



## A Guide for

# Integrating principles of Human Rights and Gender Equality into political parties' programs and policies

in Tunisia and Libya

### Editing Team:

- Yousri Mostafa
- Marwa Belkacem
- Salem Ghallab
- Mohamed Omran

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Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust,

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood. Everyone has the right to life, liberty and security of person.

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

(1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.  
(2) Marriage shall be entered into only with the free and full consent of the intending spouses.  
(3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State. Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay. Nothing in this Declaration may be interpreted as imp-



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Tunisia 2017

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List of dignitaries' names who contributed into this edition and shared their opinions and suggestions:

### Tunisia:

- Mrs. Zeina Mejri - Youth Can Organization
- Mr. Bouhidid Belhadi - Association Shams
- Mr. Quraish Jawhaddo - The Associative Action
- Mrs. Yousra Fraous – The International Federation
- Mr. Amor Safraoui – The independent national coordination for transitional justice
- Mr. Abdel-Jawad Al-Harazi – Legal Advisor to the Minister in Charge of Constitutional Bodies, Civil Society and Human Rights
- Mr. Mokhtar Tarifi – The International Federation
- Mr. Youssef Belkacem - I Watch Organization
- Mrs. Mehrezia Al-Obeidi - Ennahda Movement
- Mrs. Wafa Makhlouf - Nidaa Tounes Movement

- Mrs. Sanaa Salhi - Nidaa Tounes Movement
- Mr. Qais Al Ani - Afek Tounes
- Mr. Mohammed Zarif - Afek Tounes
- Mr. Yassin Ibrahim- Afek Tounes
- Mr. Redha Al-Zoghmi - Democratic Current Political Party
- Mr. Mohamed Al Ararbi Al Jalassi - Democratic Current Political Party
- Mr. Ghazi Al Chaouachi - Democratic Current Political Party
- Mrs. Samia Abbou - Democratic Current Political Party
- Mr. Abdel Wahed Al Yahyaoui - Al-Irada Political Party
- Mrs. Bouchra Belhadj Hemida - Member of Parliament and human rights activist
- Mr. Katheer Bualak - Secretary-General of the National Anti-Corruption Authority
- Mr. Nazir Ben Yedder - Lawyer and civil society activist
- Mrs. Asmaa Moussa – Youth Decides
- Mrs. Asmaa Sabry – I Watch Organization
- Mrs. Areej Al Saadani – Al Montada Association
- Mrs. Noha Al Hijlawi – Youth Can
- Mrs Haifaa Mahathli – I Watch Organization
- Mr. Mohammed Saleh Koueider - Damj Association
- Mr. Arabi Chouikh – The Tunisian Organization for Defending Rights Handicapped Persons Rights
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- Mrs. Maryam Noishi - Youth Can
- Mrs. Amal Al Safi - The Associative Action
- Mr. Mohamed AL Warghi – Afek Tounes
- Mrs. Saeeda Saeed - Democratic Current Political Party
- Mrs. Sewar Ben Rajab - Democratic Current Political Party
- Mrs. Marwa Belkacem – Researcher at DAAM Center



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- Mr. Abdul Basset Ben Hassan – Head of the Arab Institute for Human Rights
- Mrs. Lamiaa Karar - Arab Institute for Human Rights Manager
- Mrs. Hafeeza Shokeir - Member of the Scientific Committee at the Arab Institute for Human Rights
- Ms. Salwa Al-Kantari - Director of Tunis office of the International Center for Transitional Justice
- Mr. Lotfi Zeitoun - Political Advisor to Head of Ennahda Movement
- Mr. Noureddine Al Arbaoui - Head of the Political Bureau of Ennahda Movement
- Mr. Abdul Karim Al Harouni - Chairman of the Shura Council of Ennahda Movement
- Mr. Yassine Ibrahim – Head of Afek Tounes Political Party
- Mr. Ziad Zughab - Member of the Political Bureau of Afek Tounes Political Party
- Mr. Qais Al-Ani - Afek Tounes
- Mr. Mohamed Zarif - Afek Tounes
- Mr. Ghazi Al Chaouachi - Democratic Current Political Party
- Mrs. Samia - Democratic Current Political Party
- Mr. Mohamed Abbou - Democratic Current Political Party
- Mr. Redha Al-Zoghmi - Democratic Current Political Party
- Mr. Mohamed Al Arabi Al Jalassi - Democratic Current Political Party
- Mr. Chaouki Al Tebib – Head of the National Anti-Corruption Authority
- Mr. Katheer Bualak - Secretary-General of the National Anti-Corruption Authority

#### Libya:

- Mr. Ali Al-Ghazali - Activist from Darnah

- Mr. Imad Rukaia – Head of the Tawergha Youth Organization
- Mr. Hicham Al wendi - Civil Society Activist
- Ms. Nada Abkoury, former Libya Coordination officer at DAAM Center
- Mr. Marwa Al Tashani – Defender Center for Human Rights Manager
- Mr. Essam Al-Maawi – Former Deputy Chairman of the National Forces Alliance Party, Human Rights Activist and Head of Libyan Human rights council
- Mr. Hassan Al-Amin – Media Professional, Former opposition member and independent member of the General National Congress
- Mr. Khaled Zew – Advocate and a member of the National Council for Civil Liberties and Human Rights in Libya
- Mr. Ali Al-Ketaani – Journalist

## Crew



**Mr. Yousri Mostafa**

Researcher on culture and human rights issues, Egypt



**Mr. Mohamed Omran**

A leading human rights and civil society activist, he worked for several well-known Egyptian and international organizations such as Egyptian Association for Community Participation Enhancement, Association for Freedom of Thought and Expression and Friedrich Naumann Foundation for Freedom.

Since 2000, he worked in areas such as election observation, support for human rights and democracy, good governance and Internet governance. Omran worked as a regional program coordinator for Friedrich Naumann Foundation for Freedom in their regional office in Cairo. After that he joined the Foundation's office in Tunisia as an official in charge of Libya's program, his work mainly focused on the Middle East and North Africa, he even worked in Libya during its revolution and before Tripoli's liberation.

Mr. Omran worked as a trainer in several programs over the past years and has several publications in various fields such as an article he wrote for Hivos entitled "Searching for Open Internet in The Middle East and North Africa", he wrote a book for Friedrich Naumann under the title "Civil Society Organizations and Democratic Transition in Egypt", an article he wrote for The right to democracy and human rights center called "New Media and its Role in Supporting Public Participation and Democracy", and another article he wrote for the Legal Agenda called "The history of harassment, a confused present, and an uncertain future" and other articles.

Mr. Omran now is the Executive Manager for Democratic transition & human rights support center (DAAM).



**Mr. Salem Ghallab**

A leading civil society activist and sports hero, He studied English at the university and was able to make conciliation between his academic commitments, his sports training and his work with local and international organization. He has diverse experience in areas as supporting human rights system, democratic transition, election observation, integrity and counter-terrorism.

Salem served as a long-term field coordinator and observer during Tunisia's third elections, he also participated in various other projects that focused on integrity, transparency, combating corruption, and supporting women and vulnerable social groups to enable them to participate in the democratic process in Tunisia.

Currently, Salem is the Tunisia-Libya coordinator for Democratic transition & human rights support center (DAAM), during his work at DAAM Center he participated in issuing a research paper entitled "Eastern Libya: the civil state between the hammer of the military and religious extremism anvil".



**Mrs Marwa Belkacem**

A legal researcher, preparing a doctoral thesis in public law. She holds a Master degree in Environmental and Territorial Development Law, Faculty of Legal, Political and Social Sciences, Tunis. She is also an active member of the Tunisian Association for the Defense of Individual Liberties, she was in charge of setting the needed plans and programs and worked as a first program assistant to the democratic laboratory project of Transitional Justice Observatory.

Marwa participated in many training courses, forums, national and international seminars that are primarily relevant to human rights.

She contributed to the preparation of studies including "Transitional Justice in Tunisia: The absence of a clear strategy and the predominance of improvisation" on January 14 - October 23 2011, "Lawyers and Human Rights Defenders" study in 2013, "Child Labor in Tunisia: Assessment of the Legal and Institutional Frameworks" Tunisia in 2014, "Transitional Justice in Tunisia, Finally the Law is issued" in 2014 and " Libya's Transitional Justice Handbook Guide" in 2015.

## DAAM's preface

Democratic transition & human rights support center (DAAM) seeks to contribute in promoting the role of political parties as legitimate space for implementing principles of Human Rights and Gender Equality through formulating methodological vision to build the capacity of young and mid-ranking leaders in political parties in Tunisia and Libya. It has also developed practical perceptions that are also tailored to the needs of all political and ideological orientations, particularly with regard to capacity-building of young and mid-ranking leaders.

In this context, the Center has endeavored to develop a guideline containing general trends related to capacity-building. This Guide does not adopt a certain a specific method, theory, issue or assessment of any involved party, It rather seeks to develop a methodological vision that takes into account the political and ideological diversity of political parties, the nature of their roles and functions, how to identify and select relevant issues, and the necessary and appropriate methodological tools to build capacity.

The preliminary material for this guide between your hands was prepared to take into account theoretical and analytical aspects as well as the results of the consultations that took place between the crew led by our principal researcher with the leaders of political parties and civil society in Tunisia and Libya regarding the strategy of building the parties youth's capacity in democracy, human rights and gender equality fields, The meeting with parties' youth and civil society organizations was in order to complete the process of preparing the guide by presenting, discussing and developing its preliminary material, it also included exchanges of experiences between participants from Tunisia and Libya. That was done through a series of presentations, discussions and field trips,

The focus of these discussions during those meetings focused on the following points:

- Rights-based democracy: concept and mechanisms
- Political parties and gender equality issues
- Parties, human rights and gender equality issues in Tunisia
- Political parties, human rights and gender equality issues in Libya
- Building capacity strategy

Hence, the final edition of this guide which is between your hands is a result of integrating all the proposals made by the youth which included identifying some concepts that was regarded important enough to focus on in this guide and in those countries (Tunisia- Libya) These proposals have also contributed to the reformulation of the context in which the Tunisian and Libyan models will be presented within this guide.

It can be emphasized that information provided and presented through this guide whether in its framework or content is the result of consultations, discussions and participation of all parties involved in its preparative steps.

DAAM aims to contribute in providing the necessary guidance and knowledge to organizations and institutions wishing to work with political parties and civil society organizations in the field of human rights in both countries.

DAAM also hopes that its work on the completion of this guide contributes to transferring experiences between the two countries and results in viewing the active young people in both countries correctly, and attracting more young people to public work, whether in political parties or civic action.

**Mohamed Omran**  
**The Executive Manager for**  
**Democratic transition & human rights support center**  
**(DAAM)**

## Introduction

It is well-known that there are two types of handbooks, manuals and guides. Manuals are the ones that include specific activities and exercises that at raising awareness and Building capacity, while guides are generally the ones that provide information, suggestions and recommendations which contribute to supporting that aim to achieve positive changes in practice and they include developing practical guides with specific activities and exercises.

Thus, It was agreed upon that professional manuals are highly available, But what be considered as a valuable contribution is preparing a guide that reviews realities, contexts and needs required to integrate Human Rights and Gender Equality into political parties' policies and programs in Tunisia and Libya.

So this guide is informative and analytical, it has been prepared in a participatory manner with the aim of providing information and guidelines to those who are concerned with human rights and gender equality in political party circles and community in general.

This guide includes three sections: conceptual framework, the context in Tunisia and Libya, and the appropriate capacity-building needed to t each country's context.

Conceptual framework section is based on a necessary concept that can be considered a linkage between rights and politics, which is the concept of "rights-based democracy", since it constitutes the framework that suits the political parties' nature as entities that can be considered as a cornerstone of democratic construction in modern political systems which aim to link the social and democratic components of society.

The section that discusses the context in Tunisia and Libya provides analytical information, reviews and analyzes the historical, political, legislative, legal, and institutional contexts that shape the political parties' environment in each country, the importance of this review lies in linking political parties and human rights to the surrounding conditions with all its opportunities and challenges.

The last section discusses capacity-building needs, a set of guidelines and references to the most important capacity-building requirements for integrating human rights principles and gender equality into party programs and policies, and for Influencing the political community in order to adopt these principles.

Not only was the participatory approach adopted for issuing this guide the most suitable one to gather information to what is happening in reality but also to identify different perceptions of the groups involved, and explore the ideological and political dynamics of parties as entities that are highly diverse. This is derived from a main belief that does not aim at supporting a specific direction, perception, issue or evaluation from the parties concerned, but rather seeks to develop a methodological vision that takes into account political and ideological diversity for different political parties, their nature, roles and functions, , how to identify and select relevant issues, and the necessary and appropriate methodological tools for capacity building.

In order to accomplish this task, DAAM center considered that the main source for preparing this guide should be the point of view of concerned parties and their members as well as relevant civil society organizations. The point of views of concerned parties were the main source for giving answers to key questions in order to:

*1. Identify where human rights and gender equality issues fall into with regard to political parties' field at the level of programs, institutional structure, attitudes toward some related issues.*

*2. Determine the priorities and needs of parties in order to integrate human rights issues and gender equality in its programs, mechanisms and organizational structure.*

*3. Develop a vision of capacity building needs of young party leaders to contribute in integrating human rights and*

*gender equality issues in the political parties' field.*

It should be noted that the results of the interviews showed significant differences between the situation in reality and the needs of political parties in Tunisia and Libya, which required dealing with the two countries according to a methodology that suits each country.

While there are opportunities in Tunisia to develop strategies to build the capacity of young and mid-ranking leaders of political parties, it is better in Libya to adopt a dialogue approach between relevant political parties on human rights and gender equality between women and men through directing this dialogue to state institutions, civil society institutions, and youth groups, a different strategy from that can be followed or applied in Tunisia.

There is no doubt that the political and partisan reality is complicated and changing, especially at a time of transformations, disturbances and instability, and therefore this guide does not provide rigid judgments or assumptions, but rather as far as possible to review the scene and its complexity.

However, the contexts, and therefore the needs and requirements, are changing and transforming, and this guide may be one of the tools that contribute to developing practical insights and applications by parties involved in supporting democracy, human rights and gender equality in Tunisia and Libya.

## Section 1

# Conceptual Framework

The relationship between democracy and human rights appears to be interdependent, as the democratic society is one that respects citizens' rights, and citizens' rights normally is promoted as much as the society opens up to human rights on different levels such as awareness, policies, legislation and various other practices. But when democracy is absent, the limits of citizenship diminish, and human rights does not find a fertile ground to develop within the political and social fields. These are well known facts to all, As indications of democratic societies that respect human rights, politically pluralistic and allow alternation of power through free elections are much better than those lack democratic principles.

This interdependence between democracy and human rights has become the main bet and challenge, especially in societies that are still under dictatorship and authoritarian ruling, do not recognize democracy and are hostile toward human rights.

However, when it comes to practical application, the relationship between democracy and human rights is very complicated, because it is not only a question of alternation of power, but there are several factors related to balance of power, social and cultural dimensions, and the compacted nature of social and political representation. The very existence of multi-party system, free elections, or even alternation of power does not necessarily mean that human rights are fully guaranteed.

As it is well known, the value of human rights lies in their universality and interdependence, failure to implement this principle diminishes its value and effectiveness, as when the political system focuses on political rights and ignores economic and social rights.

In many countries, the necessary structures and measures to support democracy and human rights might exist as constitutions and parliaments, ratifying international conventions or even free elections which are essential conditions for democracy and human rights to function.





However, this may not necessarily mean the existence of a democratic system. As many factors might combine to limit the structures, democratic and human rights procedures' affects, this also might happen because of social and cultural factors and marginalizing key populations and depriving them from being politically represented such as women and minorities. In some cases, fair democratic elections have resulted in the authorities that do not respect democracy principles and human rights.

From this standpoint, it can be said that the relationship between democracy and human rights is supposed to be based on interdependence and complementarity, and, as such, it is a relationship between two parties that are not asymmetric in nature, it is an interdependence between what is political in nature (Democracy) and what is normative in nature (Human rights), in other words, it's a relationship between a ruling system and legal and humanitarian standards, and it's an interdependence as democracy is the necessary political framework

For activating and maintaining human rights standards, on other hand, it is the standards which can measure the extent of democracy's credibility is when applied.

Therefore, the existence of democracy is a prerequisite



for human rights realization and existence, and at the same time human rights is a condition that gives democratic systems credibility.

For this reason, the term "Rights -based democracy" has appeared to express this interdependence between a political system and a human right standards.

The term "rights-based democracy" expresses a theoretical vision, but its importance is that it serves as a guide to democracy and human rights trends in its quest to build a democratic and human rights society. It is a vision that does not only help to produce a common language, but creates common paths of action in order to press for more political, social and cultural reforms.

So What does the term rights-based democracy mean?



**“This workshop was one of the best workshops I ever participated in, as I learned a lot about Human Rights and Gender Equality through the trips we made, and one of the best achievements of this workshop was this guide that works toward integrating Human rights principles and Gender Equality into political parties’ programs and policies”**

**Mrs Haifaa Mahathli**  
I Watch Organization

## First : Rights-based democracy

Democracy is closely linked to the political community’s public awareness, it is that political domain which is associated with institutions and governance mechanisms, and political parties are one of its main components, while human rights is more associated with civil domain, where civil society organizations has led the scene in the recent decades to promote disseminate, and integrate human values rights locally, both at the community level or at the level of state’s institutions and its different authorities are legislative, executive and judicial.

However, this division does not accurately reflect the human rights position in the political and civil domains, as human rights is supposed to be a fundamental component to essential state institutions specially justice and education, as well as national institutions and constitutional bodies.

Over the past years, efforts and approaches to link democracy to human rights have evolved.

There has also been interaction and overlap between political and civil society. Many of the political community members are now adopting human rights language, and many supporters of civil society have become more aware of the importance of establishing democratic systems as an essential condition for human rights to be applied. There is a language that has been developed to keep pace with this development one of the most important terms of it is the term “Rights-Based Democracy” which accurately describes that interdependence as democracy is a system and human rights that give this system a sound of reason and credibility, as these principles should be reflected in frameworks and practices, foremost of which are the Constitution and the law, patterns of political representation and the nature of participation.

### Cultural diversity and democracy

*“In our increasingly diverse societies, it is essential to ensure harmonious interaction among people and groups with plural, varied and dynamic cultural identities as well as their willingness to live together. Policies for the inclusion and participation of all citizens are guarantees of social cohesion, the vitality of civil society and peace. Thus defined, cultural pluralism gives policy expression to the reality of cultural diversity. Indissociable from a democratic framework, cultural pluralism is conducive to cultural exchange and to the flourishing of creative capacities that sustain public life.”*

*Article 2 of the Universal Declaration on Cultural Diversity*

## Political participation

*“Political participation can be defined as voluntary activities practiced by community members so they can choose their rulers and representatives and contribute to policy and decision making directly or indirectly, these activities can be divide into two categories:*

*> Traditional activities: Also called normal activities as voting, following up political issues , engaging with others in political debates, attending seminars, conferences and public meetings participating in elections by money or publicity or both, joining lobbies, holding a political party membership, contacting officials, running for political posts and holding office.*

*> Non-traditional activities: Some of them are legal activities such as filing complaints, taking strike actions, and some are illegal as demonstrations, looting and destroying public property, assassination, kidnapping, civil war, rebellion and revolution. Citizens practice these activities to voice their demands or protest against a certain decision or policy when no legitimate path exist or resorting to it is useless.*

*Political literature recognize the positive return of participation whether individually or on community level. As participation promotes human’s dignity, affiliation and ability, it also raise his/her political awareness and alert both rulers and those who are governed to their duties and responsibilities and because of it rulers become more responsive and attentive to the people’s needs and interests, and the national income is distributed fairly”*

*Mohamed Mahmoud Rabee, Ismail Sabry Mekled (Editors): Political science encyclopedia, Kuwait University*

**“Everyone has the right to take part in the government of his country, directly or through freely chosen representatives”**

Article 21 of the Universal Declaration of Human Rights

In fact, the relationship between democracy and human rights is not new as International covenants include what promote and support democracy and ensure its sustainability, from the universal declaration of human rights to international resolutions, and the basis of international resolutions and decisions. While all the texts of international human rights covenants support democracy in the political, social and cultural sense, certain articles are directly linked to democratizing governance systems. As Article 21 of the Universal Declaration of Human Rights stipulates that:

- Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
- Everyone has the right of equal access to public service in his country.
- The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

These Measures were further developed in the International Covenant on Civil and Political Rights which devoted

a set of political rights and civil liberties on which functioning democracy is based upon, many of them are fundamental political rights, such as the right to participate, the right to vote and run for office and freedom of association and other rights that are essential for a democratic system such as freedom of thought and expression and judicial independence etc.

In 1993, The World Conference on Human Rights adopted the Vienna Declaration and Programme of Action, which clearly stated that there is a direct connection between respect for human rights, democracy and international development . At the 2000 United Nations Summit on the Millennium Development Goals and the World Summit of 2005, the international community reaffirmed its commitment to human rights, rule of law and democracy and the United Nations principles as universal and indivisible core values.<sup>1</sup>

In 2000, the Office of the High Commissioner for Human Rights recommended certain essential measures at the legislative, institutional and practical levels to promote democracy, which is:

- Respect for human rights and fundamental freedoms
- Freedom of association
- Freedom of expression and opinion

Massimo Tomasolli: Democracy and Human Rights, The Role of the United Nations, United Nations -1 and the International Foundation for Democracy and Elections, 2013



- Access to and exercise of power in accordance with rule of law
- Pluralist party system
- Separation of powers
- Judicial independence
- Public institutions that are transparent and accountable
- Free, independent and pluralistic media<sup>2</sup>

From an integrative and more holistic perspective in linking democracy to human rights efforts have been made to deepen the social and cultural meaning of democracy and not to confine it to a narrow political concept, by integrating social and cultural dimensions.

The principle of human rights integration implies that coherence in democratic building requires the employment of each human rights principle. This means integrating every right, whether civil, political, economic, social and cultural, or the rights of different groups such as women, children, minorities, migrant workers, or rights related to specific issues such as anti-racism, anti-torture, etc.

For their part, civil society organizations, primarily human rights organizations, have been single-handedly or in cooperation with political forces, social parties and movements, to adopt many activities to apply the aforementioned measures.

In fact, many of these activities have been practical applications and attempts to build a rights-based democracy. In this sense, although civil society organizations are far away from the political parties struggle, they are often the main player in supporting democracy from a human rights perspective. These organizations have adopted several interventions aimed at reform and democratic change at the level of awareness, policies, legislation and political processes.

The experience of civil society organizations shows that there are qualitative interventions such as working on freedom of opinion and expression, judicial independence, etc. and there are also interventions more related to political processes, such as working on the right to organize, participate in elections, citizenship awareness education, monitoring elections, developing candidate's abilities for public and local elections. Human rights organizations are the main actors in the face of human rights violations made by the political community such as torture, arbitrary detention, and political violence.

Another aspect related to human rights impact on building democracy paths which is adopting a human rights perspective in the empowerment of human beings, especially the marginalized and the less fortunate, so they might have to have a voice

Commission on Human Rights Resolution 2002/46 2 -2

and representation nationally and locally. It is worth mentioning that the founding elements of the human rights approach are based on the mechanisms and principles closely linked to democracy building, in particular participation, accountability, non-discrimination which should be adopted to affect decision making.

In the light of the aforementioned, political parties are betting on democracy as a space for action, competition, mobilization and recruitment and that's why they are concerned with political democracy in its general term.

In contrast, civil society organizations are often concerned with the quality of democracy, and thus they work to build a rights-based democracy, building such a democracy requires the State to assume its human rights obligations and to become one of the main components of the discourse and practices of political parties.

## Second : Constituting rights

A focal point for human rights interdependence with democracy in local systems, which is the Constitution, as it is the governing and structuring framework for all relations and practices. Human rights or democracy normally can not exist and act outside what can be called a constitutional state.

According to the common usage, constitutionality means: "The establishment of political systems that believes in the concept of a restricted government, constitutionality then, is the doctrine that makes legitimacy based on constitutionality and believes that the government should be constitutional to be legitimate. Constitutionalism means two things, First, the government must be in accordance with the rules of the constitution, Secondly, they must be constrained in their policies and actions by the principles enshrined in the Constitution.

The political theorizing of constitutionality goes around two main panels: The first is the role of the constitution as a restriction on the government, as it contains some principles that ensure that there is no absolute control for the government or in other words, no unilateral control. One of the most important principles working towards this end is the separation of powers.

The second panel is the role of the constitution in making the existing government enjoy public satisfaction, and one of the most important principles enshrined in constitutions that help achieve public satisfaction and at the same time act as one of the instruments to express of satisfaction is the principle of parliamentary representation.

Mohammed Mahmoud Rabie, Ismael Serb Mqlad (eds.) Political Science Encyclopedia, Kuwait 1 University, p. 284



**“Human Rights principles should be integrated into many fields.. (Health, Architecture, Security, development and Environment) and all field that affects citizens’ lives, Human Rights and Gender Equality should be considered as an elections trump card for political parties, and so, this issue should be given the importance it deserves”**

**Mr. Mohamed AL Warghi Afek Tounes**

If the previous definition defined constitutionalism as a framework for democratic governance, it can be said that sustained efforts to integrate human rights principles into constitutions meant that democracy could be complete only through the integration of these principles, in other words, establishing a democratic ruling system based on human rights.

Other views and experiences place human rights higher than constitutions (Supra-constitutional principles) because they are universal, firm and inalienable.

Even in societies where human rights conditions suffer from deterioration, the demand for human rights gives vitality and credibility to advocates of constitutions that guarantee freedoms and social justice. During the Arab Spring, the language

of human rights increased to accompany constitutional drafting processes, or what has become known as the constituting rights.

This is not only about the political rights that are of interest to those who are concerned with political affairs, it’s about all rights that are related to particular groups such as the rights of women, minorities, persons with disabilities, children’s rights, etc. coupled with attempts to establish constitutional guarantees of fundamental rights from a civil, political, economic, social and cultural perspective.

Regardless of the extent to which governments are committed to respecting the Constitution, the majority of constitutions have largely integrated many human rights principles, and have tended to establish constitutional bodies that are concerned with human rights issues are both in general and in particular fields.

In fact, the “Constituting Rights” is one of the essential steps to establish a rights-based democracy, but it merely expresses the “theoretical” aspect of this process. Many repressive regimes have constitutions that guarantee many democratic and human rights values and many states have the necessary legal structures to establish the necessary institutional framework to activate the constitution and apply it in legal and political terms.

This is a well-known fact because the world of politics is not governed by principles and ideas as much as it is governed by interests and the balance of actual forces. Different experiences indicate that the authorities adopt multiple scenarios in order to breach the constitutional principles that are binding them.

One of the most notable scenarios is

## **legitimacy .. legitimization**

*The term “legitimacy” does not only refer establishing authority, but also to a more important issue which is to provide it a moral (ethical) basis, and legitimacy (or the legitimate authority) is what describes such a stable distribution of power when it is carried out properly. Max Weber’s work is essential to understand the complicated aspects of the relationship between power and legitimacy, and to distinguish between “actual power” and “legitimate power” as ideal patterns. The first term implies a subordination of interests, whereby the control of goods and services in the market involves voluntary submission of an individual to that power. The term legitimacy means that at some point the actual abstract force needs to justify itself, and then operates by using the process of legitimizing to create and comply with the meaning of duty, regardless of personal motives and interests.*

*John Scott and Gordon Marshall: A dictionary of Sociology*

constitutions' drafting, where it states that these principles are regulated by laws, which often come contradicting to the Constitution provisions, a repetitive danger phenomenon that threatens Constitutions. In other scenarios, constitutions are suspended through extraordinary measures and procedures, we witness this breach of constitutional provisions in many practices under well-known terms such as protecting national security, war on terrorism, etc.

However, another fundamental fact about legitimacy should not be ignored, Integrating human rights into constitutions gives a dual and reciprocal legitimacy.

Constitutions that integrate rights demonstrate an advance in their formulation and principles, and human rights acquire legitimacy from being stated in the most important national documents.

But the question of legitimacy is not only related to the texts, but to the extent of compliance at the level of application. Here comes the paramount importance of the political and social institutions concerned with democracy and human rights, whether they are political parties, civil organizations or social movements. The work of these parties and their duty to defend human rights is essential in order to create a political and social vitality to control and modify the balance of power within the political system, because the political system does not derive its legitimacy from itself or from the text of its own and the binding process is determined and promoted by social and political vitality as human rights need to be protected in order to protect people.

In this sense, parties' awareness of human rights principles, adopting and activating them theoretically and practically is an essential pillar of building a democratic system based on human rights.

## Third : Political Parties: Activating Rights

Parties are the main component of modern political systems, as societies became widely diversified and any political ruling without representation is unimaginable and regardless of experiences that witnessed a monopoly of power by a political group or faction, the idea of representative democracy is unimaginable without structures that allow representation of interests of large sectors of society.

Political parties are those platforms for managing political representation, and their existence as platforms are linked to playing multiple roles in the political field<sup>1</sup>. It

<sup>1</sup>For the definition and functions of political parties review -1

Wilhelm Hofmeister/Karsten Grabow: Political Parties: Function and Organization in Democratic Societies, Konrad Adenauer stiftung

**political parties are “ the formal organizations that represent various goals and interest of social and economic forces in the political field, although there are some societies that do not know the political parties system. Political parties are the organizational tool through which candidates are recruited for various positions and promote ideologies among people. parties seek to organize and control Government institutions, and to prepare leaders at the national level.”**

can be easily noticed that The political system's vitality is closely linked to political parties vitality, that is known as political pluralism because if only one political party is in control The democratic experience fails

It may seem easy to define the term “political party,” but most political literature show serious difficulties given the complexity and diversity of parties' experiences in reality.

In addition to that, the theoretical debate between supporters of multi-party experiences and advocates of a single party system makes it even more complicated. However, according to common definitions, political parties are “ the formal organizations that represent various goals and interest of social and economic forces in the political field, although there are some societies that do not know the political parties system. Political parties are the organizational tool through which candidates are recruited for various positions and promote ideologies among people. parties seek to organize and control Government institutions, and to prepare leaders at the national level.”<sup>2</sup>

In another definition, “a political party is a permanent organization at the national and local levels that seeks to obtain popular support, with a view to reach and exercise power in order to implement a specific policy”. Building on that, There are four conditions for that characterizes a political party, to have a continuing system, to have stable relationships at the local and national levels, the desire to reach and exercise power and, finally, the desire to have a popular support through elections.<sup>3</sup>

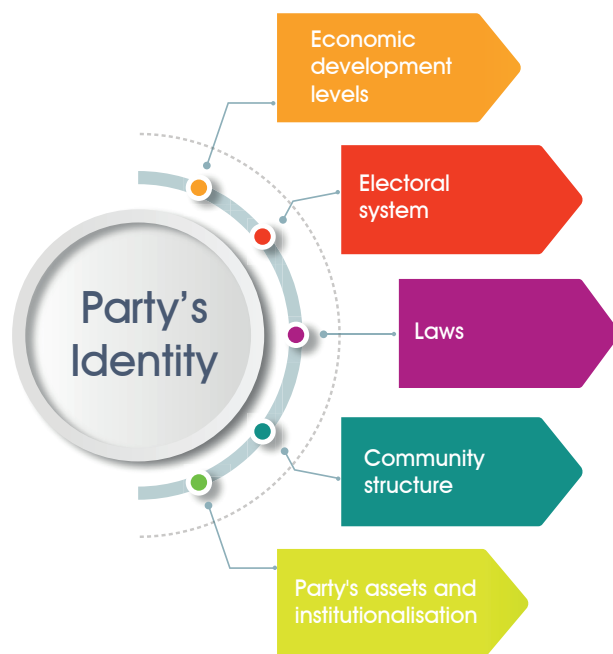
Some sources<sup>4</sup> refer to basic features of a political party's entity:

<sup>2</sup>John Scott and Gordon Marshall: Sociology Encyclopedia, vol. -2 Mohamed El Gohary et al., National Center for Translation, p. 73  
<sup>3</sup>Dr. Suad Al-Sharqawi: Political Parties (Importance, Origin, 6 -3 Activity), People's Assembly, General Secretariat, Egypt, June 2005  
<sup>4</sup>D Osama Ghazali Harb: Political Parties in the Third world, Global Knowledge Number 117, National Council for Culture, Arts and Letters, Kuwait, September 14 p. 1987

1. Parties are not alliances or wings “factions”, in the sense, if the party is not different from alliances and wings that are formed during elections and parliamentary practices it is not a party. Parties normally evolve out of alliances and wings that they associate with during parliamentary elections and become something totally different.

2. The party is a part of all, and what is referred to here as “all” is pluralistic, party as an expression is linked to the concept of Part. Although the party represents only part of all, this part must take a non-partial approach to all, to act as part of a whole.

3. Parties are channels for expression in the sense that parties belong - first and foremost - to tools or means of representation. It is a tool, or a popular representative body that Expresses specific social demands.



Because parties are, to an extent, at the center of modern political systems, they do not play only play roles only in building democracy, but they are ruling tools for dictatorships. This is connected to the political system’s nature in which parties exist. In fact, the criterion in this case is the ability of societies to establish rules and guarantees that preserve pluralism and the alternation of power through political parties, and give space to civil society forces and movements to represent its interests.

Certainly pluralism is necessary to build democracy, but it is qualitative rather than quantitative, Many political systems have multi-party pluralism, but are unilateral-formal pluralism under the control of a dominant party that works to weaken parties and other political forces. In some experiences, opening up sometimes leads to an inflated party life, with exaggerated numbers of parties, most of which are fragile parties, meaning that they are registered but do not exist actually on the ground.

Therefore it is pluralism in form but actually it is a single party system. The benefit of effective pluralism is not only in alternation of power, or the party’s access to positions of power, but also in the presence of strong and effective opposition formed by parties that are not in power. Conversely, the disadvantages of party unilateralism are not only the lack of strong and effective opposition, but also the distortions of access to power, which are often made by undemocratic means, especially coups.

Given the pivotal role of political parties in the political fields, bets are increasing on their role, along with civil society organizations and social movements, in the activating and integrating human rights into the political system. But political parties, by their very nature, their roles and the context in which they exist vary in terms of their ability, capacity and willingness to embrace and integrate human rights principles. In fact, the parties position on democracy and human rights issues is not merely a matter of self-determination, determined only by the party’s internal conditions, as a political party might be supporting or hostile to human rights or certain aspects of human rights.

It is worth noting that partisan life is not isolated from its local environment and even the international environment surrounding it. At the local or national level, partisan life is developed by institutional frameworks surrounding it, whether legal, social or educational institutions, and the more these institutions play a positive role in promoting politicization and political and social awareness the more partisan life develops and vice versa. At the international level, as it is well known, the supportive effects of freedom of association and human rights in general affect positively the domestic levels, but the international effects are often contradictory, as there is a struggle and pushing and pulling between interests in international relationships that affect negatively partisan life on domestic levels.

If international conditions cast a shadow over the nature of parties’ attitudes and performance, internal processes are self-governing conditions that have a profound impact on attitudes and performances. These processes depend on:

Ideological and historical background, Internal bureaucracy, sponsorship level, party leaders degree of influence, and decentralization level. Internal party democracy is defined by practices such as the availability of internal information and consultation processes, internal rules (formal and informal), decision-making structures within the party, and conduct transparency in party’s work on all levels. Regarding the organization



of the party, there is issue another for consideration, which is to what extent to does the party includes different social groups. In particular, in terms of selecting candidates and how the party seeks to integrate women into its internal organization,<sup>5</sup> it is important to emphasize the role of the party's ideological foundations or its historical leaders in determining the party's attitudes and positions towards human rights issues, Parties that have a rigid political view are often hostile towards human rights , especially when it comes to rights that may raise cultural sensitivities and resistance, such as personal and women's rights. But lately, with the pressure of human rights rhetoric, many parties use human rights vocabulary and language In their speeches, whether due to the presence of some open leaders or political bidding, but when it comes to applying those rights they are denied.

From viewing the role that political parties play , it is possible to identify ways and mechanisms on which they play an effective role in promoting and integrating and human rights, and that does not happen by only putting pressures on authorities to adopt them but by making the party itself a social and political space for disseminating and activating human rights. In terms of its role, the party performs many functions, such as grouping interests, prioritizing public issues, making public policies, recruitment for public positions at the national and local levels, educating its members and non-members politically through educational courses, conferences, seminars and newspapers, as well as its role in deepening political participation and achieving national integration, disputes resolution and gaining legitimacy.<sup>6</sup> If we examine each of the traditional functions of political parties, it is easy to discover that they are fertile grounds for planting human rights principles, whether by looking at interests and priorities of public issues or by putting into consideration Human rights views. And even by promoting certain political participation patterns that are based on equality and effectiveness, especially by women, youth and marginalized groups, to contribute in building human rights legitimacy in the public domain, and finally political education processes ,which Human Rights principles should be one of its main components.

There are also other roles played by political parties as the third world countries context gives a more significant role for political parties to achieve modernization and political development, as one source previously referred "in the context of these countries conditions and circumstances, political parties are given bigger roles to play that are concerned with modernization and political development, roles that far exceeds the normal tasks done by traditional parties, from this perspective, parties become "independent variables", i.e., independent institutional forces that affect modernization and political development, and not a mere the product of them. Indeed, the ability of

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Empowering Women for Stronger Political Parties, A Guide to Good Practices for Promoting -5 Women's Political Participation, NDI & UNDP  
Mohammed Mahmoud Rabie, Ismael Sabry Mekled (eds.) Political Science Encyclopedia, Kuwait 9 -6 University, p. 523

society to cope with the burden of modernization and development crises is, to a large extent, influenced by the types of existing parties and its effectiveness. <sup>7</sup>

But from the third world experiences, including a number of countries in the Arab region, this leading and developmental role of some parties that were created by the authorities led to a political dead lock and a one party control over politics. This, no doubt, had a profound impact on the nature of the political system. parties' relationship to democracy and human rights, therefore, is not an external one in the sense of demanding These rights only as a part of the of political competition with adversaries, but they are an intrinsic link, in the sense that the party has effective roles in building a rights-based democracy, which requires that the party itself be in terms with it in its orientations and attitudes, it's a building from below process. This is the greatest requirement and challenge at the same time for a partisan human rights life to exist. However, it should be emphasized that, as parties belong to the political field, they operate in accordance with their pragmatic rules and political rivalries. Hence their commitment to Human rights is subject to bets of political interest, unlike civil society organizations, which existed to defend rights and freedoms.

## Fourth : Parties and Gender Issues

It is not possible to talk about the effective role of parties in building rights-based democracy, while ignoring the aspect of women's rights. It is well known that the participation of women in the political field is one of the basic criteria for measuring the democratization of political systems.

Since human rights perspectives on different issues are more quantitative, women's participation from a human rights perspective goes beyond the numerical concept of comparing women to men, despite its importance and significance. Therefore, the term gender equality is used, which means looking at it from a more holistic perspective, which includes looking at the roles of women and men, the positions they occupy, relationship and the balance of power between both genders and to what extent attention is paid to gender issues that are related to women.

Because parties are one of the political processes pillars in democratic societies, the degree and nature of women's participation has become the focus of attention of all parties involved in women's political participation.

There is a fact that many studies and reports confirm women's participation in

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D.Osama al-Ghazali Harb: Political Parties in the Third World, Global Knowledge Number 117, -7 ,National Council for Culture, Arts and Literature

*States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:*

*(a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;*

*(b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;*

*(c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.*

*Convention on the Elimination of All Forms of Discrimination against Women (Article 7)*

political parties is restricted, or in other words, marginalized in favor of men.

This is due to various reasons, including male domination of partisan life in general, stereotypes of women's political roles and decision-making processes, as well as social influences related to women's social and economic positions. The tragedy is that many reports confirm that women's participation in political parties and in social and political movements is not reflected in their participation in office and leading decision-making position.

This was confirmed by most of the writings and analyzes that was written during the Arab Spring awakening on active participation of women, especially young women, in pushing for change towards freedom and equality and social Justice, On the other hand, the representation of women in the political field, including political parties, was not the same, but the factors of marginalization and exclusion were stronger than the elements of inclusion and participation.

In terms of their structures and policies, parties are still far from gender equality requirements. This is one of the problems that affect not only the women's rights exclusively, but also the foundations of a rights-based democracy in general. Moreover, excluding women deprives political parties from a powerful factor that can support the party and promotes its existence in the political arena, contrary to normal practice that political heroes of the world should be males, which is a feature of the patriarchal culture that dominates minds and institutions.

When talking about the political participation of women, we should go beyond the quantitative concept of participation and focus on the qualitative concept, It is not about numerical participation of women in party structures, because many parties recruit women at the grassroots, especially in election times, but it is about the nature of this participation in terms of women's representation, decision-making positions, as well as party policies and attitudes towards gender equality and women's rights issues . "Among the key indicators of a party's commitment to gender equality are the number of women in its leadership structures, the initiatives it takes to increase the presence and impact of women in various political decision-making circles, and to which extent gender equality initiatives are encouraged in discussions related to the party's policies and activities.1

### **Patriarchal system**

*The term means literally parental power, and it was used to describe male dominating societies as head of living units, but nowadays the term is used in a more manner, specially in some theories related to feminism to point out male's dominance. Feminists' and social researchers have shown that there are many categories of parental power.*

*John Scott and Gordon Marshall: A dictionary of sociology, vol. 3 , Translated by Mohamed Al Gohary et al., National Center for Translation , Egypt*

Thus, there are many aspects of the party's relationship to gender issues, and there is a widespread debate regarding women's political participation. However, since the participation of women does not reach the level generally required, and may be less or absent in some societies, and as a result efforts and proposals have been pursued to activate and promote such participation. Positive discrimination in favor of women's participation (quotas), as well as gender parity principle, are among the most notable suggestions, and it has aroused much controversy between supporters and opponents, even from within the feminist movement itself. However, quotas is considered one of integrating strategies. And there are other strategies related to political parties' internal organization and ways of representing needs, interests and different social demands, also official political parties documents and statements are important to provide a framework for equality between genders, it provides the party's vision and rules devoted to achieve that vision.

Among the strategies related to the internal organization of parties are the following:

- Addressing gender equality issue within parties' legal framework. This might include adopting a statement on gender equality in the party's founding documents.
- Several procedures should be taken to ensure women's participation in leadership boards, including quotas.
- Setting targets for participation levels in political conferences. This might guarantee holding separate forums for women delegates in delegates.
- Establishing women's alliances, wings and sections within parties' that are formally integrated into the party structures and have a specific role and responsibilities and are provided with the necessary needed funding.
- To ensure that a humanitarian perspective is mainstreamed into all parties policies.<sup>2</sup>

## **Fifth :** Parties and political participation of youth

The youth issue is central to political and social reform strategies, especially in Arab societies, which, in the demographic sense, are classified as young, meaning that the youth group has the largest share of the population composition. For any society, the needs of this group, whether in education, employment, health, and related requirements such as marriage and social welfare, are priorities in planning and decision-making. This group can be considered the most sensitive category for social transformations and changes. It is the active age stage, in which human beings aspire to creativity and innovation, which means that rights and freedoms including the ones that guarantee liberating young human energy in the community. In contrast, restrictive environments that fail to meet the rights, needs and aspirations of this group are the ones that open the door to negative employment for them and, potentially, destruction of the youth's energy, resulting in their tendency migrate or commit violence.

In this sense, democracy can only be achieved by recognizing and activating the political participation of young people through social parties and movements, or civil participation through civil society organizations, which is the way to integrate this

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Empowering Women for Stronger Political Parties, A Guide to Good Practices for Promoting - 2 Women's Political Participation, NDI & UNDP

**The democracy can only be achieved by recognizing and activating the political participation of young people through social parties and movements, or civil participation through civil society organizations**

group into frameworks that allow them to express their interests and aspirations, and link them to the public interest of society in general.

Indeed, the civil and political participation of young people has received, in fact or in a propagandistic character, the attention of all political and social actors, whether in power or not, political parties, academic and research institutions or international organizations.

Given the titles that discuss the political participation of young people, we find a wide range of diversity, including the reluctance of young people to participate, youth and violence, mechanisms and frameworks for youth participation, and students movements, beside youth representation in the political and public field.

In the context of democracy, human rights and political parties, there are two issues that need to be considered with great interest, and they are interdependent, the first being the representation of youth in party structures, and the second is expressing the youth's demands and aspirations. In fact, there is conditionality between representation and expression, the more levels of representation at decision-making positions, the more levels of expressing interests and aspiration.

According to the existing indicators, despite the youth's great participation in the Arab Spring, this participation has not been satisfactorily translated in regard to political structures and parties' frameworks, as The youth was only use and utilized to gain support at grassroots levels without effective integration into decision-making positions.

With the formal political dead lock, the Arab Spring has had negative consequences for large sectors of youth. In some countries, politically and

socially active youth have been subjected to abuse, and in turn a large number have been involved in political violence .

Embracing the importance of promoting the political participation of young people is now recognized, but more than recognition is required, that is, creating the legal, institutional and educational environment necessary for effective integration of young people in the public field. Here, the vital role of political parties comes not only from the perspective of being frameworks for political representation, but also as spaces for political education and civil society can play an active role in building the partisan youth abilities and raising their awareness of democracy, human rights, gender equality and social services.

## Conclusion

Betting on political democracy in its traditional sense is no longer sufficient to establish inclusive and sustainable democratic regimes, and therefore the alternative now is to integrate democracy with human rights to build rights-based democratic systems. A rights-based democracy is incomplete without a genuine consideration human rights integration principles with regard to the close interdependence between all rights, promoting gender equality, respect for minorities and persons with disabilities rights. In order to achieve this goal, we should be attentive to the role of political parties as a key factor in adopting and integrating human rights standards, especially in societies struggling to overcome authoritarianism and political instability.

We should emphasis opportunities that can be realized through cooperation between civil society organizations, in particular the ones concerned with all kinds of rights, and political parties of all categories. Civil society is not a party to the conflict But a key party in supporting and promoting rights-based democracy.



**“It was anticipated that the youth will participate strongly and actively in political parties after the 17 December – 14 January revolution whether old or newly established ones, or to seek separate lists at Constituent Assembly of Tunisia’s elections, and then the parliamentary and presidential elections after that, what happened was totally the opposite, but was that a choice made by them to escape towards other main concerns to them, or was it a result of older generations political control?”**

**Mrs. Noha Al Hijlawi  
Youth Can**



# Section 2

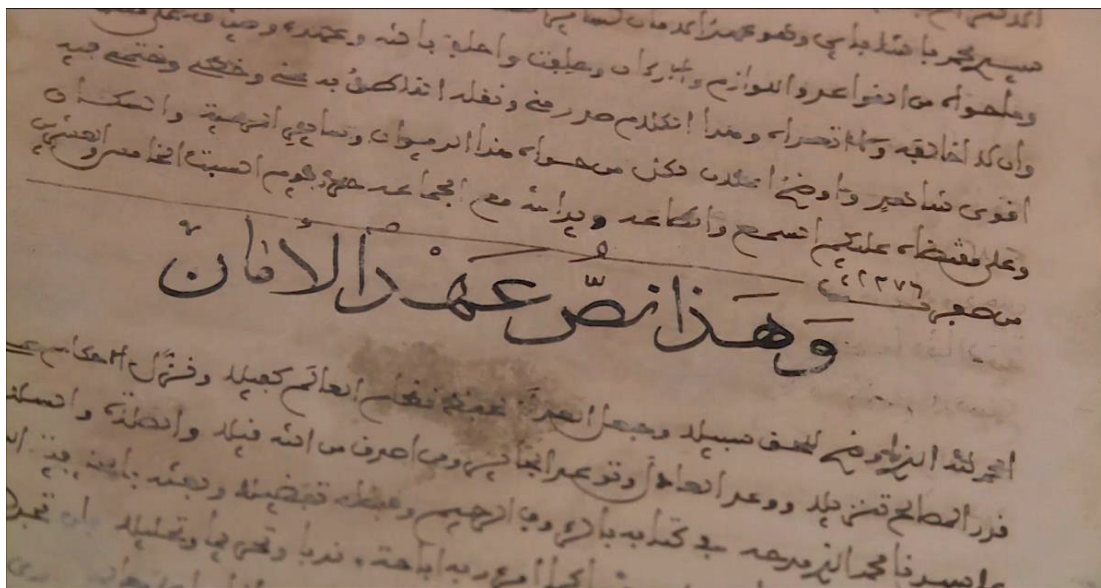
## Context

### The Tunisian context\*

\* Prepared by Mrs. Marwa Belkacem

## The Tunisian context

### First: The Historical Context



In its territorial domain, Tunisia is characterized by having an enormous wealth of rich legal texts in the field of human rights that go back to issuing the Fundamental Pact of 1857 which is considered a historical precedent, the pact was followed by the Constitution of 1861, which is a practical application for what was stipulated in the pact, as both focused on equality between the inhabitants of the Kingdom regardless of their different religions. However, the historical context of human rights in post-independence Tunisia is fundamentally characterized by a clear contradiction between a breakthrough in terms of texts or a legislation reflecting that reflect a dedication to human rights culture and a reality that can be characterized by violating those rights.

Issuing the Code of Personal Status on 13 August 1956 after less than five Months of Tunisia's independence is considered one of the most significant events in human rights history, although



its time frame was not appropriate due to the nature of the society at that time, in which family was based on masculism, but this legal code that regulate marriage and relationships between men and women was imposed . The Code of Personal Status prohibited polygamy, unauthorized or illegal marriages, criminalized the so-called "customary marriage" and legislated marriage by written contracts between the spouses, it also gave women the right to accept or reject their marriage, the right to have a divorce, and the age for marriage was determined by 18 years old for women and 20 years old for men. It also stipulated on full equality during marriage and divorce procedures and their consequences . The code of Personal Status gave women a significant role to play in society and turned Tunisia into one of the best Arab countries in the field of women's rights.

On 1 June 1959, the first constitution of the Republic was promulgated. Issuing this constitution, which its chapters stipulated on human rights principles and adopted most of the principles enshrined in the Universal Declaration of human rights, can be considered as a valuable asset. Accordingly, this constitution set out several categories of human rights in its legal provisions.

By November 1959, Habib Bourguiba was elected as a president, and the Constitutional Liberal Party won the majority of seats in the Chamber of Deputies which replaced the Tunisian Constituent National Assembly.

In 1975, a constitutional change took place, it enabled Habib Bourguiba a lifelong ruling but In the shadow of Bourguiba's health deterioration that happened during second half of the 1970s political rivalry escalated and social tensions emerged which caused the 26 January 1978 events a general strike was called for and resulted in an army intervention and dozens of victims. After that, the political scene remained unchanged despite the recognizing two parties in 1983 and lifting the ban on the Communist Party.

In 1986, the economic crisis reached its peak, this period witnessed the rise of Zein el-Abidine Ben Ali as



Minister of Interior who was able to extend his powers to control several security agencies, and then he pronounced himself as a president due to Bourguiba's medically incapacity to function as one, On the same day, he was sworn in resulting in a new turn for the whole country. Ben Ali sought to reassure public opinion through a statement promising to abolish the presidency for life, establish a "political pluralism", abolish the State Security Court, and release the Islamists and trade unionists detained, while he kept The same government structure except for the posts held by his competitors

In July 1988 the Constitution was amended to increase the powers of the president. In April 1989, presidential elections were held, although the results were expected due to absence of competitors for Ben Ali, and legislative elections was disappointing for the opposition as they could not gain any seats, and signs of a political deadlock began to appear.

By the second half of the 1990s, the influence of Ben Ali's second wife Leila Trabelsi And her family alongside his brothers in-law became clear. In 1999, Ben Ali ran for presidential elections again and won again by more than 99% votes despite the presence of other candidates .

On the legislative texts levels, this period was characterized by Tunisia's unreserved ratification on 1988 of the United Nations Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, and the criminalization of torture in 1995. In addition, the hard labor punishment provision was abolished in 1989.

In 1995, provisions relating to correctional employment and civil service were abolished, provisional arrest and detention legal system was amended through reforming the Criminal Procedures Code, as well as other amendments that transferred the authority of Minister of Interior to grant police release to the Minister of Justice.

In February 2000 social demonstrations erupted, and the adversary Congress Party for the Republic was founded., and Ettajdid Movement "movement for renewal" showed

**In April 1989, presidential elections were held, although the results were expected due to absence of competitors for Ben Ali, and legislative elections was disappointing for the opposition as they could not gain any seats, and signs of a political deadlock began to appear.**

changes in its attitudes, but the regime remained pursuing an applying the same policies.

In 2002, he held a referendum to amend the constitution to enable the president to have judicial immunity and to give him the right to extend his mandate.

In the following years, the excesses of Ben Ali's brothers-in-law, became in control of large sectors of economy and several important decisions increasingly became taken outside the government. In 2008, several social protests emerged in Bassin mine - Gafsa state that lasted for several months, this was followed by a campaign calling for Ben Ali to run for the 2014 elections for a sixth term, at the same time social strikes and demands to fight corruption increased and another campaign came into existence calling for anti-extension and succession

In that atmosphere, when Mohamed Bouazizi burned himself, it led to massive protests first in Sidi Bouzid and then in the rest of the republic which was confronted by the regime by force before Ben Ali left the country on 14 January 2011.

And so Tunisia and other countries in the region, entered a new historical era with hopes and dreams of building a democratic and human rights society, the era of which will be addressed by reviewing different contexts and panels.



**“ Supporting the youth’s role to affect in civil society and political parties generally, and specially in human rights and gender equality issues”**

**Mrs. Maryam Nouishi**  
Youth Can

## **Second :** The political and partisan context



Prior to the 17 December-14 January 2011 revolution, Tunisia suffered from a lack of balance between the three legislative, executive and judicial authorities, and lack of oversight between them because of the fact that one person has all these powers in his hand in presidential regime that established dictatorship . This fact made the Constituent Assembly, in its work that led to the promulgation of the 2014 Constitution, try to ensure balance between these authorities.

However, there is consensus that the regime that emerged from the 2014 constitution in Tunisia is neither a parliamentary nor a presidential one, but rather a combination of both, and there are those who say that it is a semi-parliamentary, semi-presidential system.

The features of the new political map are mainly summarized in three main points: the evolution of the legal framework governing partisan work, the evolution of the structuring the political scene , along with the diversity of trends within this new map.

Decree No. 87 of September 2011 on organizing political parties came to bring a final end to 3 May 1988 law , which stifled political life for 23 years and resulted in a limited one color political scene in Tunisia.

This final end that the decree brought can be easily shown through several points, the most important of which is transferring the power to consider formation of political parties to the prime minister, and thus was deported permanently from the Ministry of



Interior which obstructed partisan activity for decades.

The decree also stated that forming a political party requires only to send a letter by certified mail with proof of delivery to the prime minister who either accepts or submits a stated denial within 60 days, and that rejection is subject to appeal to the Administrative Court. If the letter is not returned within 60 days of submitting it, this action shall be considered as implicit recognition that there is no objection on establishing that party, Thus, providing greater flexibility and transparency informing parties, The minimum age for membership in a political party also was reduced to 16 years and the requirement of obtaining a Tunisian nationality for a certain period of time was abandoned and replaced by on the condition of Tunisian nationality only without any duration limitations.

The political reality in Tunisia after the revolution witnessed a major conflict that led to evolving its structure on the numerical and qualitative level.

### On the numerical level:

Official statistics confirm that the number of political parties before 14 January 2011 was 88 (without taking into account the Democratic Constitutional Rally which was dissolved after the revolution) and after the revolution new 97 parties were established in 2011, other 40 in 2012, 29 in 2013, 20 in 2014, 7 parties in 2015 and 4 parties in 2016.

### On the qualitative level:

The conflict between the political spectrum has led to the emergence of strong parties that have survived to our present day and others that have split or disappeared, the political weight of these parties varies according to their influence on the political scene.

Given the diversity of their ideologies and orientation in general, it is possible to talk about political groups composed of parties and political constituencies formed on the basis of the ideological background or shared policies:

The Islamic political group which is consisted of several parties, some of which are some are considered to belong to an enlightened



Salafi, and some adopt ideas Salafism which aspires to establish a Caliphate.

The Constitutional group, which is made up of a group of parties that consider themselves the heir of the Constitutional Party in its successive forms from Constitutional Liberal Party to the Democratic Constitutional Rally, the New Constitutional Party and the Socialist Constitutional Party.

The left-wing group, a broad constellation of parties, that works as a popular front which the head of the Tunisian Labor Party coordinates their work, however, it has a limited direct impact on political life because of their poor representation in the state bodies. In this group we also find left-wing parties with a social-democratic orientation that consider themselves to be centrist parties that rely on using civil society and media in its political battles.

The liberal group, despite their participation in governance before and holding important governmental posts, but their presence in the political scene is marginal and too small to make a difference, and their impact in guiding or affecting the government's options is limited.

The nationalist parties, which raise the slogan of Arab unity, Some are trying to unite efforts with the popular front and other are trying to unite with social democratic parties.

## Third : The legislative and judicial context related to human rights and gender

The Constitution provides that the State guarantees freedom of religion, conscience and the practice of religious rites. It stipulates equality of rights between civilians whether women or men without discrimination and guarantees women, children and persons with disabilities rights

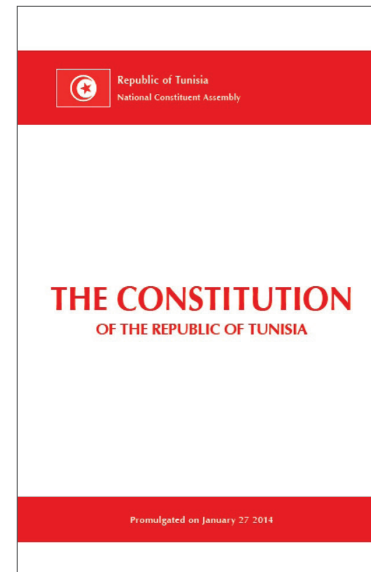
The human rights system is based on interdependent generations of rights related to civil, political, economic, social, cultural, environmental and developmental rights.

This was reflected in the 2014 Constitution and the legislative and judicial framework for human rights in Tunisia along with dozens of international treaties that are ratified by Tunisia.

### Constitution and legislation:

The National Constituent Assembly has guaranteed rights and freedoms in the 2014 Constitution, ensured that those rights and freedoms draw their high standing position from the constitution's high standing respectable position, and set out a number of guarantees to protect them.

The Constitution provides that the State guarantees freedom of religion, conscience and the practice of religious rites. The second section is devoted to political, civil, economic, social and cultural rights and the right to development and public and individual freedoms. It stipulates equality of rights between civilians whether women or men without discrimination and guarantees women, children and persons with disabilities rights. It has also made the right to life sacred and prevented compromising it in anyway except for extreme cases that are regulated by law. It obliged the state to protect the personal integrity and dignity of human beings and to prevent acts of mental and physical torture from being committed, it ensures that acts of torture are not subject to any statute of limitations, it guaranteed the right to privacy , inviolability of residence, confidentiality of correspondence, communications and personal data, the freedom for every citizen to choose his place of residence,



move within the country and the right to leave it freely, it prevented withdrawing the Tunisian nationality from any citizen, alienating or extraditing him or preventing him from returning to the country, it also guaranteed the right of political asylum in accordance with law provisions, and prevented extradition.

The Constitution also affirmed the presumption of innocence of the accused until he/she is prove to be guilty in a fair trial in which all defense guarantees exist during all the stages of prosecution and trial. It guaranteed freedom of opinion, thought, expression, publicity, publishing, prevented practicing prior supervision on these rights, it also stipulated on the right to access information, and guaranteed the right to vote, to run for office and gave women the right to be represented in elected councils, the freedom to form parties, trade unions and associations, the right to strike and freedom of assembly and participate in peaceful demonstrations. The Constitution enshrined the right to health, the right to social care, the right to free public education and the right to work. It ensured intellectual property, rights, the right to culture, freedom of creativity, protection of cultural heritage and the right of future generations on it, the right to water, the right to a safe and balanced environment and to contribute to climate safety.

In its provisions related to youth, the Tunisian Constitution stipulates that youth are an effective force in building the country. The State shall endeavor to provide the necessary conditions to develop their capacities and to activate their energies. It also confirmed the representation of youth in councils and local groups

With regard to guarantees, the 2014 Constitution only left the power to draft laws regarding those principles to the legislative authority, but according to the Constitution's provisions and conditions, However, no law should restrict the gains of human rights and freedoms guaranteed therein, and the law





shall prescribe controls on rights and freedoms guaranteed without undermining its essence. Such controls shall be established only – as an exception- for the necessity of a democratic civil state, with a view to protect others rights, or for the requirements of public security, national defense, public health or public morals, while respecting the proportionality of such controls and obligations. Judicial bodies shall protect the rights and freedoms from any violation, ensure the administration of justice, the supremacy of the Constitution and the rule of law.

with regard to the gender approach, the Tunisian legislation which was issued after independence is described as in the best interests of women thanks to the Personal Status Code, which was issued shortly before the 1959 Constitution.

This is in addition to other laws that came to support equality between men and women at social, economic and political levels, including, for example, chapter 9 of the Labor Code, which rejects any form of discrimination between men and women and the Nationality law which gave women the right to keep her nationality and to provide it to her children, the Civil Service Act also prohibits discrimination on sexual basis.

Besides, the first electoral law after the revolution gave women the right to vote and election as well as the right to run for the presidential, legislative and municipal elections according to the conditions set forth in the Journal of the election through defining the voters as all Tunisian men and women who have reached twenty years of age, have Tunisian citizenship five years ago, enjoy their civil and political rights and do not have the deficit provided for in the law.

The decree regulating the associations work in its third chapter also stipulates that

associations, within the framework of their basic laws, activities and financing, must respect the principles of the rule of law, democracy, pluralism, transparency, equality, and human rights as defined in the international conventions ratified by the Republic of Tunisia.

The Tunisian Transitional Government has ratified a law establishing equality and compulsory circulation of male and female candidates on all lists during the National Constituent Assembly elections which was in charge of writing the Constitution of 2014,

On July 26, 2017, the People’s Assembly ratified the Basic Law which stipulated on the elimination of violence against women (it was passed by 146 yes votes) without reservation or rejection. The law contains essential elements for preventing violence against women , protecting survivors of violence and the prosecution of perpetrators of violations.

With regard to sexual minorities rights, although the 2014 Constitution stipulates in its chapter 21 that citizens are equal in rights and duties, before the law without discrimination, the Tunisian penal code still discriminate homosexuality. The perpetrator of committing “Gay sex” or “Lesbian sex” (in accordance with the law) shall be imprisoned for a period of three years. Tunisia also rejected the recommendations of the UN Human Rights Council to abolish the penalties imposed by Tunisian law for gay sex and homosexuality.

### International agreements

Since 19 February 2011, a series of international instruments have been approved to be ratified which would enrich the Tunisian human rights system and make the state and its institutions accountable to international criminal justice. It may be said, that the adding these texts is not a quantitative addition, as Tunisia ratified before various human rights related international conventions that can be considered a qualitative addition as its provisions bind the state practically to apply its principles

Since 19 February 2011, a series of international instruments have been approved to be ratified which would enrich the Tunisian human rights system and make the state and its institutions accountable to international criminal justice

in a good manner through stipulating international and national mechanisms that bind state parties or by making the state and its institutions accountable to international criminal justice.

Among these provisions is the International Convention for the Protection of All Persons from Enforced Disappearance, The First Optional Protocol to the International Covenant on Civil and Political Rights, The Rome Statute of the International Criminal Court, the Convention on the Privileges and Immunities of judiciary, the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment adopted by the General Assembly of the United Nations, and applied in 2002. With regard to the United Nations Convention on the Elimination of All Forms of Discrimination against Women, on 17 April 2014, the Tunisian Government informed the Secretary-General of The United Nations that it has decided to withdraw a subsidy Reservation in relation to article 15, paragraph 4, article 9, paragraph 2, and c, d, g, h of Article 16, and the first paragraph of Article 29 of the Convention.

## Jurisprudence

Prior to January 2011, despite the restrictions and difficulties, Tunisian judiciary registered illuminating stations as a protector of rights and freedoms. After 14 January 2011 human status rights in the Tunisian judiciary status was developed more, and perhaps the most prominent decisions that translated this status the decision of 5 February where the Tunis court of appeal appealed a judgement issued by the Court of primary Instance in Tunis for compel any tours company to return travel passports to its rightful owners .

The Court of Appeal based its judgment on the guaranteed freedom of movement under article 10 of the 1959 Constitution, which was expressly terminated under the temporary provisional regulation of the Public Authority of 16 December 2011.

It stated that in spite of this termination, the Constitution remains "in force in its provisions that guarantee fundamental rights and freedoms as they are not inherently subject to be terminated, the court insisted on referring to this chapter and provision despite the existence of other legal provisions that would result in the same judgement and reasoning.

## Fourth : Institutional Context



The most effective formal structures in the human rights and gender context:

**People's Assembly:** The People's Assembly includes the Committee on Rights and Freedoms and external Relations, it is a committee that discusses relevant laws before passing them to the plenary session and ratifying them. The texts on rights and freedoms take the form of basic laws, which are ratified by a majority of the People's Assembly absolute majority of its members.



**Jurisdiction:** The Constitution stipulates that the judiciary is independent and judges are independent without any authority that restricts them except for the authority of law and prevented any intervention in their work , and guaranteed that through a set of guarantees



### Independent bodies such as:

- The Independent High Electoral Commission (IHEC): A body charged with administering and organizing elections.
- The Audiovisual Communication Authority: Modifies the audiovisual communication sector , It ensures its freedom of expression and pluralism and impartial publicity.
- Good Governance and Anti-Corruption Commission: Contributes to the control of governance policies, rationalizing and following up its implementation, spreading its culture and preventing and combating corruption in order to promote the principles of transparency, integrity and accountability, and ensuring the integrity, integrity and transparency of the electoral process.
- The Commission on Sustainable Development and the Rights of Future Generations: it is legally mandatory to consult it in Law bills related to economic, social and environmental issues and development plans.
- The Human Rights Commission as a national institution for the protection and promotion of human rights: Their





role is to monitor respect for freedoms and human rights and work to promote them and propose what they see important to develop their system. It is legally mandatory to consult them in law bills related to its field of competence and to investigate cases of human rights violations with an authority to settle them or refer them to the concerned authorities.

- National Commission for the Prevention of Torture: it an embodiment for Tunisia's Commitment to Ratified Torture conventions, such as the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. It has extensive powers and jurisdiction over all places of detention.

- Truth and Dignity Commission: Created by virtue of the Basic Law n ° 53 of 2013 it is

Related to the establishment and organization of transitional justice and mandated to implement its provisions.

- Information Access Authority: Created to ensure the proper implementation of texts related to information access, It shall guarantee the right of every natural or legal person to have access to information in the possession of structures supervising public utilities, Through viewing appeals against decisions to deny access to information before it.

At the level of gender-related institutional mechanisms It can be mentioned:

- State Secretariat for Women and Family Affairs updated within the transitional government, the independent structure was formed in January 2011 and then the structure in charge of women's affairs returned to take the form of a ministry without exceeding the idea of its commitment with other categories in a way that leads to "dissolving the issue of women in the solid core of other issues related to more fragile categories At a time when efforts have focused on institutionalizing gender".

- In addition to the Ministry, there is the Center for Research, Studies, Documentation and about Women (CREDIF) The scientific body of the State Secretariat for Women and the Family.

## Fifth: the societal context

To talk about the social context, we will first look at social challenges in Tunisia and then view the second element to regular community activity in the form of civil structures.

### Social challenges

According to the National Report on Human Rights, which was filed on 3 February 2017 the High Commissioner for Human Rights in the framework of the mechanism the Universal Periodic Review, the Tunisian state is currently facing challenges at all levels that are mainly due to the difficulty of the democratic transition stage that you know all the country's institutions witness, in addition to the economic difficulties that imposes heavy budgetary pressures on the state budget as well as the delicate security situation facing the state in the fight against terrorism which was reflected negatively on the progress in the completing important projects, establishing institutions and applying rights

Actually we notice an authority inflation that is evident in absolute authorities given to security systems under the claim of achieving stability as well as faltering in achieving justice for people affected by the torture, and the absence of protection of human rights issue within the political priorities of parties in the current context dominated by discussions about the municipal elections. The fight against corruption also remains stalled despite the emergence of some recent public opinion issues that was debatable for a short time.

### Civilian forces

In the first level, we will address the legal framework regulating civil forces and then address its nature and position to its surroundings.

#### • The legal framework governing these forces:

The article 35 of the Tunisian Constitution of 27 January 2014 stipulate that "the freedom to form parties, unions and associations is guaranteed. Parties, trade unions and associations in their statutes and in their activities shall abide by the provisions of the law, financial transparency and non-violence."

Chapter 65 of the Constitution affirms that the organization of associations is taken as a basic form of law.<sup>1</sup>

At the level of international agreements Tunisia has ratified on March 18 1969 the This is requires a majority to agree, unlike other ordinary laws that can be passed by a third of the - 1 members votes. This is only an indication of the importance of the issue

International Covenant on Civil and Political Rights issued by the General Assembly of the United Nations on December 16, 1966, it also agreed to accede to the Optional Protocol under Decree Number 3 of 2011 which is dated on February 19, 2011

At the level of national laws forming associations in Tunisia is subject to requirements of the decree number 88 for the year 2011 of 24 September 2011 on the organization of associations, and before that it was subject to the requirements of the law number 154 of 1959 on associations, while foreign associations were subject to the requirements of the Basic Law Number 80 1993 concerning the establishment of non-governmental organizations in Tunisia.

This legal system was characterized by restricting the freedom of association by registration or visa system, and entrusted the Minister of Interior with wide discretion to accept or reject the applications for establishment. The procedure required a permit to be filed with the Departments of the Ministry of Interior and to take in return a receipt of delivery, a convincing registration system considering the possibility of refusal by the Ministry of Interior.

The law added a mandatory classification of associations according to their activity, which further restricted the freedom of association by forcing them to operate in certain specific areas, and they could not operate outside their framework. On the other hand, the previous law was of a restraining and deterrent nature, and entrusted the discretionary authority of the Minister of Interior with the additional discretionary power to impose penalties. This has been canceled by provisions under Chapter 46 of Decree No. 88 of 2011.

#### • The nature of these forces:

In an accurate approach, civil society is mainly confined to associations and organizations regardless of its legal system and framework, provided that the elements of collective and voluntary activities are available for common, non-political and non-profit goals and interests.

Nevertheless, it may be stated in the framework of a larger and broader approach that the components of the Tunisian civil society are not limited to the associations organized by Decree No. 88 of 2011, dated 24 September 2011, it exceeded it for other factors.

And perhaps the coronation of the Tunisian civil society Nobel Medal in 2015 with its unionist components represented in the Tunisian General Federation of Labor and the Union of Tunisian Industry, Commerce and Handicrafts for the norms and associations organization represented in the Tunisian League for the Defense of Human Rights and the National Commission for Lawyers in Tunisia on professional bodies, reflects this diversity of social domain.

#### • Positioning of these forces:

The time period after the revolution of January 14, 2011 witnessed a breakthrough in the organizations and associations in terms of number, gender and specialization.

Noticeably some rose greatly and some others have disappeared due to the lack of experience in the civil activism field.

However, this does not deny that a number of components of civil society have been instrumental in changing events and putting pressure on the government on one hand and the National Constituent Assembly on the other. The importance of the organizations that was the direct reason for the election's success where they monitored, trained, raised awareness, did framing and disseminating to achieve that cannot be denied.

At the level of political will, while they were trying to enact Decree 88, the whole process was characterized by uncertainty. The governmental positions and the positions of the majority of parties in the Constituent Council ranged from expressing the intention to not to apply the decree and not to implement it because it was not issued by a legitimate and elected body, and declaring the intent to issue a new law that replaces and cancels Decree 88, and holding to the Decree and demanding that it should be applied.

After a period of hesitation that lasted almost two years from the date of issuing the decree, the prime minister expressed its commitment to implement Decree 88 and issued statement for associations to respect its articles and its financial provisions.

At the level of political and partisan parties in Tunisia, they have been characterized by a trend towards bilateral polarization and dividing the political and social scene on basis related to identity, religious and cultural affiliation, This bilateral polarization was reflected in the structure of the civil society, which followed the elements of polarization in its structuring, which resulted in a convergence between associations work and political parties work and the occurrence of a similarity between the demands issued by both. It also resulted in the focus of associations on demanding political and human rights and ignoring, to an extent, discussing social and economic development issues.

# The Libyan context \*



\* Prepared by Mr. Mohamed Omran



## The Libyan context

### First: The Historical Context



Sultan Abdul Hamid II term 1842 - 1918

Identifying the political and social conditions in Libya requires knowledge of the historical context of this wide country which have geopolitical and historical transformations that have made its history different from other Arab countries. From a geographical point of view, Libya is divided into three main areas (Cyrenaica, Tripoli and Fezzan). Of course, this geographical diversity has had an impact on the political and social structure of the country.

Historically, developments in this country can be monitored through several phases: pre-European colonial phase under Ottoman dependency, then the Italian colonial phase, which was followed by an English - French administration phase, The independent state, Gaddafi's ruling until Libya entered a new phase in the Arab spring, one which Can be

The Ottoman authorities attempted to win the local groups' and families loyalty by teaching them at military schools "Rashidiya Schools" established in Tripoli and Benghazi, or by sending them to study in Imperial Tribal School "Mekteb-i Aşiret-i Humayun" in Istanbul, This contributed to forming intellectual and political awareness

characterized by turmoil and divisions that need to be solved.

In the pre-colonial phase [during the Ottoman rule](#), the country was subject Topkapi Palace in Astana, through the control of governors "Wali", administrative authorities "Mutasarrif" and Turkish officers. Traditional social organization at that time, especially during the period from 1835 to 1911, relied on a range of traditional leaders from representatives of well-known families in different regions.

The Ottoman authorities attempted to win the local groups' and families loyalty by teaching them at military schools "Rashidiya Schools" established in Tripoli and Benghazi, or by sending them to study in Imperial Tribal School "Mekteb-i Aşiret-i Humayun" in Istanbul, This contributed to forming intellectual and political awareness that resulted in publishing the Tripoli West newspaper in 1866, and the presence of a Libyan military group in the Ottoman army inside and outside the country, and some of the educated elite took charge of administrative, financial and military occupations in the Caliphate or even was allowed to administer their internal tribal affairs.

This aforementioned situation remained unchanged until 1908, when Astana announced the promulgation of the 1876 constitution which as issued at the beginning of Sultan Abdul Hamid II term 1842 - 1918 and then got suspended. Freedom announcement or the so-called (freedom and conditionality) became common throughout the Ottoman Empire. These transformations had an impact on the Libyan state, particularly in the western state of Tripoli, where Al-Aasr AlJadeed, Al-Kashaf, Ta'ameem Hurriyet, Abu Qushah and Al-Assad Al-Islami newspapers were published, this was a unique experience for Libyans to experience for three years but only the selected elite benefited from it.<sup>2</sup>

Constitution in Libya: History and Developments, Samil - 2 Al-Kebti, Dar El Sakia Publishing, Benghazi, Kalima Newspaper, Benghazi, 2012, p.12,13,14,15

Libya entered a new phase which is the Italian colonial period (1911-1935), which was characterized by colonial violence, where the Italians, especially the fascists, demolished the social and tribal structure and dismantled normal foundations of balance. Perhaps the Libyan society didn't witness any unique experience during that era except for two that happened in 1920, which is the literature club that was considered the first scientific and social project, and the night school, and both were doing scientific and social activity to disseminate education and knowledge among people and raise the people's awareness of their religion.<sup>3</sup>

Many events took place during the Italian colonialism era and took varied tracks according to region, where the Republic of Tripoli was established constituted by its own system, its advisory council and its own newspaper "Al-Lewaa Al-Trabelsi".

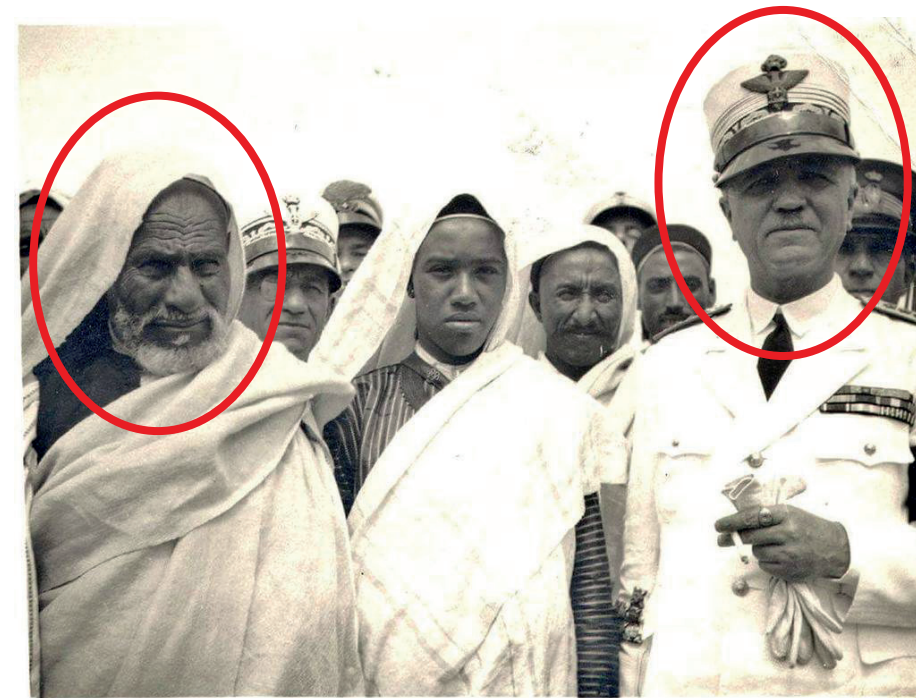
On June 1919 Italy issued the fundamental law or "Tripoli's region constitution" which consisted of 40 chapters that regulated the affairs of Italian citizens, and referred to establishing a local parliament. Through this Constitution, the Italians attempted to organize Libya's political life according to their own vision, and to achieve justice requirements but they failed because this project was born to die.

In Cyrenaica, the government of Ajdabiya was formed in 1917, and on 13 October 1919, the Italian government proclaimed the "Constitution of Cyrenaica", four months after the Constitution of Tripoli was proclaimed, whereby the Italian citizenship was granted to Libyans.

While Italians issued the fundamental law (Organization act) and established the Parliament (the Council of Representatives) in Barqa. They followed a different route in Benghazi, where Al-Watan newspaper was published in 1920, and in the same year elections were held for the first time to choose the mayor of Benghazi, and two local parties were established (The Constitutional Party) and (The Democratic Party) but their partisanship did not last long. The first parliamentary elections were in 1921, The composition of the Council was a mixture of tribal elders, city elders, illiterates, and some of them were of cultural and educational levels and Graduated from Turkish schools, and work with the Ottomans under their second reign in the country.

In June 1929, the negotiations of Sidi Rahouma were held between Marshal Badoglio and Omar Mukhtar.

A study on the Situation of Human Rights Associations in Libya: Work Difficulties and - 3 Activity requirements, supervised by and in Coordination with Professor Monsef Wanas, and Professor Abeer Amninah and Dr. Nazih Al-Turky Participated in it, p. 15



negotiations of Sidi Rahouma were held between Marshal Badoglio and Omar Mukhtar

Omar Mukhtar offered eight conditions for accepting the truce: forming a national sovereign government in Tripoli and Cyrenaica, an invitation to a Constituent Assembly to enact a constitution for the country, and to elect a parliament with the authorities stipulated in the constitution. But it all ended with the execution of Omar al-Mukhtar on 16 September 1931.<sup>4</sup>

With the outbreak of the Second World War, Libya entered another phase of colonial domination called [the English-French administration phase](#). Meanwhile, the Libyan struggle was directed to practicing political activity through groups that emerged early during Italian colonialism, It was founded by immigrants abroad [who returned](#) after liberating the country from Italian colonialism.<sup>5</sup>

Constitution in Libya History and Developments, Samil Al-Kefti, Dar Al-Sakia -4 Publishing House - Benghazi, Al-Kalma Newspaper - Benghazi, 2012, p. 15 to p.

31

It should be noted that since 1931, following the migration of Libyans -5 abroad as a result of the arbitrary policy adopted by the Italians against the people, Many political organizations were formed and returned after the end of the Italian colonization. The most important of these bodies and committees are the following: Tripoli- Burqa defense Committee (Al-Sham and Tunisia),



The dominant forces of politics have grown and prospered at this time from just being social and cultural clubs to developing programs and work methods and suddenly they found themselves in the midst of the political battle.<sup>6</sup>

At this point, another political movement began to emerge domestically or the so-called "the 1940s labor", political parties were established in Tripoli and Cyrenaica, Journals were issued, Too many meetings were held between by the national forces and prince Idris came back to his homeland 1947. No matter how you view it, the period between 1942 and 1948 was a period of political fertility and association in Libya. However, the political movement remained subdivided into regional division. During this period, political activity in the country focused on three main issues: [First: full independence and accession to the Arab League](#) This issue was agreed upon by all political parties, While the other two were subject to different point of views of political parties: [The Libyan land unity and Senussi monarchy](#).

In 1951, Libya gained its independence to enter a new phase, which was initially characterized by cultural and political enthusiasm forums was created, independent newspapers, and "cultural, sports, social, and theaters" clubs established by self-initiatives. And some cultural debates were held at well known intellectuals houses "Cultural Saloons". Clubs, the press, and cafes played an important role in communicating between intellectuals for dialogue, discussion and exchange of views. .... In the same cultural context, the University witnessed the formation of many Faculties and University Departments<sup>7</sup>

Despite the lack of possibilities, lack of experience, the traditions of associations weakness and the cautious authority that made sure to check every cultural or political group, Libya during the period between 1954 and 1969, had a limited number of NGOs, and some secret parties emerged, as well as some associations that can be enjoyed a significant independence from power, as The Libyan Thought association which was founded in 1959, It played an important role in activating the cultural and intellectual movement. The state also restricted the movement of civil society institutions as it did in 1962, when some of the rights and obligations of trade unions were amended because of their presence in strikes, and boycotting

(Tripoli Committee: (Cairo), Libyan liberation Board (Cairo

Prof. Mohammed Al-Hadi Abu Ajila, Studies in Modern and Contemporary History of - 6 Libya, First Edition 2014, Al-Sha'ab House and Library for Publishing and Distribution, p. 48, 49

Articles by Idris Al-Masmari and Reza Ben Mwas, Civil Society and Culture Institutions - 7 in Libya, published in the magazine Arajine



King Idris

the ships and aircraft of colonial states. Only certain forms of activity governed by state subordination legislation were allowed, such as the establishment of the Red Crescent Society on 20 January 1959, and it was subordinate to the Ministry of Health at the time.<sup>8</sup>

Years passed by, and the world witnessed significant developments which Libya was part of it, especially after the discovery of petroleum in Libya and exporting in late 1961, there were attempts to make amends to the Constitution, the amendments suggested that the country would be ruled as one state under a federation system, by these amendments regions had its own administrative councils that administer it instead

Study on the Situation of Human Rights Associations in Libya: Work Difficulties - 8 and Activity Requirements Supervision and Coordination Dr. Monsef wans with the Participation of D.. Abeer Amina and D. Nazih Al-turky, already mentioned before



of governors, until all this ended with the abolition of the federal system and the support of the comprehensive administrative unit by King Idris' statement in 1963.

Based on this cancellation and the introduction of the new system, Libya was composed of 10 districts (Tripoli, Benghazi, West Mountain, Green Mountain, Derna, Misrata, Al Khams, Sabha, Zawiya and Awbari), running its affairs governors and administrative officers

This resulted in the unification of efforts and transactions, and the issuance of the Electoral Law of 1964, the last of which was held in February 1965, after the elections that took place in October 1964 which witnessed violations to the constitution and infringements so after, five months, the king was forced to declare the dissolution of parliament and re-elections. 9

Then comes the phase of the Gaddafi regime: which was marked by the severe repression and restriction of political and civil liberties. On February 9, 1970, in an attempt to determine its ideological choice, reformulate the political and social reality according to its theses, and its own visions, the authority of the new regime in Libya chose the experience of the Arab Socialist Union in 1970, with in a sector was formed called ( Al Fikr we Al daawa) " thought and calling upon" Its mission was to promote logos of the Socialist Union (freedom, socialism, unity) And to involve intellectuals of different orientations in engaging in this political form.

"From the experience of the Socialist Union, and until the People's Authority Declaration in 1977 and in particular with regard to civil society, and despite the increase in the number of associations, and unions, they have remained a form of extension for formal authorities, and abide by rules and instructions in choosing its leadership, structure, financing and its various activities. "

Then, the Law No. (16) of 1970 was issued on certain provisions related to associations. And on 10 September Mohammed Al-Hadi Abu Ajila, Studies in Modern History of Libya, -9 First Edition 2014, Al-Sha'ab Publishing House and Library, p. 48,49 Mentioned before



1970, Law No. (11) of 1970 abolished articles No. (54) to (68) of the civil law that is concerned with association.

In 1972, freedom of assembly and association took a powerful blow, Law No. (17) was issued to criminalize political parties formation, with death penalty,<sup>10</sup> which was accompanied by large-scale arrests of all segments of society, especially after the declaration of the cultural revolution in 1973.

More than 300 intellectuals, including a large number of writers and novelists and that number increased as repetitive arrest campaigns emerged, which became the hallmark throughout Muammar Gaddafi's era, these campaigns also targeted intellectuals, trade unionists and students, as well as those belonging to different political currents, especially the political Islam movements.<sup>11</sup> The regime has also pursued assassinations and prosecutions to control whoever opposes it abroad.<sup>12</sup>

On 28 December 2001, Act No. 19 of 2001, on the reorganization of Non-Governmental Organizations and its Exe-

You can review Law No. 17 of 1972 on the - 10 criminalization of partisanship. <http://itcadel.gov.ly/wp-content/uploads/2015/12/law17-year1972.pdf>

Political Parties Between Role Readiness `` - 11 and Participation Benefits <> (Conference of Parties and Their Role in Democratic Building. Dr, Abeer Aminnah Libya, 5 June 2012, Benghazi Study on the Situation of Human Rights 26 - 12 Societies in Libya: Difficulties and Requirements of Activity Dr. Monsef Adel with the participation of Dr. Abeer Aminna and Dr. Nazih Al-Turky, mentioned above

Executive Regulations was issued by the General People's Congress by Resolution No. (73) of 2002 and its protocol.<sup>13</sup> The same applies to trade unions, unions and professional associations, which in turn have been subjected to full control. Although the legislator, by law (23) of 1998<sup>14</sup> affirmed the freedom to form trade unions, Actually this freedom was limited and the General People's Congress had the right to intervene to abolish trade unions and merge them with others.<sup>15</sup> The example of the abolished Bar Association may be a very good example for that.<sup>16</sup>

In the same context, the regime sought to frame cultural activity among institutions that gathered writers and artists in a union form that gathered blocks, groups and cultural activities in one entity that owes its loyalty to the authorities, which has been called to clearly in the first conference for novelists and writers held in Benghazi in February 1972, which emerged the so-called Constituent Assembly and Union of Authors and Writers, whose Basic Law and Executive Regulations were promulgated in June 1976, and in the same year the basic law for artists syndicate was issued which stipulated that "the minister should practice supervision and monitor the syndicate for applying law and executive regulations purposes"<sup>17</sup>

For more than twenty years, no cultural institution has been granted permission to carry out the activities of the Union Except in very narrow and special cases ( Al Muheet Althkafy Association, Sabratha, Mizdat Heritage Society, Zakirat Al Madinah - Hoon National Association of and Darnah Cultural House), and even cafes have become unable to receive intellectuals' meetings, and when some activists in the Association of Writers (formerly the Union) demanded to develop rules that relatively independent of the state's requirements, the latter, through the highest legislative authority of the General People's Congress, issued a resolution to dissolve and rebuild the association, including its reinstatement to guarantee its absolute loyalty to state institutions.

You can review Law No. 19 of 2001 on the reorganization of NGOs at the following link: [http:// - 13 security-legislation.ly/ar/node/33256](http://security-legislation.ly/ar/node/33256)

<http://aladel.gov.ly/home/?p=1238> The following is a link to the law on obedience (23) of 1998 - 14 Ibrahim Aminah, The Relationship of the Political System with Professional Associations, Case - 15 Study of the Bar Association 1969-2009, Arab Journal of Political Science, Issue 28, 11/2010

By virtue of a decision issued by the General People's Congress, the lawyers became employees - 16 of a state affiliated to the Department of Law No. 4 of 1984, the Popular Lawyers Department. An association was made and judges and prosecution members joined it. The General People's Committee (Council of Ministers) promulgated the statute of that association

Ibraheem Aminah, The Relationship of the Political System with Professional Associations, Case - 17 Study of the Bar Association 1969-2009, Arab Journal of Science Mentioned 11/11/2010, 28 Political Issues

[http://www.caus.org.lb/PDF/EmagazineArticles/political 28 43-60% 20abir% 20amnineh.pdf,](http://www.caus.org.lb/PDF/EmagazineArticles/political%2043-60%20abir%20amnineh.pdf)

**The National Salvation Front of Libya : which has defined itself as an opposition organization that oppose Gaddafi's rule in Libya, it was established in Sudan in October 1981, led by opposition politician and former diplomat in gaddafi's regime (Mohammad Yousuf Maqrif)**

Thus, the political movement became possible outside Libya, where anti-regime entities were formed, Such as:

**The National Salvation Front of Libya** : which has defined itself as an opposition organization that oppose Gaddafi's rule in Libya, it was established in Sudan in October 1981, led by opposition politician and former diplomat in gaddafi's regime (Mohammad Yousuf Maqrif), it sought to overthrow the rule of Muammar Gaddafi and to establish a constitutional alternative, free and fair elections, free media. The movement was stable in Sudan until 1985, After making its first unsuccessful coup attempt by attacking Gaddafi's headquarters in Bab al-Azizia, they joined the renegade soldiers of the Libyan army in Chad after their defeat during the war. but they lost Their position in Chad when (Idriss Deby) rise to rule, who was loyal to Gaddafi. Over time, and when armed struggle proved useless, the front has changed its policies, and abandoned the armed struggle, and adhered to peaceful means, and joined the National Conference For the Libyan opposition in 2005, but pulled out after having a dispute with National Conference the Last meeting in which the National Front appeared was in the United States of America in 2007, and after the fall of Qaddafi's regime, the National Front Party emerged from it in 2012.

Libyan Constitutional Union: A political organization that opposed to Colonel Muammar Gaddafi, its establishment was announced in the British city of Manchester, on 7 October 1981, the same date that represents the memory for issuing the Libyan constitution, in which Libya gained its independence under in 1951, it called for over throwing Gaddafi's regime, and described it as an illegitimate regime who took power through a military coup who overthrew the legitimate ruler for the country King Mohamed Idriss Senoussi on 1 September 1969. Mohamed Ben Ghalbon the Union's leader renewed his pledge of allegiance for King Mohammed Idris Al-Mahdi Al-Senoussi, He called on all categories of Libyan people to support the king of the country and join him under his leadership to end the illegitimate rule in Libya. The call



did not receive a response from Libyan opposition organizations abroad, nor was it made again by others. He was also interested in addressing the efforts of the Gaddafi regime to obliterate the Libyan national heritage and the abolish the national identity, by reviving important national events memory that Gaddafi cancelled and punished whoever revives their memory.<sup>18</sup>

**Libyan Liberation Organization:** It was established in Cairo in 1982 under the leadership of Abdel Hamid Al-Bakoush, a former prime minister under King Idris ruling, the organization embarrassed Libyan officials in 1994, who claimed their responsibility for al-Bukush's assassination, but in fact it was a security trick, and al-Bukush was not assassinated.

**Libyan League for Human Rights:** A group that says it was inspired by one of the former Libyan diplomats who rebelled against Gaddafi, he was arrested, and executed, like many of the enlightened Libyan minds executed by Gaddafi, it also participated in the 2005 National Conference and the February 2011 Revolution, it is based in Geneva

**Libyan Amazigh Congress:** It was founded on 17 September 2000, it is a political organization that has non-partisan demands, its work intersects between political action and civil activism.

It defines itself as a platform for Amazigh national struggle within the rest of the platforms that struggle for national Amazigh, its demands are focused on constitutional inclusion for the Amazigh component of civilization and identity in the Libyan national culture, and recognition of Amazigh national and official language, along with the Arabic language, and the abolition of all legislation And unfair practices against Amazigh and their rights.

**National Conference for Libyan Opposition:** It was formed in 2005 by opposition groups (National Salvation Front of Libya, Libyan Association for Human Rights, Libyan Liberation Organization, The Libyan Amazigh Conference, the Libyan Constitutional Union), it is led by a group of Libyan expatriates, it was founded in London. This is in addition to secret organizations that have taken the path of violence, including the Al Burkan organization, Libyan Islamic Fighting Group and Al Qaeda.<sup>19</sup>

At the beginning of the revolution of 17 February 2011, the Libyan Constitutional Union was - 18 one of the first active members of the global media to support the revolution, clarify its objectives, its reasons and present it to the world, and as the National Assembly declared that it would adopt the constitutional declaration the Union pulled out of global media when they couldn't convince the National Assembly not to adopt it, other activists, and nationalists in made several press releases and open letters to adopt the Constitution of 1951

An article by Jeju Jacob, Who Are the True Opponents in Libya, International Business Time, published March 28, 2011 review at the following link: <http://www.ibtimes.com/who-are-real-libyan-opposition-277421>

## Second: the political context in the post-Gaddafi stage

### 1- Political institutions



Libya's National Transitional Council's chairman, Mustafa Abdul Jalil

The National Transitional Council and the issuance of constitutional Declaration and the legitimization of political and partisan life (Law of Parties and Elections 2012 - 2014): out of its awareness of the political and economic challenges that the country may face in the aftermath of the conflict, the Libyan opposition established temporary institutions that can provide guidance, direction and relatively political continuity. The most important of these was the Transitional National Council, which was first headquartered in Benghazi, and then moved to Tripoli by the end of the conflict. During this conflict, the NTC drafted a roadmap for the country's political future that envisaged national elections to create a national legislature, a constituent assembly to draft a new constitution for the country, and issued the Constitutional Declaration on August 2011.

### **the General National Congress Elections of 2012:**

The el General National Congress elections were first organized under the Constitutional Declaration as amended in accordance with Law No. (3) of 2012 on the establishment of the National High Commission for Elections (2012), and Law No. (4) of 2012 of the General National Congress elections, as amended in accordance with Law No. (14) of 2012, relating to determination of the General National Congress elections constituencies. In view of the 200 seats at the National Conference, the Coalition of National Forces Seats gained 39 seats, the Party of Justice and Construction gained 17 seats, the Party of National Front 3 seats, and unity for home and the valley of life alliance for democracy and development two seats for each, and 15 political entities gained one seat for each, and by that the 80 seats dedicated to representation relative lists were elected. And Individual candidates won the remaining 120 seats.<sup>20</sup>

### **Elections of the Constituent Assembly for drafting the Constitution (Sixtieth Committee):**

On 16 July 2013, the GNC adopted an electoral law based on the majority system, single-seat constituencies, and reserved six seats for women and other six for minorities. Groups representing these three communities objected to the law because it did not adequately respect their rights. A civil disobedience campaign began in protest on 24 July 2013, including the boycott of the National General assembly. Following the issuance of a decision by the National Congress on 23 December 2013, that stipulates that the Constituent Assembly elections for drafting constitution should be held in February 2014, the National High Commission for Elections sent a letter to the National Conference to recommend to the Committee that the elections should be held on 20 February, Despite that the Tuareg and Tabu leaders prevented the electoral process

Libya, Final Report, Election of the General National Congress, 7 July 2017, European Union Electoral Assessment Team

<http://www.eods.eu/library/FR%20LIBYA%2021.10.2012 en.pdf>

**Due to security concerns arising from attacks on polling stations and the reluctance of some communities to elections, 115 polling stations on the day of the election did not open at all, including 34 centers dedicated to the Amazigh constituency**

on polling day in the constituencies of Ubari and Merzeg.<sup>21</sup>

Due to security concerns arising from attacks on polling stations and the reluctance of some communities to elections, 115 polling stations on the day of the election did not open at all, including 34 centers dedicated to the Amazigh constituency. Efforts by the IHEC resulted in the resumption of voting and the opening of 22 centers. In addition, special polling stations have been established for IDPs working in the oil fields and for the wounded of the revolution who are disabled and in need of rehabilitation.<sup>22</sup>

**Elections to the Council of Representatives:** The electoral law of the Constituent Assembly for drafting the Constitution made the transitional period extends beyond the term of the GNC, which expired in February 2014. Therefore, the GNC established a committee to develop a roadmap for the consideration of various proposals for the for the administrating the transitional period of 2014. The Committee was accepted by many parties, while only a number of leaders and political experts from Islamic currents rejected.

After long discussions, as recommended by the February Committee, the Conference voted on 3 February 2014, adopting a roadmap for future transitional arrangements. The road map provided for the continuation of the mandate of the GNC so that it can transfer its power into an elected authority in accordance to constitution.<sup>23</sup>

Libyans went to the polls on Wednesday, 25 June 2014, to take part in another step in the country's democratic transition. The House of Representatives, which is composed of 200 elected members, initially based in Benghazi, succeeds the General National Congress as a transitional legislative body in Libya. At the end of the day, 630,000 voters cast their ballots, representing 45% of the 1.5 million registered voters.<sup>24</sup>

Report of the Secretary-General on the United Nations Support Mission in Libya of 26 February - 21 (2014 (S / 2014/131

<http://unsmil.unmissions.org/Portals/unsmil-arabic/Documents/SGReport26February2014AR.pdf>

Final Report Libya in the Constitution Draft Constituent Drafting Elections

[http://www.cartercenter.org/resources/pdfs/news/peace\\_publications/election\\_reports/lib-22-ya-07302014-con-drafting-arabicfinal.pdf](http://www.cartercenter.org/resources/pdfs/news/peace_publications/election_reports/lib-22-ya-07302014-con-drafting-arabicfinal.pdf)

Report of the Secretary-General on the United Nations Support Mission in Libya of 26 February - 23 (2014 (S / 201/131

<http://unsmil.unmissions.org/Portals/unsmil-arabic/Documents/SGReport26February2014AR.pdf>  
June 25, 2014

Better Things Improved Hopes for Libyans in Parliament, Elections Vote - 24

<http://unsmil.unmissions.org/Default.aspx?tabid=5120&ctl=Details&mid=8563&ItemID=1850238&language=en-JO>

However, there was no ballot in the city of Derna in the east and some “components” in west Tripoli and Kafa boycotted the poll, and voting in 24 centers across the country was affected by violence, particularly Benghazi, Sabha, Zawiya, Sirte and Ubari. One of the candidates was killed, other 41 candidates were excluded under the Political and administrative Isolation Law.<sup>25</sup>

On 11 June 2014, the Libyan Election Commission announced the final results of the elections to the Council of Representatives in Libya. It explained that the electoral process had resolved the results of 188 out of 200 seats, the total number of seats in the council. The vacant seats owing to the security situation in its 12 districts were re-distributed among several sub-districts.

The new Council of Representatives witnessed the entry of Libyan federal figures for the first time in a legislative authority.

## 2. Continuous and confused transition phase:

The human rights and the rule of law crisis in Libya worsened during 2014 as the country entered a protracted civil conflict at multiple levels. There is a political conflict between Islamists represented in the Justice and Construction Party of the Muslim Brotherhood, jihadi factions such as Ansar al-Sharia, and liberal currents under the cover of the coalition of national forces led by Mahmoud Jibril.

There is also a regional conflict in the east resulted by the competition between Zintan and Misrata over economic power, political influence in Tripoli, or between the supporters of the federation and their opponents in the east. There is also another conflict between the remnants of the old regime, such as former security men, retired officers, and former technocrats from the era of the dictator Gaddafi and alongside the armed battalions of those who called themselves rebels and belong Islamist armed groups or those who sympathize with them, most of them are those who were banished or imprisoned or both during Gaddafi’s rule<sup>26</sup>

Since the outbreak of the revolution of 17 February 2011, Libya has gone through four successive phases from a consensual power during the armed conflict (the Interim National Transitional Council) to two elected authorities, namely the National Conference and the National Assembly.

Security Council briefing, 17 July 2014 - 25

<http://unsmil.unmissions.org/Default.aspx?tabid=5120&ctl=Details&mid=8563&ItemID=1949287&language=en-JO>

Frederick Werry Study: “Ending Libya’s Civil War: Reconciling Politics and Rebuilding - 26 Security” Carnegie Middle East Center 24 September 2014 <http://goo.gl/LKMr3Q>



third government was made, which has International Legitimacy, headed by Fayeze Al Sarraj, which came from the political agreement resulting from the national dialogue under the auspices of The United Nations, which means that there are now three truly rival governments in Libya.<sup>27</sup>

### The assault on the peaceful popular movement under the name of revolutionary legitimacy (Benghazi Rescue Friday, Tripoli rescue Friday):

**Benghazi Rescue Friday:** A popular movement called “Saving Benghazi Friday” was implemented in June 2013, demonstrators gathered in front of the headquarters of a militia called the Libyan Shield Forces, to demand that their members leave the headquarters and surrender their weapons. Members of the militia fired at them using heavy weapons and anti-aircraft, killing 32 people, one person was injured and tens were injured.

**Tripoli Rescue Friday:** Like Benghazi, a peaceful demonstration took place in Tripoli on 15 November 2013 against the behavior of the Misrata militia- Press release on preliminary findings of the 2012 Carter Center address congratulates - 27 Libyans on the holding of historic elections

2012 July 14 <http://www.cartercenter.org/news/pr/libya-070912.html>



as with the residents of Tripoli, there was widespread assault on the demonstrators, mostly from the city of Misrata, firing heavy weapons on the demonstrators causing the death of not less than 46 people and another 500 were injured<sup>28</sup>

The civil war emerged under two names (the war on terror, The Operation of Dignity- and the defense of legitimacy, Dawn Libya Operation): In mid-2014, the country took an upward trajectory towards civil war, in the eastern part of the country a breakaway faction from Libyan armed forces led by Khalifa Haftar fired at armed Islamist groups in Benghazi ( Operation Of Dignity), armed groups fought for control over Tripoli's airport.

### **The dawn of Libya:**

**Operation of Dignity:** On 16 May 2014, Libyan National Army (LNA) military forces began shelling bases that belong to armed Islamic groups in Benghazi and its environs.

Before officially Launching Operation of Dignity, Haftar held a press conference broadcast by Al-Arabiya channel in which he announced that he would take over without any real presence on the ground. Haftar spent around a year to gather support from Eastern tribes for his operations, also A large number of former Gaddafi army officers joined Haftar, who suffered from the GNC's leniency with armed Islamist groups after a wave of assassinations for security forces in Benghazi.

A group of military units also quickly joined Haftar and Barqa Army (or Burqa Defense Force), Tabu fighters from the southern city of Kufra and Tuaregs in the area of Obari in the south-west of Libya, Haftar pledged that he would expel Islamist armed groups which he considered terroristic groups, including the Muslim Brotherhood and other political actors, as well as armed battalions on his list.

On the evening of May 18, 2014, a group of army officers led by Haftar announced that the work of the General National Congress would be suspended and that the 60-member Constitutional Drafting Committee, which had refused to do so, would be suspended. By conducting elections under the supervision of international observation to elect the Council of Representatives, which was headquartered in Tobruk and the Interim Libyan government emerged from it.

**Operation Dawn Libya:** Right after, the Misrata factions and the Islamic factions lost control over the elected legislative body in the country as the election resulted in the selection of the House of Representatives, which failed the GNC, that was not in the Islamists' interests as they lost in elections, as well as the main airports in the country

Human Rights Watch Press Release: "Libya - Slow Proceedings in the Cases of Protest Killings After - 28 6 Months of Deficiencies

<http://www.hrw.org/news/2013/12/08/6 December 2013 » Militias to hold the police accountable>

(Tripoli International Airport and Metiga Airport) to their Zintanist opponents whose loyalty is to " Operation of Dignity", The Islamic Revolutionary Operations Room conducted operations to expel Zintan fighters from Tripoli airport and from strategic facilities throughout the city in July 2014.

Subsequently, it received support from armed groups from Misrata, and other areas of Tripoli and other parts in the west which fired at Tripoli's National Airport as a response to Operation of Dignity, the fighting continued throughout August 2014, while the Misratists and their allies controlled Tripoli's and Metiga's airports rapidly, opening a new and dangerous chapter in the conflict.<sup>29</sup>

### **3. Continuous political dialogue under international auspices and regional support (Al Sukhairat Agreement Between the Council of Representatives and the National Congress)**

National Dialogue: There are two initiatives for national dialogue in Libya, the first is the government-funded Preparatory Committee for National Dialogue, and the second is the one launched by the Libyan political parties,<sup>30</sup> which was the main forum for the 2013 dialogue. The Committee has established an advisory body composed of representatives of major political parties, civil society organizations and ethnic groups<sup>31</sup>, but soon after the dismissal of the Prime Minister Ali Zaidan, The United Nations Support Mission in Libya (UNSMIL) has reached out to various parties to try to find ways to end the political and security crisis in Libya through dialogue. She called for a new round of political dialogue on 9 December 2014.<sup>32</sup> The dialogue began on 14 January 2015 in Geneva at United Nations Headquarters. The national dialogue continued in its meetings and rounds In the Kingdom of Morocco, Tunisia

Frederick Werry Study: "Ending Libya's Civil War: Reconciling Politics and - 29 Rebuilding Security" Carnegie Middle East Center

Roadmap towards National Dialogue: What can Syria learn from regional - 30 experiences? <http://goo.gl/4yLaZ1>

Report of the Secretary-General on the United Nations Support Mission in - 31 Libya of 26 February 2014 (S / 201/131) <http://unsmil.unmissions.org/Portals/unsmil-arabic/Documents/SGReport26February2014AR.pdf> 4 December 2014

Libyan Dialogue Again: Libya's UN Support Mission 46 [http://unsmil.unmissions.org/Default.aspx?tabid=5120 & ctl = Details & mid = 8563 & ItemID = 1992567 & language = en-JO](http://unsmil.unmissions.org/Default.aspx?tabid=5120&ctl=Details&mid=8563&ItemID=1992567&language=en-JO)



and Algeria.

After meeting with the parties to the crisis, and specifically after the second party meeting in Tripoli, the Head of the United Nations Support Mission in Libya (UNSMIL) held a press conference in which he clarified some important points that would ensure the success of the national dialogue. First, the basic principle is that the only solution

To Libyan crisis is a political settlement. No solution can be found through military means, or fighting, and the settlement should be the result of a concordance between the various parties concerned politically or socially.

It was also agreed that the House of Representatives members and the General National Congress would attend the dialogue sessions.<sup>33</sup> And that the Dialogue should be led by Libya and the United Nations is just facilitating the process to help reach a common ground.<sup>34</sup>

The Skhirat Agreement sought to settle the dispute between the Council of Representatives, its associated government, the GNC and its government. The Agreement established a Presidential Council, an executive authority that assumed its functions in Tripoli in March 2016 and it was tasked with forming a national unity government and the State's Supreme Council which is composed of former members of the General National Congress. It stipulated that the Council of Representatives should continue as the sole parliament that would approve the Government of National Unity<sup>35</sup>

Text of the Press Conference of the Special Envoy of the UN - 33 Secretary General in Tripoli, Libya, Monday, 8 December 2014

<http://unsmil.unmissions.org/Default.aspx?tabid=5120&ctl=Details&mid=8563&ItemID=1992601&language=en-JO> 2015 January

Next Week Geneva at the United Nations Headquarters in - 34 Libya Political Dialogue New Tour: UN Mission 48

<http://unsmil.unmissions.org/Default.aspx?tabid=5120&ctl=Details&mid=8563&ItemID=1992859&language=en-JO> International Crisis Group, Libyan Political Agreement and - 35

**The Skhirat Agreement sought to settle the dispute between the Council of Representatives, its associated government, the GNC and its government. The Agreement established a Presidential Council, an executive authority that assumed its functions in Tripoli in March 2016**



Fayez Mustafa al-Sarraj , Chairman of the Presidential Council of Libya and prime minister

**4. Politicians, civil society activists, and media professionals sought working from outside Libya because of the unsafe environment.**

In general, civil society has had a clear role in political mobility. It has also been attracting many organizations currents on the scene. The state of chaos effects left is effects on associative activity in Libya, where many activists figures in the field of civil society were killed, and other were threatened and forced out of Libya, it can be said that community-based activity on violations monitoring and rights defense took a powerful blow, As a result, several Libyan organizations were established in Arab and European capitals to monitor human rights violations<sup>36</sup> and support different categories of rights, and these organizations have acquired many different experiences from working with different communities with different methods and contexts of work.

the necessity of redrafting it, Middle East Report No. 170 4-Nov-2016

<https://www.crisisgroup.org/en/middle-east-north-africa/north-africa/libya/libyan-political-agreement-time-reset>

Dr. Abeer Aminnah, Human Rights Organizations in Western Libya: - 36 Realities and Challenges, Part of a Study presented to the Arab Institute for Human Rights

The exodus of politicians and media professional from Libya to work abroad has also linked these parties and political movements to the policies of the governments of the countries in which they reside, which often support Their ideology and political backgrounds, whether civil, military or religious, These groups have been active from several Arab and European countries.

### **5. Intervention of extremist religious parties and institutions in the state's official bodies (Both parties) and publishing its anti-civil state and human rights principles speech:**

First: Extreme Islamic currents in Libya Important incidents: The attack on the US consulate in Benghazi, and the death of the US ambassador to Libya, Christopher Stevens during that attack is the most prominent incident in the series attacks on the 17th of 2011. In Tripoli, Misrata and Zliten, the Salafists also attacked the graves of British soldiers killed in World War II and attacked the Tunisian consulate because of an art exhibition in the capital Tunis that they deemed abusive, and detonated an office belonging to the International Committee of the Red Cross.<sup>37</sup> Several armed groups in Eastern Libya pledged allegiance " Bay'ah" to the Islamic State in November 2014, announcing " the state of Burqa" and adopted a number of attacks, including the mass murder of 21 Egyptian Copts near Sirte, and an attack on 27 January 2015 on a hotel in Tripoli, which resulted in nine killed civilians.

In the eastern town of Qobba, 40 kilometers from Darnah, at least 44 people were killed and dozens injured by a double suicidal attack performed by the Islamic state "DAESH", and judicial work was suspended due to targeting judges and prosecutors and lack of security.<sup>38</sup>

### **6. Entry of extremist religious parties and institutions to the state's apparatus and restriction on freedoms:**

Extreme religious currents spread over Libyan territory, most notably ISIS and Ansar al-Sharia, as well as Salafi currents as the Salafi Madkhalists who participated In the Operation of Dignity, they considered Haftar their legitimate leader, and the House of Representatives the legitimate parliament. " Al Tawheed battalion" who are Madkhalists , are the most prominent battalions of Haftar, as it had its branches in Baida, Aj-dabiya and Benghazi before being dissolved by Haftar and redistributing its members

Frederic Weire - Article - Salafist Anger in Libya Carnegie Middle East Center September 12, 2012 - 37

<http://goo.gl/X2cwrq>

Human Rights Watch - Statement - Civilian casualties in air strikes on Tuber, seven deaths and - 38 dozens of wounded, Libya and Egypt

[http://www.hrw.org/en/news/2015/02/24/2015\\_February\\_24.Investigation](http://www.hrw.org/en/news/2015/02/24/2015_February_24.Investigation)

on other battalions after many complaints filed for gross violations of human rights by citizens.

In 2017, Libya witnessed several serious abuses of many rights and freedoms that included unprecedented harassment of civil society organizations, social movements, and citizens in general, and numerous calls for violence and hatred by official religious institutions such as, Al-Awqaf Authority "Endowments" and Religious Affairs authority.

It even amounted in banning women and youth from travel and restricting their freedom of movement, as well as making arrests and malicious charges. The religious movement explicitly demanded the separation of males and females in universities and exerted pressure on intellectual and cultural movements. They confiscated books claiming that they call for

Christianity, Shiism, ISIS, Freemasonry, witchcraft, sorcery, and pornography according to their words, and the most dangerous thing is that the Directorate of Marj Security, for example, in January 2017 did a confiscation operation in cooperation with the Awqaf Authority, which indicates the depth of relationship between the Salafi trend and official and security institutions and the penetration of Salafi elements and leaderships within the state and its impact on decision-making<sup>39</sup>

«Tanarot Libyan creativity» gathering also announced the suspension of its activities for the safety of its members because of repetitive cases of assault on the assembly headquarters, and its members in the city of Benghazi by extremist groups .40

This inevitably is followed by Friday prayers consolidated statements issued by the Awqaf Authority controlled by the madkhalism that unified the discourse and focused on the blasphemy and betrayal of cultural elites, liberal ideas and civil society activists, while at the same time appreciating the Libyan Armed Forces led by Haftar, which represented a real threat to the safety of these people and represented a real impediment to spreading a moderate open-minded Human rights culture within the community.

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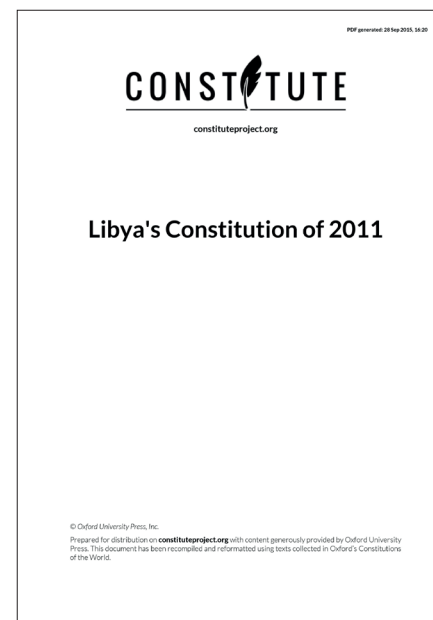
DAAM Papers on transitional democracy, Eastern Libya: The Bloody State - 39 Between the Military Hammer and the Anvil of religious extremism, 14 April 2017, Prepared by Samil Ghalib, edited and edited by Muhammad Omran, Center for /Democratization and Human Rights Support (support) <http://daamdth.org> Tanarot: Benghazi Cultural Lighthouse Trying to Turn It Off, 7 September 2017, 40 Khadija El Ami - Africa News Portal [https:// goo.gl / 4DF8dj](https://goo.gl/4DF8dj)



**“ The situation in Libya necessitates to search for parties that we should turn to so as to disseminate Human Rights Culture, but the partisan life in Libya is hindered and thus, the normal choice which is political parties is eroded, on the other hand, despite the existence of other parties that had a negative performance, that doesn't mean we shouldn't turn to them and try to push their performance towards positivism, may be that applies to religious forums and social media”**

**Mr.Khaled Zew  
Lawyer**

## Third: Legislative and Legal Context



### **Constitutional declaration and the legalization of political and partisan life (the law of parties and the electoral law )**

The National Transitional Council issued the Constitutional Declaration on 3 August 2011, which sets out the guidelines for a temporary period in Article 30 of the Constitutional Declaration and addressed Formation of the General National Congress by implementing the following steps:

1. Issuing a law on the election of the General National Congress.
2. Appointment of the Higher National Elections Commission.
3. Calling voters to vote on the General National Congress elections held on 18 January 2012

The Constitutional Declaration also guaranteed the protection of civil and political rights for all without discrimination, and holding elections in a manner of respect for freedom of association and freedom of movement and freedom of expression

The Law of Parties: The National Transitional Council formally adopted a legislation to lift restrictions that criminalize formation of political entities on 4 January 2012. The General National Congress also passed a law regulating the formation of political parties' membership and activities. It is forbidden for political parties to form any military or paramilitary units (Article 9) or to receive funding from abroad. Procedures and documents needed for the registration of political parties were established. Among other



restrictions, political parties were prohibited from receiving funding from abroad (Article 18), and a separate law was passed by the National Transitional Council at the end of April 2012 prohibiting the formation of political parties on the basis of race or ethnicity, which was reversed quickly by The Judiciary Council after the protest of the Muslim Brotherhood's political parties.<sup>41</sup>

Lack of Legislation related to Civil Society: The absence of the state's structure and function after the popular uprising on 17 February was a sufficient justification for the spread and increase in establishing NGOs to fill that vacuum. The activities of these associations were related to charity and relief, especially during the months of fighting against Gaddafi forces, these organizations were occupied with all the stage requirements in managing the local needs of the population. However, the activity of these organizations quickly shifted to a qualitative aspect that was imposed by the nature of development in the Libyan transitional phase, more important issues came to attention such as monitoring human rights violations, transitional justice issues, national reconciliation, women's rights, the role of youth, elections, awareness-raising and civil culture.<sup>42</sup>

However, since the February uprising and up till now, there is no law that regulates civil society's work in Libya, as the law of associations NO.(19) of 2001 was suspended, what exist right now is merely procedural regulations as the registration process was used to be done automatically until the Executive Office (the first executive authority after

General National Congress, Elections in Libya, Final - 41 .Report, 7 July 2012, Carter Center, op. Cit

An article by Muhammad Omran, Civil Society Legislation 42 in Libya: A History of Restriction, Confused Present, and An Uncertain Future, This article was published. 21-09-2016 on Legal Agenda

<http://daamdh.org/archives/741>

**Since the February uprising and up till now, there is no law that regulates civil society's work in Libya, as the law of associations NO.(19) of 2001 was suspended, what exist right now is merely procedural regulations**

17 February) was given the task of registering.<sup>43</sup> And a committee was established in this regard.

The Ministry of Culture and Civil Society in the Transitional Government undertook the process of registering associations, and the Center for Civil Society Institutions Support of the Ministry was subsequently established and its Board of Directors was appointed on July 2012 pursuant to the Council of Ministers 'Resolution No. (12) for the year 2012.<sup>44</sup> The Council of Ministers' Resolution No. 649 for the year 2013 also was issued to amend the name of the Center for Supporting Civil Society Institutions to the Civil Society Commission, it was given a legal personality and an independent financial responsibility. Its role is to provide logistical and technical support to civil society institutions, as well as to regulate the work of international organizations wishing to work in Libya in coordination with the competent authorities and in accordance with the approved laws and regulations .<sup>45</sup>

In February 2016, the Libyan Civil Society Commission issued and activated two regulations, one for local organizations, and the second for international organizations, and it included some arbitrary and prohibitive issues, for example employment and recruiting should be approved by the Commission and In carrying out an activity, the names of participants, trainers and speakers should be at the Commission At least two weeks before the activity takes place as well as obtaining an approval from the Commission.

Although Libya's civil society has taken important and early steps to pass a law of associations as A committee was set up for this purpose by a decision of the Ministry of Culture and Civil Society. However, the ministerial slowdown of successive governments in presenting them to the General National Congress (the legislature at that time), messed up the opportunity to discuss it. Which made the Civil Society Commission operate without a legislative protection until the Commission issued the restrictive regulations governing the work of local and foreign organizations.

Transitional Justice Law: The Constitutional Declaration established Legal provisions in August 2011 that had a direct impact on the transitional justice process in Libya, they laid down the basic principles of this process and regulated its actors .<sup>46</sup> Many laws after that related to amnesty, compensation, reparation, accountability and institutional reform were issued .

There is no clear strategy in all laws whether directly or indirectly related to transitional

Cited before - 43  
<http://kenanaonline.com/files/0069/69228/12.pdf> - 44  
to review the decision - 45

<http://kenanaonline.com/files/0075/75575/649.pdf>  
Reference cited before - 46

justice, which makes some laws clash with each other because some of them deal with violations of the past individually and independently far away from the transitional justice process path in Libya which was stipulated in basic laws that regulates it, whoever look closely to this path, figures out that the path needs security and economic stability to be successful, to be promptly effective, the fact that the Libyan scene lacks, and this is further complicated by the neglecting the participatory nature of laws of transitional justice, as all categories should participate in issuing it and be a result of national discussions. That's why it should be drafted as a law imposed by the legislature, it must be considered by all segments of society and discussed by civil society organizations, associations of victims and their families, activists and interested persons, psychologists, sociologists, and others, and then its mechanisms should be determined, and only after that the proper path for transitional justice in Libya shall be decided, which did not actually happen, and it was limited to the existing enforced laws<sup>47</sup>.

On 2 December 2013, the General National Congress passed Law NO. 29 of 2013 on Transitional Justice, which cancelled the previous Law on Transitional Justice, Law No. 41 of 2012, supplemented by Law No. 17 of 2012 on National Reconciliation and Transitional Justice Rules. In March 2014, the GNC formed a four-person committee to draw up the list of candidates for the Truth and Reconciliation Board. However, due to political volatility and the announcement of House of Representatives election, the Committee did not complete its work and the board was not appointed.<sup>48</sup>

See the introduction to the training manual: Transitional - 47 Justice in Libya, prepared by: Dr. Wahid Ferchii, Marwa Belqassem and Marwan Al Tasheeni. Issued by the Arab Institute for Human Rights

Article by Muhammad Omran, Civil Society Legislation in Libya - 48  
ya: A History of Harassment, Confused present, and An Uncertain Future, This article was published on Legal Agenda on 21-09-2016

<http://daamdth.org/archives/741>



**“ If we ever wanted real change one day we should work at grassroots level first, as the transformation from one situation to another requires concerted efforts and believing the idea, on one hand, and the great effort done by individuals or groups who has/have the idea to convince the rest to work on different levels to achieve the goal. And in th shadow of the social, political and sociological transformations that our Arab societies are witnessing, which made us an insanely transformative societies that everybody is experimenting on, and because Human Rights, Social Justice and Gender Equality remain supreme concepts that all peoples aim, I wanted to talk about the importance of integrating it to the State’s public policy and political parties’ policies as the second is the what transforms peoples energy into governmental cadres through elections, so we should work on public policy which is the architectural design for the state in which upon it, it builds its programs for different sector”**

**Mrs. Sewar Ben Rajab**  
**Democratic Current Political Party**

## Fourth: Institutional Context

### At the executive Authority level:

**1- The Government of National Accord:** The Government of National Accord was formed in February 2016 according to the Skhirat Agreement, it was chosen by the Libyan Presidential Council, it a Council derived from the same agreement, it includes nine members representing different Libyan regions led by Fayeze Alsarraj who belongs to the National Alliance Party. On February 23, 2016, the Government of National Accord won the majority's confidence when 100 representative member of House of Representatives agreed to its proposed Cabinet and program of work.

**2- Rescue Government:** It emerged from the Libyan General National Congress in August 2014, It is located in Tripoli and didn't receive international recognition. The Rescue Government took control of large parts of western and southern Libya by the end of 2014 and early 2016, and did not deny its support for the Shura Revolutionary Council during the operation dawn of Libya. The Rescue Government announced on 5 April 2016, Leaving power and allowing the Government of National Accord to take power, less than a week after it entered Tripoli, but members from the GNC and the Rescue Government took control on 14 October 2016 of the State's Council headquarters in Tripoli, in cooperation with the Presidential Security Service charged with protecting the Presidential Compound.

**3- Tobruk Government:** The temporary Government emerged from the Parliament of Tobruk and is located in the city of Baydaa in the eastern side of Libya, it was tasked with forming a government parallel to Tripoli government (Rescue Government). Tobruk Government was supported by Haftar, and although it supported the Government of National Accord and provide it its confidence through the House of Representatives' majority in Tobruk, it agreed with the Rescue Government on October 2016 to form a government of national unity.<sup>49</sup>

### At the legislative level:

**1. The Supreme Council of the State:** According to Skhirat agreement, the Council of State is the highest advisory council of the State and shall perform its work independently in accordance with the amended Constitutional Declaration. According to Skhirat Agreement, it shall apply the Libyan legislation in force and shall have legal personality and Independent financial disclosure

**2. General National Congress in Libya:** It is a Legislative institution that succeeded the Transitional National Assembly that agreed to the Libyan revolution. It consists of two hundred members, and its main functions are providing confidence to the govern-

ment, appointing sovereign positions, and approving public budget.<sup>50</sup>

ment, appointing sovereign positions, and approving public budget.<sup>50</sup>

**3. The Libyan Council of Representatives:** It is the elected legislative authority in Libya, It started operating on 4 August 2014 succeeding the General National Congress. It is headquartered in Benghazi. However, according to the constitutional declaration, members can hold meetings in any other city, as the majority agreed to hold meetings in Tobruk which is relatively stable or Tripoli which witnessed a deteriorated and unprecedented security situation just weeks before the council began operating and carrying out its tasks .

The number of the Council's members is 200 member, including 12 members will not be representing as citizens of their regions were unable to elect them in their areas in Libya, as they are witnessing a security deterioration, such as the city of Derna.

the Constitutional Chamber of the Supreme Court in November 2014 issued an unconstitutionality judgement for paragraph 11 of the Seventh Constitutional Amendment promulgated in March 2014, with its implications, which was interpreted as dissolving the Council of Representatives due to "Voidness of the Constitutional Declaration by which the Council was elected."

The Libyan Council of Representatives and other political currents rejected that ruling, and questioned the integrity of the verdict, as forces from Libya (Dawn of Libya) surrounded the headquarters, while several countries and international organizations affirmed its recognition of the Council as the legitimate elected one. On other hand, February Committee( which was tasked with February suggestion that was proposed by the General National Congress ) declared ended that the ruling of the Constitutional Chamber of the Supreme Court does not affect the legitimacy of

Legislation, the governments of Libya, and the national government of the official conference can be found at [http://www.lip.gov.ly/portal/page?\\_pageid=854.2370610&\\_dad=portal&\\_schema=PORTAL](http://www.lip.gov.ly/portal/page?_pageid=854.2370610&_dad=portal&_schema=PORTAL)



the elected House of Representatives<sup>51</sup>

### At the Judicial level:

**1- The Supreme Judicial Council:** Article (126) of the Law of the Judiciary System stipulates that Judicial affairs are administered by a Supreme Judicial Council. One of the most prominent guarantees that can be mentioned is that the administering judicial and prosecution affairs is entrusted to a body composed of members of the Judicial Bodies members, which is the Supreme Judicial Council, which guarantees the non-intervention of the executive authorities including the Minister of Justice, the same purpose is achieved by the method used in appointment, transfer, promotion, discipline and dismissal of judges, which are subject to the provisions of the Law of the Judiciary System and to the authority of the Supreme Council of Judicial Bodies.<sup>52</sup>

**2- The Supreme Court:** is an entity that oversees and supervises judgments rendered by courts, ensure that verdicts are valid, and in order to have a unified understanding of law. the Libyan legislator has chosen to call it the Supreme Court. The principles prescribed by the Supreme Court in its rulings are binding on all courts and authorities in the State, and it was established by The Federal Supreme Court Law issued on 10 November 1953 and modified on 3 November 1954 .<sup>53</sup>

### At the national institutions level :

**1- Civil Society Commission:** Based on government decisions and in the absence of a regulating Legislation for Civil Society Institutions, The Prime Ministry Issued Decision No. (649) of 2013 amending the name of the Center for Supporting Civil Society Institutions to the Civil Society Commission, it gave it a legal personality, Its role is to support civil society institutions, technically and logistically, as well as to organize the work of international organizations wishing to work in Libya, in coordination with the competent authorities in accordance with the approved laws and regulations<sup>54</sup>

**2- National Council for Civil Liberties and Human Rights:** Its establishment was welcomed when it was established by the National Transitional Council decision as the first National Council for Civil Liberties and Human Rights, it was established for the purpose of protecting and promoting human rights, the National Council for Civil Liberties and Human Rights remains a modern and well-appointed Council. Its members were appointed by the National Transitional Council (NTC), who are all well-known human rights defenders.<sup>55</sup>

<http://www.libyan-parliament.org> - 51

The Libyan Council of Representatives of the Official Council <http://www.alib.gov.ly/home/?p=942> -52

Libya's Supreme Court Official [https:// goo.gl/LnDZ73L](https://goo.gl/LnDZ73L) -53

:You can review the decision at the following link - 54

<http://kenanaonline.com/files/0075/75575/649.pdf>

International Crisis Group, Libyan Political Agreement and the necessity of redrafting it, Middle 55

**3- The High Commission for Elections:** The National High Commission for Elections was established under the provisions of Law No. (3) of 2012, issued by the National Transitional Council on 18 January 2012, which is a national technical non-political body with a legal personality, and independent financial liability and its headquarters is in Tripoli. It has 17 electoral offices across Libya.<sup>56</sup>

**4- Local Councils:** The Council of Ministers of the Interim Libyan Government issued a resolution on 30 November 2013 by which local councils were elected under the supervision of the Central Committee for Local Councils Elections, which is also a committee formed by the Libyan Interim Government tasked with preparing elections, According to this resolution Local Councils are composed of seven members, including the President, and also representatives for disabled rebels who was disabled during the 2011 revolution should be among these seven, in addition to a seat for women. Local administration units exercise within the limits of public policy, and state plans to establish and manage all public facilities located in its department, and to supervise its employees under general directions of the Ministry of Local Government.<sup>57</sup>

**5- Press Support and Encouragement Commission:** It was established by Resolution No. 5 which was issued by the executive office of the National Transitional Council, and the resolution stipulated that all of the former General Press institutions and all t public newspapers of the Libyan State shall be subordinate to it, and this commission shall be under the Ministry of Information. It Seeks to improve the press situation in Libya, to that end, it has the power to take actions that is considered necessary to rehabilitate Libyan journalists after decades of suffering from silencing and lack of freedom of expression.<sup>58</sup>

East Report No. 170 November 4, 2016 70, cited before  
You can review the official website of the High Electoral Commission 56

<http://h nec.ly/?page>

Sky News Arabic, Libya's first municipal council elections begin - 57

Saturday 30 November 2013 <https://goo.gl/ek196g>

You can review the official website of the Press Support and Promotion Authority <http://lpb.ly/en/about/brief> 58

## Fifth: Women's Rights in Libya:

For decades, Libyan women have been deprived of right to equality with men. The legislative environment in Gaddafi's era was contradictory, volatile and restricting for women, inherited social and cultural traditions played a negative role in developing and respecting women's rights, and although the law did not differentiate between women and men in Gaddafi's era, women's presence at the level of committees and popular conferences was forcibly modest.

For example, men attending presence congress sessions in the 2005 local session, and all administrative sectors of Libya's municipalities reached (161,144) while women attending presence were only (40,485) and women's for holding posts was very weak for example only six women held leading posts in the General Assembly Secretariat between 1997 and 2006, and women's role in the executive branch was limited to ministries of education, information, culture and social affairs. With regard to the judicial system, women were encouraged in the 1990s to participate in it, as the General People's Committee Decision No. (517) of 1989, gave women the right to assume judicial functions, but so far no woman held the position of a counsel judge in the Supreme Court, it also can be said that the phenomenon of instability, dissolution and integration of many organizations and institutions that sought empowering women and promote her role created a gap at the base level.

There are many forms of discrimination and inequality in the legislative framework of Libya, was Libyan law allows polygamy, and does not allow Libyan women to transfer Libyan nationality to non-Libyans whether her children or her husband, there is also discrimination against women in the Penal Code with regard to some cases of adultery, as the law allow easing sanctions foe men who kills one of his first-degree relatives for committing adultery, and the punishment for physical assault does not exceed two years prison terms, and beatings and light injuries are not punishable by law.<sup>59</sup>

**Women and 2012 Elections:** The Libyan society has traditionally been highly conservative in terms of women's role in public life, the fact that limited their ability to conduct an active election campaign. Female candidates faced more barriers than male candidates, including the intervention of men in women's political choice. Some were pressured to withdraw from the political arena because of their lack of conformity with religious traditions and they were restricted from giving speeches or rally in cities to gain support, The shredding of special aid posters for women was of a greater number

Center for Research and Studies, University of Qarynis, Public Policy Conference Research, 14 - 59 December 2007, eds. Mohamed Zahi

Morocco, d. Najeeb Mahmoud Hassadi, d. Umm Al-Izz Al-Faris, paper presented by Dr. Amal Sulaiman Al-Obaidi, entitled: Signs of political reform



than men In many parts of the country.

Most women relied on social media, their own professional or personal network, and their activities in civil society organizations. Women complained of a lack of electoral information that would clarify advantages, and effects of competition as candidates whether they were running as Individuals, on behalf of parties. Women made up 45%, or 1.3 million of the total registered voters. A special procedure in the electoral law that obliges political parties to implement rotation between men and women both horizontally and vertically on their electoral list was included, paving the way for 545 Women (45.2%) to run for elections compared to 662 candidates.

For political parties lists, 32 women were elected, 22 of them from the Coalition of Forces and the Justice and Construction Party, and despite the renewal of the electoral encouragement system, only modest special measures based upon it were have been taken.<sup>60</sup>

.Libya, Final Report, Election of the GNC, 7 July 2017, EU Election Assessment Team, cited above - 60

## Sixth: The Community Context:

The role of tribes declined politically and was employed at a smaller framework based on the impact of political developments on application mechanisms and actual practice on the ground after the revolution of 17 February, but the tribal role still plays a significant role and contribute to easing tensions. So we can say that describing Libya as a tribal community is an exaggeration. The geographical diversity of the country (Cyrenaica, Tripoli, Fezzan) and anthropological and social diversity, regional sensitivities, and multiculturalism (Amazigh-Tebu-Tuareg-Arab) helped in creating many problems that still affect the status of human rights and the democratic transformation, and created struggles over minorities' rights recognition and representation ratios in Legislative Councils (Legislative bodies and the Constituent Authority for Constitution Promulgation)

The absence of professional media and the alignment of public platforms in the political conflict have led to the spread of hate speech and incitement to violence against opponents and other trends, many activists and academics were a target to these speeches which made the life of many media professionals and activists impossible in Libya so they exited to many Arab, European and Asian capitals.

Libya's educational institutions and education system remain without citizenship and human rights programs, and many fanatic religious groups have intervened in schools, and universities, whether to change, revise or cancel curricula on strict religious grounds, or to separate men and women.

Moreover, the period in which civil work spread and the number of international organizations active in Libya in all areas increased before the intensification of the civil war and the exit of the international community from Libya, led to the fact that society became more open know and communicate with other communities cultures. And due to the armed conflict, political division and regional indicators, the external role in the Libyan issue was questioned and conspiracy theory spread.<sup>61</sup>

Results of the discussions of consultative workshop in the context of a project that integrates human rights and gender equality into programs and policies of political parties in Tunisia and Libya and with the support of the European endowment for Democracy organized by (DAAM) from 11 to 17 July



**“ Human rights universality makes it closely related to many essential issues, and since civil society organizations are the backbone to any human rights work, That made it necessary too take care of and support them to eliminate many negative phenomena in communities. It was necessary for civil society organizations to work seriously and effectively especially when it comes in the shadow of a close relationship between two neighboring countries as Tunisia and Libya as there are several common factors between both, the democratic experience of the civil societies in Libya and Tunisia are connected closely and it stresses the importance of integrating Human Rights and Gender Equality into political parties policies and programs, which suggests a serious cooperation with political parties towards achieving a revolutionary ruling that aspires for a better needed future , I reaffirm that more work between Tunisia and Libya is needed”**

**Mrs. Soha Al-Wertany  
Lawyer**



# Section 3

## Context

# Capacity-building guidelines

## Capacity - building guidelines



As part of the preparing of this guide for integration of human rights and gender equality in parties' programs and policies in Tunisia and Libya, interviews and meetings were held with selected and varied members of political parties, civil society organizations, experts, and youth active in party life and civil society institutions. The goal was to assess human rights and gender equality reality in parties' programs, policies and attitudes. It should be noted that the interviews and meetings showed clear differences between the Libyan and Tunisian contexts, which required exploring the appropriate tools needed for the situation in each country, whether the methodology of action or parties, in the light of a largely stable partisan experience (Tunisia), and an unstable situation with a fragile partisan experience (Libya).

In this context, this section of the guide includes a review of interviews and meetings results to give a picture of human rights and gender equality position in the partisan field in Tunisia and Libya, as well as the general determinants and constraints on rights, opportunities and challenges that can be taken into account in initiatives to integrate human rights and gender equality in the partisan field.

This section also includes suggestions that can be used to design strategies and capacity-building plans for young and middle-age leaders of political parties to activate their role in integrating the principles and values of human rights and gender equality in partisan field.

## The Tunisian case

### First: Human rights in partisan programs and positions:

Tunisia lived through the old regime under severe political constraints on civil and political forces. The result was a restricted political life in accordance with democratic standards, and as for civil society organizations, particularly the Tunisian human rights movement, they were subjected to major challenges and threats. However, with the outbreak of the Jasmine Revolution, the Tunisian society witnessed an unprecedentedly opening up on political life as many political parties, civil society organizations and youth movements were established, to the extent that many political parties that exist do not have a strong presence in reality.

In addition to this growth in numbers of actors in the political and civil society, as well as forces and groups with religious and Salafi orientations, and in the light of major transformations witnessed in the country and the region, human rights have become the most desirable language in speeches even those who can be considered as conservative from an ideological perspective.

Under the Tunisian Constitution of 2014, human rights have become an essential pillar for the political system, parties are therefore obliged to adopt a language that does not contradict with those rights. In this sense, theoretically, all parties' reference does not include contradictions with the principles of human rights, but they vary in the degree of expressing them, The interviews revealed a number of aspects related to the nature adopting human rights principles and the conditions that create a gap between the theoretical commitment to rights as a constitutional reality, and the actual commitment to it through programs, practices and attitudes. The following is an addressing review for these aspects:

- In the beginning the parties nature should be referred

to as pragmatic political entities. This is what makes human rights an issue that is subject to political interests conditions, for example, when the parties' discourse on certain human rights is merely electoral promises, or when some rights are ignored if defending them would result in affecting the party or its leaders. This has emerged in many situations that clarify either the reservations of some parties to issues related to rights and freedoms, or conflicting positions, where certain rights are supported if the climate of pressure pushes towards accepting them (e.g. combating violence against women law) or ignoring essential rights if the anti-human rights current is stronger (e.g., the highly debatable economic reconciliation law)

- Because most political parties in Tunisia were established after 2011, it was natural that they would adopt the same language, where all of which speak of the same problems and solutions. The language of human rights had a great share in parties' discourse. Over time, however, the determinants of parties' political and ideological backgrounds, and their associated political interests and balances, both within the parties and in relation to other parties in society overwhelmed that discourse.
- However, some believe that the partisan experience in Tunisia, despite the unusual momentum and openness is still a newly born experience, and parties as a whole, except perhaps Ennahdha, are developing. This applies to parties that were established after 2011, or those that existed earlier under the old regime constraints which forced them to act secretly, the main concern of these parties is, therefore, to survive especially the large ones.
- Human rights appear in partisan discourse in a general language, some described it as loose. It has been pointed out that human rights as an integrating concept are not found in parties' discourse, but some aspects are mentioned according to the parties' political orientations and ideological backgrounds. However, women's rights have been most prominent in parties' speeches, and some argue that such a presence should be viewed politically. Attention to women's rights has increased at the time of elections for the purpose of gathering votes and mobilization. Talking about women and youth's rights at time of elections in discourse is widely used by major parties, but as for small or unrepresented parties in parliament, they do not focus much on this aspect.

With regard to practical attitudes, there were multiple views on the extent to which political parties were bound to human rights principles in their attitudes towards certain issues and events. Here, we observe a distinction between political parties' members and civil society members, it is a difference between opinions that sought to provide justification and clarification for parties' positions, and opinions that criticize these positions. Partisans tended to present political conditions that affect parties' performance and impose priorities while the views of civil society members ranged from a full ge-

neral critique of partisan attitudes to specific criticism on certain issues and violations, and an attempt to explain causes of such attitudes from a political and ideological perspective.

The following is a review of the most important issues and positions mentioned to measure the extent to which parties adhere to human rights principles :



## The issue of women's participation in parties and gender equality on the top of issues that were raised to measure the extent to which parties adhere to human rights principles and non-discrimination

- The issue of women's participation in parties and gender equality on the top of issues that were raised to measure the extent to which parties adhere to human rights principles and non-discrimination. The interviews have shown, with different estimates and justifications, that the parties have not adhered to gender equality whether partially or totally. Some have attributed this to the masculine nature of parties and the world of politics in general, on the other hand, there were opinions that explain the issue from other angles, explain that parity was not the right solution for addressing the issue and preferred the idea of relying on efficiency as a basic criterion.
- The issue of equality in inheritance was also addressed, and it was clear that this issue did not receive support from all parties, either because it's not among their priorities, or for ideological reasons, or because they have avoided this issue for its social and cultural sensitivity. Nonetheless, developments in that issue are considered a positive step but yet a debatable one
- Personal and sexual rights issue was also addressed, the interviews have shown that these issues, with their cultural and social sensitivities, have been a revealing factor for many situations, not only with regard to parties' positions, which often avoid going into debate over such sensitive situations as well, but also among the parties internally as there is a commitment from some leading figures to defend these rights, however, this commitment is not translated into a party position.
- The interviews also touched the issue of freedom of thought and belief due to some events, one of them was the controversy over the screening of a film by Nessma channel, and the punishment of two persons by imprison-





ment for a cartoon. In this context, the party's ideological framework appeared to be influential. Liberal and leftist parties tended to defend freedom of thought and belief, when compared to parties with a religious or national background.

- Finally, the question of death penalty as one of the most significant indication of political parties' position on human rights principles, and it seems that this issue has not been a subject for debate in light of the terroristic events in the country.

Thus, the presence of human rights vocabulary in party speeches is not static, but rather a dynamic situation created by the interaction between variety of determinants, and can be evaluated through the practices, attitudes and discourses that express it. Culturally sensitive rights, particularly rights and freedoms associated with women, freedom of thought, belief and personal rights remain and nationality remain the most controversial. However, it should be noted that the recent period has witnessed, for political and other reasons related to women's movements and civil forces pressure, positive developments in the human rights system, that was represented in the Law on Combating Violence against Women, Tunisian women marriage of non-Muslims, and equality in inheritance between both genders especially when compared to other rights related to combating corruption and embracing economic and social rights.

## Second: Governance and Internal Democracy

There is a close relationship between internal democracy in political parties and human rights, as adherence to rights does not mean only adopting human rights demands or slogans, but also that the parties should be spaces for exercising and learning democracy and human rights. In this context, the interviews dealt with internal democracy in parties and their compatibility with human rights principles. Discussions have shown a discrepancy in estimating this issue. However, the general trend indicates that political parties still lack democratic mechanisms that allow participation in decision-making processes, and allow young people to participate significantly in different party positions. Again, the issue of parity has emerged as one of the indicators by which internal party democracy can be measured.

In general, the disparity of views reveals that some parties are relatively better than others, however, there has been view that believe that there is a complete absence of internal democracy and that loyalty is the only criterion, and that youth are nothing but a work force for parties, except for few parties that do not apply that.

The issue of internal committees or frameworks for women and youth existence has been part of the debate, and this has also shown a divergence of views between those who believe that these committees can enhance the participation of women and youth, and who viewed it as traditional forms that cannot provide access for them.

The internal democracy of political parties is crucial to building and activating rights-based democracy. A democratic institutional structure is a prerequisite for strengthening and adopting human rights discourse, attitudes and policies. The quality of youth and women's participation in party structures and processes is an important criterion. If our goal is to reach party speeches and practices that support human rights and gender equality, the precondition for that is to activate internal democracy in parties to create spaces for effective participation and education in the political and human rights sense.

## Third: The relationship between parties and civil society organizations

The relationship between political parties and civil society organizations is an important indicator of the public field vitality in the political, social or cultural sense. As it is well known, the relationship between the two parties is of a multidimensional nature, sometimes amounting to interference, and sometimes to the point of hostility. Undoubtedly, the Arab Spring shifts have had a significant impact on this relationship, as the interaction between the two parties has increased.

First of all, it should be noted that Tunisian law prohibits persons from simultaneously holding two or more leading positions in parties and civil society organizations at the same time, at the institutional level, however, there are relationships of various forms, which can be summarized as follows:

**1. Cooperation relationship:** Some views referred to the existence of direct or indirect cooperation forms, in which directly means the fundamental activities carried out by civil society organizations to build political parties capacity, and indirectly refers to various forms whether through the parliament or discussions and debates regarding issues or law bills.

**2. A contradictory relationship:** It appears in conflicting positions on events or issues related to rights and freedoms, and this is more closely related to the role of supervisory society organizations that criticize practices of political parties. On the other hand, there are hostile attitudes towards civil society organizations from parties or party figures.

**3. Subordinate relationship:** this refer to civil society organizations established by parties for social mobilization purposes, especially at the time of elections. They form the societal arm of some parties through which party ideas are promoted, sometimes they even attack other civil society organizations.

In this sense, the relationship between parties and the civil domains is a complicated one. It involves communication and disconnection, understanding and contradiction, mutual understanding and mutual misunderstanding. There is no need for congruence between parties and civil society organizations, as they act in accordance with their orientations and the specificity of their roles.

However, building a human rights-based relationship is essential to serve community issues. While the responsibility for building bridges lies on both sides, the responsibility of civil society is even greater in this case, because it is free of political pragmatism, it is the party that can play roles to integrate human rights and gender equality into the discourse, practices and policies of parties through awareness-raising, lobbying and propositions.



**“ I will address the importance of Media’s role in disseminating human rights culture and supporting democratic transition in Libya”**

**Hassan Mohamed Al-Amin**  
Media Professional

## The Libyan case

### First: Human rights in partisan programs and positions:

In all the dialogues that addressed a strategy for integrating human rights into political parties' policies and programs in Libya, it was clear that the situation in Libya is very complicated because of the newly born party life's fragility in a situation that is full of violent conflicts, polarizations and severe divisions.

As stated before, in the section devoted for the Libyan context, political parties do not hold a significant importance in the political field, and their presence is a mere subordinate to competing fundamental forces that do not prioritize human rights issues, in fact those forces are involved in violating those rights.

On the other hand, the Libyan society under Gaddafi's dictatorship ruling has suffered a great isolation from the developments that the world has witnessed for decades, the most important of which is the global trend to disseminate human rights culture and to found civil societies.

This policy of isolation has not only paralyzed the basic institutions of society, but has not allowed the Libyan society to communicate with the international institutions that support and establish human rights, this can easily be noticed through the Libyan's civil society condition which is a unique case as it came into existence recently, few years after the fall of Muammar Gaddafi's regime.

In the context of dialogues on putting a work strategy for Libya, some ideas emerged that could guide the human rights and democracy work in this context that is difficult and poses many challenges.

**First**, the weak betting on parties in Libya is not only due to the fragility of Libya's partisan experience, But first and foremost the nature of Libya's political community now.

there are political organizations, as mentioned above, in con-

tact with armed groups, in this sense they are the root of the problem as democracy and human rights issues are not among their priorities.

However, there are views that political parties cannot be overstepped, especially since a legislative framework has been adopted regulating the establishment and functioning of political parties, and therefore their existence is a reality that is difficult to ignore.

It is true that many political parties exist formally and have no impact, but there are two main parties on the scene, namely, the Justice and Construction Party, which represents the Islamic Movement, and the National Forces Alliance. There are undoubtedly serious difficulties to integrate human rights into parties' work, but their presence imposes the need for strategies to deal with them.

**Second**, there is the possibility of working with multiple departments at the same time, whether the state institutions or civil society or media. However, each of these parties has its own peculiarities that should be taken into account, that requires an analytical effort to identify opportunities and challenges, both at the level of integrating human rights principles into these institutions and their capacity to adopt, activate and disseminate human rights principles. The most important institutions are:

**Supreme Judicial Council:** It is suggested to take paths to reflect on human rights policies to integrate human rights into this institution work in view of its role and influence as the administration of justice system, especially with regard to civil and political rights such as anti-torture, and the right to fair trials. In addition to these efforts, it is important to include work with the Bar Association and activate its role as a community organization closely related to the justice system.

**The Ministries of Culture and Education:** As these institutions are responsible for awareness, in this context, these institutions should spread human rights culture through its speeches and curricula, and the Ministry of Culture can play its role through the Office of the High Commissioner for Human Rights.

**Media:** The importance of the role of the media was mentioned, but this does not mean that the role of the media in its current situation is positive towards human rights issues. Many of the mass media channels because of their political subordination and ideological backgrounds play a negative role and promote polarization and disseminate hate speech. However, there are opportunities to disseminate human rights culture through certain media channels that have the potential to play a positive role, to address the manifestations and causes of violence and polarization in Libyan society, or to gain public sympathizers from these institutions to support and disseminate human rights issues.

**Civil Society Institutions:** Libyan civil society institutions are known to face many problems and challenges, whether because of its recent emergence, or because



many of them are subject to the polar, divisive and conflictive environment. But another problem is that many civil society organizations are part of a culture that is hostile to human rights. It is therefore difficult to assume that they constitute a powerful force or stream for disseminating human rights culture. However, as a result of the existence of a civil current and personalities within the context of civil society, they are aware of human rights principles and its importance, and there are opportunities to deal with these trends to enhance human rights legitimacy within the civil society community including many feminist organizations that appeared on the scene to defend women's rights.

Libyan citizens abroad: The role of Libyans abroad cannot be ignored. Many of them have a great deal of awareness of the society's problems, the challenges of the current stage, and are in contact with Arab and international institutions and cultures concerned with human rights and gender equality. The importance of such a current, including people and groups, is that it is not only familiar with human rights, but also aware of the political, social and cultural conditions of Libyan society. So they can play roles that it is difficult for non-Libyan actors to do.

Third, there are also opportunities and possibilities for dealing with young people. As it is well known, the bet on youth is a public bet in a negative and positive sense, meaning that young people can be actively involved in cycles of polarization and violence, as well as in paths of cultural change. Dialogues have indicated that youth empowerment is possible through social media, as well as through supporting artistic creative activities, especially in the field of cinema and drama.

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## Capacity building approaches

All opinions and observations suggest that capacity-building strategies for integrating human rights and gender equality into political parties' programs and policies are significantly different in Tunisia than in Libya. The nature of the Libyan context may require methodologies to create rooms for disseminating human rights and gender equality culture among institutions and constituencies that can play a social, cultural and political role. In other words, although the integration strategy fits the Tunisian context, a strategy to legitimize human rights into the public awareness are at least the most relevant strategy to the Libyan context in the current circumstances.

Whether in the Tunisian or Libyan context, capacity-building processes and mechanisms require specific questions to be answered: What are these capacities that need to be built? And why? To whom? As it is well known in the human rights education field, capacity-building requires action through three panels, it can be called the capacity building triangle, which includes: Information - values - skills.

According to contexts' diversity, not only between two or more countries, but even within the same country, designing capacity-building interventions requires understanding the actual needs and the appropriate tools for a specific reality, and that need to be carried out correctly at the right time by parties responsible for capacity building.

Consequently, what can be provided in this regard are guidelines drawn from interviews or meetings, which stressed that there is an urgent need to develop effective strategies and mechanisms to build the capacity of political parties' members, specially the youth and mid-ranking leaders as well as civil society organizations that aim to cooperate with political parties or affect their programs and policies. In the Libyan situation, it is necessary to expand the target and beneficiary groups, which include various governmental, non-governmental, public media, and community-based leaders and institutions. Views on capacity-building needs

varied to include various types, whether on knowledge and information level, skills level, or institutional development.

## 1. On knowledge and information level:

There is no doubt that the basic identifying information related to the human rights system, its philosophy and history is essential because it is foundational, despite this fact, many political party and society members, especially the younger generations, did not have an opportunity to obtain this knowledge, as members of civil society did, through trainings and debates. These knowledge and information are particularly important in Libyan communities which that were denied under dictatorship form communicating with related human rights organizations and ideological trends.

It also worth noting that, knowledge that is relevant to the relationship between democracy, human rights and gender equality is particularly important in the context of influencing the political community involved in building democracy. This is linked to specific issues such as human rights in transitional justice stages, combating corruption, countering terrorism, peaceful coexistence and non-violence, publicizing parliamentary traditions, political participation, good governance and Political parties efficient management.

In addition, during discussions, the need for considering and developing educational perspectives in several specific areas to raise the awareness of political parties' members emerged.

Parties discuss several specific issues related to public policies, legislation, and problems faced by citizens at the national or local levels in a variety of areas such as economy, health, education, environment, housing, etc. and There is no doubt that there is a need to develop educational visions to raise awareness on how to address such issues on policies and legislation level from a human rights and a gender perspective, which will allow later developing the desire and will to adopt that perspective in addressing such issues.

Given the diversity of the parties' ideological backgrounds, interviews and discussions showed the need to study the relationship between different ideologies, democracy and human rights as controversy and public disputes do not establish an objective understanding and knowledge of such relationships.

## 2. On skills level:

Skills are of particular interest to young people, and perhaps more than information and theoretical knowledge, as it can be considered as practical applicable knowledge.

Meetings demonstrated a demand among young parties and civil society to learn a wide range of skills, both in terms of ability to disseminate a culture of human rights,

and to pressure their communities to adopt it, and other skills. Examples for this include the following:

- **Strategic planning and reality analysis:** the need to possess this skill has emerged not only in order to organize party work internally, but in order to manage the relationship with external constituencies as decision-makers and the public that the party wants to communicate with systematically.

**Access and media communication Skills:** This topic has been particularly important because of the pivotal and sensitive role that media is currently playing. It is also worth noting that capacity-building is also important for social media, which is witnessing rapid developments as an alternative media. The importance of this skill was shown clearly in Libya and which had an urgent need to employ the youth's potential in social media as it was the only available effective tool to disseminate human rights and gender equality culture.

- **Presentation skills, steering dialogue and meetings management and preparation:**

Those skills appeared as a general requirement to rehabilitate young people and enable them to play effective roles at their parties, community and other related fields.

However, such skills are particularly important in Libya, as the situation requires creating dialogue platforms on human rights issues between Parties that have different ideologies and are not on the same ground on these issues and rights related.

- **Advocacy and lobbying skills:** These skills are required in order to enhance gaining opportunities in specific issues, yet their relevance in this context is directly relevant to the adoption of political parties to human rights and gender equality principles. A number of young people have suggested that having these skills helps them to achieve successes within their parties in the face of resistance to certain human rights issues integration, or reservations about issues that appear culturally sensitive

- **Leadership skills and participation in decision-making processes:** This requirement reflects the need for young people to play effective roles within their parties' structures, in the face of marginalization forms they face. Learning leadership skills maximize opportunities to take on advanced positions within their parties overtime.

**Critical Thinking:** Young people have shown an interest in learning critical thinking methodologies as there are multi-layered, interrelated issues and dialogue normally opens the door for many points of view which requires critical thinking to reach an objective understanding to the subject matter.

**Information management:** The information issue came up strongly during debates, as political parties should operate differently in light of the great breakthrough in the information technology field, and some see that it is useful to build the political parties youth's capacity to manage information, specially members who possess high

technical skills that are not employed or used on the institutional level.

Capacity Building in Drafting Laws that dedicated what the Constitution stipulated on Human Rights: Finally, one of the important suggestions in capacity building was developing drafting skills of bills and legislation, as the political parties youth can provide suggestions in this regard through cooperating with experts and specialists.

## Democratic Transition And Human Rights Support Center's publications

- Flood of Dignity or Flood of Indignity? A Brief on the latest developments and updates of Libya's situation
- Preventative detention in Egypt, A procedure or a punishment?
- Integrating the culture of Human Rights and gender in the political field
- The development of Policies and Legislation on Human Rights and Democratic Transition in Egypt, Tunisia and Libya
- Integrating the principles of human rights and gender equality into the programs and policies of political parties in Tunisia and Libya
- Constitution and Human Rights in the Countries of the Arab Revolutions: Tunisia, Egypt and Libya as a Model
- The independence of the judiciary in Egypt.. An endless history of clash with the executive authority
- Recommendations of Democratic Transition Forum
- Eastern Libya: Civilian State Caught in the Crossfire of Militarization and Extremism



## DEMOCRATIC TRANSITION AND HUMAN RIGHTS SUPPORT CENTER «DAAM»

A Sun-regional independent non-governmental organization founded in 2015 that aims to create favorable climate to the progress of the democratic structure based on the principles of the human rights in its interogations and comprehensiveness.

DAAM seek to support and promote paths and sustainbles development ground via capacity development and supporting efforts designed to reform policies and legislation.

This would helpfitting the principles of democracy based on human ritghs and contributing of knowledge production about the reality and the paths of democratic transition in the related countries. DAAM works in cooperation with relvant stakeholders from the civil society organisations and bodies locally, regionally, and internationally, including governmental bodies, political forces and civil society activists.

### مركز دعم التحول الديمقراطية وحقوق الانسان «دعم»

مؤسسة شبه اقليمية غير حكومية مستقلة تأسست عام 2015، تهدف إلى خلق مناخ ملائم للتقدم بالبناء الديمقراطي المستند إلى مبادئ حقوق الانسان في تكاملها وشموليتها، وتسعى إلى دعم وتعزيز مسارات مؤسسات ديمقراطية وتشاركية على أسس المدنية والمساواة والتنمية المستدامة، وذلك من خلال تنمية القدرات ودعم الجهود الرامية إلى إصلاح السياسات والتشريعات بما يلائم ميادين الديمقراطية المرتكزة على حقوق الانسان والاسهام في انتاج معرفة حول واقع ومسارات التحول الديمقراطي في البلدان المعنية.

وتعمل المؤسسة بالتعاون مع الأطراف المعنية من مظمات وهيئات المجتمع المدني المحلية والاقليمية والدولية، والجهات الحكومية والقوى السياسية وناشطين المجتمع المدني.



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