

مركز دعم التحول الديمقراطي وحقوق الانسان  
Democratic Transition and Human Rights Support Center



# Towards a free Libyan civil society



## **Towards a free Libyan civil society**

The Democratic Transition and Human Rights Support centre (DAAM) extends its sincere congratulations to the group of Libyan human rights organizations (AL-Minassa), as well as to the Libyan public figures who launched on Wednesday, October 6, 2021 a proposal for a draft law to organize civil work in Libya. That coincides with the occasion of completing their work and publishing a summary of their findings in the form of a law proposal, and opening the door for discussion on it through the Internet.

The Centre stresses that the status of Libyan and international civil society organizations and associations operating in Libya is still subject to an arsenal of censorship laws that restrict freedoms and the right of Libyan citizens to organize themselves properly, and work to obstruct civil work in Libya. That is in addition to the pressures faced by Libyan organizations and activists by the armed groups and militias scattered throughout Libya.

From this point of view, DAAM Center can only support the idea of developing the Libyan legislative texts related to the work of civil society organizations towards laws that are more disciplined in accordance with international standards for the work of civil organizations and far from all means of restriction and arbitrary means.

Since DAAM Center was one of the first to work in this regard, since 2016, with the participation of “Defender centre” which is a member of the platform, it organized a round table in the Tunisian capital, which ran from 16 to 18 May, under the title “Towards a Law for Civil Society Organizations in Libya - Experiences and Challenges.” The input was provided by a group of our partners from the most prominent experts and legal minds in the region, such as Professor Abdeljaweb Harzi, advisor and representative of Mr. Kamel Jandoubi the minister of relations with constitutional institutions and human rights organizations at that time, also Mr. Mokhtar trifi the member of the High Authority for achieving the objectives of the revolution, and Dr. Majdi abdelhamid President of the Egyptian Association for the Advancement of Community Participation, Dr. Fadel Blibish, Head of the Political Science Department at the Faculty of Law and Political Science in Tunis, Professor Alaa Qaoud, Human Rights Officer at the United Nations Support Mission in Libya, and Professor Ahmed Ghannam, its legal advisor, among others.

This roundtable targeted human rights activists, lawyers, journalists, members of the Libyan Parliament (Tobruk) and representatives of the Civil Society Commission (Benghazi branch).

At the time, the work of the table dealt with discussing positive amendments to the Libyan draft law on associations, as well as decisions issued by the Civil Society Commission on regulating the work of local and international organizations in Libya. This is in order to create a suitable climate for progress in the democratic establishment process based on the principles of human rights in their integration and comprehensiveness, by drawing on the Egyptian and Tunisian experiences.

The strategy for implementing the work of the round table was participatory in discussing various experiences and ideas, except for the formulation of proposals. It was only intended for participants from Libya, so that the proposal would be purely Libyan. All par-

ties were represented and many legal, activist, and intellectual figures, such as Professor Salah Marghani, Dr. Lamia Bousedra, and Dr. Azza Maqhour, and other prominent Libyan human rights and legal figures. At that time, the participants from Libya were divided into 3 groups that worked on preparing the following outputs:

- **Resolution No. 1 of 2016 of the Civil Society Commission regarding the adoption of the regulations for civil organizations in Libya.**
- **Resolution No. 2 of 2016 of the Civil Society Commission regarding the adoption of the regulations for the work of foreign civil society organizations in Libya.**
- **A draft law on associations in Libya and the accompanying concept note.**

This was followed by the submission of two proposals to the Civil Society Commission in Libya to amend Resolutions No 1 and 2 of 2016 of the Civil Society Commission in Libya related to organizing the work of local and foreign civil society organizations in Libya, and to present to the House of Representatives a proposed law regulating civil work in Libya.

In 2018, the Civil Society Commission submitted a draft law on organizing civil society, which was disappointing, and constitutes a response to what was proposed in the 2012 draft, and the 2016 experts' proposal. Therefore, DAAM submitted a comment on the law that was proposed by the Civil Society Commission and announced its rejection of this proposal, whose main drawbacks are its introduction of the prior authorization system for the establishment of organizations, and the setting up of loose obstacles that can be used by the commission to refuse incorporation, not to mention the quotation on the vague reasons on the basis of which associations can be dissolved.

Finally, the Democratic Transition and Human Rights Support Center (DAAM) affirms its adherence to focusing on a modern legislative system in line with international standards in the field of civil activity, and its best wishes for all efforts made by organizations operating inside and outside of Libya in order to reach laws that give Libyan citizens the right to organize themselves in peaceful associations, as well as their full right to form their organizations and institutions without interference from the executive authority of the state

