

Summary - July 2021

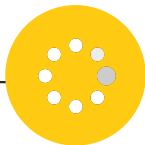
At the end of July and with 5 months to go before the December #elections, some limited progress has been made to address the 7 things that need to be done to ensure free, fair and safe elections can take place. The Government of National Unity (GNU) has taken some limited positive steps towards guaranteeing the right to political participation for all (goal 4); supporting and promoting the rights of #women in #politics (goal 5); promoting and committing to #transparency and the right to information (goal 6); and creating a safe space at polling stations and ensuring the security of voters (goal 7). These points were also prioritised by the #GNU last month, as shown by June's report card, indicating that the progress is continuous, which is a step in the right direction. However, there is much more to do. The GNU has yet to take measures to guarantee everyone's #FreedomOfExpression and free #media (goal 1); to foster #peace by protecting the right to freedom of peaceful assembly and association (goal 2); and to support and facilitate the work of civil society (goal 3). These are also the same points that the GNU failed to address last month. Goals 1 - 3 are cornerstones of fair electoral processes and should be prioritised by the GNU before the December elections. Check out this month's report card on the 7 Things To Do in 7 Months for more detailed information on what happened in July.

Key



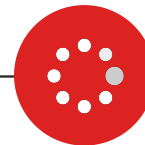
ACHIEVED

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 recommendation, or some measures were taken that went against the recommendation.

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;**

Decree No. 116 of 2021 and Decree No. 1605 of 2018 on the regulation of public media (see our June report card) that provide disproportionate and illegitimate restrictions on freedom of expression and the press have yet to be repealed, and there has not been any talk about their repeal.

● FAILED

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

There has been no progress towards accountability for attacks and threats against those who speak out publicly in the past month.

● FAILED

- **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 lack of action taken by the GNU highlighted above constitutes an obstacle to the freedom of expression of journalists and to the potential for Libyan media to operate free of any censorship or restraint.

2

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



NO PROGRESS

Since our last update (June 2021), the GNU has not taken the steps to which it committed when it comes to freedom of expression and media freedom. As a reminder, as set by the Roadmap Libya is expected to ensure the “rehabilitation and regulating of the media sector in a manner that preserves the national social fabric and creates general de-escalation.”



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;

⦿ 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;

⦿ 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



SOME PROGRESS

- **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;**

On 19 July, HNEC chairman met with a delegation of representatives of the Tebu and Tuareg communities to discuss participation of these communities in the elections and ways in which HNEC could enhance their inclusion in the upcoming elections.



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;**

Whilst, as highlighted above, HNEC has been reaching out to some minority groups, it has yet to ensure that information regarding voting and the election is available in languages other than Arabic or English and has not made it accessible to persons with disabilities or learning difficulties.

4

GUARANTEE ACCESS AND RIGHT TO POLITICAL PARTICIPATION FOR ALL



NO PROGRESS



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 4 July, HNEC launched a voter registration update, which closed on 30 July, in order to allow new voters and those who have changed residence to register and vote in the upcoming elections. Voter registration can be done via SMS or through telephone and social media messages, making it more accessible to Libyans who may not be able to access a physical registration centre.

As of 30 July, on the closing day of voter registration, a total of 250,000 new voters had been recorded on the local registry, bringing the overall number of voters registered to 2,594,907. According to HNEC, this amounts to about 53.63% of the total of eligible voters.



SOME PROGRESS

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

In July, HNEC designated 14 election centres for displaced persons in eight different cities. Combined with the digitalisation of voter registration mentioned above, these measures constitute a positive interim step that will make registration and voting more accessible to displaced persons in Libya. These two decisions, which followed the Tawergha Municipal Council's call on the Prime Minister of the GNU to resolve the problems facing the displaced citizens across the country, can nonetheless only be temporary measures. The GNU should work towards facilitating the return of IDPs to their home, as per some IDPs' request to vote in their hometowns.

4

GUARANTEE ACCESS AND RIGHT TO POLITICAL PARTICIPATION FOR ALL



NO PROGRESS



FAILED

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

While the Constitutional Track Committee of the HoR had previously agreed to prepare a law for elections, it has, as of end of July, failed to do so. On 8 July, Aguila Saleh, the head of the HoR, met with Jan Kubis, head of UNSMIL, to discuss developments of the Libyan political process. During the meeting, Saleh indicated that the HoR had begun preparing an election law, along with distributing electoral districts across the country. On 29 July, the HoR Committee responsible for drafting the election law completed the draft election law with technical input from HNEC as part of a meeting held by UNSMIL in Rome on 26-29 July. The draft election law will now be presented to, and debated at the HoR in August. The deadline for agreeing on the legal basis for the elections, including the election law, was set for 1 July.



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;**
- On 12 July, the HoR yet again failed to pass the 2021 budget bill. After six HoR sessions to vote on the general budget, a closed HoR session was held on 13 July with 90 representatives. As the attendance of 120 representatives is required to vote on the budget, the budget was therefore not passed and was postponed until after the Eid holiday, after 24 July. According to its spokesperson, the HoR was set to approve the country's national budget on 2 August.
- At the beginning of July, Prime Minister Dbeibah ordered the formation of a ministerial committee, headed by the state minister for Communications and Political Affairs, to coordinate with HNEC awareness raising needed about the importance of elections and the acceptance of their results. HNEC also launched a Media Centre which is tasked to cover elections and to conduct "activities and programmes to bring in more women and youth participation rates."



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

● FAILED

● SOME PROGRESS

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

At the invitation of the Women's Support Unit of the HNEC and in the presence of an HNEC member, Mrs. Rabab Halab, a panel discussion was organised via Zoom on "The Participation of Displaced Women in the Electoral Process" in cooperation with the International Organization for Migration (IOM) and the Arab Network for Women in Elections and several civil society organisations interested in the issues of the displaced. Mrs. Rabab Halab presented the steps taken by HNEC to facilitate the participation of Libyan women in general, and displaced women in particular, in the upcoming elections.

● FAILED

- **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;**

5

SUPPORT AND PROMOTE THE RIGHTS OF WOMEN IN POLITICS



FAILED



FAILED

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



FAILED

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

6

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

● FAILED

⦿ FAILED

- **Release your full financial disclosure, as per your 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;**

The GNU's primary mandate was to prepare for the elections with a deadline of 1 July but failed to do so. Member of the Presidential Council Abdullah Al-Lafi met on 6 July with the head of UNSMIL, Jan Kubis. He emphasised the need to stick to the elections timetable, noting the launching of the voter registration system and HNEC Media Centre. He also discussed the government's efforts to ensure the holding of elections, its work to get all mercenaries and foreign forces out of Libya, and the unification of the military institution, in addition to the national reconciliation project.

On 5 July, the GNU presented a report to the HoR on its work according to the programme it had submitted to the house over the last three months. HNEC also regularly publishes updates on the number of voters registered, voting information, and news about the efforts they are taking to ensure the elections run smoothly on their official Facebook page. Therefore, the GNU has been taking some steps to report to the Libyan people on their efforts to ensure transparency and free and fair elections in the period leading to the elections.

⦿ FAILED

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

7

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

● FAILED

● FAILED

- **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;**

Despite the agreed ceasefire, there was heavy shooting in central Tripoli on 23 July as patrols of the Stabilization Support Agency and the Deterrence Agency to Combat Terrorism and Organized crime clashed.

On 15 July, the UNSC released a statement urging all Member States, Libyan parties and relevant actors to implement the 23 October 2020 ceasefire agreement fully, including the withdrawal of all foreign forces and mercenaries from Libya without delay. At the meeting, Dbeibah requested the UNSC “to help secure the immediate withdrawal of mercenaries and foreign fighters”, stating “their presence is unacceptable and poses a real risk to the political process and the ceasefire agreement.”

● FAILED

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

● 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;**

On 15 July, at the UNSC meeting, member state representatives discussed polling places’ security. At the meeting, Dbeibah informed UNSC members that ‘instructions were given to the Ministry of Interior to train 30,000 personnel to help secure polling stations throughout Libya, and to ensure the safety of voters, candidates and the entire electoral process’. Further, Dbeibah called for the ‘swift removal of all mercenaries’ from Libya, which he said pose a threat to the political process. Dbeibah also ‘called on the international community to support Libya to unify the military and security institution, and to contribute to supporting a comprehensive security strategy, by implementing programs of demobilisation, disarmament, reintegration, security sector reform, and border security’.

7

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



FAILED



FAILED

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