

## Summary - October 2021

At the end of October, extremely limited progress has been made to ensure free, fair and safe elections which aim to take place in December. A few positive steps forward can be noticed in areas of guaranteeing access to information related to elections, including persons with disabilities (goal 4), as well as reporting around objectives and efforts made leading to the elections (goal 6), in addition to some progress towards creating a safe space at polling stations (goal 7).

However, the Government of National Unity (GNU) has made no significant progress in relation to guaranteeing everyone's freedom of expression and promoting free media (goal 1), nor towards ensuring people can enjoy their right of peaceful assembly (goal 2), and the continued efforts to actively hinder the work of Libya's civil society (goal 3).

Moreover, it appears authorities are decreasing their efforts to support and promote the right of women in politics (goal 5), particularly, in relation to allocating a quota of only 16% for women in the parliamentary elections law, which counteracts the Roadmap. Not to mention the lack of proper investigations and holding those responsible for the abduction of activists and human rights defenders accountable for their actions. Such criminal conduct impacts free and fair elections and must not remain unpunished.

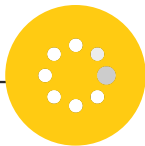
For further detail on what happened in October, check out this month's report card on the 7 things to do in 7 months below.

### Key



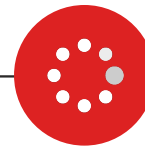
#### ACHIEVED

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;

# # 1

## GUARANTEE EVERYONE'S FREEDOM OF EXPRESSION AND PROMOTE FREE MEDIA

● 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.**

On 18 October, Mohamed al-Menfi, Chairman of Libya's Presidency Council, stated that he will refrain from speaking to media sources and commenting on public issues not to affect the national reconciliation process. "Our duty on national reconciliation and unifying the state requires us to speak briefly and not to go into details, and that is what has made us able to go across Libya," said Menfi during a meeting with society components of the town of Al-Marj. He further claimed that officials who publicly speak about their analysis of public matters relevant to the crisis "caused further issues, even when these analyses were accurate". The GNU should communicate on the measures taken to comply with and implement the Roadmap to ensure transparency and to inform the public.

On 21 October, the GNU organised the Libya Stabilization Conference in Tripoli, which aimed to develop a mechanism for reaching lasting agreements between political forces. The international Conference had the presence of representatives from neighbouring states and other countries concerned with the crisis in Libya, including Kuwait, Qatar, the United Arab Emirates, the United Kingdom, the United States, Germany, Italy and France. A number of journalists have reported difficulty in obtaining access to cover the conference, claiming that the government was manipulating the media coverage of the event by discriminating between journalists in providing access. While national reconciliation is highly needed at this very crucial phase, limiting media access, refraining from speaking to media sources and from updating the public about the latest preparations towards holding elections on 24 December, can impact transparency and free and fair elections.

# # 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;**

Following the announcement of a comprehensive reconciliation initiative by the Chairman of Libya's Presidency Council Mohammad Younes Menfi last month, GNU's Prime Minister, Abdul Hamid Dbeibah, stated that a plan to release a number of prisoners as part of the comprehensive reconciliation initiative will target all those arrested in armed conflicts, including foreigners and imprisoned women. On 12 October, during the National Unity Forum in Tripoli, which included a number of elders and representatives of Libyan tribes, Dbeibah promised that prisoners who were sentenced for release will be "immediately released" and others held without charges will be referred to court to face trial. On 13 October, Attia Mojahed Gaddafi, who participated in 2011 armed conflict under Gaddafi forces, was released as a result of an appeal against his death sentence issued in January 2018 in a ruling of the Misrata Military Court.

Thousands remain arbitrarily detained in prisons across the country. These prisoners must either be charged and face trial or must be released. Meanwhile, it is important to stress that "comprehensive reconciliation" should not be at the expense of criminal justice, finding truth and reparation.

# # 2

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

● FAILED



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

The Director of the National Youth League Imad al-Harathi was released earlier this month, after being abducted on 26 September in Tripoli, following his call for peaceful demonstrations in support of this December's elections. On 13 October, the National Youth League posted pictures on their Facebook page welcoming al-Harathi's return to office. However, the GNU has not published any details around investigations to uncover the circumstances of the abduction nor around those who attempted to infringe on al-Harathi's 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;**

On 8 October, the CSC based in Misrata announced that they will commence actions and measures against any CSO involved in political activities aiming to promote political figures, which means that individual politicians and political parties will not be able to cooperate with CSOs for their campaigns. In response to comments by CSOs and activists denouncing the announcement, the CSC said that their actions will be based on Decree 286, which imposes strict restrictions on CSOs - using Gaddafi-era legislation - in violation of international law standards and best practices aimed at protecting freedom of association. This not only violates Libyans' right to freedom of association, but also threaten their freedom of expression. In its October report, the UN Fact-Finding Mission on Libya highlighted how the Decree 286 curtails the work of CSOs in Libya and called on Libya to revise it. 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 GNU must repeal Decree 286, refrain from issuing the new draft decree as it stands, and more generally cease to adopt a hostile environment for 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;**

On 19 October, the Libyan Crimes Watch organisation reported discovering young lawyer Thuraya al-Taleb al-Mahdi al-Fakhri, handcuffed and blindfolded on a public road in Ajdabiya town (150 km south of Benghazi), two days following her abduction near Ajdabiya Court of First Instance. The abduction of al-Fakhri must be investigated and the perpetrators held to account. Less than two months away from the elections, such criminal conduct against those aiming to uphold the rule of law or speaking out publicly can have consequences and impact free and fair elections. These crimes must not remain unpunished.

# # 3

## SUPPORT AND FACILITATE THE WORK OF CIVIL SOCIETY



FAILED



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 seems set not to be independent 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, due to fear of 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 still does not appear to be accessible to all Libyans, particularly those speaking indigenous languages. The persistent absence of such information in the relevant language hinders access and representation of Libya's population consequently placing the legitimacy of the elections and the results into question. All information about the elections must be made available in all Libyan indigenous languages to ensure participation for all.



# # 4

## GUARANTEE ACCESS AND RIGHT TO POLITICAL PARTICIPATION FOR ALL

● FAILED

● 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;**

During this month, HNEC's Support Unit for Persons with Disabilities, in cooperation with local NGOs and the International Foundation for Electoral Systems (IFES) held awareness sessions on the right to political participation for persons with disabilities. The sessions took place in Sirte, Bani Walid and Yefren, targeting persons with hearing, visual and motor disabilities and aimed to introduce them to a dictionary of electoral terms in sign language, including Braille tactile writing system.

Meanwhile, on 24 October, the High National Election Commission (HNEC) announced in a press conference the plan to implement the presidential and parliamentary elections. The press conference was supported by sign language. In this announcement, the head of HNEC, Emad al-Sayeh, explained that the presidential and parliamentary elections plan relies on the synchronisation of the two elections in terms of procedures. The polling day for the first round of the presidential elections will be based on a proposal submitted by HNEC to the House of Representatives (HoR) for approval. The second round of presidential elections will coincide with the parliamentary elections on a polling day that will also be proposed by HNEC and approved by the HoR. The results of both elections will be announced simultaneously.

Although there is some progress in relation to facilitating participation for persons with disabilities, more efforts need to be done, including in terms of outreach, to support Libyans with disabilities in order for the elections' results to be representative of Libya's population in its entirety.

# # 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;**

On 20-21 October, HNEC held a training program for “Supporting Political Participation” in cooperation with CSOs in Tripoli, attended by 45 IDP-trainees from Murzuq, in the Western region of Libya.

Further steps still need to be taken to give Tuareg and Tebu-Libyans, in addition to IDPs access to registration to vote, including facilitating the return of IDPs to their hometown with less than two months away from elections this should be a priority to ensure access and inclusivity in the upcoming elections.

⚙️ FAILED

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

On 21 October, the GNU organised the Libya Stabilization Conference in Tripoli. The Prime Minister of the GNU, Abdul Hamid Dbeibah had previously presented four objectives for the initiative, which included the plan for national reconciliation and the need for the return of IDPs, in addition to reparation and ensuring their right to political participation, through the GNU's Inter-Ministerial Higher Committee on IDPs. However, the GNU has not made any announcement around practical steps of this committee or has the GNU communicated any measures it has taken to facilitate the return of IDPs to their hometowns.

# # 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 4 October, the HoR adopted the parliamentary elections law. The law postponed the parliamentary elections to January 2022, 30 days after the presidential elections, instead of holding both parliamentary and presidential elections simultaneously on 24 December. The law also prescribes for a voting system conducted on individuals on a non-transferable basis as opposed to a parties or list system. The parliamentary elections law sparked a whirlwind of criticisms, including in relation to the postponement of the parliamentary elections but also the fact that it denies political parties the right to enter the elections on lists. The HoR also failed to consult the High Council of State (HCS) before adopting the parliamentary law, in breach of the Roadmap (art. 4(B)(5)) and the Libyan Political Agreement. Furthermore, there were questions about whether the quorum was reached during the HoR's voting session on the new law, as a significant number of MPs, including the HoR Speaker, Aguila Saleh, were absent during the voting session. The spokesman of the HoR, Abdullah Bilheg, announced the adoption of the parliamentary elections law without providing details about the number of MPs attending the ratification session, nor about the number of votes that supported the law. Meanwhile, on 25 October, the HoR voted by majority to amend the presidential elections law and decrease the minimum age of eligible candidates to run from 40 to 35 years old.

Elections rules must be adopted following a legal 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.

Moreover, the GNU is yet to provide access to voter registration to a wide range of components of the Libyan society - including Tuareg and Tebu Libyans who do not hold National Numbers. Libya's minorities have only been issued temporary registration and have not had their citizenship rights properly recognised. As per the Roadmap (art. 1(2.8)), the GNU must address administrative issues to create conducive conditions for the elections to take place.

# # 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;**

Less than two 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.

However, in preparation for the December elections, HNEC continued holding meetings, training sessions and awareness campaigns for HNEC employees and civil society in October:

-On 11-13 October, HNEC organised "The Second Conference on Media and Electoral Rights, Between Freedom and Responsibility" in Tobruk, in cooperation with Tobruk University, during which scholars and researchers presented and discussed research papers on media and elections.

-Throughout October, HNEC organised training sessions for polling HNEC employees on the distribution of voter cards.

-HNEC organised an "Observer Awareness Program" in Sabha, in partnership with local CSOs, in order to train them on their rights, duties and role as observers during the electoral process.

# # 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 12 October, HNEC's Support Unit for Persons with Disabilities stated that they have received technical reports from offices of electoral administrations and organisations concerned with the rights of persons with disabilities. According to the Unit, the reports addressed the conditions of polling stations in terms of accessibility for persons with disabilities and highlighted that they have begun communicating with the Ministry of Education regarding equipping and maintaining these centres to enhance access for persons with disabilities. These are all positive steps towards ensuring people with disabilities will be able to participate in the elections. That being said, only CSOs that are registered with the CSC can provide such reports and participate in HNEC training sessions, given the restrictions on civil society including registration (see goal 3 above), which limits the number of active NGOs able to participate and observe the electoral process. This highlights once again the need to repeal Decree 286 and remove the restrictions placed on civil society.

# # 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;**

Last month, HNEC representative met with head of CSO Libyan 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 was a step towards ensuring voter registration is accessible to all women, particularly Libyan mothers who are struggling to give the nationality to their kids. HNEC has previously announced that the grand total of registered voters at home and abroad amounts to 2,856,624, including 43% of women. However, since this step last month, no further action was taken to increase participation or to address the concerns around nationality and allow Libyan women to pass on Libyan nationality to their children of non-Libyan fathers. This eliminates a large segment of society who are deemed non-Libyan even though their mother is.

● 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;**

On 12 October, Chairman of Libya's Presidency Council, Mohamed al-Menfi met with the Deputy Head of the Women Empowerment Unit within the current Presidency Council, Hanan Al-Fakhri. During this meeting, Al-Menfi stressed the importance of women's right to political participation, especially at this stage where the country is preparing to hold elections on 24 December. However, the GNU has yet to communicate 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;**

Clause 18 of the parliamentary elections law adopted by the HoR allocated a quota of only 16% for women, which contradicts the Roadmap.

⋮ FAILED

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

The abduction of the young lawyer Thuraya al-Fakhri (see goal 3 above) must be investigated and the perpetrators held to account. Less than two months from the elections, such criminal conduct against women impacts women's participation in free and fair elections, and must not remain unpunished.

# # 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;

On 24 October, HNEC announced in a press conference the plan to implement the presidential and parliamentary elections (see goal 3 above). The same day, HNEC also published endorsement forms required by electoral laws, which can be accessed through the Commission's official website. Meanwhile, on 25 October, HNEC further announced the publication of all voter lists in polling centres, in order to allow voters to submit any appeals they may have in relation to their names and details mentioned on the lists within a period of 48 hours from the date of its publication.

⦿ 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 8 October, the 5+5 Joint Military Commission (JMC) signed a comprehensive Action Plan, which will be the cornerstone of the gradual, balanced, and sequenced process of the withdrawal of mercenaries, foreign fighters and foreign forces from Libyan territory, in alignment with the Ceasefire Agreement of 23 October 2020, respective UNSC resolutions, 2570 and 2571 (2021) on Libya.

However, on the evening of 25 October, an armed conflict using medium and heavy weapons took place in the city of Zawiya, reportedly between an armed group led by Mohamed al-Bahrin - known as al-Far - and the Stability Support armed groups led by Abdel-Ghani al-Kikli - known as Ghaniwa. The fighting took place in the vicinity of Az Zawiya Oil Refining Company and continued until after midnight. As a reminder, at the beginning of September, clashes broke out in Tripoli between rival armed forces.

The continued insecurity and clashes between rival groups sets to endanger the political process and demonstrating the need to prioritise the restoration of the rule of law 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.

⚙️ SOME PROGRESS

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

Throughout October, HNEC held a number of meetings with Security Directorates and police stations regarding developing a plan to secure warehouses and electoral centres. Meanwhile, this month, HNEC started receiving enquiries and requests about monitoring the electoral process by independent monitors and journalists.

# # 7

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

● FAILED

⦿ 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.