

Summary - June 2021

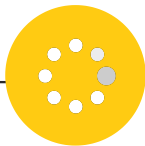
At the end of June and with six months to go before the elections, some limited progress has been made to address the 7 things that need to be done to ensure free, fair and safe elections can take place. The Government of National Unity (GNU) has taken some limited positive steps towards guaranteeing the right to political participation for all (goal #4); promoting and committing to transparency and the right to information (goal #6); supporting and promoting the rights of women in politics (goal #5); and ensuring the security of voters, including at polling stations (goal #7). However, as the elections are fast approaching, there is still a lot to be done. Moreover, the GNU has yet to take measures to guarantee everyone's freedom of expression and free media (goal #1); and to support and facilitate the work of civil society (goal #3). Check out our first monthly report card on the 7 things to be done in 7 months for more detailed information on what happened in June.

Key



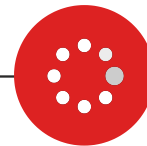
ACHIEVED

The executive authority took some measures to address and implement the goals successfully.



SOME PROGRESS

The executive authority took some measures to address and implement the goals partially.



FAILED

No measure was taken to address the goal or some measures going against the goal were taken.

1

GUARANTEE EVERYONE'S FREEDOM OF EXPRESSION AND PROMOTE FREE MEDIA

● FAILED

● FAILED

- **Repealing all regulations and decrees that provide disproportionate and illegitimate restrictions on freedom of expression and the press**

On 15 June 2021, the Council of Ministers of the GNU decided to repeal Decree 597 of the Presidency Council regarding the establishment of the Libyan Media Foundation. Decree 116 of 2021 dissolved the Libyan Media Foundation and placed the public media channels previously overseen by the Foundation under the direct supervision of the Council of Ministers and other ministries. Although the status of the Libyan Media Foundation was problematic, moving these public channels under further state control, therefore facilitating state interference, is unsatisfactory. The Libyan media must be free and independent, a key prerequisite to guarantee free and fair elections.

● FAILED

- **Ensuring that attacks and threats against those who speak out publicly are investigated and those responsible are held accountable;**

- Since 2011, there have been countless reports of journalists being threatened, abducted or killed, including Muftah Al-Qatrani in 2015, Musa Abdul Kareem in 2018 and Mohamed Ben Khalifa in 2019. To this date, the perpetrators continue to enjoy complete impunity. In June, the widow of Anton Hammerl, a photojournalist who was killed in June 2011 while covering the conflict in Libya appealed to the UN Human Rights Council to investigate her husband's death.
- At least 22 people have been sentenced to death by military courts in eastern Libya since 2018, in trials aimed at stifling dissent in the war-torn country. Those convicted include journalists, peaceful protesters and individuals who criticised Haftar's forces on social media. The GNU must order investigations into torture and other crimes under international law committed by armed militias and put an end to such military trials of civilians. The GNU has yet to take such actions.

● SOME PROGRESS

- **Ensuring the media have access to politicians, including through briefings to the media on the progress made, and are able to comment on public issues without censorship or restraint and to inform public opinion.**

The GNU has been giving regular briefings and weekly press conferences since the end of March 2021 which is a step towards ensuring the media have access to politicians. However, the developments highlighted above threaten the freedom of expression of journalists and the potential for Libyan media to be free of any censorship or restraint.

2

FOSTER PEACE BY PROTECTING THE RIGHT TO FREEDOM OF PEACEFUL ASSEMBLY AND ASSOCIATION



NO PROGRESS



FAILED

- Ensure that any restrictions on public gatherings are legitimate and strictly limited to protecting public order, and that peaceful assemblies are able to take place in a safe manner;



FAILED

- Guarantee the freedom to engage freely in political activity individually or through political parties and other organisations and refrain from obstructing the formation of political parties in the lead up to the elections;



FAILED

- Investigate and hold accountable those responsible for attacks aiming to infringe the right to freedom of peaceful assembly and association

3

SUPPORT AND FACILITATE THE WORK OF CIVIL SOCIETY

● FAILED

⦿ FAILED

- **Repealing repressive regulations, intended to impede civil society organisations and their activities in Libya, including Decree 286 of 2019;**

Decree 286 of 2019 is still in effect. The repressive decree grants the Libyan Civil Society Commission (CSC) discretionary and overly intrusive powers. It strictly regulates the work of local and foreign civil society organisations (CSOs) with regard to their establishment, registration and structure and provides the CSC powers to control, restrict and suspend CSO activities and also to dissolve the CSOs. Based on strict and illegitimate requirements, the CSC has frozen the registration of international NGOs, therefore making them unable to work in the country.

⦿ FAILED

- **Ensuring all forms of abuse including threats and reprisals against CSOs and human rights defenders are investigated and that those responsible for such abuses are held accountable;**

Since we published our roadmap on 7 things to do in 7 months, human rights defender and journalist Mansour Mohamed Atti Al-Maghrabi was kidnapped in June in downtown Ajdabiya. It is unclear whether an investigation has been opened.

⦿ FAILED

- **Ensuring that the CSC is a separate body operating independently with its own budget and guaranteeing that its work will not be subject to interference from political authorities, central intelligence forces or the security sector, including armed groups and militias.**

4

GUARANTEE ACCESS AND RIGHT TO POLITICAL PARTICIPATION FOR ALL



NO PROGRESS



FAILED

- **Guarantee the participation of minority groups by making information available in all indigenous languages, including Tamazight, Tuareg and Tebu, in order to reach all communities;**



FAILED

- **Ensure that information, for example on how to vote, is available in formats that are accessible to all, including persons with disabilities such as those with visual impairments and people with learning difficulties;**



SOME PROGRESS

- **Ensure that voter registration is inclusive, accessible, and that the largest number of eligible Libyans inside and outside the country can register. Special adjustments should be made for displaced persons who are not in their usual place of residence and may not have access to the civil registry;**
- On 27 June, Libya's High National Election Commission (HNEC) announced that during the past two days the process of installing number plates on the facades of schools designated as polling stations started across Libya. This was in preparation for the opening of voter registration on July 4 2021 which is the first phase in the electoral process. This is a step towards facilitating access to polling stations and ensuring voters can register for the elections and are aware of the locations of polling stations in their area.
- HNEC has also sent a convoy of specialised electoral materials, which includes ballot boxes, numbers for polling stations, and office equipment to the offices of the Electoral Administration in the cities of Benghazi and Sabha.

4

GUARANTEE ACCESS AND RIGHT TO POLITICAL PARTICIPATION FOR ALL



NO PROGRESS



SOME PROGRESS

- **Facilitate the return of displaced persons in a secure, safe and dignified manner, allowing them to register and vote in their hometown;**

- HNEC confirmed it is working on a plan to allow the displaced from the eastern region to vote for their original districts from the place of their current residence. However, displaced persons have requested to be able to register and vote in their hometowns.
- Libya's Presidency Council formed the High National Reconciliation Commission (HNRC), as required by the LPDF Roadmap, to be a "forum that brings together Libyans, redresses harm and achieves justice among them". The HNRC includes several subcommittees to work on meeting Libyans in their cities, in addition to one committee dedicated to address the situation of the displaced people. The Presidency Council's Spokesperson Najwa Wahiba emphasised the importance of reconciliation and the work of the HNRC in the coming period as this will ensure the success of the electoral process.



FAILED

- **Ensure that election rules do not discriminate or arbitrarily exclude potential voters or candidates;**

- The president of the House of Representative (HoR) met with the Constitutional Track Committee and agreed to prepare a law for elections to be submitted to the HoR for voting and approval during the month of July. However, over the month of June, the HoR has not made concrete efforts to adopt electoral laws and constitutional basis for the elections.
- The HoR must ensure that the eligibility criteria for candidacy exclude those implicated in crimes against humanity and war crimes. Candidates' implication in human rights violations and war crimes should not be limited to receiving a final court sentencing but there should exist a reasonable basis to believe that they have been implicated in the commission of serious international crimes, or violations of international human rights or humanitarian law. In assessing whether a "reasonable basis to believe" exists, HNEC should consider any pending investigation into such allegations by the International Criminal Court or other accountability mechanisms, including authorities in third countries.
- The LPDF failed, in its latest meeting in Geneva, to reach a consensus on a constitutional basis for the 24 December 2021 elections by the set deadline of 1 July. This failure could impede the holding of the elections in the agreed date and may jeopardise the elections taking place at all.

4

GUARANTEE ACCESS AND RIGHT TO POLITICAL PARTICIPATION FOR ALL



NO PROGRESS



FAILED

- **Promptly provide financial support to the High National Elections Commission (HNEC) and state institutions concerned with electoral process, to enable them to carry out their duties, as per the Roadmap (article 4.4) including awareness-raising and education campaigns on the importance of the inclusion of the vulnerable groups in the political process;**
- Due to differences within the HoR over the draft budget submitted by the government, the HoR has continued to suspend the sessions devoted to adopting the general budget since mid-April. As a result, the budget remains to be approved after much delay. Such delay in adopting the budget puts into jeopardy the capacity to hold the elections as planned, since the relevant institutions such as HNEC will not be able to prepare for them accordingly.



FAILED

- **Prepare polling stations to allow people with disabilities to participate in the electoral process.**

5

SUPPORT AND PROMOTE THE RIGHTS OF WOMEN IN POLITICS



SOME PROGRESS



FAILED

- **Ensure voter registration is accessible to all women, regardless of their social status, including their marital status;**



SOME PROGRESS

- **Promote an enabling public and political environment that is free from threats, harassment and reprisals for all women, to ensure their full and equal capacity to hold and take part in political campaigns ahead of the elections;**
- On 19 June 2021, Minister of State for Women's Affairs, Houria Eltermal, met with the European Union's ambassador/Finnish Ambassador, to examine ways to support women in participating in the upcoming elections in December.
- Supported by the UN Support Mission in Libya (UNSMIL) and other UN Agencies, a group of lawyers, activists and human rights defenders has been working on the draft law on Combating Violence Against Women for the last seven months. The draft law criminalises all forms of violence against women, including online violence and online hate speech, identifies protection and prevention mechanisms, and defines institutional responsibilities. It also mandates the creation of a national commission to combat violence against women and a dedicated trust fund to support victims of violence. While the group met in Tunis in June to review the draft law, Ms. Eltermal, who attended part of the final meeting, "committed to supporting the enactment process of the draft law, and hailed the draft law as a monumental achievement." If adopted, the law has implications for the elections in that it can encourage and facilitate the inclusion and participation of women in the elections and the political space without the fear of harassment and threats.

5

SUPPORT AND PROMOTE THE RIGHTS OF WOMEN IN POLITICS



SOME PROGRESS



FAILED

- **Ensure the minimum quota of 30% for women as set out in the roadmap is implemented immediately;**

To this date, the number of women in the government continues to fall short of the minimum quota of 30% as set out in the LPDF Roadmap. The participants to the second Berlin Conference also recalled the GNU's commitment to appoint women for at least 30% of all senior positions and urged it to implement its commitment without delay.



SOME PROGRESS

- **Ensure that crimes of sexual and gender-based violence, including online violence against women, are investigated and those responsible are held accountable.**

In early June, a Jordanian woman was kidnapped and raped by three men over the course of two days and was then filmed having her head shaved by the perpetrators. The Criminal Investigation Agency in Benghazi stated on its official Facebook page that they managed to arrest a gang responsible for the incident. Libyan authorities said that legal actions were being taken against the perpetrators. However, the outcome of these arrests is still unknown. Legal action must be taken within the bounds of the law ensuring the victim and the accused have access to lawyers and receive a fair trial in a civilian court.

6

PROMOTE AND COMMIT TO TRANSPARENCY AND THE RIGHT TO INFORMATION AS A CORNERSTONE OF DEMOCRACY AND GOOD GOVERNANCE

● FAILED

⦿ FAILED

- **Guarantee the participation of minority groups by making information available in all indigenous languages, including Tamazight, Tuareg and Tebu, in order to reach all communities;**

The Presidency Council and Prime Minister have yet to release their full financial disclosure as per their commitment.

⦿ SOME PROGRESS

- **Report to the Libyan people on your objectives and the efforts made throughout the whole period leading to the elections to guarantee transparency and free and fair elections;**

Over the past month, the GNU has been communicating quite actively on its activities and the steps taken, including in view of preparing the elections, through its social media platforms, such as its Facebook page and Twitter account.

⦿ FAILED

- **Publish monthly updates on the progress made to comply with the Roadmap in the lead up to the elections.**

Although the GNU has been communicating on its activities, it has yet to publish comprehensive monthly updates on the measures taken to implement its commitments from the LPDF Roadmap.

7

CREATE A SAFE SPACE AT POLLING STATIONS AND ENSURE THE SECURITY OF VOTERS

 SOME PROGRESS



SOME PROGRESS

- **Ensure the respect of the ‘Agreement for a Complete and Permanent Ceasefire in Libya’ and adopt a plan to mitigate the risk of escalating violence, identifying concrete and practical measures aiming to prevent further violations in the lead up to the elections;**

On 9 June, the Interior Minister, Khaled Mazen, met with the HNEC Chairman, Emad Al-Din Al-Sayeh, to discuss security measures to ensure the elections can take place safely.

However, in early June, ISIS claimed an attack in Sabha in which a suicide bomber killed at least two people in a car explosion. This indicates that terrorist groups are ignoring the permanent ceasefire agreement which does create an environment that is not conducive to the holding of safe elections and the protection of voters.



FAILED

- **Ensure that independent monitors have access to polling places and prevent attacks from militias and armed groups;**

In line with our recommendation, the second Berlin Conference encouraged “UN Member States and international and regional organizations to deploy election observers, at the invitation of Libyan authorities and in coordination with UNSMIL.” The GNU must provide unfettered access to election observers to guarantee free, fair and safe elections in line with international standards.



FAILED

- **Ensure that those responsible for attacks and those attempting to obstruct the democratic electoral process, access to polls and freedoms of expression, peaceful assembly and association are held accountable;**



SOME PROGRESS

- **Refrain from impeding the work of the judiciary and ensure its places of work are safe so that it can do its work.**

On 8 June, Attorney General, Sideeg Al-Sour, met Ageela Saleh, the head of the HoR in Gubba, eastern Libya, to discuss difficulties and problems in the functioning of the judiciary and prosecution offices.