

DEMOCRACY AND HUMAN RIGHTS

TOWARD A CSO LAW IN LIBYA

Navigating Challenges and Diverging
Opinions

Asma Dekna and Maysem Mabruk
October 2024



Libyan civil society is split on the need for a law: some see it as offering clarity and protection, others fear it may be restrictive. There is increasing advocacy for legislation aligned with international human rights standards to safeguard activists and CSOs



Libyan CSOs, especially women-led ones, face widespread threats from state and non-state actors in a legal vacuum, leaving them vulnerable to harassment, violence, and closures



International NGOs and UN agencies are crucial in supporting Libyan CSOs. Strengthening their alliance is key to building a transparent regulatory framework and enabling collective advocacy for civil society in Libya

Contents

INTRODUCTION	4
THE CSO LAW DILEMMA	5
A CSO LAW FOR LIBYA	7
CURRENT SITUATION	8
THE ROLE OF INTERNATIONAL NGOS AND UN AGENCIES	10
CONCLUSION	11
RECOMMENDATIONS	12

INTRODUCTION

In March 2023, a legal opinion deeming decrees and regulations regulating the civic space null and void took Libyan civil society by surprise and was met with diverging responses. The CIVICUS report¹ hailed the move to reduce regulations as an improvement to the civic space, boosting Libya's rating on the civic scale. However, civil society organisations were more sceptical about the extent to which this development would change the reality on the ground. As a result, calls to adopt a Civil Society Organisation (CSO) law in Libya have resurfaced, leaving civil society divided between those keen to push for such a law and those who fear a new law would only mean more restrictions and regulations.

This paper explores the diverging views of civil society organisations in Libya, those in favour of regulation and those against, as well as a few that fall somewhere in between.

To put the different views in context, the paper will briefly explore the current state of CSO regulations in Libya – and the factors preventing the promulgation of a CSO law. It will then examine the spectrum of different arguments, from regulation to deregulation, explaining how different CSOs, including community-based organisations (CBOs) and women-led CSOs, are affected differently by the current legal ambiguity.

In drafting this paper, eight different CSO leaders were interviewed. The CSOs were selected to ensure diversity, taking into consideration region, gender, area of focus and organisational capacity. Five of the eight interviewees were women, four of which were at the helm of women-led or women's CSOs and CBOs. Two interviewees managed community-based organisations. The CSOs whose leaders we interviewed were largely based in different regions, one in the west of the country, two in the south, two in the east and three located outside Libya. Six of the eight CSOs had participated in advocacy for the CSO law at some point in the past few years.

1 CIVICUS Monitor, 2023, "Tactics of Repression", https://monitor.civicus.org/globalfindings_2023/.

THE CSO LAW DILEMMA

To understand the dilemma surrounding the different laws, regulations, decisions or decrees which currently regulate CSOs and their activities, we must also grasp the layers of legal complexity and ambiguity that have accumulated over the years, created by the different laws promulgated before and after 2011.

Libya is a signatory to most international human rights instruments², including the International Covenant on Civil and Political Rights (ICCPR) and its first Optional Protocol, allowing Libyans to submit complaints with regards to human rights violations directly to the Human Rights Committee. The ICCPR establishes the main political freedoms of expression, association and peaceful assembly, and a subsequent report by the UN Special Rapporteur on the Freedom of Assembly and Association sets down the main criteria for legislation on the freedom of association. Legally, international law takes precedence over national legislation, as established in 2013 by a constitutional appeal decision³ and by the Libyan state's reports to the UN. However, in practice, international law is not applied in Libyan courts, making it impossible to resort to Libya's international obligations to ensure an open civic space and freedom of association. However, as we will see in the statements made by CSO representatives below, many CSOs still see the ICCPR as one of the main legal instruments protecting Libya's civic space.

Prior to 2011, CSOs were regulated by the repressive Law 19, passed in 2001, which restricts the work of CSOs to just a few sectors, grants the executive broad, unchecked authority to limit suspend or dissolve any CSOs, and sets down a burdensome registration process. In fact, the human rights group Front Line Defenders reported that in 2015, only 22 organisations were registered under Law 19. In 2011, the civic space saw significant changes, with greater freedoms boosting the number of CSOs being established in Libya. However, this is also when the legal ambiguity regarding CSO regulation began.

The constitutional declaration of 2012 guaranteed freedom of association for CSOs and called on the legislature to promulgate a CSO law, something which has still not taken place to this day. The Transitional Justice Law (Law 29) of 2013 explicitly stated that any repressive law promulgated during the Gaddafi era shall be deemed null and void. It was assumed by most legal practitioners and politicians that this would also apply to Law 19, passed in 2001, both because the law runs counter to the rights to association enshrined in the Constitutional Declaration, and because it was considered a repressive law promulgated by the Gaddafi regime for the purposes of the aforementioned Transitional Justice Law. In fact, a CSO law was discussed by the former Libyan parliament, the General National Congress (GNC) in 2012, but parliamentarians were unable to reach an agreement on the wording and no CSO law was promulgated.

As CSOs continued to grow in number, resources and influence, the Presidential Council endeavoured to regulate CSOs through a series of executive decrees in 2016, 2018 and 2019, which increased oversight of CSOs, limiting their powers and increasing those of the newly established Commission of Civil Society (CCS). The CCS was given the role of 'policing' CSOs, which were burdened with lengthy processes of registration and re-registration and a duty to report all activities to the CCS. Amidst numerous ongoing conflicts in Libya and an institutional division between the east and west of the country, the CCS also split in 2016, with one part of the Commission located in Tripoli and the other in Benghazi, creating even more division between the CSOs based in the east and those based in the west.

Over the years, there were numerous attempts to advocate for a CSO law, with several drafts being presented to the elected House of Representatives (HoR)⁴ – some drafted by CSO coalitions and others by government and other non-government agencies. The legal dilemmas resurfaced in 2023, when the CCS asked the Law Department of the Supreme Judicial Council a question regarding a legal issue, only to be surprised when the department sent them a legal opinion deeming all the decrees and regulations regulating the work of CSOs in Libya null and void, suggesting that the executive had usurped the power of the legislature by taking on the role of regulating CSOs in Libya.

2 Human Rights Watch, 2006, "XIII Libya and International Human Rights Law", in *Libya: Words to Deeds: The Urgent Need for Human Rights Reform*, January 2006, www.hrw.org/reports/2006/libya0106/13.htm#_ftn190

3 Constitutional appeal 57/01 of 2013, commentary found in: "New Law Urgently Required to Protect Freedom of Association Libya: Nothing Can Be Gained by Turning Back to Gaddafi-Era Law", Cairo Institute for Human Rights Studies (CIHRS), 25 March 2023, <https://cihrs.org/the-right-to-organize-and-form-associations-in-libya/?lang=en>.

4 The House of Representatives is the legislative body of Libya. It was elected in 2014 to succeed the GNC and continues to be the main legislative authority. The HoR has been based in the east since the country was divided in 2014.

The legal opinion suggested that the applicable law was now Law 19, passed in 2001. This was challenged by legal practitioners, local and regional legal CSOs⁵, who stated that Law 19 had already been nullified by the Constitutional Declaration and the Transitional Justice Law of 2012. The legal opinion published in March 2023 created much uncertainty between different authorities in Libya, resulting in the Prime Minister's Office issuing a number of decisions in an attempt to replace the previous decrees that have now been revoked. Several CSOs have challenged the decisions of the executive body in court, highlighting that the executive is once again usurping powers given to the HoR by the Constitutional Declaration. The HoR also proposed a revised version of Law 19 of 2001, which was widely rejected by civil society⁶ and heavily criticised by the international community. The amendments failed to tackle most of the problematic clauses in Law 19, and added an extra layer of bureaucracy by giving the HoR the prerogative to register, dissolve and liquidate CSOs. Most CSOs continued to argue that an amendment to Law 19 was not enough, as the law was promulgated with a repressive mindset. Since then, no law has been adopted and a state of legal ambiguity prevails, allowing different political and security actors become involved in regulating the civic space.

5 Joint statement by 22 organisations, Libyan organisations call on authorities to stop draconian laws and civil society crackdown, 2023, <https://www.libyanjustice.org/news/libyan-organisations-call-on-authorities-to-stop-draconian-laws-and-civil-society-crackdown>

6 Cairo Institute of Human Rights Studies, 2023, "Libya: Amendment to draconian Law 19/2001 on civil society offers no solution", <https://cihrs.org/libya-amendment-to-draconian-law-19-2001-on-civil-society-offers-no-solution/?lang=en>

A CSO LAW FOR LIBYA

To understand the different points of view regarding the regulation of CSOs in Libya, it is essential to also grasp the different factors that have contributed to the reluctance of the parliament to promulgate a law, despite the fact that several drafts have been proposed.

The deep **political division** between the east and west has created a gridlock in terms of legislation, crippling the parliament and resulting in prolonged shrinkage of the civic space beginning in March 2023.⁷ Interviewees pointed out the HoR's inefficiency, dysfunctional internal law-making processes and the lack of a clear motive to establish a legislative framework for CSOs, claiming that 'the political deadlock created no interest for HoR members to discuss the law'. That being said, other interviewees noted that a minimum level of law-making was still taking place – with a law on trade unions and another criminalising witchcraft and sorcery recently being passed. They argue that other contributing factors are responsible for the deliberate delay in drafting a legislative framework for civil society, including the lack of trust between the HoR and CSOs, the deteriorating civic space and Libya's fragmented civil society.

Lack of trust between the political class, especially the HoR and CSOs, has made it difficult to drive the process of promulgating a CSO law that includes and engages civic actors. One interviewee pointed out that it is the duty of the HoR to use its internal legislative mechanisms and tools to consult with CSOs and engage them, but also recognises that CSOs must do their part to build bridges of trust. The prevailing mutual distrust meant CSOs were sceptical of the HoR's efforts, fearing that any law promulgated by this HoR could only be restrictive and repressive. On the other hand, interviewees emphasised that the HoR sees CSOs as a threat and prioritises self-preservation for 'fear of empowering CSOs and having a regulated third power that oversees and monitors their work'. Therefore, a chaotic civic space could be a better outcome for those in power, so they are not held accountable for their oppressive verdicts. Similarly, some CSOs would argue that an ambiguous regulatory framework is better for civil society than a repressive one.

Both the executive and legislative authorities, along with domestic security forces and armed groups, have been actively hindering the work of CSOs and activists. The **closure of the civic space** through both formal and informal practices has made it difficult to hold constructive discussions about a CSO law. Indeed, interviewees in the southern region described the multiple layers of approvals and administrative hurdles they face, making it difficult for them to operate efficiently. Civil society organisations face a harsh environment on multiple fronts. Restrictive practices implemented by the CCS and authorities which mirror Gaddafi-era policies further complicate the registration and daily operations of CSOs, while registration, visa and financial restrictions further inhibit both international and local non-governmental organisations (NGOs). The shrinking civic space has limited opportunities for advocacy and coordination with local and international actors. Further, one interviewee explained that the obstacles faced by CSOs have resulted in them preferring to advocate for more immediate over long-term legislative changes, weakening efforts aimed at long-term and joint advocacy for a CSO law.

The **fragmentation within civil society** in Libya, and the lack of a united voice and front has made it difficult to reach an agreement on one of the multiple competing drafts CSO laws. Two interviewees outlined how the lack of agreement is being instrumentalised by the HoR to discredit CSOs, and to argue that civil society is too weak and fragmented to have broad freedoms and must therefore be controlled. An interviewee proposed a unified approach among CSOs for advocacy, yet asserted that a singular legislative draft was not imperative. The HOR should engage in consultations with diverse actors, encompassing the HCS, to examine submitted laws and determine the most appropriate ones for adoption. That said, all CSOs acknowledged that a lack of cohesion diminishes the civil society's negotiating capacity with the HOR or other relevant authorities.

⁷ Human Rights Watch, 2023, "Libya Crackdown on Non-Governmental Groups", <https://www.hrw.org/news/2023/04/18/libya-crackdown-nongovernmental-groups>

CURRENT SITUATION

The factors discussed above have resulted in diverging views among CSOs regarding the need to promulgate a CSO law in the current context.

Five of the eight individuals we interviewed agreed that it was critical to promulgate a CSO law as soon as possible. This included all the representatives of women-led CSOs, as well as both of the CBO representatives we spoke to. Interviewees highlight the urgent need for more transparent processes (e.g. clear registration processes and funding regulations), as well as protection from arbitrary government interference. The most common argument is that a CSO law, albeit potentially more restrictive, would provide CSOs with recognition and clear processes and would ensure a clearer understanding of how CSOs should be governed in the Libyan context. One interviewee acknowledged that having a law does not mean it will be enforced, and that government and security actors might not abide by that law. However, the same interviewee argued that a CSO law would mitigate the harassment of CSOs and activists, especially women. They also suggested that while the HoR has recently promulgated restrictive laws, collective CSO advocacy could result in a law that is satisfactory and there are HoR members who would be able to champion this from within the parliament. Those in favour of a CSO law also argued that the absence of regulation is an advantage for larger and better equipped organisations, who can use their contacts and their resources to mitigate risks, something which is not possible for smaller organisations and CBOs. Organisations based in the east had the most trust in the HoR and were capable of joint advocacy and influencing the process. The physical proximity to the HoR and its more frequent interaction with CSOs based in the east has melted some ice and built bridges of trust. In fact, one interviewee based in the east stressed the need to build on the contacts and capacities of different CSOs in different regions, to capitalise on the collective resources of each CSO. All interviewees agreed that mutual advocacy is required to place pressure on stakeholders to develop a clear mechanism for regulating the work of activists and protecting them. Some interviewees suggested that the role of the CCS is to re-establish the trust between activists and institutions in order to further strengthen their efforts. Collective advocacy among civic activists is crucial to maintain a unified legislative framework ensuring transparency and protection. Civil society organisations have the responsibility to present a more united front and prioritise their demands.

In the opinion of other NGOs and activists, the current lack of law is better than restrictive legislation, as it can enable CSOs to work flexibly, while any new law passed may further restrict their work. According to these activists, the existing constitutional guarantees are enough to provide adequate space for CSOs to register and operate. While acknowledging the challenges faced by CSOs, they argue that the situation would be worse if these practices were codified in a law that restricts the work of civil society. These organisations remain sceptical about the willingness of the legislative authorities to promulgate a law that lives up to CSOs' expectations. They believe that the current political landscape can only result in a restrictive law, reflecting the prevailing tendencies of both the executive and legislative authorities. Navigating the existing laws, with the freedoms guaranteed by the constitutional declaration, and capitalising on the legal ambiguity is the best way forward. Fears of a repeat of the experiences of Tunisian and Egyptian CSOs have also shaped the views of some participants. One CSO leader argued that CSO laws in Tunisia and Egypt, once hailed as a progressive step towards further freedoms, are today being used against CSOs, and have been amended to serve the political agendas of those in power. According to this interviewee, the political context is not yet ripe for a CSO law to be promulgated. Despite the ambiguous regulatory framework, civil society organisations have been able to navigate the existing legislation.

Between these two extremes, however, other views have also emerged. Following the most recent meetings between civil society organisations, government authorities and the UN Special Rapporteur on freedom of peaceful association and assembly⁸ in February 2024, another alternative regulation for CSOs has emerged, backed by a number of the organisations themselves. Relying on Libya's international obligations, which in theory take precedence over national laws, CSOs advocate for a Presidential Decree that declares and details how the ICCPR, particularly Article 21, is directly applicable in Libyan courts. They advocate for the Presidential Decree to be accompanied by an implementing regulation, detailing how the ICCPR clauses are to be understood and applied in local courts. This would provide further protection to CSOs until the time is ripe for a civil society law to be promulgated. Relying on international instruments to provide protection to CSOs in Libya was mentioned by most interviewees, demonstrating a high level of awareness, but the difficulty

⁸ United Nation, 2024, <https://www.ohchr.org/en/special-procedures/sr-freedom-of-assembly-and-association>

of applying Libya's obligations under international law in local courts were also identified. In fact, one interviewee pointed to two main reasons why the justice system's infrastructure is unable to implement international law. The first is that law students, lawyers and judges are never taught how to implement international law and have limited interactions with it, meaning there is limited knowledge on the topic. The second is that justice practitioners believe Libyan law is to be prioritised and idolised. They see it as a perfect and complete set of laws, as opposed to evolving and organic legislation.

Interviewees were also asked about Law 19 of 2001, especially since the HoR has suggested amending it. However, there was unanimous rejection of this proposal from among CSOs, who stated that it did not live up to their aspirations. One interviewee explained that the law was drafted with a regressive mindset, designed to control as opposed to empower, and crafted to make CSOs look like the enemy of the state. The articles of the law restrict civil society's mandate to social, cultural, charitable and humanitarian concerns, with at least 50 members required to create an organisation, and stipulate a long process of limitless approvals from officials, including reporting on all the meetings conducted by the CSO. No number of amendments will make the law fit for the purpose of regulating Libya's CSOs.

Women-led CSOs were also asked whether the state of non-regulation is having a specific impact on them. All representatives of women's CSOs interviewed stressed the need for a CSO law. One interviewee stated that they were frequently questioned by the authorities and organisations were often forced to close down. Women in Libyan society are not granted the same freedom as men and being questioned by the authorities or security forces could create family and social problems for them. The women's CSOs interviewed were in favour of the clarity and certainty that could provide them with a legal umbrella under which to operate. One women-led CSO argued that having a law would help with other processes, such as banking and registration. One woman activist argued that the issue of a regulatory framework affected all CSOs, not only specifically women's CSOs.

CSOS IN LIBYA: THE REALITY BEYOND THE LEGISLATION

Libya's civic sphere remains underdeveloped, fractured and neglected – a consequence of ongoing political instability, the CCS's lack of clarity and restrictions imposed due to the domestic security situation. The areas of focus dictated by international agencies further impede the growth of civic organisations. Human rights violations against activists have forced many to seek refuge abroad. International agencies frequently confine the role of local organisations to implementing activities rather than cultivating partnerships, leaving numerous CSOs without core funding.

Nevertheless, organisations continue their efforts, working towards reconciliation and advocating for human rights, despite their limited visibility. For example, in recent humanitarian crises, NGOs have assumed a pivotal role as frontline responders, garnering recognition but lacking sustainable support. Civil society organisations have consistently raised concerns about these issues and continue to face threats while endeavouring to report on their activities and secure the requisite security approvals. Their focus on international agendas may not adequately address local exigencies. Many community-based organisations continue to operate within the framework for charitable work sanctioned by the state.

The international mandate of localisation⁹ urges international agencies to support and operate within this framework, too. Despite over a decade of local activism, the role of CSOs in terms of technical capacity, sustainable resources and security appears to be diminishing over time, along with the support provided by INGOs.

⁹ https://civil-protection-humanitarian-aid.ec.europa.eu/what/humanitarian-aid/localisation_en

THE ROLE OF INTERNATIONAL NGOS AND UN AGENCIES

The role of UN agencies and international non-governmental organisations (INGOs) in advocating for a better regulatory framework was contested among interviewees. They highlighted that Libyan CSOs face a double dilemma – with the government limiting their work via restrictive regulations on the one hand, and INGOs unwillingness to effectively engage CSOs as equal partners, on the other. One interviewee was critical of INGOs who bypass CSOs to work with governmental actors, thus weakening local CSO-government partnerships. Another interviewee pointed out that ‘the international community needs to understand the importance of a strong civil society in Libya, one that is independent of the government’. Interviews revealed suspicion about the role of international agencies, particularly the UN. There was a general feeling among the interviewees that the UN neglects the local civic space. However, interviewees also highlighted the continued need to place pressure on the government to create a transparent dialogue between the authorities and CSOs with the aim of a better regulatory framework.

All interviewees agreed that international support, in varying forms, is crucial to advocate for a CSO law. However, they also noted the need for technical assistance to strengthen CSOs’ capacity to advocate effectively for regulatory change and participate successfully in drafting a CSO law. Two positive experiences were mentioned. The first was when an INGO provided the Commission of Civil Society, in its early days, with technical capacity, training it to conduct consultations with civil society on a regulatory framework. The second involved the provision of funding for a coalition of Libyan CSOs to collectively lead a locally driven CSO legal drafting process – resulting in the engagement of a large number of civic actors. There was acknowledgement among the interviewees that ‘Libyan CSOs’ knowledge of how to draft a CSO law was very limited. Most activists are not lawyers and therefore need training on the law-making process.’ Another interviewee pointed out that ‘INGOs should invest more effort into funding educational projects for young local activists on international standards on freedom of association, how to design and implement advocacy campaigns and enhance technical local capacities.’

Interviewees also claimed that international agencies are neglecting CSOs, creating a gap between them and the government. One major factor in this context is the absence of protection mechanisms both within the country and abroad. One interviewee stressed, ‘the UN is not providing contingency plans to rescue activists. They seem

more interested in meeting government representatives over setting earlier election dates than discussing human rights defenders who have been abducted and imprisoned. The UN must place pressure on the authorities to create a safe environment first.’ Another interviewee also highlighted the role of the international community in facilitating dialogue between the government and CSOs, bridging the current divide without replacing local CSOs. Interviewees emphasised the need for a ‘neutral third party’ to create a safe space for discussion between CSOs and the government, suggesting that ‘international actors can mediate the conversations about the CSO law, in the current environment of lack of trust and continuous oppression’. Interviewees also highlighted the potential role of international agencies in providing the financial and logistical resources to organise meetings and consultations with the HoR and government and to ensure fair representation on both sides. Consistent INGO engagement with the state is important as long as the importance of the civic space is always prioritised.

Most interviewees agreed that UN agencies with a human rights mandate can advocate for the inclusion of provisions guaranteeing freedom of association and expression in the CSO law. ‘We are working with UN agencies to advocate for a draft CSO law that is in line with international best practices’, said another interviewee, going on to state: ‘this will help ensure that the law is respected by the government’ International stakeholders can also monitor the situation and report on any violations, placing pressure on the government to uphold its commitments. One interviewee argued that the freedom of expression and opinion are core rights linked to freedom of association, which must also be sustained and advocated for.

CONCLUSION

Civil society organisations in Libya face numerous challenges and uncertainties as the civic space continues to shrink. While a CSO law could ease some of these problems and create more clarity and certainty, it is unlikely that such legislation would meet the needs of CSOs for freedom or change the practices used against them by security and non-state actors on the ground to any great extent. Political division, a dysfunctional legislature, insufficient knowledge about civil society concepts, a lack of capacity for legal advocacy among CSOs and distrust between different actors, will make it challenging for CSOs to agree on and promulgate a draft CSO law. Opinions regarding the necessity of a new law are divided. Some argue for immediate legislation to provide clarity and protection, while others fear a potentially restrictive law and thus prefer the current ambiguous state. Between these two extremes, community-based and women-led organisations have been more in favour of a new law, while larger organisations and those based outside of Libya believe that it is better to navigate the current situation and wait for the right moment to advocate for a CSO law that meets the aspirations of the organisations themselves. This paper has also highlighted the potential role of international actors in capacity building and advocacy support, though their involvement needs to be supportive of local CSO independence. Moving forward, unified advocacy among CSOs and constructive engagement with both local and international stakeholders will be essential for establishing a transparent and enabling regulatory environment for civil society in Libya.

RECOMMENDATIONS

To the House of Representatives:

- **Prioritise the CSO Law:** Review the existing draft laws submitted by Libyan professionals and vetted by international organisations, and provide a clear agenda and timeline for the process of drafting in direct consultation with civil society. The House of Representatives should demonstrate genuine commitment by scheduling discussions and working towards engagement.
- **Open dialogue:** Hold open consultations with CSOs and all stakeholders to address concerns and ensure the law reflects their needs. An inclusive approach should entail providing public protection for consultation participants and allowing activists to express their fear of the government.
- **Transparency:** Streamline the legislative process and ensure transparency when it comes to the decisions regarding the CSO law. The House of Representatives should clearly criminalise attacks on civil society and must ensure the independence of civil society from the government.

To Libyan CSOs:

- **United CSO front:** Present a more united front in advocacy efforts to strengthen bargaining power with the HoR. Activists should have a clear vision and campaign collectively for the respect of freedom of association.
- **Prioritise demands:** Considering the political climate, CSOs must identify the most critical demands to be included in the initial push for the law.
- **Promote collaboration:** CSOs should collaborate with each other and with INGOs to share resources and expertise. International NGOs should engage more with civil society on their technical needs, including through the provision of training for local NGOs.
- **Raising public awareness:** Raise public awareness about the importance of CSOs and the benefits of a strong civil society, and engage the community to advocate on behalf of CSOs for a better regulatory framework.

To UN and international agencies:

- **Facilitate dialogue:** Play an active role in facilitating dialogue between the HoR, government and CSOs.
- **Technical assistance:** Provide technical assistance to Libyan CSOs and the government on drafting a CSO law that adheres to international best practices.
- **Promote best practices:** Share examples of best practice in CSO legislation from other countries to inform the Libyan context.

ABOUT THE AUTHORS

Asma Dekna is a legal professional with extensive experience in civil society work, specializing in advocacy, policy development, and program management. She has conducted extensive research on civic space in various countries, promoted youth and women's participation in policymaking, and worked to improve regulatory frameworks.

Maysem Mabruk is a dedicated researcher and civil society advocate focused on supporting civil activism in Libya. Her work includes research, humanitarian efforts, and collaboration with stakeholders to foster community development and empower marginalized communities.

IMPRINT

Publisher:
Friedrich-Ebert-Stiftung Libya Office
4, rue Bachar Ibn Bord
2078 La Marsa
Tunisia
Email: info.libya@fes.de

Responsible for content:
Dr. Salam Said | Director of The Libya Office
Salam.said@fes.de

Design: Marc Rechdane
Proof-reading: Carla Welch
Review: Dr. Salam Said

The views expressed in this publication are not necessarily those of the Friedrich-Ebert-Stiftung. Commercial use of media published by the Friedrich-Ebert-Stiftung (FES) is not permitted without the written consent of the FES.

Publications by the Friedrich-Ebert-Stiftung may not be used for electioneering purposes.

© 2024

TOWARD A CSO LAW IN LIBYA

Navigating Challenges and Diverging Opinions



Libyan civil society operates in an unstable, dangerous environment due to the absence of a clear regulatory framework. While some CSOs call for a law to define their rights and provide protection, others fear such a law could be restrictive. This paper examines these differing views, with regional variations in trust toward legislation, and highlights how women-led CSOs advocate for legal protection. It also addresses the threats, harassment, and violence CSOs face from both state and non-state actors, making safe operation difficult.



The future of civil society in Libya hinges on unified action and collaborative advocacy efforts. While a CSO law could provide much-needed protection and legitimacy, it must be approached cautiously to avoid imposing further restrictions on civic space. The current political environment, characterized by divisions and a weak legislative framework, complicates the prospect of drafting an inclusive and transparent law. However, collective advocacy, supported by international actors, can gradually build momentum for a regulatory framework that aligns with Libya's international obligations and local needs. Moving forward, CSOs must continue to push for a legal framework that guarantees freedom of association, promotes transparency, and safeguards activists from arbitrary interference.



The House of Representatives should prioritize reviewing draft laws through direct consultation with CSOs, ensuring transparency and inclusivity throughout the process. CSOs, in turn, must present a united front in their advocacy efforts, beginning with increased collaboration among themselves and with international partners to strengthen their capacity and enhance their positionality. International actors, including the UN, should intensify efforts to facilitate dialogue between CSOs and government institutions while providing technical support to ensure any new law adheres to international best practices. Capacity-building efforts, particularly in legal advocacy and organizational development, will be crucial for CSOs to effectively navigate the law-making process.

For further information on the topic can be found here:

<https://libya.fes.de/>