

## Summary - August 2021

At the end of August, four months away from this December's elections, extremely limited progress has been made since last month to ensure that free, fair and safe elections can take place. Whereas limited progress has been made to guarantee the right to political participation for all (goal 4), the GNU has continued to fail in implementing any progress when it comes to fostering peace by protecting the right to freedom of peaceful assembly and association (goal 2); promoting and committing to transparency and the right to information as a cornerstone of democracy and good governance (goal 6); and creating a safe space at polling stations and ensuring the security of voters (goal 7).

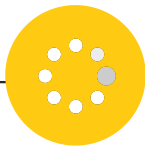
Furthermore, in some instances, limited progress has been cancelled by active failures, more specifically in the area of support for and facilitation of the work of civil society (goal 3) and support for and promotion of the rights of women in politics (goal 5). Progress is therefore limited, discontinuous and incoherent, and steps taken by the GNU in the opposite direction are concerning. Check out this month's report card on the 7 things to do in 7 months for more detailed information on what happened in August.

### Key



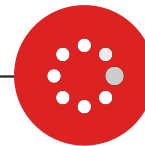
#### ACHIEVED

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;**

● FAILED

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

On 3 August, the GNU proposed to Libya's House of Representatives a budget which allocates funds to militias, more specifically 2.5 billion LYD (550 million USD) to the LAAF, 146 million LYD (32 million USD) to Radaa, 40 million LYD (8.9 million USD) to the Stability Support Agency, 35 million LYD (7.8 million USD) to the Public Security Agency, and 260 LYD (57 million USD) to the Internal Security Agency (ISA). The ISA is an entity made of armed groups operating in eastern Libya who are implicated in gross human rights abuses (including enforced disappearance and torture) to silence critics and opponents. Through wanting to allocate funds to perpetrators of international crimes and incorporate them into state institutions, the GNU legitimises those who attack and threaten those who speak out publicly. Rather than trying to secure support from militias by funding them, the GNU should investigate human rights abuses, hold responsible members of militias accountable, and implement vetting processes based on human rights when integrating armed actors into state institutions.

● 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.**

Whilst the GNU communicates on part of its activities on social media (Facebook, Twitter), it fails to brief the media on the progress it makes.

# # 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;**

On 15 August, the HoR reported that it called on the Presidency Council, the Cabinet and the Ministry of Foreign Affairs to form a committee in charge of listing foreign NGOs operating in Libya, on the grounds these said NGOs would “seek to destabilise and enter the local community”. The HoR directed the General Intelligence Service and the International Security Service to check foreign organisations’ licenses to work in Libya and to check that they work “in line with national security”. The HoR also stated that institutions and municipalities should not deal with said foreign NGOs without consulting authorities. These decisions are concerning and indicate the HoR’s willingness to curtail the work of civil society and antagonise international actors. The GNU should reject such measures and promote freedom of association by repealing repressive regulations on civil society.

⚙️ 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;**

The widespread pattern of arbitrary detention, enforced disappearances and attacks in Libya continues. On 5 August, the 302 Brigade of the LAAF General Command reportedly confirmed that Mansour Atti, Director of the Libyan Red Crescent branch in Ajdabiya and a civil society activist, was detained in one of its prisons. Mansour Atti was abducted and held under conditions of enforced disappearance until then and remains arbitrarily detained. All parties in Libya must immediately release individuals who are arbitrarily detained and those responsible must be investigated and held to account.

# # 3

## SUPPORT AND FACILITATE THE WORK OF CIVIL SOCIETY

● FAILED



SOME PROGRESS

- **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.**

On 1 August, Prime Minister Dbeibah met with representatives of civil society organisations to discuss the role of this sector, particularly in the context of the upcoming elections next December. The civil society representatives who attended the meeting briefed the Prime Minister on the problems facing their work and stressed the need to organise the sector in a way that guarantees its effectiveness and independence. They also called for unifying the Civil Society Commission, and for the urgent amendment of the draft regulation on the work of civil society organisations, in line with civil society's recommendations.

# # 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;

# # 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 14 August, HNEC indicated that close to 500,000 new people had registered to vote. On 17 August, the day voters registration closed inside Libya, HNEC reported at a press conference that a total of 2,830,971 voters were now registered for the elections, about 58% of the eligible voters.

Additionally, on 18 August Libya's overseas voter registration opened for 30 days. Libyans living abroad can now register until 15 September on a website set by HNEC. Libya's minister of Foreign Affairs called on overseas Libyans to register and, later this year, to vote. The minister announced that the GNU will, in cooperation with HNEC and Libya's diplomatic missions abroad, to ensure that the Libyan diaspora will have access to facilities allowing them to participate in this December's elections. As of 23 August, close to 7,000 overseas voters had already registered.



SOME PROGRESS

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

Following a meeting in June with a committee representing internally displaced persons (IDPs) to discuss their participation in the election, HNEC has been working towards ensuring that IDPs are able to vote and have their votes counted for their hometown. As such, HNEC has established dedicated polling stations for IDPs.

# # 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;**

On 17 August, Libya's HoR approved a law allowing the Libyan people to directly elect their president. It was then referred to the Legal and Constitutional Committee for final drafting. On the same day, the Head of HNEC, Emad Al-Sayeh said that once the election law is passed, candidacy requests will be accepted so that elections can be held on time next December. On 18 August, Al-Sayeh stated that there will be "no objection to any citizen who meets the legal conditions to run for office." He noted that any Libyan citizen who meets the conditions as provided by the law and the agreed constitutional basis for the elections has the right to participate in politics, run in the elections, and assume public office. However, to this date, the constitutional basis for the elections and the election law still have to be adopted. On Monday 30 August, UN Special Envoy to Libya, Jan Kubis, called on the House of Representatives to speed up the approval process of elections' legislations and constitutional basis.

Al-Sayeh also indicated that online voting would not be available for the presidential elections, justifying it by the difficulty to monitor online voting, the lack of supporting legislation and technical obstacles in the electoral centres to secure it at this time.



# # 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;**

On 2 August, Libya's House of Representatives (HoR) postponed once more the vote on the 2021 budget bill and said the move was requested by the GNU, who, according to the HoR's media office, wanted to make further amendments to the budget bill. As the month went by, no budget bill was voted, and on 17 August, the Government presented yet another draft of the 2021 budget to the HoR for members to review it by Monday 23 August. This third draft is almost identical to the second one (which was rejected by the HoR earlier this month). So far, the GNU has been spending one-twelfth of the last budget every month without oversight or restrictions. However, there was no HoR session on 23 August, which has now summoned the government to appear before it to face questioning next Monday 30 August.



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

⋯ 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 15 August, Horia Tarmal, the Minister of State for Women's Affairs, further discussed with Aguila Saleh, the Speaker of the HoR, the draft law for the protection of women and the role of the HoR in ensuring the participation of women in the elections.

⋯ FAILED

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

# # 5

## SUPPORT AND PROMOTE THE RIGHTS OF WOMEN IN POLITICS

● FAILED

⦿ FAILED

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

On 3 August, UNSMIL, UNDP & UN WOMEN supported HNEC in organising a webinar on violence against women during elections. The webinar was attended by State Minister of Communications & Political Affairs, a wide range of experts, and representatives of local and international organisations. The webinar addressed ways to protect and promote women participation in the upcoming elections: participants formulated recommendations on how to address violence against women and to increase their political participation.

As mentioned above (see goal 1), the GNU proposed two draft budgets this month in which funds are allocated to militias like the ISA, who have in the past abducted and unlawfully detained women for their perceived opposition to the Libyan Arab Armed Forces. For example, ISA Benghazi members abducted Haneen al-Abduli after she publicly called for accountability for the killing of her mother, lawyer Hanan al-Barassi. Haneen al-Abduli was detained from 5 March 2021 until 28 June 2021. If the HoR approves the GNU's new budget in the next few days, not only will militias receive funds, they may also not be held accountable for crimes committed against women.

# # 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;

● FAILED

- 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;

● 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;**

On 14 August, tribal armed groups forced the closure of the Man-Made River, cutting water supply to three million people, to demand the release of Abdullah al-Senussi, a senior official in the former regime. UNSMIL condemned the politicisation of vital water infrastructure as it threatens water security for millions of people and represents a violation of international human rights law and of humanitarian law. UNSMIL also urged all parties to respect the Ceasefire Agreement and refrain from taking any action that may be perceived as an escalation and may undermine stability.

On 19 August, Libya’s Foreign Minister, Najla Mangoush met with her Russian counterpart, Foreign Minister Sergey Lavrov, to discuss further the withdrawal of Russian mercenaries from Libyan territory. In the meeting, Minister Sergey Lavrov assured that Russia supports the withdrawal of foreign mercenaries from Libya.

On 24 August, Libya’s Minister of Interior, Khaled Mazen, discussed with U.S. Ambassador and Special Envoy to Libya, Richard Norland, the plans and programmes carried out by the Ministry to secure the upcoming 24 December 2021 elections. Mazen notably confirmed that the Ministry had prepared nearly 35,000 members of the police to secure the elections as well as training courses to raise their efficiency in the field of electoral security.

# # 7

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

● FAILED

⦿ 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 2 August, armed men abducted senior government official Rida Faraj Fraitis, Chief of Staff for the Prime Minister of the GNU, and his colleague, in Tripoli. UNSMIL also expressed concerns about threats made to other individuals involved in Libya's democratic transition, and about State institutions being targeted by armed groups. Libyan authorities must investigate all alleged violations of international human rights law including 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.

⦿ FAILED

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