

# ROLE OF WOMEN IN UNION ACTIVITY IN LIBYA

Study Title:

## The Role of Women in Union Activity in Libya

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## ■ INTRODUCTION

It is commonly believed that union work in Libya is a recent phenomenon that perhaps became a point of focus in recent decades, albeit in different ways in the periods before and after the 2011 revolution and after. However, the fact of the matter is that union activity in Libya began even before the country had gained its independence. For instance, with the increased numbers of Libyan workers in the sea port in the city of Benghazi during Italian colonialism, the first recognized trade union of port workers was formed in 1951. In an attempt to shift conceptions of union activity in Libya, give an account to its history and various stages, agreement was reached with Washm Center for Women's Studies to work on a research paper examining the history and challenges of union work in Libya since its inception, in order to substantiate the idea that Libya has a long history of union activity and that it is not a recent innovation.

The promotion of union activity is one of the most important of the Friedrich Ebert Foundation since its founding, and strengthening the roles of women in all fields is also an important strategic goal that the Foundation adopts and strives towards. Hence the idea of the study came to be a reference that traces the history of trade union activity in Libya, with a particular focus on the role and status of women in this work by analyzing women's union participation and highlighting the most important challenges facing them in this regard.

**Fatmaelzhra Gatish**

**Program Manager - Friedrich Ebert Foundation**

## ■ FOREWORD

The first indications of labor organizations in Libya appeared before the country's independence. Yet, women's involvement in union activity came later, with the advent of trade unions that obligated their members to engage. The absence of women from the workforce, not to mention the closed nature of Libyan society at the time, impeded women's access to then-fledgling trade unions.

During the first era of post-independence Libya, a policy of compulsory and free education was adopted which undoubtedly opened the door wide for Libyans to enroll in various educational institutions, with a high recorded participation rates for females which in some cases exceeded those of males. However, this participation rate did not translate over time into substantial women's presence in the labor force or the membership to various trade union councils. This has had repercussions on the effectiveness of women's economic role on the one hand, and on their ability to engage effectively in union organizations to make their demands and defend their rights, on the other.

This research study aims to explore the reality of Libyan women's participation in union activity, and the most pertinent challenges associated with their access to decision-making. It also proposes the most relevant recommendations to enable effective women's involvement and contribution in union organizations, and empowering them to defend their rights as workers.

## ■ METHODOLOGY

**This study adopts a descriptive methodology based on an examination and interpretation of available facts and information, and the collection of various data related to the research subject.**

### Data Collection Tools

The study depends primarily on primary sources such as relevant laws and regulations, as well as written accounts (albeit scarce) about trade unions in Libya. It also relies on a number of interviews with prominent figures from trade unions to answer the research questions the most important of which are:

1. What is the nature of women's participation in union activity?
2. What are the most pertinent challenges to participation in union work in general, and women's participation in particular?
3. What is the reason for reluctance to participate in union activity?
4. What is the reason for women's aversion from running for senior positions in trade unions?



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## KEY DEFINITIONS

<b>Trade union</b>	A popular organization that includes those engaged in professions, crafts, industries or services that are interrelated or joined in the same production process. <sup>1</sup>
<b>Professional syndicate</b>	Defined by law as "a popular organization that includes people with artistic or scientific talents, or those who share a single professional nature." <sup>2</sup>
<b>Association</b>	The meeting of constituent trade unions and professional syndicates. <sup>3</sup>

### 1. THE DEVELOPMENT OF TRADE UNION WORK IN LIBYA:

During Italian colonial rule (1911-1943), Libyans suffered from economic hardship and scarcity of resources as they often relied on grazing livestock and agriculture. When the situation Libya stabilized to an extent, economic activity underwent a moderate boom and the ports of Benghazi and Tripoli saw notable activity of cargo ships that unloaded imported goods on their docks, and then shipped Libyan products such as cattle, sheep and wool, coal, barley, halfa grass and other commodities. There was increased demand for labor, and this represented an opportunity for Libyan workers to engage in unloading and dock work for cargo ships. A number of workers had some experience working on ships, and they joined as sailors on Italian ships which enabled them to engage with foreign sailors who are involved in unions in their own countries. This generated a real desire among prominent sailors at the time to establish union organizations to preserve their rights. In the city of Benghazi, a man by the name Rajab Al-Nayhum who is today considered an icon of union activity in Libya, formed the Benghazi Port Workers' Union,<sup>4</sup> and in Tripoli, Salem Sheitah was among the first pioneers in trade union activity.

However, these attempts did not receive much recognition, as Italian colonial rulers only permitted Italian workers to participate in unions, and no Libyan was allowed to engage in organizing or establishing any labor organization independent of the fascist regime. Instead, committees were formed that demanded equity with Italian laborers in access to healthcare and social security, and they made progress in that regard. The first Libyan trade union committees were established under Italian occupation in Benghazi and Tripoli. As for the Libyan

<sup>1</sup> Law No. 23 of 1998 regarding trade unions, professional associations and syndicates, link: <https://aladel.gov.ly/home/?p=1238>

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

<sup>4</sup> Abir Amnina, "The Relationship of the Political System with Professional Syndicates in Libya: Case Study of the Bar Association (1969-2009)" (Arabic), Arab Journal of Political Science, Issue, p. 46

Handicrafts Union, which was formed in 1937, it cannot be considered a labor organization that is concerned with the interests of Libyan workers, as it included a union delegate affiliated with the fascist organization of Italian craftsmen. Moreover, Libyan and Arab craftsmen were allowed to register their names as associates only, in order to reach the minimum quorum for the establishment of a union.<sup>5</sup>

After coming under the British military mandate of Libya, these union committees found an opportunity to demand official recognition. This was based on a legal decision drawn up by the British Military Administration which allowed for the establishment of civil associations and institutions and granted some rights to the working class. With this decision, some of the existing trade unions associations at the time (the Tripoli Union Federation, the Libyan Trade Union Federation and the General Assembly of Cyrenaican Labor Unions) acquired legal status.<sup>6</sup>

Among the most important of these laws issued were:<sup>7</sup>

### 1. Legislations issued in the state of Cyrenaica:

- ⊗ Labor Disputes and Investigations Law No. 26 of 1951
- ⊗ Servants and Wage Workers Law No. 24 of 1951
- ⊗ Trade Unions Law No. 25 of 1951
- ⊗ Workers Compensation Law No. 28 of 1951
- ⊗ Minimum Wage Law No. 29 of 1951

### 2. Legislations issued in the state of Tripoli

- ⊗ Servants and Wage Workers Law No. 5 of 1951
- ⊗ Trade Unions Law No. 6 of 1951
- ⊗ Law of Arbitration and Investigation of Labor Disputes No. 8 of 1951
- ⊗ Social Insurance Amendment Law No. 22 of 1951

#### 1.1 Trade union activity (1951-1969)

When Libya gained its independence, there were pioneers of the old trade unions who, in solidarity with national intelligentsia and newspaper writers, found in the legislations of the British Military Administration an opportunity to demand and pressure Libyan authorities to issue a new labor law. Accordingly,

<sup>5</sup> Ibid., p. 46.

<sup>6</sup> Al-Mukhtar Al-Taher Karfaa, *The Labor Movement in Libya (1943-1969)*, Benghazi, Libyan Jihad Center for Historical Studies, 2000, p. 83.

<sup>7</sup> Raja Abd al-Rahim al-Darsi, *General Production Union in the Great Jamahiriya: Origin and Development*, pp. 71, 67.

state governments invited experts from the International Labor Organization to draft a labor law which was then issued by royal decree on December 5<sup>th</sup>, 1957. Accordingly, all previous state labor laws issued in the states of Tripoli and Cyrenaica in force prior to this legislation were abolished.

The new legislation introduced radical reforms to individual and collective labor contracts and guaranteed additional benefits for the working class. It also established new rules for registering unions, dedicating entire sections to regulating working hours, wages, overtime, layoffs, and training contracts.<sup>8</sup> This was also the first piece of legislation to include references to women in the workforce.

These provisions were later amended by Law No. 9 of 1962, which devoted an entire chapter to trade unions. It indicated in its Article 42 that workers in one profession, or one industry or similar or related industries in terms of their production, must form a union among themselves that protects their interests, defends their rights, and works to enhance their material and social condition. The regulations of this law determined the professions and industries that are considered similar or related in terms of production, and that unions formed in accordance with its provisions shall have legal personality.<sup>9</sup>

The same law also indicated in its Article 63 that labor unions in each state shall have a confederation of unions to defend common interests, and the minimum number of unions that make up the confederation is to be determined via a regulation issued by the Minister of Labor and Social Affairs. In the formation, registration and dissolution of these unions, the provisions relating to unions shall be adhered to, and the statutes of the confederation shall include the rules to be followed in the representation of affiliated unions in the confederations board and its general assembly.<sup>10</sup>

The law also referred to women in its Article 32, which prohibited the employment of women and girls between ten in the evening and seven in the morning except in jobs stipulated in the regulations as being for women only. It also prohibited women and girls from being employed in jobs that the regulations deemed generally hazardous or dangerous for them, in Article 38. In any case, working women were also prevented from working for more than 48 hours per week including overtime.<sup>11</sup>

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8 Muhammad Youssef Al-Azzabi and Muhammad Abdullah Al-Mir, *The Labor Movement in Libya - Evolution and Development*, p. 170.

9 Labor Law No. 9 of 1962, link: <https://security-legislation.ly/ar/law/101268>.

10 Ibid.

11 Ibid.

To summarize, this law referred to a number of trade union rights, the most important of which are:

- ① Right to form unions
- ② Right to strike
- ③ Determined working hours

Not to employ minors, and other rights that were previously unclear or unenforced under the British Military Administration.

Nationalist lawyers also filed cases of arbitrary expulsion, and succeeded in passing rulings that became irrevocable precedents, and in the light of this law all organizations were recognized without exception (drivers, factory workers, carpenters, municipal cleaners, bakery workers, oil workers and others).<sup>12</sup>

The General Assembly of Cyrenaican Labor Unions was also formed which addressed workers' issues such as low wages and unspecified working hours. The workers union, along with the Ministry of Labor and Social Affairs, formed a committee that, after lengthy discussions, concluded the importance of working to improve the health conditions of workers through social security, wage increases, determining working hours and accrued vacations, and establishing training centers. Some nationalist lawyers and intellectuals joined this union activity and contributed to explaining workers' issues to press outlets such as *Al-Amal* (Labor) Newspaper which was published in Benghazi, and *Al-Talia* (Vanguard) in Tripoli. Some of these lawyers also volunteered their time and effort to defend workers' rights.<sup>13</sup>

Union activity in that era was characterized by diversity and effectiveness, as well as division especially among segments of the working class. Libya was divided into three states whose political organization reflected on the conditions of labor unions in each, as they were unable to join under a unified labor union independent of the government. Even after the Kingdom's transformation from a federal state to a unitary state, fragmentation remained a dominant feature of labor organizations.<sup>14</sup>

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<sup>12</sup> Rabeeh

<sup>13</sup> Abd al-Salam Ali al-Mazoughi, *Syndicates, Federations, and Professional Associations and Their Role in Political Life*, The General Company for Paper and Printing, p. 68p

<sup>14</sup> Abeer Amnina, aforementioned reference, p. 47

**TABLE 1:**

**The most prominent trade union confederations during the monarchy period in the state of Tripoli**

Federation name	Date of Establishment	Union president
Tripoli Union	10/14/1962	Ali Al-Bitar
Provincial Union	10/14/1962	Mohamed Souissi
Regional Confederation of Trade and Professional Unions	-/2/1962	Muhammed Al-Arefi Al-Aswad

Source: Raja Abdel Rahim Al-Darsi, *The General Production Union in the Great Jamahiriya: Origin and Development*, p. 71.

**As for the State of Cyrenaica, the following union federations were formed:**

1. The Union Federation of Libyan Workers in Cyrenaica
2. The Federation of Trade Unions of Cyrenaica.

These two federations joined the General Assembly of Cyrenaican Labor Unions in 1962. It was headed by Mr. Rajab El-Nayhoum, Secretary of the Syndicate of Seafarers, Ports and Ships in Cyrenaica which was the largest union in the Federation in terms of membership and the most effective in its various activities. The following table shows the most important unions constituting the Federation and the date of their official registration after meeting the necessary legal requirements.

**TABLE 2:****The most important unions constituting the General Assembly of Cyrenaican Labor Unions 1962**

Union name	Registration date
Mechanics Union	6/7/1952
Drivers Union	6/7/1952
General Contracting and Cleaning Union	6/7/1952
Carpenters Guild	6/7/1952
Syndicate of Seafarers, Ports and Shipping	10/6/1952
Bakery Workers Union	1/1/1957
Syndicate of Hotels, Cafes and Restaurants	24/6/1958
Shoemakers' Guild	24/6/1958
Syndicate of Printing and Libraries	2/11/1958
Oil Workers Union	1/1/1959
Textile Guild	7/7/1961
Postal, Telegraph and Telephone Syndicate	7/17/1961
Syndicate of bank Workers and Employees	15/1/1962

Source: Raja Abdel Rahim Al-Darsi, *The General Union of Producers in the Great Jamahiriya: Origin and Development*, p. 74.

On the other hand, the quest to establish interest-based organizations was not limited to workers alone but included teachers, lawyers, engineers. It also extended to students who had a tenuous relationship with the monarchy, which reached the point of clashes over demands to change many of the domestic and foreign policies of the monarchical regime.<sup>15</sup>

<sup>15</sup> Muhammad Zahi Al-Mughairbi, *Civil Society and Democratic Transition in Libya*, Cairo: Ibn Khaldoun Center in partnership with Dar Al-Amin for Publishing and Distribution, 1995, p. 131

## 1.2 Trade union activity (1969-2011)

After the abolition of monarchy and change of the political system in 1969, the Revolutionary Command Council, the new authority at the time, abolished all trade and professional unions that existed previously. At the time, in 1969, the total membership of unions reached about 75,000 distributed across the National Federation of Unions, the Trade Union in Tripoli, and the Libyan Unions Federation in Benghazi. These unions and federations were suspended, and a committee of 21 union leaders was formed to discuss the conditions of unions and to organize union activity in line with the direction of the new political system. The committee produced a labor law in which an entire chapter was devoted to trade unions, after which some laws regulating occupational groups were enacted separately.<sup>16</sup>

With the introduction of development plans, and the increase in the number of labor categories, there emerged an urgent need to establish many unions, especially professional ones, to organize the affairs of various workers and professionals. From that point, legislations emerged that established many trade and professional union organizations, perhaps the most important of which are:

- ① Law No. 96 of 1976 issued on March 17, 1977 establishing a syndicate for medical and paramedical professions.
- ② Law No. 100 of 1976 issued on January 27, 1977 regarding the establishment of the Engineers Syndicate.
- ③ Law No. 99 of 1976 issued on January 20, 1977 regarding the establishment of unions and a union federation of craftsmen.
- ④ Law No. 45 of 1976 promulgated on August 18, 1976 regarding the establishment of the Artists Guild.

All professional and labor unions were attached to the Arab Socialist Union (ASU), the leading political organization between 1971-1977. According to this affiliation, unions were prohibited from engaging in any political activity except for the "defense of the revolution" and emphasized the need for a mechanism to raise the cultural and social standing of its members.

After the abolition of the Arab Socialist Union, the reality of unions did not change, as they were incorporated into the institutions of the political regime as per the Declaration on the Establishment of the Authority of the People in 1977, and thus lost the most important factor to their effectiveness – independence.

In order to be in harmony with the radical changes that swept Libyan society starting in 1977 due to the application of the Green Book thesis, unions were transformed into "popular organizations." Professional unions were turned into

<sup>16</sup> Raja' Abd al-Rahim al-Darsi, **aforementioned reference**, p. 215



“professional conferences” while labor unions were turned into production, service or craft conferences, in order to contribute to the management of their economic establishments in all professional, production and service facilities as members of their people’s committee (an equivalent to a company’s board of directors). These conferences had the right to hold committee members accountable, terminate their membership, dissolve committees, or accept the resignation of their members, as well as monitor the production process. However, this theoretical role did not materialize in reality, as production conferences did not choose people’s committees, draw any policy or monitor production. Even the management committees of facilities were chosen by the General People’s Committee.

As for the formulation of general policies, it was undertaken by the Partners Council or the general assemblies of companies owned by producers, or joint stock companies with foreign investors. Thus, the role of the union in managing companies privately owned in whole or in part disappeared, and if it existed, it was only formalistic and ineffective.

This was confirmed by a study on the role of production conferences in the management of factories, which concluded that union participation in production facilities had failed. It attributed the reasons for this failure to a lack of experience in union work, especially since many union leaders abandoned this work or were excluded following the application of principles of “popular management,” as well as the subordination of union representatives to those higher in the career ladder of institutions and establishments.<sup>17</sup>

Perhaps it goes without saying that the monarchy had obstructed the establishment of a unified union organization in Libya to weaken unions and prevent the emergence of a social movement opposed to the existing regime. Therefore, the new regime sought to achieve the same goal by unifying the trade unions in order to facilitate their subjugation within a union known at first as the Workers’ Union, then with the ideological development of the regime was renamed to the Union of Producers.

### 1.3 Trade union activity in 2011

After the overthrow of the Gaddafi regime in February 2011, legislative chaos and political fragmentation cast their effects on the unions which were fragile, weak and ineffective at the time. The Workers Union was divided into many smaller union organizations, and new unions and syndicates were also established amid chaos and absence of laws organizing their activities. Many unions were re-elected and steering committees were established pending the issuance of a law regulating their activity work, as will be discussed later.

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<sup>17</sup> Al-Mukhtar Muhammad Ibrahim, **Social Change in Libya and the Development of the Trade Union Movement**, unpublished PhD thesis, Ain Shams University, Cairo, 2000), p. 199

## 2. THE LEGAL FRAMEWORK REGULATING UNION WORK

### 2.1 International Agreements

#### 2.1.1 Freedom of Association and Protection of the Right to Organize Convention

Article 2 of the Freedom of Association and Protection of the Right to Organize Convention No. 87 of 1948 stipulates that, "Workers and employers, without distinction whatsoever, shall have the right to establish and, subject only to the rules of the organization concerned, to join organizations of their own choosing without previous authorisation." In Article 3, the Convention also guarantees the right to "draw up their constitutions and rules, to elect their representatives in full freedom, to organize their administration and activities and to formulate their programmes."

The same article prevents public authorities from infringing on these rights and their legitimate exercise. Moreover, workers' and employers' organizations may not be subject to decisions of dissolution or suspension of activity taken by an administrative authority –in Article 4.

Article 5 also grants workers' and employers' organizations the right to form and join federations, and to affiliate with international organizations for workers and employers. Furthermore, according to Article 8, it is not permissible for national law, nor the manner in which it is applied, to derogate from the guarantees provided by this convention.

Article 11 of the Convention also included an undertaking by each member state of the International Labor Organization to take all necessary and appropriate measures to ensure freedom for workers and employers to exercise the right to organize.<sup>18</sup>

#### 2.1.2 International Covenant on Civil and Political Rights (ICCPR) of 1966

Article 22 of the International Covenant on Civil and Political Rights (ICCPR) guarantees individuals the freedom to form associations with others, including the right to form or join trade unions in order to protect their interests. It also calls against placing restrictions on the exercise of this right other than those provided by law and which are necessary in a democratic society in the interests of national security, public safety, public order, the protection of public health or morale, or the protection of the rights and freedoms of others. The article does not prevent members of the armed forces and police from being subject to legal restrictions on the exercise of this right. Likewise, there are no provisions in this article that allows states parties to the 1948 Freedom of As-

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<sup>18</sup> Freedom of Association and Protection of the Right to Organize Convention No. 87 of 1948. Link: <https://www.ilo.org/legacy/english/inwork/cb-policy-guide/freedomofassocandrighttoorganisen87.pdf>.

sociation and Protection of the Right to Organize Convention to take legislative measures, or to apply the law in a manner that would undermine the guarantees provided for in that Convention.<sup>19</sup>

### **2.1.3 Arab Convention on Trade Union Freedoms and Rights**

The contents of the Arab Convention on Trade Union Freedoms and Rights No. (8) of 1977 do not differ greatly from what is stipulated by the ICCPR or by Convention No. 87 of 1948. Article 1 of the Arab Convention indicates that both workers and employers, regardless of the sector in which they operate, have the right to form or join organizations. They can do so without prior permission in order to address their interests, defend their rights, improve their economic and social conditions, be represented before various parties, contribute to raising production efficiency, and achieve plans for economic and social progress.

Article 2 indicates that Arab workers who work in an Arab country other than their country of origin, must be treated on a basis of equity with nationals in terms of access to membership to workers' organizations and enjoying trade union rights.

The procedures for forming workers' or employers' organizations were limited to filing association papers with the relevant authorities, provided that the law specifies the authority with competence in this regard and the method of filing so as not to include any obstacles. Moreover, as per Article 4, workers' and employers' organizations may engage in their respective activities as soon as their association papers are filed.

Article 5 grants the competent administrative authority, as well as the General Federation of Workers' Organizations or Employers' Organizations, each within their own framework, the right to challenge the validity of the formation of workers' or employers' organizations, for violating the law or the organization's articles of association. The judiciary is the only competent authority that may decide on the appeal process without this affecting the establishment of the organization or the conduct of its activities, until the final decision is made regarding the appeal.

Article 6 also grants the workers or employers founding the organization the right to draw up its articles of association which must include its objectives and means of achieving them, as well as its organs and methods of financing and management, all without interference or influence from any party. Workers'

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<sup>19</sup> The International Covenant on Civil and Political Rights (ICCPR).

Link: <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>.

or employers' organizations may not be obligated to adopt any regulations for organizing their work and the exercise of their activities set by any other party. However, non-binding regulations or procedures may be developed for guidance.

It is also prohibited, according to Article 7, to place restrictions on the ability of workers' or employers' organizations to own immovable or movable funds, as well as the practice of financial activity, provided that this is within the scope of their objectives. According to Article 8, both workers' organizations and employers' organizations have the right to form general unions or specific or subsidiary union federations among themselves and in their field of work, and they may form one general union at the national level. These union federations are subject to the same procedures as workers' and employers' organizations when they are formed. The general union federation, formed at the national level, has the right to join Arab union federations or organizations, or participate in their establishment if there aren't any. They may also join or participate in the establishment of regional and international union federations or alliances, in which case they enjoy the same rights after the approval of the general federation of unions.<sup>20</sup>

The state also ensures, under Article 9, that workers' and employers' organizations are free to carry out their activities and exercise all aspects of their work, and the state also guarantees their protection from interference in their affairs. The legislation of each country, as per Article 10, guarantees workers' and employers' organizations freedom of assembly without the need for prior permission from the executive authority or others, as well as the right to collective bargaining, concluding joint labor contracts, regulating their own procedures and scope of activity.<sup>21</sup>

According to Article 21 of this agreement, the administrative authority may not suspend or dissolve a workers' organization or an employers' organization, or one of their executive bodies, except by a court ruling for violating the law or the organization's own statutes and bylaws. In such a case, the workers' organization or employers' organization shall have the right to practice their activities until a final court ruling is issued. The law also guarantees workers the right to strike to defend their economic and social interests after exhausting all means of legal arbitration to achieve these interests (Article 12).<sup>22</sup>

The legislation of each country, under Article 13 of the convention, guarantees the freedom of workers to join or not to join the union, as well as their freedom to withdraw from it. It also guarantees non-interference in the nomination and elections of union members, and the freedom for each member to exercise union activity without interference from the employer or any other party. The

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<sup>20</sup> Ibid.

<sup>21</sup> Ibid.

<sup>22</sup> Ibid.

law also guarantees the necessary facilities for members of trade unions' executive bodies to exercise their tasks during working hours, whether these tasks take place inside or outside the work facility. It also guarantees union leaders the right to devote themselves to union activity at all levels, and guarantees them their wages and all their rights, provided that this is done within the limits of the union's needs and priorities.<sup>23</sup>

The articles also prohibit the transfer, suspension, or dismissal of union members or harming them due to their affiliation or practice of union activity. They also prohibit suspending the employment of a worker or their continuation of their work on the basis of their joining or not joining the union, or making their employment conditional to withdrawing from a union.<sup>24</sup>

Despite the rights contained in all these agreements, which Libya has ratified, many violations have taken place against union work. The supremacy of international agreements over national courts was not taken into account when dealing with the provisions relating to unions in which the regime monopolizes the licensing process. It should be noted that Libya has ratified the following international labor conventions:<sup>25</sup>

- ⊗ International Labor Organization (ILO) Forced Labor Convention No. 29 of 1930
- ⊗ ILO Abolition of Forced Labor Convention No. 105 of 1957
- ⊗ ILO Convention concerning Discrimination in Respect of Employment and Occupation No. 111 of 1958
- ⊗ ILO Holidays with Pay Convention No. 52 of 1936
- ⊗ ILO Employment Service Convention No. 88 of 1948
- ⊗ International Labor Organization Night Work (Women) Convention No. 89 of 1948
- ⊗ ILO Protection of Wages Convention No. 95 of 1949
- ⊗ ILO Convention Right to Organize and Collective Bargaining Convention No. 98 of 1949
- ⊗ ILO Equal Remuneration Convention No. 100 of 1953
- ⊗ ILO Abolition of Penal Sanctions (Indigenous Workers) Convention No. 104 of 1955

The ratification of these agreements amounts to a commitment by the Libyan state authority to implement their principles and rights they enshrine that relate to labor at all levels. However, the provisions contained within these instruments are often violated.

<sup>23</sup> Ibid.

<sup>24</sup> **Arab Convention No. (8) of 1977 on trade union freedoms and rights**, available at the following link: <https://alolabor.org/16341>

<sup>25</sup> Muhammad Youssef Al-Azzabi and Muhammad Abdullah Al-Mir, op. cit, p. 175

The Revolutionary Command Council also issued a decision approving the accession of the Libyan Arab Republic to the Arab Charter on Labor and the constitution of the Arab Labor Organization (ALO). Furthermore, a decision was issued ratifying ILO Conventions No. (1, 3, 14, 59, 81, 122, 131) previously approved by the Arab Labor Conference, in addition to Law No. 65 of 1974 ratifying the following Arab labor conventions:

- ① Arab Agreement on Labor Levels
- ② Arab Labor Migration (Inter-Regional Mobility) Agreement
- ③ Arab Agreement on Social Insurance

## 2.2 The framework regulating trade union activity at the national level

After Libya gained its independence, the legislature enacted a Labor Law issued via royal decree on December 5, 1957. It repealed all previous state labor laws issued in the states of Tripoli and Cyrenaica in effect prior to this legislation, as mentioned above.

Later on, Labor Law No. (9) of 1962 was issued, which guaranteed the right to form unions and organize work and insurance procedures for all worker categories. The law introduced radical reforms to individual and collective work contracts and included additional benefits for the working class. The law introduced new rules for registering unions, devoting chapters to regulating working hours, wages, overtime, layoffs, and training contracts. It also provided for the formation of an advisory council for wages in each state to set the minimum wage with special provisions for the employment of minors and women,<sup>26</sup> being the first piece of legislation to refer to women in the workforce.

After the coup against the Libyan monarchy in 1969, the new regime issued a temporary constitutional declaration, but it did not reference trade unions or the freedom to establish them. This was corrected by Law No. 58 of 1970, which devoted an entire chapter to organizing and regulating trade union activity, and stipulated the establishment of the Libyan Workers Union. Decades later, Labor Law No. 12 of 2010 was adopted which obligated employers to adhere to equality between all of their workers and employees in the civil service and other categories of work. All the provisions of this law applied to all employers, especially with regard to the right to join relevant trade unions.<sup>27</sup>

Subsequently, the legislature affirmed, through several texts, the freedom to establish unions in Libya, and the Great Green Charter of Human Rights of 1988 affirmed in one of its principles that "The members of Jamahiriyan society are free to form associations, trade unions and leagues in order to defend their

<sup>26</sup> Muhammad Youssef Al-Azabi, Muhammad Abdullah Al-Mir, op. cit., p. 170.

<sup>27</sup> Law No. (12) of 2010 on labor relations and its bylaw, link: <https://security-legislation.ly/en/law/31973>.

professional interests.”<sup>28</sup> Similarly, Article 9 of Law No. 20 of 1991 on the Promotion of Freedom stipulated that, “Citizens are free to form and join trade unions, syndicates, professional and social leagues, as well as charities, whether to protect their interests or achieve the legitimate purposes for which they are established.”<sup>29</sup>

Law No. (23) of 1998 on Trade Unions, Federations and Professional Associations confirmed the same principle, noting that, “Those who work in one profession, craft, industry, or service that interrelated, or participate in one production process, have the right to form unions or associations. [...] Trade unions and professional associations have the right to form general federations at the national level.”<sup>30</sup>

Hence, the process of establishing trade unions, federations and professional associations in Libya continued until, before the change of the political system in 2011, the number of such organizations reached about 16 unions, three union federations and six professional associations.

Despite the legislative emphasis on the freedom to establish trade unions of all kinds, a closer examination of articles that enshrine this principle show how narrow this freedom is. According to Article 5 of Law No. 23 of 1998, the recognition of a trade union is subject to the approval of the secretariat of the General People’s Congress (parliament), which has the right to review the articles of association and request their amendment if necessary until the secretariat agrees to grant permission for the union’s registration.

The General People’s Congress also interferes with the abolition and re-establishment of trade unions despite the absence of a legal text granting it this right. Perhaps a good example of this is the experience of the Writers Guild, which was re-established in accordance with General People’s Congress Secretariat Resolution No. (59) of 2004 and its subsequent regulations. These stipulated that members of the Guild must bring a certificate of good conduct and sign an acknowledgment of the necessity of loyalty to the thought of the “revolution” and its theses if they wish to join. This was interpreted as a move to exclude and persecute certain writers known for their opposition to the ideology of the ruling regime, and to put obstacles and prevent others from membership of the Guild.<sup>31</sup>

Among the forms of state interference in the formation of unions is the General People’s Congress’s incorporation of media workers into the Journalists Association without consulting its secretary. This was done with the aim of forming a majority of media administrators and technicians and to exploit this in deciding

<sup>28</sup> **The Great Green Charter of Human Rights of the Jamahiriyan Era.** Link: [https://www.ecoi.net/en/file/local/1327476/1504\\_1217516548\\_great-green-charter-of-human-rights-of-the-jamahiriyan-era.pdf](https://www.ecoi.net/en/file/local/1327476/1504_1217516548_great-green-charter-of-human-rights-of-the-jamahiriyan-era.pdf).

<sup>29</sup> **Law No. 20 of 1991 on the Promotion of Freedom,** link: <https://security-legislation.ly/en/law/31472>.

<sup>30</sup> **Law No. 23 of 1998 on Trade Unions, Federations and Professional Associations, op. cit.,** link: [https://www.ilo.org/dyn/natlex/natlex4.detail?p\\_lang=en&p\\_isn=55540&p\\_country=LB](https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=55540&p_country=LB).

<sup>31</sup> Ibid.

election results, according to the secretary of the Association, who submitted his resignation in protest. It is worth noting that the membership of the Journalist Association after the inclusion of media workers increased nearly eightfold, as the records of the Association show 350 journalists which then expanded to over 3,000 members.<sup>32</sup>

The interference of the General People's Congress secretariat in trade unions became a persistent issue for union activity. In 2005, the secretariat decided, with Resolution No. 17, to merge the Gold and Precious Metals Syndicate into the Weaving and Embroidery Syndicate. The Gold and Precious Metals Syndicate resorted to the court to challenge this decision, which was later suspended via a court ruling. Perhaps what enabled the dominance of the General People's Congress secretariat over forming and organizing unions was the fact that labor organizations were considered part of the Congress and of the institutions of the political regime, according to the Resolution on the Establishment of the Authority of the People of March 1977. Hence, unions were rendered pillars of the political regime and were co-opted by the regime's institutions and the General People's Congress. Article 3 of the Declaration states that, "The People exercise their authority through the People's Congresses, the People's Committees, and the Professional Unions."<sup>33</sup>

Additionally, in 1979, the Office of Union Affairs was established under the secretariat of the General People's Congress, with the pretext of supervising trade union activity. The office was responsible for coordinating between professional, craft and production unions, as well as professional syndicates and associations in each of the country's twenty (municipal) districts.

Over the course of its history, the Office of Union Affairs included many union leaders as well as others uninvolved in trade union activity. Three of the six secretaries of this office had no affiliation with union work, and therefore did not understand its nature and requirements, which proved disastrous for union activity in Libya as a whole. Additionally, on more than one occasion, these leaders attempted to dominate various trade union organizations.

Law No. (9) of 1984 concerning the regulation of the People's Congresses emphasized the elements constituting the General People's Congress. Article 23 of this law stipulated that the General People's Congress is the forum for the secretaries of popular conferences, popular committees, trade unions and professional associations.

The unions were also given an important role in choosing the people's committees (the executive authority). In 1990, unions were entrusted with the task of selecting executive leaders working in their sector, the Teachers' Union choos-

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<sup>32</sup> Ibid.

<sup>33</sup> Resolution of 1977 on the Establishment of the Authority of the People and its Enabling Decisions, link: <https://security-legislation.ly/en/law/33037>



ing executive leaders working in education, for example. This experiment lasted for only a year, and was terminated after proving unsuccessful due to its reliance on loyalty and tribal affiliation, which undermined union work.

After this experiment, unions returned to their basic function which is enshrined in Law No. 23, that is to protect the interests of their members, play an active role in consolidating "people's authority," and participate with the competent authorities in drafting laws – as per Article 30, while retaining their membership in the General People's Congress. This raises many questions about the ability of unions to maintain their independence from the political regime that incorporated them into its political institutions in all stages of its development.

After the overthrow of the Gaddafi regime in 2011, the interim Constitutional Declaration was issued which stated in its Article 15 that, "The state shall ensure freedom of establishing political parties, associations and other civil society organizations, and shall adopt a statute for their regulation. Secret or armed associations or societies in conflict with public order or public morals or threatening in other ways the State or the integrity of the national territory shall be prohibited."<sup>34</sup> The Declaration also emphasized in Article 6 that, "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, without distinction on the grounds of religion, belief, language, wealth, gender, kinship, political opinions, social status, or tribal, regional or familial affiliation."<sup>35</sup> However, at the level of legislature, with the exception of Law No. 3 of 2014 regarding the legal profession which referred to the organization of the bar association in its provisions, no legislation was adopted regarding the organization of labor unions in general and trade unions and professional associations in particular. The draft laws submitted to the House of Representatives, whether regarding a law regulating civil society, the labor law, or the trade union law, are still in gridlock or abandoned. This caused considerable uncertainty about the constitutionality of Law No. 23 of 1998, which considered unions to be part of the structure of the political regime, after the change of the entire system in 2011. The result was confusion in defining the bodies entrusted with approving union registration, between the legislative authority, according to the provisions of Law No. 23 of 1998, or the Labor Union or relevant ministries. Some labor organizations, especially professional associations, were satisfied with forming a steering committee until the issuance of a law organizing union activity, as is the case with the Pharmacists Syndicate which was established as per the minutes of its constituent assembly on 15 February, 2012.

As for trade unions, the decisions to adopt them began being issued from the General Federation of Trade Unions of Libya, which in turn split into many labor unions which in turn splintered into other unions. The National Federation of

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34 The Libyan interim Constitutional Declaration of 2011 (Consolidated), link: <https://security-legislation.ly/en/law/32001>.

35 Ibid.

Libyan Workers was divided into three federations based on individuals, not union organizations. However, the one recognized in international forums is the General Federation of Libyan Trade Unions, which held its general elections in the presence of 45 representatives of Libyan unions abroad (due to the outbreak of the war against terrorist groups in the east of the country at the time) and in the presence of representatives of international trade union organizations.<sup>36</sup>

### 3. WOMEN'S PARTICIPATION IN THE LABOR FORCE

#### 3.1 The social and economic reality of women in Libya (1969-2022)

##### 3.1.1 Social realities

Women constitute 50% of Libyan society according to the 2006 census. Female students have also achieved higher enrollment levels than male counterparts, especially at the undergraduate university level (Table 3). The increased enrollment of female students in education in general, and in higher education in particular, can be attributed to the 1951 Constitution which stipulated in Article 30 that education in public schools is compulsory and free,<sup>37</sup> opening the way for girls to engage in different levels of education early on.

The number of girls in education was initially modest due to social norms that reject girls' leaving the home for education. However, enrollment rates quickly increased as a result of the educational policies used to create a numerical balance between the sexes. The number of women and girls in education exceeded that of males in most academic levels, especially in recent years, where the rate of women's enrollment in some university departments became twice that of males, including scientific fields such as medicine with its various specializations. In this context, we note that the number of female students studying at the Faculty of Medicine at the University of Benghazi, Libya's largest university, reached 4,451 students in the academic year (2017-2018), i.e. 68% of the total student body, while the number of male students was 2,047. The same is true of the Faculty of Medicine in the city of Ajdabiya, where the number of female students reached 683 or 79% of the student body, while the number of male students was 172. Furthermore, the number of female students at the Faculty of Medicine at Al-Fateh University reached 4,356 compared to 2,756 male students.<sup>38</sup>

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<sup>36</sup> Interview with Mrs. Narmin Al-Sharif, President of the Federation of Libyan Trade Unions, 16 April 2022.

<sup>37</sup> Libyan Constitution, 7 October 1951, link: <https://security-legislation.ly/en/law/31474>

<sup>38</sup> Tripoli University website: <https://uot.edu.ly/figures.php>

**TABLE 3:**

**Number of female students in Libyan universities, and as percentage of total student count in selected academic years and in (2017-2018)**

Academic year	Total student count (male and female)	Female student count	Percentage of female students
1995-1996	136,274	69,499	51%
1998-1999	165,447	83,640	51%
2000-2001	257,914	134,901	52.3%
2001-2002	276,744	124,398	45%
2002-2003	222,975	115,276	51.7%
2004-2005	256,722	146,652	57.1%
2005-2006	240,830	141,551	58.8%
2006-2007	231,762	135,230	58.3%
2017-2018 (University of Benghazi only)	77,672	42,145	54%

Sources: 1. Abeer Ibrahim Amnina , "Women in the Libyan Revolution Between the Forefront and Marginal Roles." Actors in the Arab Revolutions, Creative Expressions and Forms, Vol. 16 (2013-2014), Beirut, 2014.

2. University of Benghazi Data System, Registration and Admission Department, 2019.

The total number of university students for the academic year 2020-21 reached 402,392 of whom 52.70% are female.<sup>39</sup> Some attribute this increase in part to the dropout rate from secondary education, and discontinuation of education which is higher among males than females. In the same context, illiteracy rates among women and girls decreased in parallel according to the same census to 16.9% in 2006, from 90.9% in 1964 and 27.2% in 1995 (Table 4), while illiteracy among males reached 6.2% in 2006. As for youths (aged 10 to 19) of both sexes, illiteracy is almost eradicated, dipping below 1% in 2006 according to the same census, which speaks to the efforts made in this regard. Women's access to education at various levels has led to important transformations in the social structure, and an increase in the rate of women's social mobility, and it opened

39 Imran al-Qayib, "Our Ambitions Are Great Despite Lack of Resources," Al-Wasat Newspaper, link: <https://bit.ly/3BOLYdI>.

a wider field for entry into the space of economic and political activity, although this impact is still limited compared to women's participation.

**TABLE 4:**

**Decrease in the illiteracy rate by gender for the Libyan population (15 years and over)**

Sex	1964	1984	1995	2006
Male	56.8	18.5	10.5	6.2
Female	90.9	47.2	27.2	16.9

Source: Socialist People's Libyan Arab Jamahiriya, General People's Committee for Social Affairs, Periodic National Report on the Implementation of the Convention on the Rights of the Child submitted to the United Nations Committee on the Rights of the Child, Report No. 54 of 2009, link (to Arabic Report): [www2.ohchr.org/english/bodies/crc/docs/CRC.C.LBY.3-4.doc](http://www2.ohchr.org/english/bodies/crc/docs/CRC.C.LBY.3-4.doc)

### 3.2 Women's Economic Realities

Libyan women have seen a remarkable increase in their labor participation in the second half of the 20<sup>th</sup> century. Women's contribution to economic activity increased from 15.65% in 1995 to 29.59% in 2006 due to the high schooling rate (Table 5), as well as the supporting legislation that created the foundations of women's access to work, as Law No. 12 of 2010 did not discriminate between women and men in this right. "Labor in the Great Jamahiriya shall be a right and duty for all male and female citizens. It shall be based on the principle of equality in employment among citizens..." (Article 2). This law was considered crucial to strengthening the role of women by making them equal with men in remuneration, work, in-kind benefits, and accrued vacations.<sup>40</sup>

Article 31 of the same law stipulates that, "An employer may not employ a worker whose wage is less than the minimum set in accordance with the provisions of this law, nor may he differentiate between the wages of men and women if the conditions and nature of the work are equal."

40 Abir Amnina, "Women in the Libyan Revolution Between the Forefront and Marginal Roles", Researchers: Actors in Arab Revolutions, Innovative Expressions and Forms, Book Sixteen (2013-2014), Beirut, 2014.

**TABLE 5:**

**Relative distribution of employed and unemployed Libyans in the 1995 census and the 2006 census:**

Year	Contribution to economic activity	Percentage of total population		Total
		Male	Female	
1995	Engaged in economic activity	56.79%	15.65%	41.15%
	Not engaged in economic activity	34.21%	84.35%	58.85%
	Total	100%	100%	100%
2006	Engaged in economic activity	60.48%	29.59%	45.45%
	Not engaged in economic activity	39.52%	70.41%	54.55%
	Total	100%	100%	100%

Source: Abir Ibrahim Amnina, "The Politics of Empowering Women in the Economic Sector: An Evaluative Study of Libyan Women's Participation in Economic Activities (1969-2009)", *Journal of Economic Research*, Issues One and Two, 2012, p. 217.

However, women's labor participation remains modest in view of the percentage of women of the total population, on the one hand, and their increasing rate of enrollment in various educational institutions, on the other. This can be attributed to women's cessation of work either at graduation or after a short term of employment. Some studies associate this loss to social factors that push many women to leave work to marry, as well as the lack of facilitation for convenient and quality child daycare, and their availability in workplaces, despite the law obligating employers to provide daycare facilities for the children of their female employees.<sup>41</sup>

Generally, we can summarize the most pertinent factors that affect women's labor participation according to the 2006 population census, as follows:<sup>42</sup>

41 Muhammad Ramadan Abu Zazkoug, Dr. Muhammad Salem Akaiba, "Education and the Libyan Women's Contribution to the Labor Market", *Journal of Economic Research*, Issues One and Two, 2009, pp. 74-75.

42 Hala Bugaighis, "Women in the Labor Market in Libya: Reality and Challenges", Friedrich Ebert Foundation, 1995.

There is wastage in the female labor force, as a large percentage of them are considered stay-at-home wives/mothers despite their high level of education.

The opportunities available to women in the labor market are limited to certain sectors, which reduces their chances to enter this market.

Women have a weak presence in the active labor force, and a high percentage in the job surplus. This reflects the country's labor force management policies towards women, and embodies the social culture that considers men to be primary household providers, and are therefore privileged over women in terms of work, even if the women are more qualified and capable.

Policies that address women at the workplace may be based in discriminatory principles, as treatment of women is on the basis of gender and not according to their ability to perform.

Statistical data from 2012-2013 also reflected the weak levels of women's labor participation. Despite comparable numbers of males and females in terms of manpower, women's labor participation remains weak, as the percentage of working women to the total working-age population was estimated at 30.4 % in 2013, when it was estimated at 26.4% in 2006. Women's general contribution to economic activity decreased by 43%, while it was estimated at 45.89% in the year 2006. We note here that there is a clear decrease in men's labor participation as well, which was estimated at 64.9% in 2006 and reached 55.2% in 2013.

What can be concluded here is that women's labor participation rates could have increased further if the general labor participation rate of the Libyan population increased. This could have happened since 2006, but it was not achieved as women's labor participation rates are less than 4% different from previous ones.<sup>43</sup>

What exacerbated the situation in recent years was the political instability in the country as it entered into armed conflict. Women found themselves responsible for households in the absence of men, and this led to a remarkable entry of women into the field of small and medium projects. In this case, it is difficult to determine the scope of women's economic contribution, especially without available statistics on shadow economy projects and without neglecting the repercussions of the Covid-19 pandemic. The pandemic undoubtedly affected the ability of women to remain in the labor market, especially in the private sector, which greatly affected many businesses and economic activities that were a source of income for many women.<sup>44</sup>

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43 Ibid., p. 17

44 Center for Women's Studies, **Report on Women in the Time of Covid**, unpublished

## 4. WOMEN'S PARTICIPATION TO UNION ACTIVITY

### 4.1 Female representation in trade union bodies

Law No. 23 of 1998 on Trade Unions, Federations and Professional Associations affirmed that, "Those engaged in a profession, craft, industry, or single service linked to one another or participating in one production process, can form trade unions or professional associations, and these unions and associations have the right to form general federations at the national level."<sup>45</sup> From this, it can be noted that the freedom to establish a union is guaranteed to both sexes. Women, like men, have the right to form a union, engage in it, or lead it, which was in line with the political discourse at the time which in turn repeatedly emphasized the inclusion of women in decision-making positions.

Women are present in numbers in the labor market in the public sector, amounting to about 730,000 of the 2.3 million public sector employees, this correlates with the percentage of women in union membership for mandatory registration. However, the quantitative presence of women in unions has not led to their effective participation in unions. This is evident by examining the reality of women's union participation at the all levels, i.e. trade unions, federations and professional associations in the city of Benghazi during the previous regime, which shows very weak active participation.<sup>46</sup>

In the same context, Table 6 clearly shows the absence of women from handicraft union councils, as 112 trade union leaders were elected, not one of whom is a woman. Meanwhile, the highest rates of women's participation were observed in professional associations, where the percentage of women to elected male unionists amounted to (5%), which nevertheless remains a very small percentage despite the significant representation of women in each profession.

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<sup>45</sup> Law 23 of 1998 on Trade Unions, Federations and Professional Associations, op. cit.

<sup>46</sup> The Syndicate Guide to the Secretariat of Trade Union Affairs, Federations and Professional Associations, Benghazi, 2010

\* Given the inability to obtain comprehensive statistics for Libya as a whole, it is possible to take the union reality in Benghazi as a model for the general reality

**TABLE 6:**

**Women's participation in professional, production and service unions in Benghazi (2010)**

<b>Membership</b>	<b>Number of members</b>	<b>number of elected unionists (male)</b>	<b>number of elected unionists (female)</b>	<b>Percentage of women</b>
Members of trade unions	18,248	112	N/A	0%
Members of professional associations	32,910	330	15	5%
Members of the production and service syndicates	33,376	515	14	3%
Number of affiliates for professional associations	930	15	N/A	N/A

**Source: Union Directory of the Secretariat of Trade Union, Federation and Professional Association Affairs in Benghazi, 2010**

Similarly, women's participation in the steering committees of service and production syndicates is no better than what was previously mentioned, as women accounted for 3% of total elected union representatives (Table 7).



**TABLE 7:**

**The positions of female elected union officials in the city of Benghazi in the 2008 production union councils**

Trade union and production councils	Position
The Union of Ports and Seafarers	Secretary (President)
Postal Union	Assistant Secretary (Vice President)
Union Conference for Environmental Protection	Assistant Secretary + Member
Print Syndicate	Assistant Secretary
Banking Syndicate	Assistant Secretary + Member
Textile Trade Union	Assistant Secretary + Member
Chemicals Syndicate	Assistant Secretary
Tourism Syndicate	Member
Food Production Syndicate	Member
Total	14

Source: Abir Ibrahim Amnina, "Women's Contribution to Union Activity", *Journal of Economic Research*, Vo. 19, Issue No. 2, December 2008, p. 17.

The Secretary of the Trade Union, Federation and Professional Association Affairs in the Popular Congress of the previous regime (1969-2011) attributes the absence of the women at that time to their unwillingness to engage in union work as a whole, and their desire of women to limit their participation to membership only. He attributed this to an aversion among women from the obligations that elections may impose on them, especially those related to travel in order to participate in the meetings of the General Union in Tripoli, which is not in line with women's social conditions.<sup>47</sup> This obstacle was confirmed by a study into the participation of female lawyers in the Bar Association.<sup>48</sup>

Despite this lack of involvement, we find some women who believe in union work, as we note in this regard that a woman headed the Union of Seafarers and Ports in a precedent that was the first of its kind. After Change of the political system in February 2011, the same woman assumed the position of head of the General Federation of Trade Unions of Libya, and was also a member of many international labor committees and conferences.

<sup>47</sup> Abir Ibrahim Amnina, op. cit.

<sup>48</sup> Ibid.

**TABLE 8:****Women's participation in trade unions**

Union	Position
Teachers' Union	Assistant Secretary (Assistant Union Captain)
Paramedical Syndicate	Assistant Secretary + Member of Secretariat
Pharmacists Syndicate	Member of the Secretariat
Bar Association	Member of the Secretariat
People's Bar Association	Assistant Secretary + 3 secretariat members
University Teaching Syndicate	Member of the Secretariat
Syndicate of Accountants and Auditors	Member of the Secretariat
Social Workers' Union	Member of the Secretariat
Dental Association	Assistant Secretary
Engineers Syndicate	Assistant Secretary

**4.2 Women's participation in trade unions**

There are many labor organizations in Libya, and an analysis of them requires taking examples in which the percentage and form of women's participation does not differ across various labor unions.

**4.2.1 Women's Participation in the Bar Association**

At the level of professional associations, with the Bar Association as a case study, we note that women's access to its bodies began in 1974 by choosing only one woman. Since then, and more than six decades after its founding, no women have been elected to the membership of the General Bar Association's Council, where the participation of female lawyers was limited to the constituent bar associations, as indicated in Table 9, which does not correspond to the history of the Bar Association nor live up to the role entrusted to it in society. Since 1962, repeated Bar Council elections resulted in the participation of only five female lawyers, a negligible number compared with the increasing number of women in the profession – about 40% of the total of 7,958 lawyers in 2009 according to General Bar Association's records.<sup>49</sup>

49 Amnina, Abir Ibrahim, "Women's Contribution to Syndicate Work: A Case Study of the Bar Association", Journal of Economic Research No. 2, Vol. 9, 2008, p. 10.

**TABLE 9:****Women's Participation in Bar Association Councils (1974-1994)**

Name	Position	Branch of Bar Association	Year
Rajaa Mansour	Council Member	General Bar Association	1974-1976
Widad Al Hamali	Assistant Secretary	Bar Association - Benghazi	1990
Fereiha Al Shar-kasi	Assistant Secretary	Bar Association - Benghazi	1997-1999
Amina Al Baraasi	Assistant Secretary	Bar Association - Tripoli	1997-1999
Nabila Harhour	Assistant Secretary	Bar Association - Zawia	1997-1999

Source: 1. Imran Borwais, "**Law Practice in Libya**", Silphium Press, 1999.

It is worth noting that women's representation in the Bar Association councils returned in 1997 after a period of absence, when a woman was chosen as assistant secretary (equivalent to deputy chairperson) in three subsidiary bar associations. This came in response to the circular by the General People's Congress (the Legislative Council) based on a directive by Colonel Gaddafi, which stipulated the importance of involving women in bar councils as a condition for completing their elections. This circular was then broadly applied, as three of the five main bar associations selected a female member as assistant secretary at the association level.

The same trend emerged in other professional associations in that period, such as the Teachers' Union and Engineers Syndicate. This was confirmed to us by the former Assistant Secretary of the Engineers Syndicate in Benghazi who served during the period of the 1990s who was surprised by her nomination by some colleagues in order to meet the conditions of the council elections, and not because of her actual desire to participate in these elections.<sup>50</sup>

It is worth noting that the circular in question remained in effect until 2010 in some unions, where we find 12 assistant secretaries who are women. While we do not exclude the willingness of some women to engage in union work as a factor, the restriction of women at the level of assistant secretary may partially

<sup>50</sup> Ibid., p. 16.

explain this participation rate, and can be attributed to the fact that women do not prefer to be in the highest leadership positions in labor organizations.

At the present time, in accordance with Resolution No. 5 of 2020 regarding the adoption of the final results of the General Bar Association elections, representatives and subsidiary bar councils and their representatives, only three women are members of the eight bar councils. Of these women, only one holds an important position (Table 10), and this is worth noting especially since bar councils in large cities such as Tripoli include no women at all despite their relatively significant number of total membership.

**TABLE 10:**  
**Contribution of women to the Bar Councils 2022**

Bar Association	Number of women in Bar Association council	Title
Tripoli	0	-
Benghazi	1	Council member
Sabha	1	Vice President of the Council
Tobruk	0	-
Misrata	1	Council member
Nuqat al Khams	0	-
Zawia	0	-
Gharyan	0	-

In this context, it should also be noted that despite the legal and organizational separation between public<sup>51</sup> and private law practitioners, “people’s lawyers” were also members of the Bar Association along with private lawyers, and participated in various meetings and were elected to important positions. We reference here the assistant secretary of the Bar Association, Fareiha Al Sharkasi who served between 1997 and 1999. Although Al Sharkasi was a member of the “People’s Law Practice”, she was pushed to run for the election and obtained the majority of votes, but stepped down from the position of assistant secretary due to other obligations. The decision to nominate Al Sharkasi was challenged before the relevant court, on the pretext that the (elected) woman is not entitled to run as long as she is a member of the state-affiliated People’s Legal Administration.

<sup>51</sup> Its title was changed to “Public Law Practice” instead of “People’s Law Practice” after 2011.

The situation remained unchanged until the establishment of the first People's Bar Association in 2005, but it had no elections, and no decision was issued to cancel or freeze it,<sup>52</sup> and the People's Bar Association was considered as a judicial body similar to courts and the public prosecutor's, who had no right to establish unions.

#### 4.2.2 Women's Participation in Faculty Unions

In the case of the Bar Association, what was noticeable is the reluctance of female lawyers to hold high positions. This is somewhat different from the case of the General Syndicate of Faculty Members at the University of Benghazi, Libya's oldest university, where female faculty members chair 4 syndicates, and were also chosen as assistant secretaries of three syndicates (Table 11), and as council members of several other syndicates.

**TABLE 11:**

**Women's Participation in Faculty Syndicates at the University of Benghazi (2022)**

Name	Title
Dr. Fadia Al Qataani	Syndicate Secretary of the Faculty of Arts and Sciences (Slouk)
Dr. Iman Al Aqili	Syndicate Secretary of the Faculty of Public Health
Dr. Jazia Al Bakoush	Syndicate Secretary of the Faculty of Oral and Dental Medicine
Dr. Intisar Bouchiha	Syndicate Secretary of the Faculty of Pharmacy
Dr. Iman Al Awami	Assistant Secretary of the Faculty of Human Medicine
Dr.. Noha Al Kadiki	Assistant Secretary of the Faculty of Oral and Dental Medicine
Ghalia Al Sheikhi	Assistant Secretary of the Faculty of Languages

Source: Massaad Al Barki, General Secretary of the Syndicate of Faculty Members at the University of Benghazi, "**Contribution of Female Academics to the Syndicate of Faculty Members at the University of Benghazi**", internal memo, 2022.

However, the number of women in leading positions within the Faculty Syndicate remains small compared to the percentage of women as university professors, which amounts to 43% of faculty members at the University of Benghazi whose number is approximately 2,856.<sup>53</sup>

<sup>52</sup> General People's Congress, Resolution No. 16 of 2005 for the Secretariat of the General People's Congress to establish a People's Bar Association.

<sup>53</sup> University of Benghazi Public Administration, Faculty Administration, 2020.

It is perhaps worth noting here that women's low participation rate applies to most labor organizations, and does not correlate with the educational level and its type, whether trade union or professional association. This can be attributed to low levels of union awareness and indifference towards union work which may be due to a lack of conviction in its impact or the basic utility of unions. Additionally, there is a lack of clarity in the legal framework governing unions and the absence of programs to develop them. To date, most labor organizations are still regulated by Law No. 23 of 1998 which falls short of embodying international principles regulating union work, as it continues to consider unions as a component of state institutions.

## **5. PROMINENT CHALLENGES FACING WOMEN IN UNION WORK**

The interviews conducted with some women union leaders in the Syndicate of Faculty Members, Public Health, Trainers, and the Federation of Libyan Trade Unions, indicate that the most important obstacles to women's effective participation in unions can be traced as follows:

### **5.1 At the legislative level**

Unsupportive legislative environment: This challenge is represented by the inadequate response to the demands of enacting updated legislations and union bylaws.

Absence of mechanisms and procedures that achieve equitable representation of women in decision-making positions within union bylaws.

### **5.2 At the structural level**

Weak institutional structure: Absence of a membership database and of periodic meetings of unions councils.

Absence of plans and strategies to manage unions, as most union activities are dependent upon individual initiatives.

Absence of democracy and deliberation in union bodies.

Unions neglect women and do not adopt a policy to attract women's participation in union work and engage in decision-making at the higher levels of labor organizations.

Unions do not adopt a demand-based program on women's issues at the workplace such as wage discrimination and gender-based division of labor.

The absence of a discourse on defending human rights when discussing the role of unions, and a lack of focus on the service and social role.

### **5.3 On the individual level**

Objective and subjective factors related to women such as the impact of professional life on union participation.

Social impact on union participation, placing the burden of household and family tasks on women and socially-enforced gender roles, which contributed to women's aversion to effective union participation.

Weak awareness of the importance of trade union work, women's lack of knowledge of labor laws in effect and of the rights afforded to them by law.

## **6. MEASURES TO IMPROVE THE ROLE OF WOMEN UNIONISTS AND IMPROVE THEIR ACCESS TO DECISION-MAKING LEVELS**

### **6.1 At the legislative level**

➤ Review and develop laws targeting union work in general, and regulating the union bylaws in particular.

### **6.2 At the institutional level**

➤ Motivate women to engage in union work and not to remain confined to women's committees.

➤ Pay attention to training for working women on labor organization, which raises their level of awareness and encourages them to participate in union activity.

➤ Enable women to access decision-making positions, allocating seats for women on the boards/councils of unions and associations and ensuring fair gender representation.

➤ Work at the grassroots level to create effective staff in all unions, federations and professional associations.

➤ Work to develop strategic mechanisms that take gender into account, in order to create an environment conducive to women's participation in union activity.

➤ Conduct networking with civil society and media organizations to define the tasks of labor unions for individuals and society

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Cover design: Areej Bader | Layout: Mehdi Jelliti  
Published by Friedrich-Ebert-Stiftung – September 2022  
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