

# Implementation of UN Security Council Resolution 1325 in Libya

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## Question

*To what extent has UN SCR 1325 and associated women, peace and security (WPS) resolutions been implemented in Libya? What is the extent of women's participation in politics and peace processes? How has the current conflict impacted women and girls?*

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## 1. Overview

The literature on gender equality, development and security suggests that sustainable peace and successful long-term development are linked to gender equality policies (Selimovic & Larsson, 2014: 5). UN Security Council Resolution 1325 (SCR 1325), approved in 2000, reaffirms the important role of women in the prevention and resolution of conflicts, peace-building, and in post-conflict reconstruction.<sup>1</sup> It calls for equal participation of women in decision-making related to peace processes, protection of women from violence, in particular sexual violence in armed conflict situations, and gender mainstreaming in conflict management and peace building efforts. SCR 1325 was 'the Security Council's first resolution that recognised the specific risks to and experiences of women in armed conflict and women's central role in maintaining international

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<sup>1</sup> Full text of UN SCR 1325 available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N00/720/18/PDF/N0072018.pdf?OpenElement>.

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peace and security' (HRW, 2015: 4). A series of subsequent Security Council resolutions have reinforced the women, peace and security (WPS) agenda laid out in SCR 1325: 1820 (2008), 1888 (2009), 1960 (2010), 2106 (2013), 2122 (2013)<sup>2</sup> and 2242 (2015). Despite growing international recognition of SCR 1325 as a global norm, on the ground implementation has been slow and arduous. Issues include lack of funding for grassroots women's organisations, and challenges evaluating implementation such as lack of timely and disaggregated data (HRW, 2015: 5). Moreover, 'gender rights tend to be moved down the list of priorities in precarious transitions from war to peace – by international as well as national stakeholders' (Selimovic & Larsson, 2014: 5). This has certainly been the case in Libya.

Over five years since the 2011 revolution, Libya remains far from reaching a consensus political settlement, or indeed even establishing a stable interim arrangement (Idris, 2016). There are currently three governments laying claim to power: the General National Congress (GNC) and Government of National Accord (GNA) in Tripoli, and the House of Representatives (HoR) in the east (Freedom House, 2016). The country is deeply divided along political, geographic, religious and ethnic lines. There are numerous armed groups engaged in local, regional and national conflicts. Implementation of SCR 1325 and associated WPS resolutions in such a context is extremely challenging.

Key findings are as follows:

- **Active role of women in Libyan revolution:** Women played a leading role in the build-up to the Libyan revolution. Whilst generally not directly involved in fighting they contributed in many other ways, e.g. smuggling weapons, supplying food and medicines (Hammer, 2012). The expectation was that the revolution would lead to empowerment of women in Libya (Hilsum, 2014a).
- **Post-revolution marginalisation of women in politics:** Women found themselves being side-lined as new government bodies were set up. Intensive advocacy was needed to ensure women's representation in the General National Congress (GNC), but the quota for women was subsequently dropped to 10 percent in the critical Constitution Drafting Assembly (CDA) (ICAN, 2013; CNTJ & NPWJ, 2014). Obstacles to women's political participation include patriarchal cultural attitudes and rising conservatism, threats and attacks on women in politics, and limited international support (ICAN, 2013; IFES, 2013; Selimovic & Larsson, 2014; UNDP, 2015).
- **Negligible participation of women in national peace processes:** Women have similarly been involved to a very limited extent in national (including UN-led) peace processes, though they have shown the potential to play an important role in local mediation and reconciliation (Selimovic & Larsson, 2014).
- **Conflict-related sexual violence and lack of accountability:** Sexual-related violence was widespread during the revolution, directed against men as well as women, and perpetrated not just by the regime but also rebels (CNTJ & NPWJ, 2014; ICAN, 2013). Accountability and securing justice for victims is made extremely difficult by the huge social stigma attached to rape, as well as issues like lack of forensic evidence. The GNC

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<sup>2</sup> For details see SCR, 2014: p. 3-4.

did draft a law recognising rape as a war crime and providing for reparations for victims, but this has not yet been approved (CNTJ & NPWJ, 2014; Selimovic & Larsson, 2014).

- **Ongoing conflict and insecurity leading to greater restrictions on women:** Sustained insecurity in Libya is increasingly restricting women's access to the public sphere, in particular because families see the need to protect them and thereby safeguard family honour (IFES, 2013; ICAN, 2013). Domestic violence is thought to be more prevalent and more intense since the revolution, largely because of small arms proliferation in Libyan society (Khalifah, 2015).
- **Limited participation of women in security and justice sector:** Women have very limited representation in armed forces, the police and other security services. This is because of patriarchal cultural attitudes, ongoing insecurity, and Gaddafi's policy of using female guards – widely seen as 'sex slaves' – and the resulting negative view of women in the security sector (ICAN, 2013; UNDP, 2015). Women have also been excluded from international initiatives for security sector reform (ICAN, 2013).
- **Nominal support of international community for WPS in Libya:** Despite commitments to implementing SCR 1325 and associated resolutions in Libya, the international community has a tendency to shy away from pushing for women's rights in the face of local opposition. Critics argue that ignoring gender equality will make it difficult to achieve sustained peace (Selimovic & Larsson, 2014).

While the revolution carried the potential to bring about meaningful empowerment of women, in practice women face strong opposition from both traditionalists holding patriarchal attitudes and Islamists. This is leading some to question if the situation of women in Libya has improved since Gaddafi's ouster or deteriorated (Hilsum, 2014b; Selimovic & Larsson, 2014; Salah, 2014).

## 2. Role of women in Libyan revolution

### Women under Gaddafi

The Gaddafi era record on women's rights is mixed. Real progress was made in some areas, notably education and employment: by the time he was ousted from power there were more women than men at university, and more women in the workforce in Libya than in most Arab countries (Hilsum, 2014a). Gaddafi used women's rights discourses 'to prove his modernity and enlightenment' (ICAN, 2013: 6). Yet this was contradicted by the misogynist views on women laid out in his *Green Book* which stated that gender inequality was biologically determined (ICAN, 2013: 7). 'Gaddafi's somewhat progressive reforms gave women citizenship rights and declared women's formal equal status but were not accompanied by a broader societal debate that truly challenged conservative ideas on women's subordination' (Selimovic & Larsson, 2014: 7). Thus, despite anti-discriminatory legislation, women's rights and opportunities were limited and heavily determined by men. 'The dictatorship contributed to the creation of a patriarchal-religious society with a culture of controlling women's economic independence, freedom of movement and

association' (ICAN, 2013: 7). Moreover, the regime's sexual corruption<sup>3</sup> led 'many women and girls to hide from sight wherever possible and to fear public attention' (ICAN, 2013: 7).

## Women's critical role during revolution

Women played a significant role in the Libyan revolution. They were heavily involved in the build-up to the revolution: weekly protests by female relatives of prisoners killed in the Abu Salim prison massacre of 1996 in Benghazi spread to other parts of the country, 'igniting larger demonstrations that eventually called for the downfall of the regime' (Selimovic & Larsson, 2014: 6). Women generally did not directly engage in combat during the revolution, but were very active behind the frontlines: spying on the regime, communicating information to rebels, raising money for the rebellion, supplying food and medicines, smuggling weapons and munitions, caring for the injured in makeshift hospitals, and so on (ibid; and Hammer, 2012). According to one activist: 'The war could not have been won without women's support'.<sup>4</sup> Post-revolution there was an expectation among women that their rights would be respected in the new Libya, and they would have greater freedom and access to opportunities (Hilsum, 2014a). According to leading women's rights activist Iman Bugaighis, 'The revolution was an earthquake to the cultural status of women in Libya' (HRW, 2015: 2).

## Post-revolution marginalisation of women

Marginalisation of women in the aftermath of the revolution and Gaddafi's ouster from power was apparent almost immediately. On 23 October 2011 the interim President (head of the National Transitional Council) declared a lifting of polygamy restrictions introduced under Gaddafi: 'this law is contrary to Shariah and must be stopped... Shariah allows polygamy' (cited in Khalifah, 2015). 'Regressive attitudes towards women have been apparent from the start' (ibid.). This initial marginalisation of women has continued during the transition period due to a number of mutually enforcing factors: patriarchal attitudes which exclude women from power and decision-making; lack of strong support locally and internationally for women's rights and participation; the rise of Islamist groups and ideology; ongoing conflict and insecurity in Libya; the strong association of family honour with women and hence the need to protect them; and weak institutions, particularly for security and justice. These factors are elaborated below.

## 3. Women's participation in politics and peace-building

### National Transitional Council, General National Congress

The body in charge of Libya in the wake of Gaddafi's ouster from power was the National Transitional Council (NTC): out of 73 members only two were women (Langhi, 2014: 202). One of these was human rights lawyer Salwa Bugaighis, who alongside her sister Iman had been involved in the initial anti-Gaddafi protests: 'Iman and I were very effective in the beginning but the men didn't believe that women could play a role at this time. They didn't think we had the strength, background or ability' (Hilsum, 2014b). Bugaighis stepped down from the NTC.

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<sup>3</sup> Gaddafi was notorious for sexually assaulting any woman who took his fancy: Hilsum, 2014a.

<sup>4</sup> Fatima Ghandour, Radio Libya talk-show host, cited in Hammer, J., 2012.

In 2012 elections were held for the first democratically elected representative body in Libya since Gaddafi, the General National Congress (GNC). The NTC initially proposed a 10 percent quota for women in the draft election law, which came under criticism from both advocates who saw it as too low, and opponents who did not see the need for a quota at all. In a subsequent draft the quota for women was abolished altogether. A number of women's rights organisations, notably the Libyan Women's Platform for Peace (LWPP) and Voice of Libyan Women (VLW), criticised the draft and proposed an alternative inclusive election law. Eventually a so-called 'zipper model' was adopted whereby party lists had to alternate male and female candidates (so every other name was a woman candidate). As a result women made up 45 percent of the candidates nominated by political parties (Selimovic & Larsson, 2014: 10). Langhi (2014: 203) states that 624 out of a total of 3,700 candidates were women: of these, 540 stood through party lists and 84 as independents. With support from UNDP and other international actors (ICAN, 2013), 33 women candidates succeeded in getting elected, 32 through parties and one independent (Langhi, 2014: 203). This represented 16.5 percent of seats in the new body – a significant achievement (ibid).

Voter turnout among women in the 2012 GNC elections was also high: 66 percent of those surveyed in an International Foundation for Electoral Systems (IFES) survey reported participating the election (IFES, 2013: 4). However, female voter participation rates were 22 percentage points lower than those for men, pointing to a large gender gap in voter turnout. Voter turnout was lower among older women, those with no formal education, and women in rural areas (ibid). While women reported voting free of pressure, women were more likely to vote in line with their spouse's/family's choice; men were more likely to have an independent choice (ibid).

## Constitution Drafting Assembly, House of Representatives

Efforts by women's groups and others led to a large number of women candidates standing and to success for some in the 2012 GNC elections. However, this 'victory was short-lived' (ICAN, 2013: 9). The GNC proposed a new electoral law, including for election of the Constitution Drafting Assembly (CDA); no provision was made for female representation. As one activist noted, 'The constitution offers the opportunity to define the relationship between the state and the people of Libya. It is absolutely crucial that representatives from all constituencies are involved in all stages of the drafting if it is to be considered a legitimate and inclusive process.'<sup>5</sup> There were calls from Libyan and international organisations for greater inclusion of women and minorities under the slogan, 'Libya's future depends on the participation of all her citizens' (ICAN, 2013: 9). The UN Support Mission in Libya (UNSMIL) Electoral Support Team also expressed disquiet at the draft law's tendency to 'unnecessarily exclude some categories of the population without clear justification' and pointed out it contradicted 'the precedent set by the GNC elections and international conventions on women's representation, to which Libya is committed' (ibid.). However, a second draft also excluded women but the UN made no further public statements (ibid.). Indeed, Tarek Mitri, Special Representative of the Secretary-General for Libya, said it was up to women to fight their exclusion and that the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) was 'nothing' (since a parliament could not be sued for ignoring it) (ibid.).

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<sup>5</sup> Elham Saudi, director of Lawyers for Justice in Libya, cited in Selimovic & Larsson, 2014: 10.

Activists within Libya continued to protest and lobby for greater representation. In January 2013, 29 female congress members united across party lines to form a bloc calling for more women in the CDA. This followed a statement by a male congress member criticising the presence of women in the assembly, and asserting that 'they had drawn God's wrath on the assembly and thereby caused its shortcomings' (Selimovic & Larsson, 2014: 10). Despite these efforts, only six seats out of 60 (10 percent) in the CDA were allocated to women (ibid), creating 'a small and easily marginalised bloc' (CNTJ & NPWJ, 2014: 5). Smith (2013) notes that 'lack of female participation within the constitution drafting process is likely to mean that key gender equality issues will be subverted as other issues are given greater importance'. There are also problems with the method of assigning reserved seats for women, whereby the law basically predetermines which parts of the country will be represented by men and which by women (CNTJ & NPWJ, 2014: 4).

Elections to the House of Representatives (HoR), the body intended to replace the GNC, took place in 2014. The quota for women in the HoR was reduced to 15 percent, indicating 'a substantially lower ambition with regards to women's representation compared to the previous model' (of the GNC with alternating male and female candidates on party lists); 30 seats out of 200 went to women (Selimovic & Larsson, 2014: 10).

## **Women's political participation: challenges and opportunities**

### **Public attitudes**

Surveys indicate that public attitudes to women's political participation are generally positive. 71 percent of women surveyed reported being very or somewhat interested in matters of politics and government (IFES, 2013: 4). However, very few women (20 percent) reported taking part in any type of civic activity in the previous year (the report was published in 2013) to express their views on social and political issues. Civic engagement increased with educational attainment and dropped with age; geographically women in the Eastern region of Libya comprising Benghazi and neighbouring areas were more civically active than those in other regions (ibid). A majority of both men and women expressed support for women in different political roles, but this was stronger among women (81 percent) than men (69 percent) (ibid). Similar proportions of men (65 percent) and women (77 percent) reported that they would encourage their daughters to become involved in politics as candidates for parliamentary elections, but both men (92 percent) and women (83 percent) believed men made better political leaders and better business executives than women (ibid). Similarly contradictory views emerged in another survey, in which 92 percent of Libyans said they thought it was important that electoral candidates ensure women's rights, yet an overwhelming majority thought Shariah should be either the only source or the main source of legislation (National Democratic Institute, 2014 cited in Selimovic & Larsson, 2014: 11).

### **Harassment of women in politics**

The above views supporting women's political participation reported in the IFES survey would appear to be belied by the experience of women involved in politics. Women moving into the public sphere (not just in politics) 'are chastised for breaking honour codes by speaking publicly, being interviewed in the media or having their photograph published' (Selimovic & Larsson, 2014: 9). 'Politically active women receive threats online, and have their pictures distributed and defamed. They risk being vilified and subjected to slander concerned with their character and personal life' (ibid: 12).

Conservative attitudes to women in public life hamper women candidates in elections from campaigning, as do lack of funds (ibid: 12). 'Some candidates were put under pressure not to speak in public or to campaign door-to-door and women's campaign posters were vandalised to a larger extent than men's' (2012 EU Assessment Team, cited in ibid.). Even after election, women parliamentarians 'face strong resistance in the conservative social environment of the congress. They are repeatedly challenged to the extent that they are prevented from bringing up the issue of women's rights' (UNSMIL representative, cited in ibid.). Respondents in a UNDP survey identified three major obstacles faced by elected women (UNDP, 2015: 11-12):

- exclusionary practices such as meetings being scheduled late at night or in places where it would be difficult for women to attend;
- cultural obstacles, not being accepted as peers in power-sharing and facing verbal intimidation from male counterparts;
- self-exclusion of women from active politics, particularly at local level, due to fear of slander and gossip.

One example was seen at the inauguration ceremony of the new interim government on 8 August 2012, when the female presenter of the ceremony was heckled by a male congress member and told to cover her head; she was then asked to leave the podium by the outgoing chairman of the NTC (Selimovic & Larsson, 2014: 12).

The risks to female politicians and activists go beyond heckling and harassment. 'While male politicians also face insecurity, threats of rape, assassination and harm to family members are probably more vocal against female MPs (UNSMIL representative, cited in ibid: 12). A number of female politicians have been attacked and some killed (NGOWG, December 2016). On 25 June 2014 high profile activist, Salwa Bughaighis, was killed in her home after voting in the parliamentary elections; she had received threats. One month later, on 17 July, former lawmaker Fariha al-Barkawi was shot dead by unidentified assailants in Derna. 'Targeting woman activists like Ms Salwa Bugheiges and Ms Fariha Berkawi has further restricted the space of freedom for women and it made difficult to speak up publicly and defend women's legal rights' (CNTJ & NPWJ, 2014: 4).

### **Rising religious extremism and misogyny**

The lifting of the ban on polygamy in Libya immediately after the death of Gaddafi fits into a wider pattern of rising religious conservatism and misogyny in the country. A survey on adoption of Shariah in Libya found that 58 percent of women supported this as the main source of governance but not the only one, while an additional 31 percent wanted it to be the sole source; corresponding figures for men were 50 percent and 40 percent (IFES, 2013: 9). In a 2014 article, Hanan Salah (2014) listed numerous examples of women coming under pressure from Islamists: in March 2013 the Grand Mufti issued a fatwa stipulating that women could attend university only if it was gender-segregated, and called on female students to dress according to Islamic traditions, including covering the hair; in Derna a university started building a wall in the middle of the campus to segregate female students from males; in response to a call from Dar al-Ifta, Libya's main religious institution, the government stopped issuing marriage licences for Libyan women wishing to marry non-Libyans; Dar al-Iftar also called for women to be accompanied by a guardian if they wish to leave the country; numerous young women in Tripoli reported taking up or contemplating wearing hijab to avoid harassment in public. One woman activist noted the

rapidity with which extremist views had spread: 'my father saw me as independent and supported my wish to learn to drive. No one in Libya ever bothered about women driving, and now, they say it's always been wrong. The point is people adjust themselves to new ideas with frightening speed' (ICAN, 2013: 8).

The rising conservatism in Libyan society limits women's opportunities to participate in politics and the push for women's rights. Some see the situation for women in Libya as having deteriorated since the revolution: 'Under Qaddafi we only lacked political freedom. Our social and cultural freedoms were taken for granted. These are now under threat. If you express an independent opinion you're accused of being liberal and irreligious. Religious groups have taken active measures to confuse us as we try to claim our rights. They see liberalism as *kufr* (unbelief)' (ICAN, 2013: 7-8). 'Proponents of conservative political Islam often criticise Muslim feminists as traitors who are under the influence of a 'western' human-rights agenda' (ICAN, 2013: 10).

### **Limited international support**

The UN and international community in general have been criticised by Libyan civil rights activists for failing to continue pressing for greater representation of women in elected bodies (specifically, in the context of the Constitution Drafting Assembly). Selimovic and Larsson see this as a dangerous compromise on the part of the international community: 'Unfortunately, women's rights tend to be treated as a "hot potato" by the international community, which shies away from frictional encounters between globally driven projects for gender equality and conservative, patriarchal values at the local level. There are fears that raising issues of gender equality will destabilize the delicate balance of power in the post-conflict phase between conservative and liberal forces' (2014: 22). They argue that ignoring gender equality will make it difficult to achieve sustainable and inclusive peace.

In its defence, an UNSMIL representative described Libya as 'a challenging environment in which to promote women's rights, not only due to its social conservatism but also due to its faltering institutions: "We have a whole unit trying to mentor and support the Libyan institutions on gender equality, but we simply do not have a partner on the Libyan side"' (cited in Selimovic & Larsson, 2014: 19). The lack of stable institutional partners means that 'gains are constantly being challenged and in need of renegotiation' (ibid) as seen with the reduced women's quota in the HoR compared to the GNC.

However, the international community does continue to provide (small-scale) support for women's political and other rights. For example in January 2015, with support from IFES, UNSMIL and UNDP, 35 Libyan women representing different regions and cultural groups, engaged in two workshops addressing the role of women in conflict resolution, and in promoting gender equality in the constitution drafting process (Khalifah, 2015). This was followed in September 2016 by, under a joint EU-UN Women programme, a meeting in Tunis entitled 'Ensuring Libyan Women's Equal Participation in the Humanitarian, Peace and Transitional Recovery Processes'.<sup>6</sup>

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<sup>6</sup> <http://reliefweb.int/report/libya/eu-un-women-libyan-women-and-international-actors-meet-tunisia-ensure-women-s>



## **Continued women's activism**

Despite the challenges faced by women, some analysts point to the progress made. 'Libyan women living inside and outside the country joined forces, forming organisations to tackle legal issues, promote political participation and address dire economic needs. In their short history of political engagement and civil society activism, they have demonstrated remarkable acuity and resilience in their efforts to shape and participate in the country's transition' (ICAN, 2013: 7). Selimovic and Larsson see the revolution as marking a watershed moment for women in Libya: 'It opened up spaces for women's active engagement in the political sphere, especially in informal spaces. Since the end of the dictatorship, many new civil society organisations have formed an important platform for advocacy and education around gender equality issues....Swift and positive transformations in women's freedom have occurred in certain contexts, such as the universities, where female students report a growing recognition of women's rights. Although limited, these pockets of positive change given reason for hope' (2014: 21). Nonetheless, there is no shortage of pessimism about prospects for women's rights in Libya. One woman activist warned: 'We know what's coming is worse. I worry that one day I'll forget how bad it was and look back to the "good old days" of Qadhafi' (cited in ICAN, 2013: 10).

## **Women's involvement in peace processes**

The review found limited evidence of women's involvement in official peace processes. Women's organisations were included among others consulted in UN-led peace processes, but there was no indication that women played a leading role or that women's concerns were a priority. As noted above, the international community has shied away from pushing for gender equality in the face of local resistance. The review found evidence of women's involvement in local mediation and reconciliation initiatives. Since male elders would not participate in meetings with women, separate meetings for women have been set up. One observer reported that 'women tend to look at the broader picture of the conflict and raise family-level security concerns' (cited in Selimovic & Larsson, 2014: 18). Women are also reported to be more open in reconciliation efforts, willing to work across tribal affiliations. In Sabha, for example, an NGO worker said women had built relations across tribal dividing lines (ibid.). Zahara Langhi (2014) asserts that 'women have the potential to be shapers of a new discourse of politics of inclusive state-building, gender equal reform, inclusive social transformation and peace building'.

## **4. Women and security and justice**

### **SGBV during revolution and accountability**

Allegations of systematic and mass rape by the Gaddafi regime were cited by international actors in justifying military intervention in Libya (ICAN, 2013: 3 and Selimovic & Larsson, 2014: 14). Cynics point out that Gaddafi's sexual exploitation and abuse of women did not begin with the revolution, but 'only when Qadhafi became a threat to his on-again-off-again Western backers, did Libyan women become a matter of importance to the rest of the world' (ICAN, 2013: 4). Following Gaddafi's ouster, the International Commission of Inquiry 'did not find documented evidence to substantiate claims of widespread sexual violence...such as to amount to crimes against humanity' during the revolution (ICAN, 2013: 3). International bodies including the UN, Amnesty International, Human Rights Watch and the US Army did not detect evidence of an escalation into mass rape by the regime (ibid).

Mass rape might not have been used as a deliberate strategy by the regime, but sexual-related violence during the revolution was widespread: 'it is clear that there were numerous incidents of rape and it is equally clear that the threat of rape was used to instil fear in entire communities' (CNTJ & NPWJ, 2014: 5). Moreover, both women and men were victims of sexual violence. The Commission of Inquiry on Libya identified two patterns of sexual violence (CNTJ & NPWJ, 2014: 6):

- that of women who were beaten and raped by armed men in their homes or abducted and beaten and raped elsewhere, sometimes for days;
- sexual violence and torture of males and females in detention centres to extract information, humiliate and punish.

Some rape victims were targeted because of their allegiance to the rebels, with rape 'used as a means to punish, terrorise and send a message to those who supported the revolution' (ibid), while others were assaulted for no known reason. Critically, sexual violence was perpetrated not just by forces loyal to Gaddafi, but also by rebels (ICAN, 2013: 3).

UN SCR resolutions on women, peace and security call for lack of impunity for those guilty of sexual violence. Efforts to hold perpetrators to account for sexual violence committed during the Libyan revolution, as well as under the Gaddafi regime, have been unsuccessful. Three years on from Gaddafi's ouster, 'not a single case of sexual violence had been taken to court, either in Libya or at the ICC<sup>7</sup>' (Selimovic & Larsson, 2014: 14). The obstacles to accountability for conflict-related SGBV and justice are numerous: information is difficult to obtain; there is a lack of forensic evidence to support rape allegations; where figures are available these diverge hugely, e.g. in a 2013 report ranging from 200 to several thousand cases. But by far the biggest obstacle is the stigma associated with rape which makes victims reluctant to speak out. 'In Libya rape is considered to be one of the most serious crimes, affecting not just the victim, but also the family and the community, and can trigger retaliation and honour-based violence' (CNTJ & NPWJ, 2014: 5). Victims of rape during the conflict were 'doubly vulnerable as they suffered the risk of being killed by their families' (Selimovic & Larsson, 2014: 15). The result is that 'issues of rape and other forms of conflict-related sexual violence are largely shrouded in silence' (ibid: 14).

'Women's rights activists have struggled to break the culture of shame and silence' around rape and sexual violence (ibid: 16). They point out that lack of investigation into sexual-related violence means perpetrators are not held to account and, critically, 'means that victims do not receive much-needed psychosocial support and/or material compensation' (ibid). As a result of such lobbying, in May 2013 the Ministry of Justice submitted a draft law on the care of women victims of rape and violence to the GNC. The draft makes rape a war crime – 'a major step towards putting the blame on the criminal rather than the victim' (Elham Saudi, cited in ibid.) – and provides for reparations for war rape victims. As of 2014, the law had not been approved as the GNC had put it on a 'waiting list' and given priority to other issues. There are also concerns about implementation, e.g. how the reparations process would work, whether victims would be willing to come forward, and criticism that the law's focus is more on compensating victims than on prosecuting perpetrators (ibid). Nonetheless, it can be considered progress. In February 2014 the Justice Minister adopted a text protecting victims of sexual violence by ministerial decree – an initiative aimed at establishing transitional justice mechanisms for SGBV victims (CNTJ &

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<sup>7</sup> International Criminal Court

NPWJ, 2014: 6). Again, as of 2014, the decree had not been passed into law and its implementation was therefore stalled.

## **SGBV in Libya today and impact of current conflict**

Conflict in Libya is on-going and the country is marked by continued insecurity. A combination of divided government (with competition for power between the GNC and Government of National Accord in Tripoli and the House of Representatives backed by General Haftar's forces in the east), presence of numerous non-state armed militias and groups, and the wide availability of weapons 'have trapped Libya in a vicious circle of violence' (Selimovic & Larsson, 2014: 8). In such circumstances, sexual and gender-based violence continues to be widespread (CNTJ & NPWJ, 2014: 5), perpetrated by society in general as well as by extremist groups specifically targeting women. There have been many cases of women and girls being abducted, including kidnappings from schools (Selimovic & Larsson, 2014). 'Fundamentalist groups have also performed explicitly political attacks against beauty salons' (ibid.).

### **Growing restrictions on women**

One major impact of the sustained insecurity is increasing restrictions on the movement of women and on their access to public spaces. In a survey 29 percent of women felt restricted in moving about in public places without fear or pressure, while 57 percent reported feeling completely or somewhat restricted in leaving their homes without permission (IFES, 2013: 2). 'These restrictions are tightening as stories of violence against women circulate and uncertainty of centralised authority for the military and police continues to exist' (IFES, 2013: 2).

Limited movement of women is due both to women themselves feeling insecure in the deteriorating security situation and fearing attacks when they go out, but also to families controlling women and confining them to the home because of the need to protect them and thereby safeguard family honour. Libyan culture sees women as the custodians of family honour, 'therefore they must be protected and shielded so as not to bring shame and disgrace upon their immediate family and community' (Khalifa, 2015: 4). 'Raping a Libyan woman, whether in peacetime or in armed conflict, would cast an extended profound shame and humiliation on her and the entire family. Indeed, raping a Libyan woman simply means, in many cases, sentencing her to death, physically, psychologically or socially' (Zawati, 2014: 50). In addition to families, conservative political actors are using sexual violence to justify keeping women inside their homes where it is 'safer' (ICAN, 2013: 5). Islamists also force women to remain in their homes, a problem particularly bad in the east of the country: 'In some cities we see strict religious or extremist groups slowly gaining control and preventing women from moving around easily' (DW, 2016).

The shame associated with rape and other forms of sexual violence is a major factor in the under-reporting of this issue. 'Because of social and cultural pressure, victims are isolated, neglected and most importantly not supported by public authorities and the law' (CNTJ & NPWJ, 2014: 5). Lack of strong security and justice institutions, notably the police and courts, is another factor. The response by a woman asked why she didn't file a police complaint when sexually harassed was typical of many: 'Which police? The police can't do anything for me. The militias are too strong' (Salah, 2014). As a result, 'violence against women remains common, but reporting remains low' (NGOWG, 2016).

## **Rise in domestic violence**

Another aspect of SGBV believed to be widely prevalent in Libya is domestic violence; while there is little data or statistics on this, 'with the increased rate of criminality, weapons and lack of security and laws, women and girls are under bigger risks of such violations' (Khalifah, 2015: 6). Domestic violence stems from cultural acceptance of this: approximately 70 percent of men and 66 percent of women surveyed thought that in certain scenarios it was acceptable for a husband to beat his wife (IFES, 2013: 60). It is also due, again, to women being seen as custodians of family honour: 'therefore, if they do something that is understood as dishonourable, they must be punished' (Selimovic & Larsson, 2014: 9). A further factor is weak legislation on domestic violence and even weaker enforcement. Libya has just one law on domestic violence, dating back to 1984, which states that a woman 'has the right to expect her husband to.... refrain from causing her physical or psychological harm' (ibid: 14).

Not only is domestic violence thought to have become more common since the revolution, but also more severe, in large part because of the proliferation and circulation of small arms in Libyan society: 'the presence of a weapon in the private sphere increases the risk that domestic violence escalates to a deadly outcome' (ibid). One activist asserted that domestic violence is a greater problem in Libya than SGBV in public places: 'The threat against women is not that they are targets for snipers or for kidnappers. No. The threat against women comes from within, from their families' (cited in ibid). Selimovic and Larsson highlight the wider impact of domestic violence, keeping women out of the public arena: 'its reach extends far beyond the family sphere as it has clear implications for women's freedom of movement and opportunities for political participation' (ibid).

## **Women's participation in security and justice sector**

### **Lack of women in the security sector**

Libyan women are not significantly represented in the country's armed forces, police or other security agencies. The Army Chief imposed a decision banning women from joining the armed forces, and there is similar reluctance to train and employ women police officers (Langhi, 2014: 205). There is cultural aversion to involving women in the traditionally male-dominated sphere of security (UNDP, 2015). Furthermore the restrictions on women's movement described above, due to ongoing conflict and insecurity, as well as conservative attitudes, greatly limit opportunities for women to work in the security sector.

An additional significant factor is the Gaddafi era practise of employing women as personal security guards. These were widely regarded as 'sex slaves' by the public, described as 'slaves', 'whores' and 'prostitutes' (UNDP, 2015: 11). That history has 'left Libya with an awkward discourse on the issue of women in the security sector' (Selimovic & Larsson, 2014: 9). Women security staff are 'not only judged as agents of the former regime, but also as not having been actually working parts of the security sector even when participating' (UNDP, 2015: 11). The UNDP report notes the irony that 'the progressive position of the pre-revolution Libya seems to have had the opposite effect on the status of the military today' (ibid). The absence of women from security sector positions has knock-on effects. In particular, it impacts negatively on women prisoners, who have to be held in detention under male supervision (Selimovic & Larsson, 2014).

## Exclusion of women from security sector reform

Security sector reform (SSR) offers opportunities to promote the women, peace and security agenda. To achieve its objectives, SSR should be undertaken in a gender sensitive manner inclusive of women. This has not been the case in Libya, and the 'blame' for this lies as much with the international community as with local stakeholders. On 17 December 2012 the UK hosted a high-level international meeting with Libyan officials from the Ministries of Foreign Affairs, Defence, Interior, Justice and Intelligence. The focus was on international assistance for security and justice sector reform in Libya. Also in attendance were representatives from UNSMIL, the EU, individual European countries, the US and others. 'Yet not a single Libyan woman participated in the meeting' (ICAN, 2013: 5). The omission is all the more surprising given that the UK was the lead on the Security Council's WPS agenda. A follow-on ministerial conference on SSR in Libya, held in Paris in February 2013, similarly failed to include Libyan women. No explanation was offered for their exclusion: 'Nobody would admit that they had simply dismissed women as stakeholders, and so *en bloc* overlooked them' (ibid). One example of the negative fall-out from this exclusion for women's security in Libya, was that no women were included among 7,000 security personnel to be sent for training in the UK (ibid).

Selimovic and Larsson (2014: 18) claim that women's organisations have played an active role in transformative work in relation to the military. 'They have introduced inclusive practices for building human security, for example by inviting legislators and revolutionaries to a consultation of issues concerning the demobilization, disarmament and reintegration of rebel fighters (so-called DDR processes) and security sector reform (SSR)'. They note that DDR and SSR are pressing concerns for women's security.

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