Electoral Gender Mapping
Women’s Participation in Libya’s National Elections, 2012-14
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UN Electoral Assistance in Libya

United Nations electoral assistance in Libya is delivered by an integrated team that operates under the overall leadership of the United Nations Support Mission in Libya (UNSMIL) and includes capacities from UNSMIL, the United Nations Development Programme (UNDP) and the International Organization for Migration when active in Out of Country Voting. The principal body through which UNDP supports the integrated effort is UNDP’s Libya Electoral Assistance Project (LEAP).

Assistance between 2011 and 2015 was provided in accordance with the mandates contained in UN Security Council Resolutions 2009(2011), 2040(2012), 2095(2013) and 2144(2014). They specify that the UN should assist Libya in its transition to democracy, including supporting Libyan electoral processes in a manner that promotes the empowerment and political participation of all parts of Libyan society, in particular women, youth and minorities.

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**Acronyms**

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
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<tbody>
<tr>
<td>CEDAW</td>
<td>Convention on the Elimination of All Forms of Discrimination against Women</td>
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<tr>
<td>CDA</td>
<td>Constitutional Drafting Assembly</td>
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<td>CSO</td>
<td>Civil Society Organization</td>
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<td>EU</td>
<td>European Union</td>
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<td>GNC</td>
<td>General National Congress</td>
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<tr>
<td>HNEC</td>
<td>High National Electoral Commission</td>
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<td>HoR</td>
<td>House of Representatives</td>
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<td>IFES</td>
<td>International Foundation for Electoral Systems</td>
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<td>LEAP</td>
<td>Libya Electoral Assistance Project</td>
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<td>NDI</td>
<td>National Democratic Institute</td>
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<td>NTC</td>
<td>National Transitional Council</td>
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<td>UNDP</td>
<td>United Nations Development Programme</td>
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<td>UNESCO</td>
<td>United Nations Educational, Scientific and Cultural Organization</td>
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<td>UNICEF</td>
<td>United Nations Children’s Fund</td>
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<td>UNSMIL</td>
<td>United Nations Support Mission in Libya</td>
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<td>UN Women</td>
<td>United Nations Entity for Gender Equality and the Empowerment of Women</td>
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Foreword

The principle of equality in all facets of public life has long been enshrined in international law, entitling women and men to freely participate in the political life of their country. This principle gives all citizens a stake in the future of their country. In too many cases, however, women still face disproportionate barriers to participation in political processes such as elections.

Between 2012 and 2014, Libya was in the midst of a difficult transition to democracy. In such a context the establishment of institutions and practices that are inclusive and gender sensitive, posed particular challenges that must be addressed if Libya is to ensure that its democratic institutions are reflective of its population and, by extension, their aspirations.

The electoral gender mapping is intended to assist decision-makers in addressing these challenges. It provides an overview of barriers to the full and equal participation of women during Libya’s three national elections since 2011, and concludes with recommendations that can assist stakeholders to minimize factors that discourage women’s participation in elections.

The mapping draws upon the experience of a variety of electoral stakeholders in Libya between 2012 and 2014. During that time, the UN provided technical assistance and operational support to electoral authorities in Libya, with full respect for Libyan sovereignty and ownership.

This collection of these experiences is a collaborative effort by the United Nations Development Programme and the United Nations Support Mission in Libya, with financial support provided by the European Union.

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Executive Summary

This mapping provides an overview of the political participation of women in Libya, focusing on their participation in the first three national elections of the post-Qadhafi era: the General National Congress in 2012; the election of the Constitutional Drafting Assembly in 2014; and the election of the House of Representatives in 2014. It examines the history of women’s political participation in Libya since independence, details their participation in these historic polls, summarizes findings, and provides a set of recommendations to inform future policies and the development of assistance programmes addressing this critical issue.

Women made significant advances since Libya was declared an independent state in 1951. While Libyan women benefited from policies introduced by previous rulers, however, they simultaneously suffered from a perception that they were gifted their rights. As the Qadhafi regime crumbled in 2011, women stepped forward to reclaim their political rights on their own terms, playing an important role during and after the eight-month crisis. In the years since, women’s rights groups advocated for equal rights, opportunities and responsibilities for women in Libya’s emerging political structures.

Between 2012 and 2014, both men and women were able to participate in national political life in a manner that was previously unthinkable in Libya. Three national elections took place in two years, with observers commending the organization of the polls in each case. During this period, important advances were made in improving the representation of women in the newly-elected national bodies.

While enthusiastic, Libya nonetheless faced significant hurdles to realizing the equal participation of men and women during this period. Not only were women less represented in decision-making structures, but the ongoing renegotiation of Libya’s political compact in an environment characterized by shifting social attitudes and security threats towards women in particular meant that their ability to participate freely and equally in political discourse was limited. Women activists and voters were constrained both by the general social environment and by specific threats related to mobility and security. While both men and women candidates lacked experience in areas such as political communication, women candidates additionally expressed concerns about media discrimination and security during campaigning. As a result of these barriers, the proportion of women participating as candidates, voters, and observers declined in every national election between 2012 and 2014.

The link between the full and equal participation of women in peacebuilding processes such as elections and achievement of sustainable peace has long been recognized. These worrying trends in women’s participation must therefore be reversed if Libya is to find the stability it needs to grow and prosper. The mapping finds that key actors in Libya’s elections such as legislators, civil society members and the High National Elections Commission demonstrated receptivity to addressing barriers that undermine the equal participation of women and men. A series of recommendations are provided, based on findings and informed by good practices, for these actors to consider. Principally, stronger dialogue between the various actors is required at all stages of the electoral process, from the development of the electoral legal framework to the announcement of results. Decision-makers and advocates should cultivate greater knowledge of issues affecting women’s participation and potential solutions beyond temporary special measures. Finally, it is important for women and men to recognize that women’s free and equal participation in elections is a precondition for strong electoral processes.
Introduction

The political participation of Libyan women has ebbed and flowed since the country was proclaimed an independent state in 1951. For much of that period, gains in the recognition of women’s political rights by the state and its citizens, as well as the ability of women to exercise them, were uneven. By 2011, women enjoyed access to education, social benefits, and some legal protections, but opportunities for political participation were limited. The active participation of women in the 2011 Libyan revolution, however, was a defining feature of the movement. Women were at the forefront of the demonstrations that touched off the violent uprising, eventually culminating in the downfall of long-time dictator Colonel Muammar Qadhafi. The National Transitional Council (NTC), widely recognized as the legitimate representative of the Libyan people, swiftly passed an interim Constitutional Declaration that stated “Libyans shall be equal before the law, enjoy equal civil and political rights with, have the same opportunities in all areas and be subject to the same public duties and obligations” (Article 6). This was, many hoped, a fresh start for Libyan women.

The participation of women in the post-revolution elections and their inclusion in the new political order followed a similar trajectory to other countries in the region: hopeful gains followed by unfortunate reversals. In Libya’s first post-Qadhafi national election in 2012, temporary special measures to ensure women’s representation were adopted, an encouraging sign that decision-makers were serious about ensuring representation of women within Libya’s transitional structures. Over time, however, the participation of women in the legislature and other governing bodies diminished. Political setbacks and protracted crisis since the revolution served to restrict the participation of women and led to a rolling back of political gains. While regrettable, this trend is by no means irreversible.

This mapping traces the recent path of political participation of women in Libya, with a focus on participation in the first three elections in the post-Qadhafi era: the General National Congress (GNC) in 2012, the election of the Constitutional Drafting Assembly (CDA) in 2014, and the election of the House of Representatives (HoR) in 2014. It identifies some key actions that were taken to promote participation of women, particularly as relates to the electoral legal framework and arrangements supporting electoral processes. It also highlights areas where equal opportunities, rights and responsibilities have not been achieved. Finally, it seeks to identify concrete findings related to the participation of women in all stages of the electoral cycle, with a view to providing guidance to key actors in Libyan elections including legislators, electoral institutions, civil society and international assistance providers on measures they could take in concert to promote full participation by women in Libya’s electoral institutions and processes.

PART ONE: BACKGROUND

1.1. Objectives

This electoral gender mapping exercise was undertaken by the UN Electoral Support Team in Libya, in accordance with good practices in the design and delivery of international assistance to national electoral processes. It aims to:

- Identify existing constraints and barriers to women’s participation in Libyan electoral processes.
- Understand the strategies implemented to date that seek to overcome barriers limiting women’s participation in elections
- Identify gaps in measures addressing women’s participation in elections and opportunities for key electoral actors to encourage future participation.
- Provide recommendations on potential strategies, with a focus on measures that can be taken by the electoral administration and international assistance providers.
1.2. Methodology

The methodology followed is adapted from a framework promulgated by the United Nations Development Programme (UNDP) and the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women):2

- An existing Gender Working Group within the UN Electoral Support Team oversaw the design of the electoral gender mapping effort.
- A mapping team was identified consisting of UNDP and UN Women experts working at the regional and global levels, as well as an expert consultant.
- Fieldwork was conducted in Tripoli, Libya, in February 2014 for the GNC and CDA elections and in Tunis, Tunisia in April 2015 for the HoR election. During these periods, the mapping team conducted an analysis of the electoral laws, regulations and decisions of the High National Elections Commission (HNEC). A literature review was conducted of all publicly-available information related to these elections. HNEC and the UN Electoral Support Team provided statistical data addressing women’s participation in electoral institutions and processes.
- Qualitative interviews were undertaken with key actors, including representatives of women’s organizations, HNEC leadership and staff, assistance providers and UN electoral advisors (see Annex 1: Interviews).
- The current narrative report was produced and shared with a reference group, HNEC, other national stakeholders, the UN Support Mission in Libya (UNSMIL) and the UN Country Team in Libya for feedback.

The electoral gender mapping should under no conditions be understood as an assessment of electoral processes conducted to date in Libya. Rather, it seeks to identify gaps and opportunities related to the equal participation of women in all stages of the electoral cycle with a view to providing options for legislators, electoral institutions, civil society and international assistance providers on measures they can take to promote greater participation of women in electoral institutions and processes.

1.3. Political Participation of Women in Libya

Libya remains a relatively young country, having been independent for only 60 years at the time of the 2011 crisis. During that time it transitioned from a largely subsistence economy to one of the wealthiest countries in Africa. As could be expected, rapid economic changes during this period were accompanied by dramatic societal changes. This section provides an overview of women’s human development and political participation in the over 60 years since Libya gained its independence. This period of time can be divided into three major periods: the Monarchy (1951-1969), the Qadhafi era (1969-2011), and the current Post-Revolution era (2011-2015).

The Monarchy (1951-1969): The Birth of the Post-Colonial Women’s Movement

On 24 December 1951, two years after the UN General Assembly passed a resolution on the matter, Libya declared its independence from Italy as the United Kingdom of Libya. In its first years as an independent country, however, Libya faced significant challenges in increasing its level of economic and human development. At independence, Libya generated an estimated per capita income of between US$30 and $35 (1951 figures) per annum, boasted only 1.2 million inhabitants, and suffered from 90% illiteracy.3

An assessment of Libya’s economic and social conditions conducted in 1951 by UNESCO indicated that Libyan women were largely excluded from professional and political life at the time of independence. Conditions in rural areas appeared to pose particular challenges for the advancement of women. Ms. Khadija Abdelkhader, an early women’s rights pioneer in Libya and one of the first Libyan women sent abroad for education, recounted in her book the condition of Libyan women.
According to her, women in rural areas lived an isolated existence with little opportunity to pursue education or become involved in the social or political life of their country.\textsuperscript{4} The position of women was perhaps reflective of the overall level of human development in Libya immediately after independence. During the Italian colonial period, Libyans were excluded from government except when employed in marginal capacities. They suffered from a lack of access to education and, according to historian John Oakes, even had limited access to ordinary conveniences like tap water, electricity, telephones and books.\textsuperscript{5} The Libyan constitution of October 1951 therefore represented a significant step forward for Libyans as it contained several important provisions guaranteeing equality before the law. “Libyans [...] shall enjoy equal civil and political rights, shall have the same opportunities, and be subject to the same public duties and obligations, without distinction of religion, belief, race, language, wealth, kinship or political or social opinions” (Article 11).

Not long after the declaration of Libya’s independence, the post-colonial women’s movement was born, with early pioneers advocating for the social and political emancipation of women. Sources indicate that in 1954, the Women’s Renaissance Society was created in Benghazi by Ms. Hamida Mohamed Targhan. Another organization, Women’s Society, was created in Tripoli in 1957 by Ms. Khadija Abdelkader. In the 1960s they would merge to form the Women’s Movement Union of Libya, which played a key role in promoting women’s access to education and participation. Some would also acknowledge the role played by Queen Fatimah el-Sharif Al-Sanousi, who actively promoted women’s concerns during her husband’s time in power.\textsuperscript{6}

The period following independence saw several laws passed that advanced women’s rights in Libya significantly. Law No.6/1959 on women’s inheritance rights was issued, and in 1964 women’s right to vote was recognized. Despite this important progress, however, Libya remained a deeply patriarchal and tribal society.

The discovery of oil wealth in the late 1950s precipitated rapid social, political and economic changes. In 1963, the state system moved from a federal to a unitary state, the pace of urbanization increased, and per capita income grew from between $30 and $35 in 1951 to nearly $2,000 by 1969.\textsuperscript{7} Women participated as voters in the two national elections held in 1964 and 1965. With the spread of education and the returns from the oil sector, a new era emerged in Libya, albeit one presided over by a brutal new leader.

Qadhafi Era (1969-2011): State Feminism

Following the coup that brought Qadhafi to power in the “Green Revolution” of 1969, the political system in Libya changed repeatedly. In 1971, less than two years after he seized power, Popular Congresses were created to replace instruments of government. These were quickly followed by a system of local, regional and national parliaments termed the Arab Socialist Union. Eventually, the dictator settled on a system derived from his “Third Universal Theory,” which was intended to navigate a middle path between representative democracy and the communist system. The result, the Libyan Jamahiriya (“state of the masses”) was ostensibly characterized by consultation amongst equals rather than representation by authority-holders such as political parties. By 1976 and 1977, legislative and executive processes of the state were encompassed within a complex structure of Basic People’s Congresses (local decision-making bodies) in which all adults were members, and the national legislative body, the General People’s Congress. Elections for this latter national body were conducted indirectly through the local congresses. In theory all citizens were equal and could participate equally in the decision-making bodies described above.

Such populist rhetoric obfuscated the fact that Libya was controlled by autocratic personal rule. To remove challenges to the status quo, most special interest groups were barred. In principal, the Libyan people exercised a form of direct democracy capable of addressing all citizens’ concerns without recourse to special interest groups and therefore political parties, trade unions, and civil
society groups were branded as unnecessary Western affectations. Under the 1971 Association Act, non-governmental organizations were formally tolerated, but very few existed. Law No.19/2001 imposed further restrictions: associations had to be approved by the security apparatus, they had to include government representatives among their leadership, and cooperation with organizations whose headquarters lay outside of Libya was forbidden. One of the few examples of a non-governmental organization that existed during this period is the Jamahiriya Women’s Federation, which evolved from the Women’s General Union in 1977. Similarly, the Al-Wafa Association for Human Services and Al-Wattasimu included women’s empowerment issues within their remits, but confined themselves to issues compatible with women in their “natural” roles, notably education.

There is some debate over the status accorded to women in Libyan society during the Qadhafi era (1969-2011). The regime’s Green Book opined that physical differences between women and men mean that women’s “natural” role is primarily that of mother and homemaker. Nonetheless, women made significant social, political and economic strides under Qadhafi. When he came to power in 1969, less than a quarter of girls went to primary school despite basic education being compulsory for children of both sexes since 1951. Qadhafi’s regime, by contrast, boosted women’s literacy from one of the lowest to one of the highest in the region, with overall levels of education far exceeding that of Libyan men. By 2013, over half of Libyan women reached a secondary or higher level of education compared with just 44% of men (see Table 1).

Table 1. Gender Inequality Index (GII) 2013, Selected Countries and Groups

<table>
<thead>
<tr>
<th></th>
<th>GII value</th>
<th>GII</th>
<th>Maternal mortality ratio</th>
<th>Adolescent birth rate</th>
<th>Population with at least secondary education (%)</th>
<th>Labour force participation rate (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Female</td>
<td>Male</td>
</tr>
<tr>
<td>Libya</td>
<td>0.215</td>
<td>40</td>
<td>58</td>
<td>2.5</td>
<td>55.6</td>
<td>44</td>
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<tr>
<td>Egypt</td>
<td>0.580</td>
<td>130</td>
<td>66</td>
<td>43.3</td>
<td>43.4</td>
<td>59.3</td>
</tr>
<tr>
<td>Tunisia</td>
<td>0.265</td>
<td>48</td>
<td>56</td>
<td>4.6</td>
<td>32.8</td>
<td>46.1</td>
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<tr>
<td>Arab States</td>
<td>0.556</td>
<td>—</td>
<td>164</td>
<td>45.4</td>
<td>32.9</td>
<td>46.4</td>
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A string of further gains were made during these years in various areas in public and private life. The minimum age of marriage was set at 20 years old, women had inheritance rights within the limits of sharia’a law, and polygamy was permitted only with the consent of the first wife. Article 17 of Law No.10 of 1984 states that husbands should not cause physical or psychological harm to their wives. In 1984, the first Libyan women graduated from the nation’s female military academy and that same year the regime passed a law requiring all students in secondary schools, both male and female, to participate in military training. Libya ratified CEDAW in 1989 and adopted the CEDAW optional protocol in 2004 (see text box, below). In 1991, the first female judge was appointed. Libya’s relatively progressive stance on women’s rights was reflected in Libya’s ranking on the Gender Inequality Index, a measure that ranks countries’ gender-based inequalities in terms of reproductive rights, empowerment and economic activity. In 2013, Libya ranked at 40 out of 151 countries, well ahead of neighbours Tunisia at 48 and Egypt at 130 (see Table 1).

Despite significant progress, Libya remained a deeply conservative society. The extent to which some reforms were embraced, either officially or unofficially, was mixed. For instance, despite a high rate of educational attainment and an increased acceptance of women performing paid labour, in 2013 women’s participation in the labour market was just 30% compared to 76.4% for men. In 2010, a new law opened the door for nationality to be extended to children born to Libyan mothers and foreign fathers, but was never implemented. The pairing of reforms related to women’s place in society with stringent social and political controls effectively curtailed the ability of women to exercise the freedom that could be assumed to accompany advances in areas such as education and civil rights.
Like men, in Libya women were technically free to participate equally in the system of government comprised by the Basic People’s Congresses and the General People’s Congress. In reality, however, participation was limited. It is difficult to gauge exact levels of participation as sex-disaggregated data is not consistently available, however in the later years of the Qadhafi regime women’s participation in the General People’s Congress was generally low. In 2006, the proportion of women members in the General People’s Congress was 36 out of 760 members (4.7%), climbing to 36 out of 468 members (7.7%) in the parliamentary renewal in 2009. Participation in government was likewise limited. “For 42 years, the people didn’t see women ministers,” said Ms. Salwa Bugaighis, a prominent human rights lawyer and women’s activist. “[For] 42 years there were 132 male ministers and just 3 female” [sic].

Transition to Democracy (2012-2014): Preserving Women’s Gains

Qadhafi was overthrown in a popular uprising that began in the eastern city of Benghazi on 17 February 2011 and continued through much of 2011, with victory declared on 23 October 2011 following the death of the dictator at the hands of his fellow Libyans. The victors were represented by the National Transitional Council (NTC), a coalition of rebel leaders cobbled together over the course of the revolution. The roadmap for the post-revolution transition to democracy was outlined in the 2011 Constitutional Declaration issued in August 2011 whilst the country remained in the throes of the revolution.

In 2011, Libyan women struggled alongside their fellow citizens, participating actively in the uprising as protesters and fighters on the front lines, as well as “rear echelon” providers of logistical and medical support. Amongst other things, women supported displaced persons, kept local services running when the state withdrew, raised money, and delivered secret messages. Women were also targeted: widespread allegations of sexual assault employed as a weapon of war led the state in 2013 to recognize rape as a war crime.

The active contribution of women in 2011 was widely recognised by Libyan society at large. In the eyes of many, the sacrifices borne by women during the revolution legitimized subsequent demands for a share in emerging structures of representation and governance. Progress in attaining representation, however, was mixed. The initial NTC brought together during the revolution included only two women from over seventy members (Ms. Salwa Fawzi El-Deghali and Ms. Intisar Ageeli, both representing Benghazi) and its initial executive (cabinet) included just one woman of about 16 members, Ms. Hania Al-Gumati (Social Welfare). Similarly, when an interim government was established in November 2011 following the conclusion of fighting, only two women were appointed from 24 ministers: Ms. Fatima Hamroush (Minister of Health) and Ms. Mabrouka Jibril (Minister of Social Affairs). Ms. Salwa Bugaighis, the prominent human rights campaigner assassinated in June 2014, was appointed to the initial NTC but resigned after several months in protest at the treatment of women within the body.

Surveys women’s attitudes to political participation within the year following the 2011 crisis indicated significant interest in matters of politics and government. Fully 71% of women expressed interest in politics, although few Libyan women indicated that they would take part in a protest, express their views through media, or directly contact public officials to express their views on political and social issues. Rates of participation or intended participation in voting were still significantly lower than the proportion of men who expressed interest, but nonetheless remained encouraging.

In spite of a change of tone in 2011 and 2012 regarding women’s participation in Libya’s transition, closely-held convictions regarding gender roles continued. Before long, the sense of popular solidarity that characterized the immediate post-revolution period began to dissipate and the social and political gains of women began to slip away. Before long, a new battle emerged for women in Libya: to preserve existing rights. In several instances during this important transitional period, women’s rights were publically questioned. In 2013, the Supreme Court was reviewing the right of
women to work within the judicial field, a right they held since 1981. The Grand Mufti of Libya issued fatwas seeking to re-introduce a ban on women’s marriage to foreigners and prevent women from travelling without a mahram (chaperone). In 2013, the Constitutional Chamber of the Supreme Court removed the requirement for men to get the consent of the first wife in order to marry a second wife. Finally, there was a notable lack of action on Law No.24/2010, a law introduced just before the revolution that extends Libyan nationality to the children of women married to foreigners but that relies upon finalization of “implementation procedures” in order to come into effect.

1.4. Legal and Political Framework for Women’s Participation

The keystone upon which Libya’s ongoing transition to democracy depends is the 2011 Constitutional Declaration, issued by the NTC in August 2011 in the midst of the uprisings that unseated Qadhafi. The document sets out the broad outline of the state and lays out milestones for Libya’s transition. According to the original document, the country would first hold elections for an interim legislature, which would in turn appoint a body to draft the country’s new constitution. The new constitution would be adopted through a popular referendum and further elections would be held according to the political system laid out in the constitution.

The Constitutional Declaration provides for equality for all Libyans before the law and enshrines equal civil and political rights without discrimination. It commits the state to preserve “human rights and basic freedoms” and to join “international and regional declarations and charters which protect such rights and freedoms.” The Constitutional Declaration not only bars discrimination and mandates equal treatment before the law but commits to participation in international conventions addressing human rights.

Figure 1. Libya’s 2011 Constitutional Declaration

An interim Constitutional Declaration issued by the NTC in the midst of the 2011 revolution provides for equality before the law for all Libyans and enshrines equal civil and political rights without discrimination.

Article 6: Libyans shall be equal before the law. They shall enjoy equal civil and political rights, shall have equal opportunities, and public duties and obligations, without discrimination due to religion, confession, language, wealth, sex, lineage, political opinions, and social status, tribal or regionalist or family affiliation.

Article 7: The State shall preserve human rights and basic freedoms. The state shall commit itself to join the international and regional declarations and charters which protect such rights and freedoms. The State shall endeavour to promulgate new charters which shall honour the human being as being God’s successor on Earth.

Between 2012 and 2014 the Constitutional Declaration was amended at least eight times, although the validity of some of the amendments has been questioned. Amendments principally relate to the political system and transitional roadmap rather than fundamental rights of Libyan citizens.

It is important to note that Libya is already party to human and political rights declarations, covenants and conventions guaranteeing the right of women to participate in political life, including the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW; see text box, below). Libya is also party to regional African, Arab and Islamic human rights treaties that similarly directly or indirectly recognise the right of women to participate equally in political life. Through participation in these conventions, Libya is obliged to take temporary special measures to achieve de facto equality of women. Key excerpts of these instruments can be found in Annex II.
Libya acceded to CEDAW in 1989 with a general reservation that “[Accession] is subject to the general reservation that such accession cannot conflict with the laws on personal status derived from the Islamic Shariah.” Following objections from other states party to CEDAW on sweeping reservations like Libya’s, in 1995 the country narrowed its reservation to focus on Articles 2 on general policy and 16 (c) and (d) on marriage and family. The CEDAW Committee indicated in 1998, however, that Article 2 is central to the purpose of the Convention and that: “… reservations to article 16, whether lodged for national, traditional, religious or cultural reasons, are incompatible with the Convention and therefore impermissible….” The reservation was nonetheless retained.

In June 2004, Libya became the first country in the Arab region to ratify the Optional Protocol to CEDAW, which allows groups and individuals to petition the CEDAW committee if they believe their rights under the convention were violated.

Libya submitted three reports to the CEDAW committee in 1991, 1999 and 2008. In response, in 2009 the Committee encouraged Libya to, inter alia, adopt temporary special measures to accelerate the realization of women’s de facto equality with men in areas such as political participation. The Committee stated that it looked forward to a forthcoming ten-year national strategy on women’s empowerment. Member of this mapping were not able to locate evidence of a national strategy adopted before or after the 2011 uprisings that addresses women’s empowerment.

Libya’s post-revolution laws should be consistent with these instruments, however to date lawmakers have not been sufficiently mindful of Libya’s obligations under international law, setting concerning precedents for the future. The most notable example of this is Law No.13/2013 on Political and Administrative Isolation, commonly referred to as the Political Isolation Law, which effectively excludes a significant proportion of the population from holding public positions due to their association with the previous regime. This law, passed whilst the GNC was under threat by armed groups, has been widely criticised by human rights advocates and monitoring bodies as incompatible with existing human rights protections.

PART TWO: WOMEN’S PARTICIPATION IN NATIONAL ELECTIONS

2.1 The 2012 General National Congress Election

The election of Libya’s General National Congress (GNC) was the first critical electoral milestone achieved in Libya’s post-Qadhafi transition, paving the way for a peaceful handover of power between the interim NTC and the new democratically-elected legislative assembly, the GNC. At stake in the 7 July 2012 election were 200 seats in the body that would oversee the creation of the assembly tasked with drafting Libya’s new constitution. The GNC was elected through a mixed-parallel system with three components: 120 seats were allocated on the basis of either First-Past-the-Post or Single Non-Transferable Voting, and 80 seats were allocated on the basis of closed-list Proportional Representation. The following paragraphs seek to explore key issues concerning women’s participation in the election.

2.1.1 Key Issues

Libyan women participated in all aspects of the electoral process, although limitations in data means that not all aspects of women’s participation in this process can be reliably analysed. The following section seeks to highlight key areas of women’s participation in the process, where data exists, focusing particularly on the electoral legal framework, women’s experience in the campaign, and women as electoral officials, staff and voters.
Establishing a Gender-Sensitive Electoral Legal Framework

Soon after the crisis ended in late 2011, the NTC began developing laws that would govern the conduct of the electoral process. The principal law governing the process was Law No.4/2012 on the GNC election, passed in January 2012.25 Discussions on the law began in late 2011 by the NTC, with the first draft version presented in print and online for public discussions on 1 January 2012. Following a public consultation process, the revised law was published online on 18 January 2012.26 The law outlined a mixed-parallel system composed of both Plurality-Majority and Proportional Representation elements.

No temporary special measures to ensure women’s representation in the GNC were present in the first draft of the law, despite Libya’s commitments to CEDAW and resolutions such as 2011 UN General Assembly resolution on women’s political participation (A/RES/66/130) encouraging their adoption. This prompted nascent women’s rights organizations to mobilize around the issue. Women’s rights organizations advocated for temporary special measures, notably quotas, through meetings with the NTC. The National Democratic Institute (NDI) reports that during this period women’s rights organizations also protested in front of the NTC’s and Prime Minister’s offices, and organized a national “Day of Anger” on 2 February 2012, demanding a 30% quota in line with targets established by the 1995 Beijing Declaration regarding the proportion of leadership posts that should be filled by women.27 On 20 January 2012, the UN Secretary General addressed a letter to the Chairman of the NTC to congratulate the body on the progress thus far, and to express that the UN would be disappointed if there were no temporary special measures implemented to promote the representation of women in the GNC.

Temporary special measures were eventually introduced into the law. Of the 200 seats in the body, two-fifths (80 seats) would be elected through Proportional Representation. These seats would be elected through a zebra (or “zipper”) system, whereby each party had to alternate male and female candidates on its lists both vertically and horizontally, meaning that female candidates headed half of the lists of each political entity.28 The remaining three-fifths (120 seats), would be filled through First-Past-the-Post and Single Non-Transferable Vote systems that are less conducive to the incorporation of temporary special measures.

Campaign Challenges Facing Women Candidates

During the GNC election only 84 women risked running as individual candidates in the Plurality-Majority race out of 2,501 contenders, while the number of women candidates on closed candidate lists was just shy of half, 545 of 1,207 candidates in total. In total, 629 women ran for the election of 3,708, or 25%.

Women candidates’ own enthusiasm and the inclusion of temporary special measures had succeeded in getting women onto the ballot, but it was clear to civil society actors from the outset that women candidates would need effective support if they were to succeed in getting elected. Several national and international organizations delivered training to candidates. These included the Libyan Women’s Forum, the Libyan Women’s Union, the Committee to Support Women’s Participation in Decision-making, NDI, the Centre of Arab Women for Training and Research, and UNDP. In May 2012, for instance, UNDP held a series of workshops in Tripoli, Sabha and Benghazi addressing women and campaigns.

Candidates participating in these workshops provided insight into the challenges faced by women candidates in Libya’s first post-Qadhafi national election. Some indicated that they were not involved in the compilation of lists submitted by political entities, adding that they did not know where on the lists their names appeared. Some candidates alleged that entities put women at the top of lists in constituencies where they expected to do poorly, fulfilling their obligation under the “zipper” system while still favouring male candidates.29 The workshops further revealed poor understanding of electoral processes in general and a significant lack of experience in political communication and
electoral campaign management. Participating candidates were also not aware of challenges associated with fundraising for campaigns. “I realize that we have a lot to do,” said one candidate, “and deciding to be a candidate is not enough at all.”

Women faced particular challenges in campaigning as polling approached, notably related to access to voters and mobility. This was particularly true in rural settings, where social attitudes tend to be more conservative. Women candidates in both rural and urban areas often expressed concerns about harassment and security while campaigning. Reports from the GNC election noted the widespread defacement of posters of women candidates. In sum, the atmosphere was not conducive for women to campaign openly.

In early 2012, the media sector was in a nascent state. Observers such as those from the European Union noted that media outlets, even state media, did not have the capacity to implement regulations mandating equal treatment of candidates, particularly in light of the large numbers of candidates in the GNC election. Even taking into account these constraints, however, some women candidates felt that media were less likely to evince interest in women’s campaigns or women candidates, observing that very few women were invited to television and radio talk-shows devoted to current affairs or electoral issues despite regulations mandating equal coverage of media issues. Lacking financial resources, many women were unable to pay for campaign advertisements. One commented that “the ignorance of the media regarding women candidates had the effect of discouraging citizens from voting for women candidates or contributing to women’s campaigns, and indirectly dissuaded women from continuing in politics.”

Given the challenges facing women candidates in this first election, the introduction of temporary special measures as a means of encouraging de facto equality took on added significance. The GNC election showed that women’s representation was highly correlated with the level of support from political parties and the reliance on the electoral quota, with 32 out of the 33 women elected running on closed lists. When results were returned, it was clear that the “zipper” system played a decisive role in the success of 32 women elected to the GNC.

Results of the election show that only ten of the 84 women who ran as individual candidates in the GNC election succeeded in placing in the top third of their ballots. The remaining 74, or 88%, placed in the middle and bottom thirds of their ballots. Only one women succeeded in winning a seat from the 120 seats reserved for individual candidates. Dr. Amnah Tkhikh succeeded in winning a seat in the oasis constituency of Bani Walid, receiving 3,374 votes to the 1,135 votes received by the male runner-up. In an interview, she attributed her successful campaign to goodwill generated as a consequence of her work as a physician during the nine-month crisis. “I was the only doctor left in Bani Walid providing medical help to the population.” Although the numbers are too small to draw definitive conclusions about the attitudes of voters to women candidates, the probability is that temporary special measures are required to ensure that women achieve significant political representation.
Women’s Representation in Electoral Administration

The High National Elections Commission (HNEC) of Libya was established by Law No.3/2012 issued on 18 January 2012 and was sworn in the following month on 12 February 2012. HNEC’s Board of Commissioners originally comprised 17 individuals. The law stated that two women, both representatives of civil society, should be included in the Board of Commissioners. In accordance with the provisions of the law, two women were appointed to the original Board. Over the subsequent three months, however, the Board was re-appointed twice, reducing the number of women to just one, Mrs. Ikram Bash Imam, who withdrew from her position in May 2012. Press conferences surrounding the GNC election featured a line of men, a highly visible reminder of the lack of women’s representation within HNEC’s senior ranks.

HNEC is assisted by an administration headquartered in Tripoli and 13 electoral committees (sometimes referred to as district offices or field offices) that corresponded with the primary constituencies outlined in Law No.14/2012 on constituencies. During the GNC election, women were absent from all senior management positions in HNEC’s headquarters, though it is not clear how many women were present amongst its headquarters staff. At the field level, the mapping was not able to locate reliable data on how many women sat upon sub-committees, though none of the chairpersons were women. Observer reports indicate that no measures were put in place to ensure representation of women within these local bodies.

Participation of Women at the Polls

Nearly 2.9 million Libyans registered for the GNC election out of an estimated eligible population of between 3.2 to 3.5 million. When polling took place on 7 July 2012, however, significantly fewer women than men voted. Women were estimated to have registered at a rate of 45%, yet only 39% of voters were women. The percentage of women registered voters who returned to vote on polling day was significantly lower at 53%, compared with 69% of men.

Figure 4: Registered Voters and Voters by Sex, GNC Election

Studies conducted following the election showed that the disparity between those who registered and those who voted was due to factors such as lack of permission to vote from male family members, dependence on male family members for mobility in public (even in cases where men supported women voting), insufficient information and - specifically in the regions of Cyrenaica and Fezzan - political opposition to the elections. Further, some Libyans continue to believe that traditional culture or Islamic conventions condone women’s exclusion from public life. As one respondent in an interview conducted by Danish Church Aid related, women “have at the same time a private fight with family and a public fight. We are doing two revolutions.”

2.1.2 Key Figures

Key figures from the electoral process:
1,294,357 women registered of 2,865,937 registered voters (45.2%).
687,274 women voted of 1,768,605 voters (38.9%).
2,475 women registered and voted in Out of Country Voting, of 8,021 voters (30.9%).
629 women candidates of 3,708 candidates across both Plurality/Majority and Proportional Representation systems (17.0%).
545 women candidates ran on political entity lists, of 1,207 candidates (45.2%); 32 were elected.
84 women candidates ran as individuals, of 2,501 candidates (3.4%); one was elected.
33 of 200 elected members were women (16.5%).

2.2 The 2014 Constitutional Drafting Assembly Election

The process to elect Libya’s Constitutional Drafting Assembly (CDA) was undertaken between late 2013 and early 2014, and constituted the second national election of the post-Qadhafi era. According to the Constitutional Declaration of 2011 and its amendments, the 60-member body was originally envisaged to be appointed by the GNC. However, an amendment to the Constitutional Declaration just prior to GNC polling on 7 July 2012 stipulated that the CDA should be directly elected rather than appointed by the GNC. The decision, made in a bid to appease federalists in the east of the country, precipitated political logjam in the GNC. Following nearly a year of discussions, the decision was made in favour of a popular election. Polling in most parts of the country took place on 20 February 2014, though could not go forward in several areas due to political or security reasons, necessitating a series of further polling dates extending until May 2014. By the conclusion of the electoral process, a total of five seats remained unfilled, though 56 successful candidates were announced.

2.2.1 Key Issues

This section describes how the election of the CDA departed from the precedents regarding women’s participation set by the GNC election. The nature of the electoral system changed and, with it, the temporary special measures employed to ensure women’s representation within the body. Though temporary special measures of a different sort were applied, the proportion of women representatives nonetheless dipped as compared with the GNC election. Facing a worsening security situation and increasing levels of political apathy and disillusionment, women’s participation in several other key areas likewise declined, notably as candidates, observers, and voters.

Establishing a Gender-Sensitive Electoral Legal Framework

The GNC appointed a legislative committee to draft the electoral law for the CDA, which included three GNC members as well as representatives from Libya’s principal districts. The law that would govern the election, Law No.17/2013, was finalized between July and September 2013. Other laws adopted since 2012 that would impact the process included Law No.8/2013 on the Establishment of HNEC and Law No.13/2013 on Political and Administrative Isolation.

Observers agreed that the development of the principal electoral law was characterized by opacity on the part of the committee, which had retired to the eastern city of Al Baida in late May 2013 shortly before the law was due in order to pursue intensive discussions on the draft text. This feeling was reflected in the second “Democratic Performance Monitor” report issued by a key observer group, the Libyan Association for Democracy, on 10 June: “The Committee worked largely in isolation and its members did not consult the average citizen […]. The suggestions submitted by specialists and professionals to the drafting Committee were ignored.”

On 26 May 2013, the text of the draft law was presented to the GNC plenary for discussion. The CDA was to be composed of 60 members, 20 from each of the three Libyan provinces: Tripolitania (the west), Cyrenaica (the east), and Fezzan (the south). Consistent with Libya’s historical disinclination...
towards political parties,\textsuperscript{46} in drafting the law legislators demonstrated a marked preference for Plurality/Majority voting systems rather than Proportional Representation, employing both First-Past-the-Post and Single Non-Transferable Voting in single-member and multi-member constituencies. No temporary special measures were proposed to ensure women’s representation.

\textbf{Figure 5. Temporary Special Measures and Voting Systems\textsuperscript{47}}

Plurality/Majority voting systems such as First-Past-the-Post are generally considered less friendly to achieving representation of women and the incorporation of temporary special measures. Due to the nature of the systems, the most broadly-accepted candidates are most likely to be competitive and consequently women are less likely to be put forth as candidates. Women and component groups can normally gain significant representation only through quotas or reserved seats.

Proportional Representation systems are generally more effective in ensuring women are represented. Women can be nominated together with men so that incumbents, normally men, are not challenged specifically, and parties have incentive to campaign across a variety of component groups. In addition, a variety of measures can be applied to in order to ensure significant representation of women, which include quotas or reserved seats as well as voluntary or obligatory nomination percentages or placement mandates.

In the absence of a national plan translating the government’s clear international commitments into domestic policy, advocates were once again obliged to launch an \textit{ad hoc} campaign championing the inclusion of temporary special measures for women in the draft law. Women’s rights organizations banded together to present unified demands for a 30\% quota, a figure that was based on the targets established in the 1995 Beijing Declaration. Although women members of the GNC ultimately felt they were neither able to support civil society suggestions of 30\% quota for women nor able to formulate a common position concerning women’s representation,\textsuperscript{48} a member of the electoral committee, Ms. Naima Jibril, nonetheless read a statement as the law was introduced to the GNC opposing the lack of temporary special measures for women. On 29 May 2014, UNSMIL issued a public statement urging the GNC to include special measures for women in the electoral law, recalling the positive outcome of the 2012 process. “The elections of 2012 serve as an exemplary example of the positive impact of temporary special measures on women[’s] participation, not only for Libya but for the whole world.”

The adopted text, Law No.17/2013, ultimately reserved six seats for women and another six for cultural-linguistic component groups.\textsuperscript{49} Women’s rights organizations and stakeholders expressed disappointment with the six seats reserved for women in the CDA, a far cry from the 30\% advocated, and even below the 16.5\% representation achieved in the GNC election the previous year. Observer organizations such as the European Union and the Carter Center questioned whether this level of representation would enable women to have an effective voice in the eventual assembly.\textsuperscript{50}

A key drawback, beyond the proportion of representation guaranteed by reserved seats, was their allocation, which observer groups noted undermined Libya’s commitment to equal suffrage.\textsuperscript{51} Initially, allocation of seats were not sufficiently defined in the law due to the addition of reserved seats late in the legislative drafting process. Seats were consequently allocated in an inconsistent manner that meant voters were not able to cast a ballot for a women’s reserved seat in nearly half of sub-constituencies, 22 of 46\textsuperscript{52} (48\%).

The GNC reserved two seats per each of Libya’s three principal regions in two ways. In the west of the country the GNC identified two populous constituencies (sometimes referred to as sub-constituencies or voting districts) and one of their general seats was transformed into a reserved seat, leaving many of the constituencies in this region of the country without a reserved seat allocated to it. In the less populous east and south of the country, an additional race was created for women that spanned several constituencies although, again, the races did not always cover all
constituencies. The winner in this race was awarded a seat by “substitution,” whereby the woman who won the wider race knocked out the winner of the general seat in her home constituency. Candidates is those area covered by the “substitution” system reported a widespread perception that women running for reserved seats in these areas would be “stealing an elected man’s seat.”

Civil Society Campaigns Addressing Representation of Women

As polling in the CDA election approached in late 2013, UNDP estimated that only approximately twenty organizations were operating in Libya that would fit within the normative international definition of a functional civil society organization in terms of both management and legitimacy. Unsurprisingly, demands on these organizations prior to elections were significant, driven by a growing number of national and international development partners. For smaller organizations, resource mobilization and standards of accountability for funding proved a challenge, including for organizations promoting gender equality and women’s empowerment.

A significant number of civil society organizations in Libya, both larger organizations and smaller shops, promoted women’s rights and women’s empowerment as part of their work, recognizing that women’s equal participation in political life plays a pivotal role in both the advancement of women and the advancement of the society itself. According to a joint civil society mapping by UNDP and the United Nations Children’s Fund (UNICEF) in 2013 and 2014, the number of women civil society organizations, i.e. organizations led by women, was remarkably high at 12%. Yet only 15% of civil society organizations surveyed overall identified themselves as focusing on gender equality and women, with an uneven spread across the country.

Table 2. Percentage of Women Civil Society Organizations and Civil Society Organizations Focusing on Gender Equality and Women’s Empowerment

<table>
<thead>
<tr>
<th></th>
<th>Benghazi</th>
<th>Misrata</th>
<th>Tripoli</th>
<th>Zawiya</th>
<th>Zuwara</th>
<th>Sabha</th>
<th>National</th>
</tr>
</thead>
<tbody>
<tr>
<td>CSOs focusing on gender equality and women</td>
<td>9%</td>
<td>8%</td>
<td>15%</td>
<td>13%</td>
<td>23%</td>
<td>26%</td>
<td>15%</td>
</tr>
<tr>
<td>Women CSOs</td>
<td>12%</td>
<td>18%</td>
<td>10%</td>
<td>29%</td>
<td>8%</td>
<td>NV</td>
<td>12%</td>
</tr>
<tr>
<td>Women CSOs focusing on gender equality and women</td>
<td>18%</td>
<td>5%</td>
<td>47%</td>
<td>22%</td>
<td>67%</td>
<td>NV</td>
<td>28%</td>
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In meetings held by members of the mission conducting this mapping, civil society interlocutors underlined that many activists and women’s organizations in Libya were fully committed to advocating for political and social participation and empowerment of women. Meetings revealed how these groups wanted to combat the social exclusion of women for traditional and religious reasons, reduce obstacles to women’s participation in politics as voters and candidates, and advocate for a stronger role for women in the political sphere. The Libyan Women’s Union, for instance, was part of an advocacy campaign to achieve a quota of 35% in the CDA. The campaign attracted the support of 11 political parties, seven Libyan human rights NGOs, and several members of the GNC. The organization’s president, Ms. Samira El Massoudi, shared that the Union and other organizations used different media outlets for their advocacy, including interviews on different radio channels and newspapers.

Despite the dedication of these groups, they faced serious challenges in mounting effective advocacy. UNSMIL points out that challenges were exacerbated by shifting power arrangements, as transitional institutions and leaders changed frequently in the period immediately following the 2011 crisis. Representatives of women’s rights organizations were obliged to repeatedly forge new relationships with policy-makers and leaders, each of whom had different views towards the women’s rights agenda. Moreover, interlocutors from within the community related that advocacy centred overwhelmingly on ensuring a quota within the body for women’s representation, revealing limited knowledge amongst advocates regarding the wide variety of various measures that could be leveraged to facilitate women’s participation in elections and their representation in elected bodies.
These include changing ceilings on campaign spending for women, mandating media houses to provide additional airtime for women candidates, or permitting them to campaign across the entire constituency in cases where they are running across many “sub-constituencies.” Such changes may have enabled women to campaign more aggressively.

**Campaign Challenges of Women Candidates**

Candidate nomination in the CDA election took place between 6 October and 7 November 2013. After verification that all nomination requirements were met and vetting was conducted in accordance with the Law on Political and Administrative Isolation, the final list was issued on 23 December 2013 with 649 candidates for 60 seats, 65 of which were women. Given the change in the nature of temporary special measures in the CDA election, it is perhaps not surprising that the proportion of women running declined significantly as compared with the GNC election, from 16.9% in 2012 to 10.0% in 2014. The majority of women candidates, 54, ran for the six seats reserved for women, ten ran for the 48 general seats, and one woman ran for seats reserved for component groups.

Other factors besides the electoral system may have deterred women from running for the CDA. Notably, the nature of the body and the process for being elected was different from the GNC. Higher thresholds for eligibility may have influenced women’s decisions to run, competition for seats was steeper in more urban regions of the country where women would likely fare better, and women may have been deterred by a general feeling of dissatisfaction exhibited notably by cultural-linguistic component groups such as the Amazigh. Finally, the election was conducted in an atmosphere of increasing instability and insecurity, which limited the ability of candidates to campaign effectively. Constraints related to mobility and access to voters took on increased resonance due to the allocation of seats in the south and east of the country, where candidates for women’s reserved seats ran in larger constituencies than both general candidates and those running for seats reserved for cultural-linguistic components.

Amongst key recommendations from the 2012 GNC election was the provision of a clear electoral calendar and regulations covering all stages of the process, and improvement of public outreach to stakeholders. Candidates interviewed by members of the mission conducting this mapping felt that the gradual release of regulations by HNEC at later stages of the electoral process decreased the lack of predictability for candidates, observers and voters. For instance, candidate Huwaida Mahmud Shibani (Tripoli) related that candidates were initially informed that they could submit their nomination paperwork immediately, but could submit 100 supporters’ signatures later in the process. However when a candidate interviewed for this mapping called HNEC to check the deadline, she was told it was on the same day.

In both its work and as part of this mapping, the UN Electoral Support Team attempted to gauge the participation of women in electoral campaigns and the depiction of women in electoral campaigns. The fractured and insecure nature of Libya during this period made this extremely difficult and so little information of analytical value was
captured. Anecdotally, however, women candidates continue to raise this as an issue and it is worthy of further study during future electoral events.

Ultimately, no woman candidates succeeded in securing a seat beyond those that were specifically reserved for women. Moreover, of the ten women who contested the general seats alongside their male counterparts, none placed in the top third of their ballots. The majority, 8 out of 10, were in the bottom third.

Moreover, because voting could not go forward in places such as Derna, the reserved seat covering that area was not filled. As a consequence, women’s representation in the CDA was limited to only five representatives from the 56 seats elected, or 9%. In other words, despite the efforts to ensure polls were accessible and inclusive to the vast majority of the Libyan population, the level of women’s representation within the CDA dropped to just over half of what it was in the GNC elected just nineteen months previously.

Women’s Representation in Electoral Administration

HNEC, originally envisaged as a temporary body for the first election of 2012, was formally re-established as a permanent, independent commission on 21 April 2013, with its Board of Commissioners appointed two days later on 23 April 2013. According to the new law, HNEC was responsible for defining regulations and procedures for elections in conformity with applicable laws, implementing the electoral process, conducting voter information and education, and putting in place mechanisms for electoral dispute resolution.

The new law re-establishing HNEC stipulated that its Board of Commissioners should consist of seven seats appointed by the legislature. Unlike the law originally establishing HNEC as a temporary body, the new law did not specify any measures to ensure that women were appointed to the Board. Although the removal of this stipulation is technically a step back from the 2012 law, it is important to remember that the provision in the original law was limited to representations of civil society, and in any case effectively overlooked after both women appointed to the Board resigned and were not replaced. In 2014, the opportunity to re-appoint members to the Board resulted in the inclusion of one Amazigh lawyer, Ms. Rabab Halab, who served throughout the CDA and HoR electoral processes. In other words, despite the removal of temporary special measures in the law underpinning HNEC, representation of women on its Board of Commissioners actually increased.

HNEC is supported by an administration headquartered in Tripoli, which is tasked with conducting the electoral process under supervision of the Board of Commissioners. Amongst the senior ranks of the administration just one women occupied the post of Director, up from zero the previous year. Similarly, whereas in 2012 no women headed electoral committees, in 2013 one woman was appointed to head the electoral committee located in Tobruq. Finally, at the staff level, figures provided by HNEC reveal a relatively small number of women within the ranks of these branches and committees, only 51 of 724 staff, or 7%. Overall, these figures represent progress as compared with the previous year, however the proportion of women operating at both the leadership and field levels remain well below the rate of women’s participation in the labour force, 30%.

Segregated polling, which saw women and men vote in separate polling stations, necessitated a significant proportion of women polling staff. Representation of women amongst polling staff fared better, with the proportion of women polling staff approaching parity with their male counterparts. This is likely because polling staff were largely drawn from the pool of teachers and school administrators supplied by the Ministry of Education, where women are better represented. However the number of male polling centre managers continued to be very high as compared with women to women (1,466 men versus 133 women), as this category was drawn from the directors of schools, where men tended to be better represented.

Table 3. HNEC Staff and Polling Staff during the CDA elections, 2014

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Gender-Sensitive Outreach Efforts

During the CDA election HNEC strove to increase the volume of public outreach to help ensure voters were informed about their right to vote, as well as where, when and how to vote. Observer reports indicate that a comprehensive plan was devised to address this important requirement, including several awareness campaigns addressing different phases of the electoral process. They note that factors such as limits on HNEC’s spending for this aspect of the process, delays in printing of voter education materials and nominal interest from media houses impeded HNEC’s ability to deliver clear messages in a timely manner. HNEC representatives met in the context of this mapping recognized that HNEC faced significant challenges in designing materials, organizing distribution and ensuring a consistent meeting schedule. In addition, the responsible Department suffered from high turnover in the director post: over 2014, no less than three persons were in charge of HNEC’s Awareness and Relations Department. This seriously impacted the Department’s ability to deliver. In the face of these challenges, limited capacity was invested in developing materials or conducting outreach specifically targeted at women, whether as candidates or voters.

Participation of Women at the Polls

The law on the CDA election added an additional eligibility criteria for registering to vote that was not in place at the time of the previous election: the national identification number. In response to this provision, HNEC was obliged to abandon the previous voter register and start a new registration process. The new voter registration process employed an innovative system that required voters to send an SMS containing a simple formula that made use of both national identification numbers contained in the civil registry database and electoral centre codes. After several successive extensions to the deadline, voter registration ended on 16 January 2014. The final number of registered voters was 1,101,362. Women constituted 451,695 of those registered, or 41%.

<table>
<thead>
<tr>
<th>Function</th>
<th>Total</th>
<th>Men</th>
<th>Women</th>
<th>% Women</th>
</tr>
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<tbody>
<tr>
<td>HNEC electoral committee directors</td>
<td>17</td>
<td>16</td>
<td>1</td>
<td>6%</td>
</tr>
<tr>
<td>HNEC electoral committee staff</td>
<td>775</td>
<td>724</td>
<td>51</td>
<td>7%</td>
</tr>
<tr>
<td>Polling centre managers</td>
<td>1,599</td>
<td>1,466</td>
<td>133</td>
<td>8%</td>
</tr>
<tr>
<td>Polling station chairpersons</td>
<td>3,856</td>
<td>2,085</td>
<td>1,771</td>
<td>46%</td>
</tr>
<tr>
<td>Polling staff</td>
<td>18,643</td>
<td>10,081</td>
<td>8,562</td>
<td>46%</td>
</tr>
</tbody>
</table>

HNEC and the Office of the Civil Registry, which managed the national identification number, proved committed to maintaining the principle of inclusivity during the registration process. During the registration period, for instance, it emerged that an estimated 6,000 Libyan women reportedly married to foreigners were not permitted to register due to the classification of their national identity number as foreign.
numbers in the Civil Registry’s database. HNEC and the Office of the Civil Registry were together able to resolve the issue prior to the end of voter registration, enabling these women to register to vote.

Though registration was successful in a technical sense, the perception of success was undermined by lower levels of registration than in 2012. This was particularly true for women, who again registered at comparatively lower levels than men, with the final proportion of women dropping by 4.2% from the elections the previous year, from 45.2% in 2012 to 41.0% in 2013-14. The drop in overall rates of registration was principally attributed to the prevailing political context rather than reasons associated with technical factors or lack of information on the process. The Carter Center, for instance, cited a “general fatigue with the country’s political road map,”62 while the Atlantic Council noted “a sense of apathy and despair.”63 There are no credible polls for this period specifically addressing women’s motivation to register, however, and thus reasons for their proportionally lower rates of registration cannot be stated with certainty.

Polling took place on 20 February 2014 in most areas of the country. Members of the mission undertaking this mapping visited a number of polling centres in Tripoli to witness voting. In polling centres they visited, they noted that there was lower turnout amongst women than men. In the first two centres, each women’s polling station had recorded an average of around 30 votes (out of between 450 and 500 registered voters) by around 10h00. In the third centre located in the centre of Tripoli, women’s polling stations had recorded an average of around 90 votes by 11h00. The observations of mission were borne out in data released by HNEC. The proportion of women who cast ballots64 on 20 February 2014 was significantly lower than the proportion of those who registered. Of the 511,259 voters, only one third were women (170,553, or 33.4%).

When polling officials were asked about the low turnout of women, they responded that turnout was expected to increase in the afternoon: in the morning women are obliged to take care of the children, cooking, etc. especially as a holiday was declared to accommodate the election. Some polling officials, when asked about the low turnout of women, also invoked disillusionment due to perceived poor performance of the GNC. Another deterrent to voting may have lain in security. Coverage of polling locations was irregular, however comprehensive data does not exist regarding the level and nature of coverage, and whether security forces influenced the willingness of women to go to the polling station. In Awbari, Benghazi, Derna, Kufra, and Sabha polling either did not go forward or was interrupted due to attacks or protests. In Nafusa Mountains and Zuwara, polling did not take place due to the boycott mounted by the Amazigh in those areas.

The European Union raised important questions about the quantities of invalid ballots in the general race versus races for women’s seats. They noted the overall higher percentage of invalid ballots for women’s seats - up to 20% in the case of men’s polling stations - and questioned the circumstances that led to the disparity. That substantiates the mission’s previously expressed concern that a meaningful number of voters deliberately spoiled the reserved seats ballot or left it empty.65 Further, it is important to note that both men and women cast a significantly higher number of invalid ballots for women’s reserved seats than women.

Table 4. Valid and Invalid Ballots by Women’s and Men’s Polling Stations, CDA Election, 2014

<table>
<thead>
<tr>
<th>Ballots, Men’s Polling Stations</th>
<th>Ballots, Women’s Stations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Issued</td>
<td>Valid</td>
</tr>
<tr>
<td>Votes, General Ballot</td>
<td>311,343</td>
</tr>
<tr>
<td>Votes, General &amp; Component Ballot</td>
<td>26,908</td>
</tr>
<tr>
<td>Votes, Women Ballot</td>
<td>184,248</td>
</tr>
<tr>
<td>Total</td>
<td>522,499</td>
</tr>
</tbody>
</table>
2.2.2 Figures

Sex-disaggregated statistics were tracked by HNEC more closely in 2013 and 2014, notably in the areas of accreditation and breakdown of HNEC staff. Key figures from the electoral process:

- 451,695 women registered of 1,101,362 registered voters (41.0%).
- 170,553 women voted of 511,259 voters (33.4%).
- 2,177 women registered for Out of Country Voting, of 6,997 registered voters (31.1%).
- 780 women voted in Out of Country Voting, of 2,747 voters (28.4%).
- Approximately 830 women were accredited as observers, media, agents or guests of 6,897 (12.0%).
- 65 women candidates, out of 649 (10.0%).
- 54 women candidates for six seats reserved for women.
- 1 woman running for one of the two seats reserved for the Tabu minority group.
- 10 women candidates of 575 general candidates (1.7%).
- 5 of 56 elected members were women (8.9%).

2.3 The 2014 House of Representatives Election

The election of the House of Representatives (HoR) took place less than three months after the election of the CDA. The election was undertaken in response to the perceived expiration of the mandate of the GNC in February, and was intended to elect a successor transitional legislature that would hold the reins of state until the adoption of the country’s new constitution and subsequent elections according to the political system chosen. Following a brief voter registration update and campaign period, polling took place on 25 June 2014. As with the CDA election just months earlier, the election of the HoR was negatively affected by challenging security conditions and widespread voter apathy.

2.3.1 Key Issues

Due to the relatively brief period between elections, many of the challenges associated with women’s participation in the CDA election, for instance relating to low levels of candidate nomination amongst women, difficulty in campaigning, and little dedicated outreach, could also be leveled at the HoR election. Moreover, much of the institutional and legal machinery in place for the CDA election continued for the HoR election, so challenges associated with technical aspects of processes such as voter registration remained the same. Differences principally lay in areas such as the allocation of the HoR’s 200 seats as laid out in the electoral law, remaining low levels of representation within HNEC, campaign challenges, and declining participation as voters.

Establishing a Gender-Sensitive Electoral Legal Framework

On 30 March 2014, the GNC passed a new law governing the election of the HoR. The text of the law drew heavily on the laws prepared for the GNC and CDA elections. As with the CDA election, the new HoR would be voted into power through the use of two electoral systems, First-Past-the-Post and Single Non-Transferable Voting. Once again, Proportional Representation was eschewed. Allocation of seats was based roughly on population rather than geography, unlike in the CDA election where allocation was based on a regional formula (20-20-20).

The law stipulated that 16% of the new legislature, or 32 seats, were reserved for women, a clear echo of the 16.5% of seats won by women in the GNC election two years previously. Like the CDA election, some women’s seats were allocated to a single constituency while others stretched across several smaller sub-constituencies contested by candidates in the general race. In total, there were 27 constituencies for women’s reserved seats spread across 37 of the 75 sub-constituencies where
general seats could be contested (49%). In other words, in the HoR election voters in nearly half of sub-constituencies could cast a ballot for women’s reserved seat, while the other half were not afforded this option. This situation was similar to what was seen during the CDA election.

Women’s Representation in Electoral Administration

As a permanent body since March 2013, HNEC administered the HoR election under the same legal institutional framework used for the CDA election just three months previous. The Board of Commissioners, however, had shrunk after the Chairman and two commissioners resigned in March 2014 and were not replaced. One woman commissioner remained in the four-member body.

In 2013 and 2014, HNEC made an effort to ensure that women were represented in capacity development activities. Approximately a quarter of participants at training events and workshops targeted at HNEC by the UN Electoral Support Team were women. This figure exceeds the proportion of women found amongst HNEC leadership and field staff, indicating at first glance that women staff are afforded proportionately more opportunities to cultivate their skills. On closer examination, however, women’s representation in events focusing on traditionally masculine fields of work such as IT, field operations and logistics are far lower than in events addressing topics such as training, outreach, and gender topics.

Campaign Challenges of Women Candidates

Candidate nomination opened on 27 April 2014 and extended until 20 May 2014. A total of 149 women ran for the 32 reserved seats, but only three women ran for the 168 general seats. In other words, women comprised just 0.2% of general, individual candidates as opposed to 1.7% in the CDA election and 3.4% the GNC election. These figures represent a clear decline in the women who felt they could compete on an equal basis with men for general seats.

Similar to the previous election, none of the 3 candidates who competed alongside men for general seats placed in the top third of their ballots (see Figure 11. Results: Women Candidates Placement in Top, Middle, Bottom of Ballot, 2012-14, p.23).

Participation of Women at the Polls

Voter registration opened for five weeks prior to the HoR polls, from 23 April to 29 May 2014, resulting in half a million new voters registered. The total number of voters registered was 1.5 million. Registration of voters during the HoR election was conducted nearly exclusively by SMS, as opposed to previous elections during which registration had a significant in-person element. The proportion of women registered as voters fell slightly during this period, from 41% during the CDA election three months previously, to 40%. Whether the SMS-based registration process affected the number of women registering to vote is not clear in the absence of reliable poll data.

Polling went forward on 25 June, with turnout estimated at 41%. As with the CDA election, violence in some parts of the country meant that polling could not go
forward, notably in Derna, Kufra and areas of Zawiya. As with the CDA elections, the Amazigh component group boycotted the polls, resulting in two empty seats in Jadu and Zuwara. In total, 82 seats in the 200-member body were not filled, including 1 seat reserved for women. Women’s representation in the new body would consequently stand at 16.1% (31/192), consistent with the quota of 16% stipulated in law.

Several factors could be at play in deterring women from casting a ballot, including security conditions and transportation challenges described elsewhere in this mapping. Participants at a workshop run by UNDP and the International Foundation for Electoral Systems (IFES) in April 2015 echoed existing surveys, pointing out that women typically require the approval of their families to go to the polling station. Participants further suggested that women are sometimes pressured to vote for candidates preferred by family members, relaying accounts of cases where male family members pressured women in the polling booth, a violation referred to as “family voting.” Per HNEC’s polling procedures, permission to accompany voters into the polling booth is reserved for voters who require physical assistance to mark the ballot. Outside this circumstance, such activity is a clear infraction of procedures.

Figure 9. Registered Voters and Voters by Sex, HoR Election

As with the CDA election, there was a marked difference in the number of invalid ballots cast for women’s reserved seats as compared with general seats. Statistics provided by HNEC indicated that while the rate of invalid ballots cast in the general race was low at 2.4%, the proportion of invalid ballots cast for women’s reserved seats was significantly higher at 20%, or one fifth of all ballots cast for women’s reserved seats. Figures were similar between both men’s and women’s polling stations: in men’s stations 21.9% of ballots were invalid whilst in women’s polling stations 16.1% were invalid (compared with 2.6% and 1.9%, respectively, in the general race). Such a distinct and significant disparity occurred across the country rather than being localized to individual races. While a similar trend occurred in the CDA election, the incidence for both genders increased by 2 and 3 percent. This raises questions about the attitudes of Libyan voters towards reserved seats, or their awareness thereof.

Table 5. Valid and Invalid Ballots by Women’s and Men’s Polling Stations, HoR Election, 2014

<table>
<thead>
<tr>
<th></th>
<th>Ballots, Men’s Polling Stations</th>
<th>Ballots, Women’s Stations</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Issued</td>
<td>Valid</td>
</tr>
<tr>
<td>Votes for General Ballot</td>
<td>414,730</td>
<td>402,167</td>
</tr>
<tr>
<td>Votes for Women Ballot</td>
<td>310,204</td>
<td>240,721</td>
</tr>
<tr>
<td>Total</td>
<td>724,934</td>
<td>642,888</td>
</tr>
</tbody>
</table>

2.3.2 Key Figures

Key figures from the electoral process.72
603,808 women registered of 1,509,291 registered voters (40.0%).
187,328 women voted of 597,563 voters (31.3%).
3,177 women registered for Out of Country Voting, of 10,087 registered voters (31.5%).
1,147 women voted in Out of Country Voting, of 3,816 voters (30.1%).
Approximately 1,777 women were accredited as observers, media, agents or guests of 17,780 (10%).
152 women candidates, out of 1,714 (8.9%).
149 women candidates for 32 seats reserved for women.
3 women candidates of 1,565 general candidates (0.2%).
31 of 192 elected members were women (16.1%).

PART THREE: CONCLUSIONS

3.1 Key Findings

The first three national elections in Libya since 2011 forged important precedents related to women’s participation in elections. Analysis indicates that women’s participation was taken seriously, as evidenced by advances in areas such as advocacy, temporary special measures, and sex-disaggregated data. Significant obstacles remain, however. For a variety of reasons women still struggle to be heard, whether as legislators, members of civil society, candidates, or voters. As a consequence, women’s enthusiasm to participate in the political life of their country is being progressively eroded. This section identifies some preliminary conclusions, based on the data above, that electoral actors can use to inform strategies on women’s participation in elections.

General

Women’s participation as candidates, registered voters, voters, and observers declined between 2012 and 2014. Consistent with the general rolling back of political gains for women between 2012 and 2014, women’s participation during this period declined in every category in which data is tracked by HNEC (see Chart 1). While there is no comprehensive polling addressing the reasons,
anecdotal evidence indicates that the drop can be attributed to general factors such as disillusionment with the political direction of the country, security, mobility, access, and social constraints.

**Key actors are aware of obligations to ensure equal enjoyment of human rights and fundamental freedoms, but lack awareness on obligations to promote de facto equality.** Actors such as legislators, electoral administrators and ministry officials acknowledge that all Libyans must be treated equally, and evidence indicates they take this responsibility seriously. However they may not be aware of particular obligations related to the promotion of de facto equality, which are incumbent upon them as a consequence of Libya’s participation in international conventions such as CEDAW, which require special measures to be taken in order to level the playing field for women.

**No national strategy or plan exists translating international commitments on women’s political participation and awareness into guidance for domestic policymakers.** Many of the issues described above stem from the broader issue of women’s position in Libyan society. Progress on this front can only be addressed by a concerted, coordinated effort undertaken over time by all branches of the Libyan government as well as non-governmental actors.

**Electoral Legal Framework**

**Advocacy on the electoral legal framework was undermined by short timeframes and limited transparency.** Limited consultations were carried out with the public or advocacy groups by legislative committees tasked with developing electoral laws. This impeded advocacy efforts on issues such as temporary special measures.

**Women legislators did not feel they had sufficient influence in the legislative drafting process.** Just as women within the advocacy community encountered challenges in making their voices heard, women legislators felt they were not in a position to successfully influence their peers, especially regarding issues related to gender.

**Libyan legislators are inclined towards electoral systems that are widely considered to be less conducive to the inclusion of temporary special measures for women.** Libya’s historical opposition to political parties re-emerged following the GNC election and Proportional Representation was not considered for further elections. It is considered more difficult to achieve significant representation using the systems employed for these latter elections, namely First-Past-the-Post and Single Non-Transferable Voting.

**Allocation of reserved seats, when included in the electoral system, was complex and inconsistent.** In two of the three national elections, the basis for allocating seats reserved for women was not clear. Seats were allocated in an inconsistent manner, with some seats covering several constituencies while others were allocated to single constituencies. In both the CDA and HoR elections, voters in nearly half of sub-constituencies were not able to cast a ballot for a women’s reserved seat.

**The electoral legal framework was not well understood by the electorate.** The complexity of the electoral systems chosen made it difficult for candidates and voters to understand the process. The complexity of the system in the latter two elections was compounded by the implementation of the reserved seats, which were allocated in an unclear manner.

**Advocacy**

**Advocacy efforts by civil society could benefit from additional data and analysis to inform advocacy platforms.** Advocates were aware of the importance of precedents set during Libya’s transitional period and succeeded in influencing legislators to include temporary special measures. Yet additional information and analysis designed to increase awareness on the range of measures that could be applied to women’s participation and representation could be beneficial.
Civil society organizations conducting advocacy are becoming more mature, however are challenged by evolving poles of power. The evolution of civil society between 2012 and 2014 was tremendous. In 2012, thousands of small organizations sprang into existence; by 2014, organizations had become better-established. Nonetheless, the political situation remained fluid, constantly challenging civil society's ability to access and influence decision-makers.

Advocacy for gender equality is most effective when women's rights organizations present a common platform on key issues. Advocacy in support of temporary special measures had to repeatedly overcome initial disinclination of decision-makers. Although the target, a quota of between 30% and 35%, was not achieved, women’s rights organizations were able to influence decision-makers at the eleventh hour by finding a common purpose and voice.

Candidates

Women candidates are deterred by changing timelines, lack of information. The provision of clear information about the steps of the electoral process was a recurrent concern amongst those interviewed. This concern was likewise reflected in reports by observers on the electoral processes.

Women face particular campaign challenges. Many Libyan candidates, both men and women, were challenged by limited exposure to principles, systems and processes related to democratic elections. Women in particular had little experience in political communication and often faced uphill battles in accessing funding for campaigning, enlisting supporters, attracting media attention, and moving about freely. Security conditions limited the ability of women to campaign. Of the 97 women who ran as individual candidates in non-reserved seats, only 10 women placed in the top third of their ballot.

Figure 11. Results: Women Candidates Placement in Top, Middle, Bottom of Ballot, 2012-14

Electoral Administration

Inconsistent representation of women on HNEC’s Board of Commissioners. The 2012 legal provision for least two women on the 17-member Board of Commissioners disappeared in 2013. While implementation did not match the legal framework in this case, the inclusion of specific provisions addressing the issue is an important step in guaranteeing a minimum level of representation of women in this important decision-making body.

Representation of women within HNEC remains low. The proportion of women within HNEC’s Board of Commissioners, its administration and its electoral committees are all well below the labour force participation rate of 30%. This is particularly true at management levels.
HNEC has few dedicated internal resources addressing issue of women’s participation. No measures were undertaken to ensure HNEC staff are aware of barriers to women’s participation or the importance of ensuring gender-sensitive approaches in their daily work. Policies such as clearly-articulated recruitment and performance standards and pay grades are yet not in place.

Electoral Management

Tracking of sex-disaggregated data increased. With each process, important steps were taken by HNEC to more accurately track data and disaggregate by sex. Database tools were developed that enabled data to be collected, synthesized and analysed more easily.

Engagement between HNEC and civil society increased with each electoral process, but no regular liaison exists with civil society, particularly women’s organizations. HNEC has proven itself to be open and transparent in the dissemination of information addressing several aspects of the electoral process, and is incrementally increasing its liaison with actors such as civil society, parties and media.

Support for Segregated Polling. In the three national elections to date, voting was segregated by sex. Polling confirmed this approach is supported by the majority of Libyans. However because polling staff are drawn from schools, imbalances in the number of men and women mean there are often men in polling stations reserved for women voters, or vice versa, undermining the intent of segregated polling.

Awareness and education campaigns did not consistently target women or explain temporary special measures. A range of communication tools including social media played a vital role in disseminating messages to a wider audience, and indeed the mission found scant evidence that women were specifically targeted by HNEC beyond a small quantity of awareness materials. Nor were efforts dedicated to explaining temporary special measures supporting women’s representation. Lack of understanding by men and women on the nature of the measures may have been a factor behind the higher proportion of invalid ballots cast for women’s reserved seats.

Partnerships with International Organizations

Coordination is essential for effective advocacy campaigns. One of the key challenges for civil society worldwide is coalescing different agendas into clear campaigns. In Libya, civil society coalitions addressing temporary special measures have proven effective.

An uncertain legal mandate and operational tempo constrained the ability of HNEC to explore comparative electoral practices. Similar issues to those encountered in this mapping are being experienced by other electoral management bodies within the region.

3.2 Recommendations

Democracy in Libya is still in its early stages and the political environment is not entirely conducive for vigorous measures to promote gender equality. Recommendations are intended to enable key actors to design interventions that are more reflective of, and responsive to, the barriers that women face. Any plan, however, should include incremental targets that are realistic and achievable. Simultaneous efforts of HNEC and other actors are required in order to bring about democracy in which gender equality is embedded.

General

Further attention could be paid to monitoring and communicating measures that promote participation of women in elections, in order to demonstrate leadership and encourage others to do the same.

- Maintain a page on HNEC’s website detailing measures taken to support women’s participation. Include sex-disaggregated data where available.
During electoral processes, consider including measures taken to protect women’s rights to equal political participation in press statements. There is room for international assistance providers to be proactively involved in advocating gender equality in the public administration through their programming, for instance through assisting the relevant ministry to reform human resources processes and define gender sensitive recruitment and retention policies.

- Ensure elements of public administration reform are included in country programming planned by international assistance providers.

Many of the issues touched upon by this mapping cannot be effectively ameliorated without simultaneously addressing the general position of women in Libyan society.

- Establish a national strategy or plan through a consultative process that can guide domestic policymakers and advocates. Ensure the plan can translate international commitments on women’s political participation and awareness into clear guidance for. Includes clear benchmarks and targets.

Establishing a Gender-Sensitive Electoral Legal Framework

The electoral system should have broad support among major political stakeholders, civil society and various segments of society. As such, it should be based on a consultative process in which options have been openly discussed and reasonably considered. Although imperatives such as tight timelines challenge the ability of responsible legislative committees to consult widely, electoral actors within Libya should nonetheless take all available opportunities to emphasize that legislation defining the electoral system should be clearly drafted and consulted with diverse actors prior to being adopted.

- All actors should emphasize the importance of consulting with a wide variety of actors in the development of electoral laws.
- Clear information on electoral systems, incorporating comparative analysis, should be provided to legislators as part of the drafting process.

Women’s rights organizations and women legislators should be empowered to influence the legislative process. Libyan civil society is in a nascent stage with few resources and it is therefore even more important that it develop strong platforms on critical issues.

- Information on gender-sensitive legislation should be compiled and available to inform advocacy efforts.
- International assistance providers should consider providing concrete support to advocacy efforts by women’s organizations, aimed at better enabling them to elaborate informed common positions.
- Encourage and support the women’s caucus within the parliament to better equip them for discussions on electoral legislation.

Electoral systems should help the Libyan people to elect representatives that broadly reflect the composition of the society, along the terms they consider important. This may mean that some groups – like women and other component groups – may need additional measures to support their inclusion. In such cases, temporary special measures should be clearly defined and implementable

- The topic of special measure should be included as part of consultation processes surrounding legislative drafting.
- Means of implementing temporary special measures, if included, should be clearly defined in the law and communicated clearly to stakeholders.

Observers noted that the inconsistent allocation of seats undermined the notion of universal suffrage.
• Legislators should consider the basis of representation (e.g. geography, population, resources, cultural-linguistic, etc.) and allocate seats consistently. In particular, ensure that all voters have equal opportunity to vote for women’s reserved seat.

Women generally face much greater hurdles than men in getting elected. While the reasons for this are often rooted in society’s historic and cultural background, the mechanics of an election can also pose additional barriers to the election of women. Regulations issued by HNEC should be examined to ensure they are gender-sensitive and where possible, barriers should be removed.

• Examine HNEC regulations and decisions in light of the state’s obligation to take measures that promote de facto equality of women.
• Identify areas that pose particular challenges for women candidates, observers, voters or polling staff. Determine where regulations/decisions can be amended to minimize challenges.

For an electoral system to be an asset to a country’s stability, it must be understood and accepted by the electorate. Complex electoral systems are difficult for the electorate to understand, deter participation, and precipitate challenges. Key considerations in the development of an electoral legal framework are simplicity, inclusivity and broad acceptance by stakeholders.

• HNEC could partner with actors such as civil society to more fully explain the system articulated in electoral laws.

Advocating for Full and Equal Participation of Men and Women

When well-informed and well-prepared, civil society organizations can play a key role in leading initiatives to build political awareness amongst the population. As such, they should be trained on the general political and governance systems, election monitoring, women’s participation, youth mobilization and ‘civic journalism’.

• Reinforce civil society capacities in these areas.
• Civil society organizations working on promoting women’s rights along with gender-sensitive youth groups should continue advocating for adoption of temporary special measures that promote women’s participation.

Women’s movements worldwide have demonstrated their strength in trailblazing the creation of robust and capable civil society. The absence of strong civil society, by contrast, hampers the efforts of gender equality advocates.

• General boosts to Libyan civil society in general can help expedite the achievement of gender equality in elections.

Women’s rights organizations in Libya are not homogeneous. While it is only natural that there are differences in opinions and approaches, it is counterproductive to try and operate independently of each other in cases where success is more likely with a united front.

• Promote dialogue and exchange among women’s rights organizations in Libya and support their agreed approach.
• Support the development of tools and techniques to be used in advocacy efforts.

Minimizing Barriers for Women Candidates

The lack of a clear timeline for the electoral process and the modification of some elements of the legal framework as the process went on caused confusion amongst electoral actors such as voters and observers. Women are less likely to pursue opportunities unless feel they meet all requirements, so unclear “rules of the game” may have disproportionately discouraged participation of women candidates.
Legislators and HNEC should issue a clear electoral calendar and all regulations at the outset of the process to increase predictability and transparency for voters and candidates in general, and women candidates in particular.

Women experience particular challenges in campaigning that may arise from the cultural, political or security landscapes. These challenges are often a deterrent to running. There are measures that can be taken to minimize the challenges women experience whilst campaigning.

- Continue training women candidates and their supporters in political campaign skills, including the development of clear platforms and messages.
- Sensitize media to challenges faced by women during electoral campaigns; emphasize the importance of balanced reporting.
- Organize educational programmes in collaboration with the Ministry of Education and Ministry of Religious Affairs.

Leading by Example: Advancing Gender Equality in Libya’s Electoral Administration

The law that originally established HNEC, Law No.3/2012, ensured women’s representation within the Board of Commissioners (though initially limited to representation from civil society), however, the law re-establishing HNEC the following year, Law No.8/2013, dropped this provision.

- Formalize women’s representation on HNEC’s Board of Commissioners by articulating a clear threshold.

HNEC has proven receptive to measures that could increase the representation of women within its own ranks. A first step to improving the proportion of women in the organization could be ensuring that sufficient internal resources are allocated to the issue.

- Consider the merits of establishing a structure within tasked with ensuring that gender issues are incorporated into everyday work. This could consist of a management committee, gender focal points within individual departments, or a gender unit under the Office of the Director-General. Designated individuals could be responsible for reviewing policies, consulting on internal capacity development, and tracking data relating to women’s representation within the organization.

Studies have shown that women are more likely to pursue career opportunities when they feel they already possess the skills for the job.

- Encourage women’s applications by clearly defining the job description.
- Ensure equal training opportunities in areas relevant to HNEC positions.
- Recognize the additional family responsibilities of women and facilitate women’s work accordingly, for instance by ensuring that work meetings occur during working hours.
- Organize trainings for both male and female staff on gender awareness and gender mainstreaming in order to promote a culture that is more accepting of women, and especially women in management positions.
- Members of senior management should attend sessions that explain the challenges associated with women’s equal participation in the workplace, so that they may manage staff in a gender-sensitive manner and make informed policy decisions on gender issues.

Generating Awareness of Elections and Motivation to Participate

HNEC improved its data collection between the three elections, a positive development that should be commended. Such data is not only important historically as a reflection of gender relations at the time of Libya’s transition, but also forms evidence that can underpin the development of gender-sensitive programmes and policies. The data should be published to inform policy decisions of actors operating across the electoral sector.

- Require that all electoral statistics are collected and published in a sex-disaggregated format.
HNEC and civil society did not have regular liaison during the three national elections. As HNEC gains in capacity, it will have more flexibility to engage substantively with national and international non-governmental organizations, including women’s organizations. Their input will assist electoral administrators in their research, capacity development efforts and outreach work.

- Establish a mechanism for regular communication and interaction with civil society.
- Develop relationships with women’s organizations and solicit their input on areas of concern such as strengthening of outreach to women during electoral processes.

A consistent recommendation from observers relates to the dearth of public outreach. There is an urgent need to ensure HNEC’s Awareness and Relations Department had the tools and mandate required to carry out its tasks so that it may design and implement targeted campaigns.

- Ensure the Department is sufficiently staffed and led.
- Empower the Department to respond rapidly to evolving circumstances by devolving authority over outreach campaigns.

Although initial efforts were made to target women audiences in outreach campaigns, women were not consistently targeted through the three national elections held thus far.

- Develop a strategy to inform the general public about the importance of broader civic participation, as well as campaigns to inform the electorate about voting procedures.
- Adopt public outreach strategies and plans targeted to women that clearly articulate the channels used for dissemination.
- Ensure that information on the importance of women’s participation also target men.
- Incorporate a good system of monitoring and evaluation into the plan.

**Partnering with International Organizations**

UN agencies, embassies and international non-governmental organizations provided vital support to electoral actors such as civil society, but at times it was not provided in a coordinated manner. A strong and credible coordinating mechanism would be beneficial.

- The UN should use its convening power more frequently during periods of negotiations on important legislation in order to align its own programming to emerging priorities and provide a forum for women’s organizations to discuss advocacy platforms in a structured fashion.
- The UN and other international partners should provide technical expertise to inform discussions of women’s rights organizations on issues related to participation of women in elections.

HNEC’s staff could benefit from being exposed to electoral management practices in other countries, enabling them to judge whether measures piloted abroad can be applied at home.

- Assistance providers and HNEC should place emphasis on exposing HNEC staff to electoral institutions and processes outside of Libya.

**3.3 Next Steps**

Women’s strong participation in the political life of Libya is critical to the achievement of a stable, inclusive state capable of meeting the aspirations of its people. However women continue to face substantial barriers including unequal access to decision-making and decision-makers, a dearth of awareness on the challenges faced by women, and social, organizational and security factors that disproportionately limit women’s participation in electoral processes. Despite encouraging steps taken by legislators, HNEC, civil society and other actors to ensure that all citizens can participate equally in public life, participation by women in national electoral processes has nonetheless
declined in each national election to date. It is clear that measures taken, though commendable, were not sufficient to ensure women can participate fully and equally in national electoral processes.

Initially, the goal must be to reverse the trend of declining participation, encouraging all women to participate actively in the civil and political life of their country at this critical juncture. With time, the barriers that deter women’s participation can be minimized or removed completely, a goal that all electoral actors and women themselves should work towards. To that end, this mapping provides a number of recommendations on incremental steps that could be taken, informed by international good practices, to support equal participation by men and women in electoral processes. Often, recommendations try to build on the good will already exhibited by Libya’s legislative authorities, HNEC, civil society actors and international assistance providers.
ANNEXES

Annex 1: Interviews

<table>
<thead>
<tr>
<th>DATE</th>
<th>INTERVIEWEE</th>
<th>TITLE/ORGANIZATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>16 February 2014</td>
<td>Magda El Sanousi</td>
<td>Women’s Empowerment Advisor, UNSMIL</td>
</tr>
<tr>
<td>18 February 2014</td>
<td>Mary O’Donoghue</td>
<td>Resident Program Director, NDI</td>
</tr>
<tr>
<td>18 February 2014</td>
<td>Carlo Binda</td>
<td>Senior Resident Director, NDI</td>
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<tr>
<td>18 February 2014</td>
<td>Samira Ali Elezzabi</td>
<td>Candidate, Hai Al-Andalous, CDA election; Legal Advisor at the Libyan Ministry of Oil and Gas</td>
</tr>
<tr>
<td>18 February 2014</td>
<td>Samira Massoudi</td>
<td>President, Libyan Women’s Union</td>
</tr>
<tr>
<td>19 February 2014</td>
<td>Charlemagne Gomez</td>
<td>Legal/Constitutional Analyst, 2014 EU Electoral Assessment Team</td>
</tr>
<tr>
<td>19 February 2014</td>
<td>Aya Al-Amead</td>
<td>Project Manager, “You’re Right” Campaign; member, Libya</td>
</tr>
<tr>
<td>19 February 2014</td>
<td>Fairouz A. Naas (Dr.)</td>
<td>Commissioner, Women’s Affairs, National Front Party; Dean, Faculty of Applied Management and Finance</td>
</tr>
<tr>
<td>19 February 2014</td>
<td>Emad Alshadly Alsayah (Dr.)</td>
<td>Deputy Chairman, HNEC</td>
</tr>
<tr>
<td>19 February 2014</td>
<td>Rabab Mohammed Halab</td>
<td>Commissioner, HNEC</td>
</tr>
<tr>
<td>19 February 2014</td>
<td>Fathida Haggaggi</td>
<td>Committee to Support Women’s Participation in Decision Making</td>
</tr>
<tr>
<td>19 February 2014</td>
<td>Mofida M. Abosora</td>
<td>Committee to Support Women’s Participation in Decision-Making</td>
</tr>
<tr>
<td>21 February 2014</td>
<td>Oum-el-ezz El Farsi</td>
<td>Candidate, CDA election, Benghazi</td>
</tr>
<tr>
<td>21 February 2014</td>
<td>Huwaida Mahmud Shibani</td>
<td>Candidate, CDA election, Tripoli</td>
</tr>
<tr>
<td>21 February 2014</td>
<td>Sabro Bano</td>
<td>Director, Gender Concerns International</td>
</tr>
<tr>
<td></td>
<td>Nyghat Siddique</td>
<td>Head of Country Operations, Gender Concerns International</td>
</tr>
<tr>
<td>13 April 2015</td>
<td>Hind Azzou</td>
<td>Accreditation Section, HNEC</td>
</tr>
<tr>
<td>20 April 2015</td>
<td>Abir Imneina</td>
<td>Researcher, University of Benghazi</td>
</tr>
<tr>
<td>15 May 2015</td>
<td>Amnah Tkhikh</td>
<td>GNC Member (former)</td>
</tr>
<tr>
<td>6 May 2015</td>
<td>Panto Letic</td>
<td>Senior Electoral Advisor, UN Electoral Support Team (UNSMIL)</td>
</tr>
<tr>
<td>6 May 2015</td>
<td>Bujar Islami</td>
<td>Electoral Advisor, UN Electoral Support Team (UNSMIL)</td>
</tr>
</tbody>
</table>

Annex 2: International Conventions, Selected Articles

Libya is a party to international treaties related to human rights and women’s rights and treaties ensuring the right of women to participate in political life, including CEDAW. Libya is also party to regional African, Arab and Islamic human rights treaties, which also directly or indirectly recognize the right of women to participate equally in political life. These include the following conventions:

**International Covenant on Civil and Political Rights**

**Article 2(1)** "Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant without any distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."

**Art 26** "All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all..."
persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."

**African Charter on Human and Peoples' Rights**

**Article 2** "Every individual shall be entitled to the enjoyment of the rights and freedoms recognized and guaranteed in the present Charter without any distinction of any kind such as race, ethnic group, color, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or other status."

**Arab Charter on Human Rights (2004)**

**Article 3** "Each State party to the present Charter undertakes to ensure to all individuals subject to its jurisdiction the right to enjoy the rights and freedoms set forth herein, without distinction on grounds of race, colour, sex, language, religious belief, opinion, thought, national or social origin, wealth, birth or physical or mental disability. 2. The States parties to the present Charter shall take the requisite measures to guarantee effective equality in the enjoyment of all the rights and freedoms enshrined in the present Charter in order to ensure protection against all forms of discrimination based on any of the grounds mentioned in the preceding paragraph...each State party pledges to take all the requisite measures to guarantee equal opportunities and effective equality between men and women in the enjoyment of all the rights set out in this Charter."

**UN, Convention on the Elimination of All Forms of Discrimination against Women**

**Article 15** "States parties shall accord to women equality with men before the law."

**UN, Universal Declaration of Human Rights**

**Article 7** "All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination."

**(Protocol to) the African Charter on Human and Peoples' Rights on the Rights of Women in Africa**

**Article 2(d)** "States Parties shall combat all forms of discrimination against women through appropriate legislative, institutional and other measures. In this regard they shall: (d) take corrective and positive action in those areas where discrimination against women in law and in fact continues to exist."

**Article 9.(1)** "States Parties shall take specific positive action to promote participative governance and the equal participation of women in the political life of their countries through affirmative action, enabling national legislation and other measures to ensure that: a) women participate without discrimination in all elections; b) women are represented equally at all levels with men in all electoral processes; [...] (2). States Parties shall ensure increased and effective representation and participation of women at all levels of decision-making."

In many cases, these instruments not only bar discrimination and mandate equal treatment before the law, but also commit states to taking temporary special measures to achieve *de facto* equality for women. For instance:

**Convention on the Elimination of All Forms of Discrimination against Women**

**Article 3** "States Parties shall take in all fields, in particular the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men."
**Article 4(1)** "Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved."

**(Protocol to) the African Charter on Human and Peoples' Rights on the Rights of Women in Africa**

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### References


The importance of women’s full and equal participation in conflict prevention, peacekeeping, conflict resolution and peacebuilding processes was most recently recognized in Security Council Resolution 2122, which states that “sustainable peace requires an integrated approach based on coherence between political, security, development, human rights, including gender equality, and rule of law and justice activities.” It calls on member states to ensure women’s full and equal participation in all phases of electoral processes.

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6 Ibid, p.91-93.


8 Qadhafi’s political manifesto, the Green Book (Part III), notes that women “are like blossoms which are created to attract pollen and to produce seeds” and decried anything “which stains her beauty and detracts from her femininity.”


16 The decree was criticized for not providing a clear mechanism for implementation and associated resources. At the time of writing, the decree had not yet been put into effect.
17 “My sister Iman and I were very effective in the beginning, but the men didn’t believe that women could play a role at this time. They didn’t think we had the strength, background or ability.” From Lindsey Hilsum, “Salwa Bugaighis: Libyan human rights activist who took on Gaddafi,” Channel 4 News (26 June 2014). Available from http://blogs.channel4.com (accessed June 2015).
18 Survey figures indicated that 75% of women intended to vote in the next election as compared with 95% of men, and 41% of women surveyed did not vote in the General National Congress election, as compared with 16% of men. (National Democratic Institute & JMW Consulting, Believing in Democracy: Public Opinion Survey in Libya [2013], p.23 & 18). The gap between men and women who reported voting is similar to a survey conducted by IFES during the same period, which found: “sixty-six percent of women surveyed have participated in the election. However, their voter participation rates were 22 percentage points lower than men’s.” (International Foundation for Electoral Systems, Libya Status of Women Survey [2013], p.4).
19 For instance: “Eighty-one percent of Libyans believe that women should wear a hijab. A large majority of those who hold this belief [92%] also maintain that the state should encourage women to wear the hijab.” (National Democratic Institute & JMW Consulting, p. 41), and; “Both the eldest and youngest Libyans tend to agree that men should have priority over women in employment. However, the question seems to evenly divide middle-aged Libyans.” (Ibid, p.44); “Libyans are almost evenly divided on the question of whether Libyan women should be able to marry non-Libyans.” (Ibid, p. 45).
20 Freedom House, p.5.
23 Ratified on 16 May 1989; came into force on 15 June 1990.
24 Tunisia ratified in 2008.
25 An additional law addressed the issue of electoral constituencies (Law No.14/2012), however this law did not have a gender dimension.
26 The final version of the text was issued in mid-February 2012, although the date of issuance, 28 January 2012, was retained in final version.
28 In the absence of a political party law at the time Law No.4/2012 was issued, closed lists could be submitted by more loosely-defined political “entities.”
30 ibid, p. 8.
32 HNEC Regulation No.64/2012.
33 Interview with Ms. Amnah Tkhikh, GNC Candidate, 15 May 2015.
34 NTC Decision No.13/2012.
Although the official status of her resignation was not clear, Commissioner Bash Imam did not attend HNEC on a regular basis after mid-May 2012.


Danish Church Aid, p. 59.

Figures courtesy United Nations Electoral Support Team in Libya.

The Third Constitutional Amendment was issued by the National Transitional Council on 5 July 2012 but was found unconstitutional by the Supreme Court due to lack of quorum. On 9 April 2013, a similar amendment was passed by the General National Congress.

Two general seats in Derna; one reserved seat in Betnan and Jabal Akhdar (women); two reserved seats in Zuwara and Nafusa Mountains (Amazigh). Discrepancy between 56 members elected and 5 seats vacant is due to the use of substitution ballot for the reserved seat in Betnan and Jabal Akhdar.

The electoral law for the CDA election was adopted in July 2013 at a public ceremony, but only made available to the public in September 2013. The delay in publishing the law meant that a limited timeframe existed for voters and candidates to become acquainted with its provisions before the launch of candidate nomination on 6 October 2013.


The 20-20-20 distribution was stipulated in the Second Constitutional Amendment of 10 June 2012.

Libya banned political parties shortly after the 1952 elections, the first following independence.


Interview with Ms. Mary O’Donoghue, Resident Country Director, National Democratic Institute, Tripoli, 18 February 2014; Interview with Mrs. Samira Massoudi, Libyan Women’s Union, Tripoli, 18 February 2014.

Law No.17/2013, Article 6.


Originally 47: sub-constituencies 31 and 32 merged on 7 January 2014, with the resulting extra seat allocated to Tabu.

Interview with Ms. Oum-el-ezz El Farsi, Candidate from Benghazi, Tripoli, February 2014.


High National Elections Commission of Libya, “Regulation on Electoral Campaigning for the CDA Election,” annexed to Board of Commissioners Decision 46 (2013), Section I, Article 18.

This issue was mentioned by a number of women candidates during interviews, although it is a common issue for both men and women.

Law No.8/2013.

GNC Decision No.40/2013.

Figures courtesy High National Elections Commission of Libya.


Ballots for different races were different colours: a blue ballot for general seats, a pink for the reserved women seats and a grey combined ballot for general seats and component seats. Despite expressed misgivings
that the selection of pink could be considered infantilizing to women, this did not emerge as a significant issue in the Libyan context.

65 EU Electoral Expert Mission, p.22.
66 Figures courtesy High National Elections Commission of Libya.
67 Figures courtesy United Nations Electoral Support Team in Libya.
68 Figure of 1,101,025 previously cited by HNEC in public sources. Cited figure reflects changes made during in-person additions & amendments period, as well as voters registered for out of country voting.
69 Provisional figures rose to 6,897 on the last day of accreditation: candidate agents (3,540); domestic observers (2,466); national media (423); international media (94); international observers (30); and guests (344). Just 12% of accreditations were issued to women. Final figures not released.
70 Law No.10/2014.
71 Figures courtesy High National Elections Commission of Libya.
72 Figures courtesy United Nations Electoral Support Team in Libya.
73 Figures courtesy High National Elections Commission of Libya.
74 On 16 September 2014, the HoR retroactively split the Derna sub-constituency in HoR election into two “wards,” Derna City and Derna Suburbs (HoR Law No.1/2014, September 2014). Around 4 August 2015, two winners from Derna City were likewise sworn in by the HoR, Khairallah Younis Abdrabba Attirkawi and Intisar Mustafa Almahdi Shineib. The latter, Ms. Shineib, was the only candidate for her (women’s reserved) seat.
76 Ibid.