Islamic" aspect of this issue. International interventions are often viewed with great mistrust or criticised for their lack of understanding of the Libyan reality.

## Migrants' rights

- Bear in mind that this issue is extremely sensitive and can give rise to serious conflicts with the authorities.
- If you want to address this issue or work on these rights, work with a well-selected partner on the ground (who must have good relations with the authorities).
- Be careful not to create a link between the issue and civil and political rights, so as not to aggravate the situation.

## Other rights that are unknown or largely unaddressed

- Environmental rights: due to lack of knowledge, bad timing, or priority management, this is an issue that is rarely addressed in Libya. One could organise awareness-raising campaigns or events to try to interest the authorities and citizens and link these rights to other rights (especially socio-economic ones). This could also help anticipate imminent natural resource problems and create alternatives to reduce dependence on oil, which continues to be a determining factor in the country's geopolitical choices.

- Access to healthcare: see the Covid crisis as an opportunity to address the issue and get the authorities involved. The needs are real and recognised by everyone.
- Young people's rights: interventions tend to focus on the notion of child soldiers, or children in conflict with the law. There are other issues, such as the prevention of violent conflicts or, more positively, work on social cohesion, which could be relevant to these needs. Furthermore, gender issues can be addressed indirectly through actions in favour of children's rights.

## Choosing local partnerships: strategy

- Preferably address young people, who may have fewer ideological blocks than the older generations. Moreover, they represent the future of their country. It seems more strategic to invest energy in mobilising/ raising awareness/ training young people in Libya, rather than trying to convince an older person.
- When performing context analysis, include an analysis of the agents responsible for rights violations. Some violations go unpunished because the authorities are not aware of the problem. In fact, this can help to establish relationships with the authorities to address these needs.
- Try, as much as possible, to include the authorities in each action. Present the interventions to them in a way that meets their needs and makes them feel valued by participating in the project.
- Be aware of the capacities of Libyan civil society organisations, which do not have much experience in terms of project management, communication, financial control, etc. We recommend to start a project by training and/or qualifying the staff that will oversee it. The impact is high, and the security risks are low.
- Develop the concept of civil society and try to create or reflect on its role. This makes it possible to address human rights in a lighter and less obvious way with the agents involved in the projects.
- Finally, and most importantly, any interventions must be geared to support existing Libyan interventions, which respond to needs identified on the ground and which are sometimes held back by external interventions.



## PARTICIPATORY DIAGNOSIS – WAHDA

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