

## Summary - September 2021

At the end of September, once again, only limited progress has been made to ensure free, fair and safe elections can take place in December. Such limited progress can be noticed in the area of support and promotion of the rights of women in politics (goal 5) as well as when it comes to ensuring access to voter registration. However, the GNU has failed to comply with almost all its other commitments. Actions have yet to be taken to guarantee everyone's freedom of expression and promote free media (goal 1), to ensure people can enjoy their right of peaceful assembly (goal 2) and the GNU has actively hindered the work of Libya's civil society (goal 3). Further, despite limited progress noticed when it comes to registration and minorities political rights, the GNU has overall failed to guarantee the right to political participation for all (goal 4). Eventually, the GNU has neither promoted nor committed to transparency and information for all (goal 6), nor has it ensured elections may be held safely (goal 7).

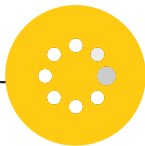
All in all, it appears the GNU is decreasing its efforts to commit to the Roadmap. For further detail on what happened in September, check out this month's report card on the 7 things to do in 7 months.

### Key



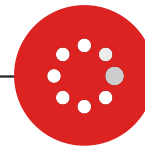
#### ACHIEVED

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 the evening of 11 September, Libyan Cloud News Agency and Ajdabia TV reporter Ismail Ali Bouzriba was finally released from prison after he was granted amnesty by General Khalifa Haftar. Bouzriba has been detained in isolation for almost three years and received a 25-year sentence from a military court in Benghazi in May 2020 for "communicating with a TV channel that supports terrorism." However, he is still seeing his freedom of expression curtailed as RSF reported that Bouzriba was forced to sign an undertaking not to talk to either the media or international NGOs about the conditions in which he was detained. Further, Bouzriba still does not have any legal document certifying he is officially free from charges. He and his family therefore fear that Haftar's decision could be overturned, and that he would be sent back into prison to serve the unfounded sentence. The GNU must ensure Bouzriba, and all those arbitrarily detained for speaking publicly, are officially acquitted of all charges and allow for the freedom of expression without threat of reprisal.

● 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.**

# # 2

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

● FAILED

⦿ 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;**

⦿ SOME PROGRESS

- **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;**

At the beginning of this month, Chairman of Libya's Presidency Council Mohammad Younes Menfi announced the launch of the comprehensive reconciliation plan, which involves the release of a number of political prisoners and leaders of the former regime from detention. On 5-6 September, a first salvo of prisoners were released, amongst whom Gaddafi's son, Saadi Gaddafi. According to the Spokeswoman of the Presidency Council, Najwa Wahiba, the Council will release additional prisoners, including Ahmad Ramadan, Gaddafi's former Chief of Cabinet and Intelligence. UNSMIL saluted this decision and stated it represents a step towards compliance with the rule of law and human rights, and towards holding a rights-based national reconciliation process. That being said, thousands remain arbitrarily detained in prisons throughout Libya. These prisoners must either be charged and face trial or must be released.

⦿ FAILED

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

On 26 September, the Director of the National Youth League Imad al-Harathi was abducted in Tripoli following his call for peaceful demonstrations in support of this December's elections. Al-Harathi's whereabouts remain unknown. Such development, two months away from the elections, is alarming and threatens the potential for free and fair elections. The GNU must ensure that Al-Harathi is immediately released and his abduction is investigated with those responsible held accountable for attempting to infringe on his right to freedoms of expression and peaceful assembly.

# # 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;**

The existing Civil Society Commission (CSC) operates in an arbitrary manner, imposing various restrictions on CSOs which, similarly to Gaddafi-era legislation, violate international law, standards and best practices aimed at protecting freedom of association. Rather than repealing Decree 286 of 2019, the GNU intends on taking additional steps by adopting a new decree which would result in further repression of CSOs and their activities in Libya. The new decree does not specify what the CSC's mandate or composition would be. This sets to create new administrative obstacles to CSOs. Under Decree 286 and the new draft decree, CSOs committing minor breaches can be faced with disproportionate penalties including criminal charges under the Libyan Penal Code that could lead to life imprisonment. This not only violates Libyans' right to freedom of association, but also threaten their freedom of expression. The GNU must repeal Decree 286, refrain from issuing the new draft decree as it stands, and more generally cease to adopt a hostile behaviour towards CSOs if elections are to be free and fair, in line with the GNU's commitments (see the Roadmap).

● 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 abduction of Imad al-Harathi, the Director of the National Youth League, must be investigated and the perpetrators held to account. Nearly two months away from the elections, such criminal conduct against those who speak out publicly impact free and fair elections and must not remain unpunished.

# # 3

## SUPPORT AND FACILITATE THE WORK OF CIVIL SOCIETY

● 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.

The draft decree on which the GNU is currently working is setting to create a CSC which would most likely not be operating independently from political pressure. It is so far unclear what this new CSC's mandate or composition would be. Such lack of transparency is particularly problematic as it risks deterring CSOs from carrying out their work, out of fear for the consequences they might face.

# # 4

## GUARANTEE ACCESS AND RIGHT TO POLITICAL PARTICIPATION FOR ALL

● 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;**

Information surrounding the elections does not appear to be accessible to all Libyans, notably those speaking indigenous languages. If the absence of such information was to persist, the elections results might not be unrepresentative of Libya's whole population and affect their legitimacy. All information about the elections must be made available in all Libyan indigenous languages to ensure participation for all.

⋮ 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;**

Information surrounding the elections does not appear to be accessible to Libyans with disabilities such as visual impairment or learning difficulties. If the absence of such information was to persist, the elections results might not be representative of Libya's whole population, which would affect the results' legitimacy.

# # 4

## GUARANTEE ACCESS AND RIGHT TO POLITICAL PARTICIPATION FOR ALL

● FAILED

● 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;**

HNEC raised awareness on its social media accounts about voter registration for people living abroad (see here for example). On 17 September, Libya's voter registration for Libyans located overseas closed with 10,729 new voters registered. This brings the total of Libyans registered, at home and abroad, to 2,865,624, of which more than 40% are women. It was reported by HNEC that some local administrations, notably Sabha's Security Directorate, had carried out electoral awareness actions during the voter registration period (distribution of leaflets).

However, further steps still need to be taken to give Tuareg Libyans and IDPs access to registration to vote, including facilitating the return of IDPs to their hometown.

● FAILED

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

On 10 September, Jan Kubis stated that UN agencies are increasing their support to national efforts aiming to find durable solutions for IDP communities, including with the GNU's Inter-Ministerial Higher Committee on IDPs. However, the GNU has not made any announcement about the work of such committee or communicated on any measure it would have taken to facilitate the return of IDPs to their hometown.

# # 4

## GUARANTEE ACCESS AND RIGHT TO POLITICAL PARTICIPATION FOR ALL

● FAILED

● FAILED

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

On 9 September, the HoR published a draft Presidential Election Law (Law No.1 of 2021) and sent it to HNEC and UNSMIL. The HoR's Speaker, Aguila Saleh, then ratified the law unilaterally without presenting the final version of the law to the HoR for a vote. The law was therefore rejected by the High State Council, as Saleh was criticised for bypassing due process and attempting to favour certain candidates. Elections rules must be adopted following a democratic process to ensure all potential candidates and voters can freely and fairly participate in the elections. Such unilateral actions breaching the parliamentary process threaten the election process as well as the overall political stability and sustainable peace in the country.

In September, Libya's Tuareg community expressed concerns about fearing exclusion from the December 2021 electoral process. Last month, in Ubari, Tuareg CSO Hirak La Lil-Tameez organised a demonstration to denounce the fact that whilst presidential elections are fast approaching, Libyan authorities have continued to exclude the "indigenous component of the Libyan people". As per the Roadmap (art. 1(2.8)), the GNU must address administrative issues to create conducive conditions for the elections to take place. As of today, Libya's minorities have only been issued temporary registration and have not had their citizenship rights properly recognised. As a response, on 20 September, Dbeibah met with Tuareg representatives to identify the difficulties facing Ubari residents. As of yet, nothing has materialised following this meeting. The GNU is yet to give Tuareg Libyans access to registration to vote.



# # 4

## GUARANTEE ACCESS AND RIGHT TO POLITICAL PARTICIPATION FOR ALL

● FAILED

● SOME PROGRESS

- **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 13 September, HNEC and the Ministry of Education signed a Memorandum of Understanding (MoU) in preparation for the upcoming elections. The MoU contains provisions regarding the use of educational buildings and facilities as polling centres, along with the organisation of trainings programs directed at employees of the polling centres (on procedures to adopt and responsibilities of all for the success of the elections).

Overall, however, only three months away from this December's elections, the GNU and the HoR have still not agreed on a unified budget. The inability of the GNU and the HoR to work together on Libya's reconstruction is threatening the peacebuilding process in Libya. On 21 September, the HoR carried through a vote-of-no-confidence against Dbeibah and the GNU. However, the High State Council rejected the vote and the procedure leading to it, denouncing them as violating the Constitutional Declaration and the 2015 Skhirat Agreement. HoR members, who objected to the HoR withdrawing confidence from the government, declared that such action could lead to a constitutional crisis in Libya, and would obstruct the December elections.

This month, HNEC, in preparation for the December elections, organised various meetings and trainings for HNEC employees and civil society:

-On 29 September, HNEC organised an event with representatives of the media entitled "Electoral awareness at the stage of voter registration and foreseeing the next stage" in which it opened dialogue with media representatives on these two topics.

-Earlier this month, HNEC organised training sessions for polling HNEC employees on the distribution of voter cards.

Throughout the month of September, HNEC organised an 'Observer Awareness Program' (several sessions and Offices of Electoral Administration in Libya) in partnership with the CSC for CSOs, in order to train them on their rights, duties and role as observers during the electoral process. It is worth noting however, that only those CSOs that are registered with the CSC can participate in these trainings. Thus, given the restrictions on civil society including registration (see goal 3 above), this limits the number of active NGOs able to participate in this process. This highlights once again the need to repeal Decree 286 and remove the restrictions placed on civil society.

# # 4

## GUARANTEE ACCESS AND RIGHT TO POLITICAL PARTICIPATION FOR ALL

● FAILED



SOME PROGRESS

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

On 15 September, Tajura Radio hosted a talk on diverse topics related to people with disabilities participation in the electoral process. During the talks, representatives of the Electoral Administration Office, UNHCR, and HNEC's Support Unit for Persons with Disabilities insisted on the importance of people with disabilities' participation in these elections. Further, on 10 September and 18 September, HNEC's Support Unit for Persons with Disabilities respectively held a training session for people with disabilities in Misrata and two awareness sessions on the rights to political participation of people with disabilities. Eventually, on 21 September, the Director of the Outreach and Communication department of HNEC held a meeting to discuss access to polling stations for people with disabilities. These are all positive steps towards ensuring people with disabilities will be able to participate in the elections.

# # 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;**

On 8 September, HNEC representative met with head of CSO Libya and Ibni Ghreb with the aim of increasing engagement with civil society in the south including the rights of Libyan women married to non-Libyan men. This is a first step towards ensuring voter registration is accessible to all women.

On 17 September 2021, the last day for overseas voters to register, 10,729 overseas voters were registered, of which 3,433 were women (32% of the total). The grand total of registered voters at home and abroad amounts to 2,856,624, including 43% of women.

🔄 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;**

At the end of August 2021, the chairman of HNEC met with the Minister of State for Women's Affairs to discuss ways to enhance the participation of Libyan women in the elections. Since then, UNSMIL's head Jan Kubis stated that "the UN has been supporting the efforts of HNEC and other Libyan actors to strengthen women's participation in elections." Kubis praised joint initiatives that UNSMIL, UNDP, and UN WOMEN took jointly with HNEC's Gender Unit, including a "series of interactive webinars engaging a wide range of women's networks across Libya on various electoral topics including gender-based electoral violence, and campaigns of women candidates." On the other hand, however, the GNU has not communicated on any steps it will take to promote women's free and safe participation in the elections. Greater efforts need to be put in place to ensure the protection of women who wish to run for elections or take on political office. The ongoing pattern of abuse against women in political positions does not provide for an environment that is encouraging or safe for women to participate in political life and must be addressed.

# # 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;**

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● FAILED

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

While some positive initiatives are taking place to raise awareness on sexual and gender-based violence, such crimes still have to be properly investigated and those responsible held to account.

# # 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;**

At the beginning of September, a shooting took place in Tripoli between rival armed forces, highlighting the ongoing climate of insecurity. As a reminder, clashes occurred last month in the city of Zawiya, West of Tripoli, already endangering the political process and demonstrating the lack of security in the country. The GNU must create a safe space for voters to participate in the elections, notably by preventing breaches of the Ceasefire Agreement by any armed groups in Libya, through the adoption of a plan to mitigate risks of escalations.

⦿ 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;**

⦿ FAILED

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