

Women in Libya: The Ongoing Armed Conflict, Political Instability and Radicalization

Up Holding Gendered Peace at a Time of War

Asma Khalifa
MA Peace and Conflict Studies – Research Student

Table of Contents:

1. Introduction.....	1-2
2. The War.....	2-4
2.1. Violence at Home.....	4-5
3. Libyan Women in Politics.....	5-7
4. Insurgency and Extremist Groups.....	7-8
4.1. Impunity.....	8-9
5. Conclusion and Recommendations.....	9-12
6. References.....	13-14

Introduction:

The story of the Arab spring uprising has unfolded quite differently in Libya than in its neighbouring countries. In February 2011 civilian protests were met with brutal military oppression. Following this, the UN Security Council issued a resolution to protect civilians and launch targeted attacks against the Qaddafi regime. On October 21st, 2011, the head of the TNC (National Transitional Council) declared Libya to be a liberated state.

Libya is at the moment divided, after the election results in June 2014 political parties and their loyal militias begun to war over power. “The internationally recognised government of Prime Minister Abdullah al-Thinni, which is based in the eastern city of Tobruk, near the border with Egypt, claims the backing of secular and liberal political parties, federalists demanding political autonomy for Libya’s eastern regions, and sections of the national army and police. Khalifa Al-Haftar, a retired general who earlier this year launched an independent military campaign against, Islamist militias, has also formally submitted to Thinni’s authority. On the other side of the country, in Tripoli, a self-proclaimed “national salvation government” headed by Omar Al-Hassi is backed by the powerful Misrata militias and Islamist political forces led by the Muslim Brotherhood. The capital has been under control of the Islamist-leaning Libya Dawn force since the militia coalition beat back an offensive launched by forces loyal to Haftar.”(PRS Group, 2014, p.2-3)

Women have been very involved and engaged during 2011 and through out these past four years. They were present and active in political protests, organising humanitarian relief and in some cases right behind rebel forces at the frontlines. However, they now face discrimination and violence not only by the various armed groups but also by the government and the political arena. The Constitutional Declaration of Libya contains clear references to equal rights, and states that all citizens are equal before the law in enjoying civil and political rights, equal opportunities, and the duties of citizenship without discrimination based on religion, sect, language, wealth, sex, descent, political views, social status, or

regional, family, or tribal affiliations (Constitutional Declaration, 2011). However the reality does not reflect the legislation and rights socially and culturally.

The transitional governments faced numerous challenges post the civil war, most prominently is controlling the armed groups. “Despite some positive steps, the interim authorities struggled to establish a functioning military and police that could enforce and maintain law and order. Many of the armed groups that came into existence to fight Gaddafi refused to disarm and filled the security void.” (Human Rights Watch, 2013) that places women in a very vulnerable position due to the gender, cultural and religious dynamics of the conservative Libyan society.

This paper is based on a peace theory of direct violence, structural violence and cultural violence, in order to transform a conflict these three aspects need to be addressed. I selected three aspects that can be applied to the theory, an on-going armed conflict / war, the political instability, the insurgency of extremists groups and their effect on Libyan women’s participation in politics and social life.

The War:

Nearly four years have passed now, since the armed struggle toppled Qaddafi’s regime. Libya is still struggling to end a vicious cycle of violence that spread across the country. Throughout the violent conflict Libya women’s rights were constantly challenged and discriminated against. Women in Libya hold a specific position in the cultural dimension, they are the keepers/holders of the family’s honour. Therefore, they must be protected and shielded as to not bring shame and disgrace upon their immediate family and community.

In 2011 women in Libya broke certain social and cultural norms when they participated in the revolution. They not only took out to the streets to call for Qaddafi to step down but they also smuggled information and weapons to the rebel forces. “Libyan women played a significant role in the overthrow of Muammar Qaddafi after 42 years of despotic rule. Indeed, it was a demonstration led by

women that sparked the revolution. For more than a year preceding the revolution, the mothers, sisters and widows of prisoners who had been killed in a massacre following the Abu Salim prison uprising of 1996 demonstrated in Benghazi.”(Larsson, Selimovic, 2014, p.6).

Qaddafi forces practiced various forms of gender-based violence against both men and women; this later influenced the social and political scene both positively and negatively for women. However, always negatively rape is an endemic war crime tool, which was used in Libya to tear the social fabric and create a wedge in families and communities. “Rape campaigners in Libya were aware that wartime rape, unlike physical wounds, can permanently devastate the victim’s life, particularly in Libya’s highly patriarchal and conservative society, which holds women’s honour in the highest regard. They were mindful of the fact that raping a Libyan woman, whether in peacetime or in armed conflict, would cast an extended profound shame and humiliation on her and the entire family. Indeed, raping a Libyan woman simply means, in many cases, sentencing her to death, physically, psychologically, or socially” (Zawati, 2014, p. 50).

There are some reported cases that rebel forces committed these sexual crimes during and after 2011. The UN Human Rights Council doesn’t have affirmed allegations on these cases. “The Commission has received limited evidence of rapes and sexual violence committed by the rebels. The Commission interviewed two victims, known to be Qaddafi loyalists, who had been sexually tortured by rebels in detention centres.” (Human Rights Council, 2012,p. 14) To the conservative Libyan society, these experiences shaped profoundly the way they begun treating women and girls. For fear of repeating these sexual violations, families prohibited or restricted the movement and participation of the women in the social / political and public life. 57 percent of women and girls between the ages of 18-25 are restricted to leave their homes without permission (IFES, 2013, p. 58-59).

The fragility of the Libyan state made it fail to provide protection for these women in the current security situation. At the present time almost every household in Libya has

weapons for protection, contributing to a militarised society where violence became normalised. “Criminal violence has increased and kidnappings for economic or political reasons have become much feared and highly publicized. So-called “katibas”, local brigades, act more or less independently as unsanctioned police forces that set up checkpoints and arrest people based on rumours of affiliation with the previous government” (Larsson, Selimovic, 2014, p.8) The violence is very gendered, these criminal acts are practiced by men on men who are the main target for the abductions and arrests, nonetheless almost one-third of Libyan women feel either totally restricted (14 percent) or somewhat restricted (15 percent) in their movements in public places (IFES, 2013, p. 58-60).

There have been many cases of abductions of women and girls especially in the last 2 years, in addition to the forced disappearance there have been threats and various forms of sexual harassment. Up to 11 percent of young women, between 18 and 25 years experience harassment every time they are in public places. This of course worsens the consequences for women and girls, as the security situation poses further restrictions on women’s movement in public (IFES, 2013, p. 58-59).

Violence at Home

Gender based violence is a taboo topic within the Libyan society, whether its domestic abuse or sexual harassment. Often cases, incidents of such nature are unheard of, there are degrees and exceptions to this rule, for example in the urban city of Tripoli there are some who speak or even protest against it. This silence and stigma of violence against women is not only because its culturally unacceptable but the fact that there are no enforced laws that would offer services and remedies to the victims/ survivors of the violence, which deters the women from speaking up or reporting it.

Domestic violence has potentially increased since 2011; there are no sufficient data or statistics of the topic but with the increased rate of criminality, weapons and lack of security and laws, women and girls are under bigger risks of such violations. Domestic violence is largely and widely present in Libya, in several places within the country it is perceived acceptable for the male/head of the family to punish his woman/daughter of any misconduct

or misbehaviour. “The perception may be that a weapon provides security, yet the presence of a weapon in the private sphere increases the risk that domestic violence escalates to a deadly outcome. An important reason behind the prevalence of domestic violence is, once again, the fact that women are seen as carriers of the family’s “honour”. Therefore, if they do something that is understood as dishonourable, they must be punished.” (Larsson, Selimovic, 2014, p.9) According to IFES report around 70 percent of men and 66 percent of women think that in certain scenarios it is acceptable for a husband to beat his wife (IFES 2013: 60-61).

Libyan Women in Politics:

The head of National Transitional Council declared Libya a liberated state in October 2011; in this awaited speech in Benghazi he declared full support for the rebels and indicated lifting of polygamy restrictions in the Libyan laws. It has been assumed that Sharia laws will feed into the legal and political framework for the new Libya, as we have seen from other examples where law and order has collapsed as in Iraq, Afghanistan, women are usually the principal victims of violence and insecurity. (Spellman, 2011) “Regressive attitudes towards women have been apparent from the start. The transitional leadership illustrated this in its statement reacting to a law limiting polygamy: “this law is contrary to Shariah and must be stopped... Shariah allows polygamy.” Libyan women clearly and vocally opposed the potential legalisation of polygamy and continued to demand their place in national decision making. But support for Libyan women during the uprisings and in the post-conflict period has been inadequate and inconsistent, and at times entirely absent.” (ICAN, 2013, P.2)

This was the first political incident that indicated the set backs for the position of women in the new Libya; others continued to follow not only in politics but also in legislations. “In 2013, 29 female congress members came together across party lines in a women’s bloc to promote women’s inclusion in the drafting of the constitution. The initiative followed a statement by a male congress member that criticised the presence of women in the congress, stating that they had drawn God’s fury on the assembly and thereby caused its shortcomings” (Larsson, Selimovic, 2014, p.11)

Libya had its first election in 2012, replacing Qaddafi's parliament with the GNC (National General Congress). "The revised electoral law of 2012 had a positive impact on women's representation, which reached 16.5 percent. A so-called "zipper model" was adopted that required party lists to alternate male and female candidates. As a result, women made up 45 percent of the candidates nominated by political parties" (Larsson, Selimovic, 2014, p.10) this proved challenging later in the elections of the House of Representative which replaced the GNC in 2014, men received 170 seats out of 200.

Female parliamentarians faced on a daily basis strong resistance in the Libyan conservative congress and society. Their presence and rights are challenged to an extent where they couldn't advocate for women's rights or raise women's issues. "Women candidates have been hindered in their campaigning by a lack of funding and conservative attitudes to women in public or to campaign door to door and women's campaign posters were vandalised to a larger extent than men's, according to EU electoral observers" (Larsson, Selimovic, 2014, p.12)

At the present conflict, the politics of Libya is split and in armed confrontations. This jeopardises the lives of women in the HoR, GNC and the political activists who are perceived to be taking sides by certain affiliated militias or seen by extremists as to be in violation of religious laws. However, despite all these challenges Libyan women continue to strive to be included in shaping their country. "Libyan women activists have taken a leadership role in setting aside their differences to advocate for peace and increased rights. With the support of the International Foundation for Electoral Systems (IFES), UNSMIL, and the United Nations Development Programme, 35 Libyan women came together from January 19-24 (2015) in Djerba, Tunisia to play a proactive role in the country's volatile transition process. The women represented different regions and cultural groups including the Amazigh and Tebu minorities, and engaged in two workshops addressing their leadership role in conflict resolution and promoting gender equality in the constitution drafting process." (Hassan, 2015)

Insurgency of Extremists Groups:

The prevailing environments of chaos and security vacuum are domestic drives for the presence of extremists groups and new insurgencies. In Libya there's a history of radical Salafists, which started around 1970s. (USAID, 2013) There are various psychological and economical reasons behind these insurgencies, which will not be addressed in this paper. However, this paper will shade a light on the effect of these groups' presence and what it means for women's socially and politically, and what it means for women's rights.

After the downfall of Qaddafi, there were some indicators and incidents that revealed the development of these extremists groups. "Since the spring of 2012, Libya has experienced a steady increase in Islamic extremist activity that has included terrorist attacks, assassinations of political figures and senior security officials, inter-communal clashes, and fighting among militias as well as between them and government forces." (USAID, 2013, P.4) Libya is currently facing a massive terrorism challenge, but it's only a part of larger violent extremism challenge. In 2013, several "Islamists – jihadists" brigades pledged alliances to ISIS and declared their commitment to establishing an Islamic Caliphate in Libya.

These radical groups often use certain interpretations of Islamic laws, none of which support the presence of democracy or the participation of women in politics. On the contrary women in Shari'a laws are "cherished" therefore interpreted according to the different sects to be protected and kept at home. "Different interpretations and laws depending on which of the four schools of Islamic Jurisprudence is being used, and the customs of the sects and country in question." (Friedland, 2014) of course the socio-cultural traditions, norms and their variations feed into interpretations. Therefore, Shari'a law could be perceived as oppressive to women in certain societies. In Libya, the society agrees majorly to the principles of Shari'a, according to a latest survey there was an overwhelming majority agreed that Shari'a should be either the only source or the main source of legislation (National Democratic Institute, 2014, p. 26).

That doesn't mean that entire female population of Libya is in agreement to that. And here lays the dangerous gender component of these interpretations, what could be perceived by women as progressive Islam and acceptable could be seen by these radical groups as violations of Shari'a laws and therefore entails punishment. During the past year, these groups destroyed beauty saloons in Tripoli and carried out several assassinations of female activists and politicians. Libyan women are at risk of various discriminations and violence.

Impunity

According to various reports, rebel forces have committed many violations of human rights violations and war crimes. "3,000 persons are estimated to be held in extra-legal detention centres run by local brigades. Further, the state authorities hold an estimated 5,000 conflict-related detainees in overcrowded prisons, and while they may fare better than the persons held in extra-legal detention, the wait for trial can become indeterminate due to the paralysed judicial system" (Larsson, Selimovic, 2014, p.8) in these centres, there were reports of torture and killings.

The story of the town Tawergha is one, which indicates clearly the lack of central or governmental power over these brigades and a prevailing impunity. "Tawergha was attacked by Misrata militias, partly in retaliation for the allegations of mass rape, forcing the whole population of 42,000 to flee. Today, the town is deserted and the population lives in refugee camps. So far no one has been charged with the alleged rapes. Not only does this mean that victims do not get any reparations or acknowledgement, but the lack of accountability and the paralysis of the legal system "permanently stigmatize entire communities with unproved allegations of rape" (Larsson, Selimovic, 2014, p. 16) The Tawerghan women and girls are very vulnerable and are under risks of discrimination and violence, there is no security force or law that would protect them.

Women and girls, who are sexually harassed by these local brigades and militias in the streets, cannot report these incidents. Not only are there no operating police stations but also a reporting mechanism doesn't exist. "Some militias have been harassing women on

university campuses. We have examples of women who have been forced to stop their studies because of the impunity that these militias and individuals are benefiting from." (Serhan, 2014)

Conclusion and Recommendations:

Qaddafi's regime left Libya with a legacy full of problems, a legacy that is especially contradictory to women. While laws and legislations are advocating for equal rights, the situation is quite different at private spaces. Qaddafi's reforms might have been progressive for Libyan women's citizenship, but its not broadly advocated or communicated socially to the Libyan society that truly transformed conservative concepts.

During 2011, Qaddafi's tactic was to destroy anything that crosses its path. Creating more militias and igniting old tribal feuds, the atrocities his regime committed will resonate in the Libyan society for generations to come. The dire security situation is continuing to deteriorate; women, girls and children are the most vulnerable group in this ongoing conflict.

To achieve a positive peace, security challenges need to be resolved. However, for women the structural violence and cultural violence are a top priority. If these aspects, which are uphold by oppressive pillars, are not included as a holistic approach to transform the conflict, women will continue to face discriminations and various obstacles in achieving their rights.

A comprehensive demilitarisation process needs to be established urgently, collecting the massive amount of weapons along with enrolling these young men in military forces that belong to one government. The judicial system in Libya needs to be reinforced to work on cases of war crime from both Qaddafi's forces and rebel forces, transitional justice is an important component for reconciliations and healing. A national government that includes all parties and seeks to unify fronts is needed; the new constitution should accommodate the needs and demands of all Libyan society from east, west and south.

Strong enforced laws and legislations to protect women and other vulnerable groups, these laws should also address gender-based violence and domestic violence. In civil society where

women are most active, peacebuilding initiatives should be carried broadly, working on reconciling tribes and ending violence. Women are a strong part of this, they can be perceived as neutral and had not committed crimes or participated in the on-going armed conflict, therefore the Libyan government and international community should support and advocate for Libyan women's active presence in Libya's current peace talks and future political leading roles.

One of the many challenges that hinder the peace talks is the lack of communication channels between all of the stakeholders and conflict parties. Women can play a vital role in establishing these communication channels and connecting the conflict parties, especially with the head of the tribes.

References:

Friedland, Elliot (2014), *Women's Rights under Sharia*, The Clarion Project. Available at <http://www.clarionproject.org/understanding-islamism/womens-rights-under-sharia>, accessed May 14 2015

Human Rights Watch (2013) *A Revolution for all Women's Rights in the New Libya* Available at <http://www.hrw.org/reports/2013/05/27/revolution-all>, accessed 12 May 2015.

Hassan, Manar (2015) *Libyan Women Take the Lead in Building Peace and Democracy All Inclusion and Empowerment*, IFES, available at <http://www.ifes.org/Content/Publications/Articles/2015/Libyan-Women-Take-the-Lead-in-Building-Peace-and-Democracy.aspx> accessed on May 13 2015

IFES (2013, *Survey on the Status of Women in Libya*, Available at <http://www.ifes.org/Content/Publications/Survey/2013/IFES-Survey-on-the-Status-of-Women-in-Libya.aspx>, accessed 10 May 2015.

ICAN (2013) "*From Subjects to Citizens: Women in Post-revolutionary Libya.*" Available at <http://www.icanpeacework.org/libya/>, accessed 23 April 2015.

Larsson, Disa Kammars & Selimovic, Johanna Mannergren (2014), *Gender and Transition in Libya Mapping women's participation in post-conflict reconstruction*, published by THE SWEDISH INSTITUTE OF INTERNATIONAL AFFAIRS. Available at www.ui.se, accessed 14 May 2015

Libya Country Report, The PRS Group, Inc, (2014), accessed 9 May 2015

National Democratic Institute (2014) *Committed to Democracy and Unity: Public Opinion Survey in Libya*. Available at <https://www.ndi.org/node/21161>, accessed 29 April 2015.

Sarhan, Jessica (2014) *Libyan women struggle to join the workforce The ongoing conflict and lack of security are affecting Libyan women's ability to work*. Available at <http://www.aljazeera.com/news/middleeast/2014/11/libyan-women-struggle-join-workforce-2014112581852452667.html> accessed on May 14 2015

Spellman, Kathryn (2011) *Women in the new Libya: challenges ahead*, Open Democracy, available at <https://www.opendemocracy.net/5050/kathryn-spellman-poots/women-in-new-libya-challenges-ahead>. Accessed on May 14 2015

OHCHR (2013) "*Torture and deaths in detention in Libya.*" Available at <http://www.ohchr.org/Documents/Countries/LY/TortureDeathsDetentionLibya.pdf>, accessed May 13 2015.

The Constitutional Declaration, (2011) National Transitional Council, accessed on May 15 2015

USAID (2013) *VIOLENT EXTREMISM AND INSURGENCY IN LIBYA: A RISK ASSESSMENT*, Accessed on May 9 2015

UK Home Office (2014) *Libya: Violence Against Women*, Available at cpi@homeoffice.gsi.gov.uk. Accessed on Feb 20 2015

Zawati, Hilmi (2014) *The Challenge of Prosecuting Conflict-Related Gender- Based Crimes under Libyan Transitional Justice*, *Journal of International Law and international Relations*, Vol 10, pages 44-91. Accessed on May 11 2015