

Women's Participation in Public Life, Politics, and Decision-Making

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"Libyan Women in the 2012 National Elections"

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I. Introduction

Libya's July 7, 2012 elections were historic for a number of reasons: the polls were the country's first democratic vote in decades, the elections were the first to be held after the overthrow of dictator Muammar Gaddafi, and more than 1.7 million Libyans turned out to elect a transitional legislative authority. Also notable were the myriad roles played by Libyan women. Six hundred and forty-seven women stood as candidates, more than 687,000 voted, and thousands of women participated as campaign volunteers, polling station workers, and domestic election observers.¹

Women were largely marginalized under Gaddafi, although they significantly contributed to the success of the February 17, 2011 revolution, organizing food and care for wounded revolutionaries and smuggling weapons to the front lines. Following the revolution, women led civil society movements and began to advocate for opportunities for meaningful inclusion in Libya's emerging political transition.

Thirty-three women claimed victory in the July 7 polls and now comprise 16.5 percent of the 200-member General National Congress, Libya's interim legislative authority. This victory is attributable to several factors, including the perseverance of women candidates who campaigned despite intimidation and harassment, and a gender quota for political party lists. Largely as the result of lobbying from women's groups, Libya's electoral law included a horizontal and vertical zippered system which mandated political parties to alternate between male and female candidates both within and across the tops of their lists. Given that 32 of the women who were elected to the GNC were competing on party lists, it is clear that the quota played a decisive role.

While the election of 33 women to the GNC is encouraging, both for Libya and the Middle East and North Africa region, key challenges persist. Libya's new women members of parliament (MPs) must contend with difficulties including heightened public scrutiny, significant capacity challenges, backsliding, and ongoing resistance to women's participation.

II. Libyan Women's Political Participation Before the Revolution

¹ High National Election Commission (HNEC) website, <http://www.hnec.ly/en/>.

Women were largely excluded from participation in politics under Gaddafi's regime, despite Libya's signing of international protocols to protect women's rights, including the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Although Libyan women had access to education, social benefits, and legal protections such as divorce and custody rights considered progressive by the region's standards, "women-friendly laws, especially in the family or sexual realms, were sidestepped by Islamic tradition and custom" and opportunities for political participation were limited.² Civil society organizations were banned beyond a few hand-picked associations, including the Aisha Gaddafi charity foundation, run by Gaddafi's daughter. Women seeking to engage in politics had few options beyond joining the local revolutionary committees, thereby risking co-option by the regime. According to Samira Massoud, president of the Libyan Women's Union (LWU), "Libyan women could not practice politics before because there was room for only [Gaddafi]."³

Women's limited participation under Gaddafi is attributable not only to the lack of political space available to women, but also due to the tainted public perceptions of the few women who penetrated Gaddafi's inner circles. Scholar and Libyan women's rights activist Amena Raghei writes that "in Libyan society, it was once implicitly understood that women holding positions in the Gaddafi government or public positions in general had been chosen not for their ostensible bureaucratic qualifications but, more often than not, as an expression of Gaddafi's personal interests."⁴ Pre-revolution media was rife with negative portrayals of women in public life, including images of Gaddafi's notorious Amazonian personal guards and coverage of former Benghazi mayor, Huda Ben Amir, a Gaddafi crony known as "Huda the Executioner" for her role in the public killing of a Gaddafi opponent. Majda Al-Fallah, a Tripoli based women candidate who ran and won a seat on the party list of the Muslim Brotherhood's political arm in Libya, the Justice and Construction Party (JCP), claims that "these negative examples made women withdraw from public life."⁵ Over time, stigma and limited space shifted public perceptions, feeding into a culture in which women shied away from overtly political roles and men expected them to do so.

III. Libyan Women's Political Participation After the Revolution

Women's roles in the February 17, 2011 revolution catalyzed a shift in public perception – among both men and women – toward the potential advantage of women's engagement. During the eight-month revolution, Libyan women mobilized, taking on myriad roles, including from smuggling arms and ammunition to rebels, to organizing meal service and caring for injured fighters in hospitals and clinics. Many women who eventually ran as candidates in the July 7 elections claimed that participating in the revolution had provided them with the opportunity to meaningfully contribute to their country or exposed them to positive examples of women's

² Jamie Dettmer, "Libyan Women Are More Visible in Post-Gaddafi Libya, but They May Have Lost Ground," *The Daily Beast*, July 5, 2012.

³ Dominique Soguel, "Libyan Elections Give Women a 17% Starting Point," *Women's eNews*, July 18, 2012.

⁴ Amena Raghei, "Women in Libyan Public Life: A Seismic Shift," *Muftah*, September 12, 2012.

⁵ Dominique Soguel, "Libyan women plunge into politics," *Agence France-Presse*, May 30, 2012.

leadership.⁶ Personal involvement in the revolution gave ordinary Libyans a sense of responsibility for the direction of their country, as well as a belief that the uprising had empowered them to protect their hard-won rights.⁷ Focus group discussions conducted by the National Democratic Institute (NDI) with Libyan citizens following the revolution found that women were particularly proud of the roles that they had played in the revolution and were looking forward to actively participating in the next phase of Libya's transition. Many women cited their involvement in the revolution as having inspired a new confidence and investment in their country's political future and wanted to capitalize on the momentum and ensure that women continued to have opportunities to move Libya forward. "The woman's role was insignificant in the society before the revolution but during the revolution they played an essential role. She worked in everything except fighting at the frontlines and that was because the men refused to let her fight. Although I believe that if she had been allowed, she would have gone unhesitatingly," said one participant, "women have done a lot in the revolution, so we must be part of rebuilding Libya."⁸

Despite their lack of experience, women immediately began seeking opportunities to organize around issues of common concern and to transition their wartime activism and humanitarian assistance into more traditional civil society advocacy. Some groups, such as the Benghazi-based Libyan Women's Society and Attawasul Institute for Women, Youth and Children began to host weekly dialogues on women's rights, as well as public events to discuss Libya's unfolding transition. In November 2011, two prominent women's organizations, the Voice of Libyan Women and Attawasul, convened Libya's first national women's conference and worked with activists from throughout Libya and the diaspora to draft recommendations to promote women's inclusion in the transition.

Although women's activism increased, opportunities to participate in politics remained scant. Two women were appointed to the National Transitional Council (NTC), the GNC's predecessor, which then selected two women for the transitional cabinet, leading many Libyan women activists to joke that Libya's unofficial quota for women in politics was two. Salwa Boughaigis, a prominent women's rights activist appointed as a Benghazi representative to the NTC, ultimately resigned from the council over frustrations with the lack of opportunity to influence decision-making. "They did not want to listen to anything I had to say. They just wanted a woman to stand there and smile in the pictures," said Boughaigis.⁹

Similarly, in the early days of their development, the membership and leadership of Libyan political parties were dominated by men. Many of these groups paid lip service to the importance of women's participation, but rarely followed through by elevating women to leadership positions. Instead, some parties developed women's auxiliaries with vaguely defined mandates, while others, such as the Federalist Bloc, recognized the organizing potential of women and dispatched groups of women party members to conduct neighborhood surveys in eastern cities.

⁶ Women candidates in interviews with NDI-Libya staff, May 13-19 2012.

⁷ Megan Doherty, "'Now We Have Hope': Citizen Views on Libya's Political Transition," National Democratic Institute, December 2011.

⁸ Doherty, "Now We Have Hope."

⁹ Salwa Boughaigis in an interview with NDI, April 5.

NDI's ongoing qualitative research revealed that while Libyans were broadly supportive of women playing roles in public life, there was significant disagreement over what type of engagement is best-suited to women. Some participants in a study conducted in November 2011 were uncomfortable with women playing a leading role in politics and thought high-level positions were inappropriate or would conflict with women's responsibilities to their families.¹⁰ "Women's decisions are affected by their feelings, no matter how strong they are," argued one female participant in the focus groups, "Our people need someone strong and who can bear the stress."

In a follow-up research study conducted in May 2012 participants were asked to share their opinions on women as candidates and whether they would vote for women. There was resistance among both women and men participants, some of whom claimed that women were too emotional to adequately handle the stresses of political life or too beholden to family responsibilities to be effective in politics. "If the woman and man have the same qualifications I will vote for the man," claimed one woman participant from Derna, "because the woman will have other responsibilities such as raising children and she is naturally more emotional."¹¹

Many potential male voters who participated in the study claimed that they would not vote for women candidates because they did not feel women had a demonstrated track record, nationally or globally, of successful leadership that would prove them capable of navigating the complicated contours of Libya's political transition. Others claimed they expected traditional gender roles in Libyan society should translate into the political arena and expressed disbelief that a woman could represent the needs and concerns of men in the GNC.¹² One male participant from Misrata explained, "I currently don't believe a woman would be able to represent me even in the [congress]. Maybe in the future. I can work with women but I still can't accept them representing me."

IV. July 7, 2012 Election and Quota System

Prior to the July 7 vote, Libya had held parliamentary polls in 1964 and 1965. Political parties were banned by the monarchy and no women participated as candidates.

In early January 2012, the NTC's Election Committee released a draft election law for public comment. The law largely ignored political parties and established a majoritarian system in which individuals would compete for election to the GNC. Article 1 of the draft law stated that "the National Congress consists of two hundred (200) members chosen by direct and free elections, where a ten percent quota of the total number of members of Congress is reserved for women, unless the number of women candidates does not reach the ten percent quota."¹³

¹⁰ Doherty, "Now We Have Hope."

¹¹ Megan Doherty, "Building a New Libya: Citizen Views on Libya's Electoral and Political Processes," *National Democratic Institute*, May 2012.

¹² Doherty, "Building a New Libya."

¹³ National Transitional Council, Draft Election Law, January 2012.

Almost immediately the draft was decried by political parties for failing to include them and for women's rights activists for the vaguely worded quota language. Within days, the draft law had garnered 13,000 responses submitted to the NTC Election Committee, including via the committee's Facebook page. The quota clause was one of the most hotly contested articles, owing significantly to confusion over the language. Some women activists worried the article was imposing a 10 percent maximum for women's membership in the GNC, while others complained that there was no information on how the quota would be implemented and whether there would be a separate list for women candidates, similar to the Moroccan system. The concept of special measures to ensure women's participation was arduously debated in social and traditional media. Some women's rights activists were offended by the insinuation that a quota was necessary and believed that women should compete under equal conditions as men.

The debate over the quota galvanized women's activists who wrote letters to the NTC Election Committee, organized lectures and media commentary by prominent women academics, protested in front of the NTC and prime minister's offices, and held a national "Day of Anger" on February 2 to demand revisions to the electoral law including a 30 percent quota for women.

In February, the NTC Election Committee released a revised version of the election law that introduced political parties into the equation (80 of the 200 seats were reserved for political party lists, while 120 were to be contested by individual candidates), as well as new special measures for women's participation. Article 15 of the final election law adopted a closed-list zipper system, requiring political parties to alternate genders on their candidate lists and to place a woman candidate at the top of half of their lists. The zipper system is widely considered to be among the most advantageous special measures available to ensure that women are elected. In requiring both vertical and horizontal zippering, Libya's election law drafters endeavored to learn from the experiences of neighboring Tunisia, in which a vertical zipper system was used. As a result of the more than 80 parties contesting a given constituency in Tunisia, many parties only won one seat and women were rarely at the heads of party lists. Conversely, although Libya had a similarly exorbitant number of parties contesting the elections, they were required by the horizontal zippering to include women as the heads of half of their lists. It is worth noting that despite the arguably progressive horizontal and vertical zippering system for the 80 political party seats, there was no comparable requirement for the 120 individual seats.

Some women's rights activists were concerned that parties would put women at the tops of lists in districts in which the party expected to do poorly. Anecdotal evidence suggests that some small conservative parties did engage in this practice, while some Salafist gatherings were rumored to have registered lists under multiple party names to avoid the requirement of putting women at the top of half of their lists. Most parties, however, complied with the regulations, putting women in the unprecedented position of being sought after by political parties that had previously relegated them to the sidelines. In the early stages of the campaign, Alaa Murabit, president of the Voice of Libyan Women remarked that "initially political parties were opposed to women [and] now it's changed. In the past few weeks we have seen men pay attention. They have suddenly become pro-women. How much is honest I don't know."¹⁴ Larger parties including the moderate National Forces Alliance (NFA), exiled Gaddafi opposition group the National Front (NF), Muslim Brotherhood affiliated JCP and the conservative Islamic Al Watan

¹⁴ Chris Stephen, Libya's politicians finally wake up to the power of women, *The Guardian*, July 7, 2012.

began to aggressively pursue women candidates to lead their lists in battleground cities such as Tripoli and Benghazi. The JCP and Al Watan made additional efforts to recruit women candidates who were younger and, in the Al Watan's case, even some who were unveiled, to help broaden the appeal of their parties to youth and women voters.

While the proactive recruitment of women candidates was positive, it should be noted that few of these women were aware that they could have negotiated higher positions on a party list and some women candidates agreed to run on lists without even knowing their placement. Ultimately, 142 political parties registered to compete for the 80 seats reserved for parties. A total of 647 women registered as candidates. Five-hundred and fifty-nine women stood as candidates on political party lists, compared to 711 men. Of the 2,501 candidates who contested the 120 individual seats, only 88 were women.¹⁵

Women candidates were active during the three week campaign period preceding the July 7 vote. Many party and independent candidates made appearances in local and national press, printed posters and leaflets, convened community meetings, and went door to door with their campaign teams to meet and persuade voters. A handful of the more organized parties held trainings on campaign skills for their candidates. Both NDI and the United Nations Development Program (UNDP) ran series of campaign workshops targeting both independent and political party candidates. The NDI candidate academies were conducted for candidates and campaign managers in Benghazi and Tripoli and focused on campaign planning, fundraising, voter targeting and outreach, presentation skills, message development and delivery, and media relations. Leading women experts and former office-holders from Morocco, Lebanon and Canada led a series of interactive trainings and individual coaching sessions to share strategies for running effective electoral campaigns. Participants also had the opportunity to engage with members of the High National Election Commission (HNEC), which briefed the groups on Libya's new electoral system and campaign regulations. Following these trainings, women candidates successfully applied techniques and tools learned in the sessions to developing and implementing campaign strategies. In addition to the efforts of international organizations such as NDI and the UN, several Libyan women's organizations also held training for women candidates, including the Libyan Women's Forum (LWF) which ran campaign skills workshops in partnership with the Tunisian Center for Arab Women Training and Research (CAWTAR) for 25 independent women candidates.

Interviews with women candidates reveal that many did not realize the challenges they would face, particularly with regard to fundraising to produce campaign posters and materials. While the degree to which party list candidates received support from their parties depended considerably on the size and organizational capacity of their political party, some of the larger parties provided training, campaign staff, volunteers, and modest budgets to support their male and female candidates. Before the closure of the candidate registration period in early May, some independent candidates became affiliated with parties and formally joined lists to benefit from varying degrees of party backing and financing.

While the independent women candidates contended with more difficulties in financing than their party-affiliated counterparts, both groups faced additional challenges on the campaign trail.

¹⁵ The UN and the Libyan Electoral High Commission (HNEC), cited in Rana Jawad, "Libya elections: Do any of the parties have a plan?" *BBC News*, July 5, 2012.

Some women were reluctant to appear in print or televised media and used symbols or drawings on their pamphlets, so as not to anger more conservative social elements who claimed that publishing pictures of women was un-Islamic. Of the 142 parties that competed, a fraction of Salafist groupings used silhouettes to depict their women candidates. Many posters – of both women and men candidates – were defaced or destroyed in Tripoli, Benghazi, and other cities.

The July 7 election was hailed by international and domestic observers as a momentous occasion for Libya's women. Women comprised 45 percent of registered voters, 39 percent of the total voter turnout and participated in record numbers as polling station workers and domestic election observers.¹⁶ Thirty three women were elected, with 32 winning on party lists and one independent candidate Amnah Tkhikh succeeding in her constituency in Bani Walid.¹⁷ Former interim Prime Minister Mahmoud Jibril's moderate NFA won 39 of the 80 party seats, with 19 of those seats going to women.¹⁸ The Muslim Brotherhood affiliated JCP took 17 seats, with eight of those seats going to women. Of the 20 parties now represented in the GNC, six have women among their new MPs.¹⁹ Women comprise 16.5 percent of the GNC's membership, placing Libya slightly below 20.2 percent, the Inter-parliamentary Union (IPU) estimated global average of women's representation in national parliaments. The IPU ranks Libya 83 of 144 countries, below Tunisia (27 percent), comparable to Morocco (17 percent) and considerably higher than neighboring Egypt (2 percent).

It is clear that the horizontal and vertical zipper system played a decisive role in the victories of 33 women to the GNC. Not only did most the majority of women candidates choose to run on the party system (559 party candidates compared to 88 independents), but only one of the 88 women competing for the 120 individual seats won. While the impact of the quota is clear, there are additional factors that shaped the election results. The sweep of the moderate NFA allowed Libya to sidestep the common issue of party fragmentation, which can result in a diversity of parties winning only one seat each, usually held by a male candidate. Given that the NFA won nearly half of the seats available for political parties, their zippered lists resulted in 17 women winning seats (51.5 percent of the total seats won by women).

Other than the exception of Amnah Tkhikh, who received the second highest number of votes and won the second of two independent seats in the constituency of Bani Walid, independent women candidates received fewer votes than many of their male competitors and were often clustered towards the bottom of the lists for individual candidates. In Benghazi, 15 women ran as independents and only two women candidates placed in the top 100 candidates, ranking 25th and 56th.²⁰ The two women candidates who ran in Tajura, a constituency outside Tripoli, placed 12th and 19th out of 19 candidates. In Derna and Tobruk, the independent women candidates who earned the highest numbers of votes placed 19th and 52nd respectively. In the southern city of Sabha, the best performing woman candidate ranked 53rd of 96 candidates.

¹⁶ HNEC website.

¹⁷ HNEC website.

¹⁸ On October 8, the Patriotism and Integrity Commission suspended one NFA woman MP, Maryam Ali Ahmed Farda of Tripoli's Abu Sleem/Ain Zara sub-constituency, after losing her appeal.

¹⁹ The other parties are the Wadi Alhayat Gathering for Democracy and Development, the Labbayka Watani Gathering, the Conglomeration of National Parties, and the National Moderate Trend.

²⁰ HNEC website.

Amina Megheirbi, a member of the GNC who won a party seat for the NFA publicly criticized the single nontransferable voting for the individual seats and the fact that only one independent woman candidate won, claiming “the zipper list, the vertical and the horizontal alternation, has definitely contributed in increasing women’s representation.”²¹ Zahra Langhi of the Libyan Women’s Platform for Peace asserted that the horizontal and vertical zipping successfully established a precedent for women’s engagement in politics. Langhi claimed the zipper system “sends a stronger message than only appointing women and giving them side seats. Women are engaged in all the processes: not only seats in the national congress but also in the political parties. This way it establishes that women from the very beginning—at the seed of political life—established with political parties – and has as a condition that women should be partnering with men.”²² Over the next year, Libya’s new lawmakers will be drafting a new constitution and preparing for future elections to legislative bodies that will succeed the current GNC. Based on the July 7 election results, decision makers seeking to promote women’s participation in Libya’s new political structures would benefit from considering more robust mechanisms for gender parity.

V. Challenges Ahead

It would be short-sighted to assess the success of Libyan women solely through the lens of their performance in the elections. While the election of 33 women to the GNC is an admirable accomplishment, rightfully recognized as a key step forward by many Libyan women’s activists, challenges persist. The new women members of the GNC begin their terms with high expectations, little previous experience in deliberative bodies and a society that favors men in leadership roles. Despite the fact that women have higher enrollment rates in secondary education institutions and have long worked alongside men in a variety of professional settings, NDI focus group research conducted two months prior to the elections indicated that while Libyans are broadly supportive of women playing roles in public life, both men and women express varying degrees of discomfort with women in leadership roles. Such views could influence perceptions of elected women’s performance in the GNC, where their ability to play a positive role in the country’s first democratically elected institution will set the standard for women in subsequent elections at the national and local level.

Women GNC members are already organizing to form a multi-party women’s caucus and to advocate for their rights within the council. The GNC has formed more than 30 committees; although women MPs lobbied for the inclusion of at least one woman member on each committee, only two committees are currently chaired by women members.²³ While women are now represented in the legislature, they will need to lobby for ministerial appointments to ensure that they are adequately represented in the executive. Currently women’s rights are not part of any official ministerial portfolio. The Social Affairs Ministry has a division focusing on women’s issues, but this is largely welfare oriented and the female transitional social affairs

²¹ “Libyan Women Win 33 Seats in First National Assembly Elections since 1952,” Libyan Women’s Platform for Peace, July 30, 2012.

²² Libyan Women’s Platform for Peace.

²³ Committee leadership within the GNC rotates among committee members on a regular basis.

minister, one of two women appointed to the interim cabinet, is often marginalized and sometimes not even included in cabinet meetings.

The upcoming constitutional debate also represents an opportunity for women to engage in the drafting process and to provide input into the content of the country's first post-Gaddafi charter. It is worth noting that Libya's August 2011 interim constitutional declaration originally mandated the GNC with forming a drafting committee and overseeing the writing process before a public referendum anticipated early next year. In early 2012, however, the NTC attempted to mitigate rising regional tensions by amending the interim declaration to require that the constitutional drafting committee comprise 60 people (20 from the east, 20 from the south, and 20 from the west). While the equal regional distribution mollified eastern activists, women's advocacy groups were furious at the lack of gender parity. "We fought so hard for the quota, to make sure we would be at the table to write the constitution and now they have taken this away from us," said a representative of the Committee to Support Women's Participation in Decision-making. Two days before the election, in another effort to appease the agitating federalist movement in Libya's east, the NTC again changed the interim constitutional charter positing that the 60 constitutional drafters would be directly elected in their regions. While it remains to be seen whether the GNC will honor the last-minute amendment, this is a critical period for women's groups to be advocating for inclusion in the drafting process. Several women's organizations and national networks in Libya are already preparing lists of qualified women to nominate for membership in the drafting committee.

Beyond inclusion in the drafting committee, women need to be prepared to engage in a broader debate over whether the country's new charter will include provisions to protect women's rights. Participants in NDI's most recent focus group research claimed that women's rights should be protected in the constitution, but differed over whether there need to be specific provisions or if a constitution based on Islamic law would contain ample safeguards for women's rights. Male participants were generally more persuaded that Islamic law would automatically protect the rights of women than female participants.

In addition to challenges in the political and constitutional spheres, Libyan women must also contend with backsliding and some resistance to women's participation. As Raghei writes, "for some members of Libyan society, it is a cultural struggle to balance Libyan women's new identity with their traditional roles. For these individuals, the perceived "need" for women's public participation was not expected to extend beyond the revolution or to become as serious as it has."²⁴ During the August transfer of power ceremony between the NTC and the GNC, ceremony host Sarah Elmesallati, an unveiled woman, was heckled by a male GNC member and later asked to leave the ceremony by the chairman of the NTC.

Asma Seriaba, a woman candidate who won a seat in the July elections reflected on the experience of campaigning, claiming that "in all cases, whether running only or actually winning a seat, women are victorious for they played a distinctive role in the revolution and they will continue to do so in the stage of building the Libyan constitutional state, which will uphold the rights and freedom of its citizens."²⁵ The election of 33 women to the GNC is a significant

²⁴ Raghei, "Women in Libyan Public Life: A Seismic Shift."

²⁵ Libyan Women's Platform for Peace.

accomplishment and provides Libyan women with access to decision-making structures that previously largely eluded or ignored them. The use of the horizontal and vertical zipper system clearly contributed to women's success in the election and will hopefully inform future debates over special measures and electoral laws. More broadly, Libya's unfolding political transition continues to offer the country an unprecedented opportunity to address both the inequities in political institutions and the harmful perceptions of women's role in private and public spheres.