

ARMED CONFLICT AND GENDER BASED VIOLENCE

3RD CYCLE UNIVERSAL PERIOD REVIEW LIBYA

For the past nine years, the continuous violent conflicts in Libya have hindered any political processes and created a dire humanitarian crisis. The instability and violence have affected already weakened institutions considerably. The proliferation of arms and subsequent violations of the arms embargo as well as an increasing number of armed groups has led to created an environment that is rife with impunity.

ACCESS TO ARMS

This coalition welcomes the stated commitment by the Government of Libya to ratify and strictly implement the Arms Trade Treaty, as suggested by New Zealand in the Second Cycle of the UPR of Libya. During the past four years, the continued proliferation of arms and subsequent violations of the arms' embargo as well as the increasing number of armed groups has created an environment that is rife with impunity. Militia members continue to use these arms to exert control over communities through force and are responsible for targeted persecutions and serious human rights violations, which are deepening grievances among sections of the population and threatening long-term peace and stability in Libya.

Access to arms is not only exclusive to armed groups. According to non-official estimates, almost every Libyan household has at least one gun. The severe lack of security and governmental paralysis has resulted in a widespread diffusion of weapons, as well as (former) fighters using of small arms in domestic violence. There is a direct link between the increase of Sexual and Gender Based Violence (SGBV) cases and the militarization of Libyan society. Between 2018-2019, there were several cases of women shot and killed by their partners or family members.

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DOCUMENTATION OF (S)GBV

Per a UNFPA 2018 GBV Situational Analysis, approximately 40 percent of surveyed women and men indicated GBV as either very common or common. SGBV in the context of armed conflicts is a complicated phenomenon. While women and girls are more

vulnerable to be victims of SGBV, men are also victimized. Men and boys are particularly targeted in detention centers and prisons. According to the inter-sector needs analysis conducted by the UN Humanitarian Response Plan "an estimated [...] 150,000 women face protection issues, including Gender Based Violence, which is one of the cruelest violations of human rights and needs to be addressed".

Documentation of (S)GBV is essentially non-existent for Libyan women, due to the lack of functioning governmental institutions, a weak legal system and a conservative society that stigmatizes victims of (S)GBV. Despite strong advocacy by civil society partners in Libya, sexual violence continues to be perpetrated with impunity by traffickers and smugglers along migration routes, in detention centres, judicial police prisons, and against urban migrants by militants and armed groups. Furthermore, the existence and application of article 424 of the penal code for Libyans, which exonerates perpetrators of rape if they agree to marry the survivor, exacerbates the problem.



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HUMAN RIGHTS DEFENDERS

The attacks and intimidation of women human rights defenders and politicians reached an all time high in 2014-2015 where MP Fariha Al Brieky's car was bombed in her hometown Derna. Human rights advocate Salwa Bughaghis was assassinated at her home in Benghazi. Other cases, such as human rights defender Intissar Al Hasiri, who was executed in Tripoli in 2015, highlight that the use of violence against women human rights advocates and politicians is systematic to silence women activists and political figures.

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The abduction of the MP Seham Sergewa in July 2019 is another example. Her fate is still unknown. The criminalization of the work of WHRD and women civil society has led to severe restrictions on freedom of movement, assembly, and speech. Numerous women's organizations have stopped their work due to harassment and backlash.

RECOMMENDATIONS:

- Ratify and strictly implement the Arms Trade Treaty without delay, giving particular attention to implementing measures to prevent the proliferation and illicit trafficking of all types of conventional arms.
- Amend Law 38 of 2012, which provides total impunity to militia members who violate international humanitarian law and commit human rights abuses, by including accountability for crimes committed in accordance with international law.
- Strengthen and enforce the UN Arms Embargo by monitoring and reporting violations to the Human Rights Council as well as UNSC.
- Investigate, monitor and hold those responsible for human rights violations, including Sexual and Gender Based Violence (SGBV). The safety, dignity, and long-term needs of survivors of human rights violations should be at the heart of such efforts. Civil Society Organizations (WCSOs), including local women's groups, should be supported to provide services.
- The Government of Libya is urged to incorporate gender-sensitive approach to the COVID-19 pandemic, and adopt policies to counter poverty and economic crisis affecting

displaced communities, migrants and other vulnerable population.

- Government of Libya must enable women human rights defenders to do their work free from violence, fear of imprisonment, or other human rights abuses.
- As enshrined in the framework of UNSCR1325 and in CEDAW, Government of Libya must ensure the meaningful and full participation of women, indigenous peoples, and youth in the peace processes. Including participating in Ceasefire Agreement, 5+5 Joint Military Commission and other national sub-commissions.



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UPR COALITION

This UPR advocacy factsheet is prepared on behalf of the Libyan UPR Coalition consisting of seven national and international civil society organizations engaged in Libya. The five national organizations that are part of the coalition are based in Libya, representing the Eastern, Southern and Western parts of the country. Each organizations brings a unique and significant level of expertise on different issues related to Libya.

The full UPR Stakeholder report published by this coalition can be found on the OHCHR website via this [link](#).

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