

THE DANISH INSTITUTE FOR HUMAN RIGHTS (DIHR) IN LIBYA

DIHR has been working in Libya since the breakout of the popular uprising against Gadhafi in 2011. However, the rebuilding of Libya as a democratic state based on the rule of law has proven to be a challenge.

In the post-Gadhafi era, Libya has been characterised by governments with limited capacity to impose authority. Instead of having a centralised monopoly of power, the country has been ruled by a plethora of militias with different and sometimes shifting allegiances. Thus, torture, political abductions and killings, and illegal detentions take place and the lack of security permeates all levels of society.

In 2014, the Constitution Drafting Assembly (CDA) and a new transitional legislature – the House of Representatives (HoR) – were formed through popular elections. However, after its election, the legitimacy of the HoR was quickly questioned by militias, which led to the re-establishment of the former transitional legislature in Tripoli – the General National Congress. The CDA, which is based in the eastern city Bayda, is largely recognised by the major militias in Libya and has been working to prepare a draft of a new constitution for the country. The latest version of the draft constitution was presented in February 2016.

In December 2015, the United Nation brokered a peace agreement, the Libyan Political Agreement (LPA), with a comprehensive road map calling for the establishment of a Presidential Council and a Government of National Accord (GNA). Simultaneously, Islamic state expanded its reach and fights in Benghazi and Sabratha continued to rage. This political and security stalemate continues transforming Libya into a zone of insecurity both for its neighbours, especially Tunisia, and the European Union struggling to cope with massive migration.

In order to overcome the challenge of a paralysed central administration and a weakened civil society, DIHR has been developing new relations to local government structures, especially elected local bodies with the aim of supporting a human rights based approach to delivering basic services to local communities.

DIHR PROGRAMME 2015-2017

DIHR's objective in Libya is to support the establishment of a well-functioning national human rights system where key state human rights actors have capacity to exercise their mandate and work in complementarity for a better protection of the rights of individuals.

BRIEF FACTS

Geography:

North African country



neighbouring Tunisia and Algeria to the West, Niger, Chad and Sudan to the South, and Egypt to the East. It has 1,770 kilometres coastline bordering the Mediterranean –the longest of any African country.

Demography: 5,7 million inhabitants.

Economy: GNI in Libya is 12,930 (PPP) USD per capita (2009).

Official language: Arabic.

Political: According to the Constitutional Declaration of Libya, the country is supposed to be a parliamentary republic. However, there is currently no single institution having full authority in the country. Libya gained independence from Allied occupation in 1951.

Despite the obvious challenges related to working in a country where the absence of security prevents a physical presence, DIHR continues to work in Libya. This is done by leveraging and maintaining long-term partnerships with key Libyan stakeholders who are still active inside Libya. This approach ensures local ownership and sustainability of engagements as well as it builds the capacity of partners to induce specific human rights change.

The National Council for Civil Liberties and Human Rights (NCCLHR) and/or a governmental human rights focal point

The NCCLHR designed a strategic plan in 2014 and applied for NHRI accreditation with the ICC. The strategic plan was accepted by key stakeholders of the international community as the blueprint for the development of the institution. However, the deteriorating security situation and highly politicised context in Libya in 2015 meant that the NCCLHR had to close its offices in both Tripoli and Benghazi.

Depending on the success of the efforts to establish a unity government, DIHR will look to re-engage with the NCCLHR and/or a potential new governmental human rights focal point. The engagement will revolve around supporting the establishment of the framework for and organisation of the institutions. Focus will be on supporting organisational establishment and planning, supporting role and mandate analysis and definition, basic capacity building of staff related to role and mandate, and initial outreach to local level governance structures.

The Constitution Drafting Assembly (CDA)

Throughout 2015, DIHR has supported the CDA in drafting of a new constitution for Libya. This work has been based on a unique access to key members of the assembly established through DIHR's partnerships in the country. The support has consisted of substantive content advice focused on specific topics such as the role of independent national institutions, minority rights, electoral systems, and the enshrinement of fundamental human rights and freedoms in the constitution.

In 2016, DIHR will continue to support the CDA in a demand-driven and flexible manner. The support will take different forms, but will revolve around the goal of ensuring that the CDA prepares a draft constitution that both encapsulates the human rights and freedoms, and meets the aspirations of the Libyan people. The support will focus on providing input to and feedback on draft constitutional text, facilitating thematic workshops for key members of the CDA, creating space for neutral dialogue among members of the CDA, and creating linkages between the work of the CDA and local level governance structures.

Expected outcome of DIHR engagements in Libya:

- If (re-)established, the NCCLHR and/or a governmental human rights focal point take steps towards protecting and promoting human rights in Libya.
- The CDA finalises a draft constitution, reflecting the aspirations of the Libyan people and enshrining basic human rights, which is used as the basis for a future Libyan constitution.
- Local level governance structures – e.g. local councils – are involved in the work of both the CDA and the NCCLHR in order to define and strengthen the role of local governance in the Libyan National Human Rights System.

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