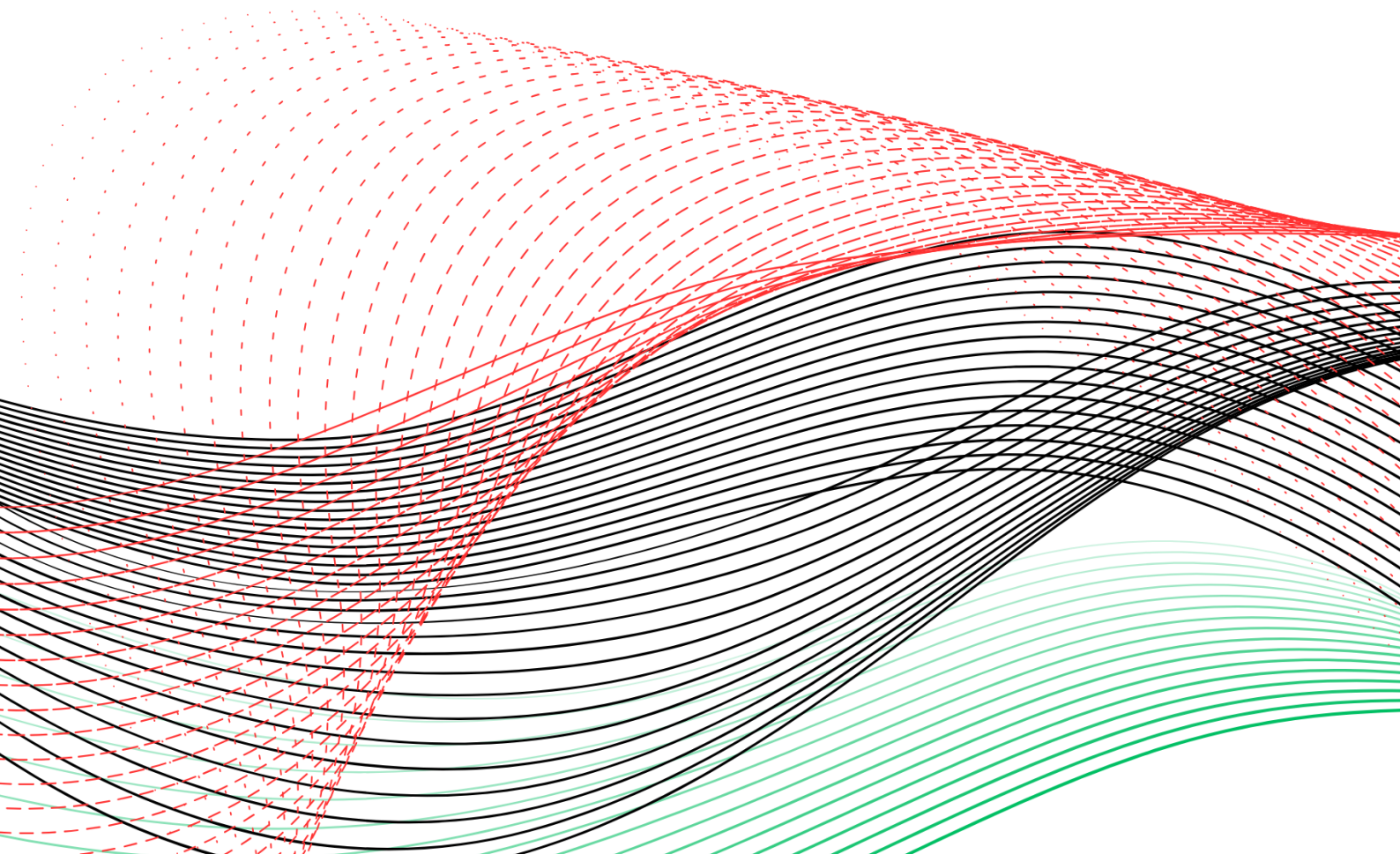


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Background Briefing:
Structured Dialogue
National Reconciliation
and Human Rights Track



The purpose of the Structured Dialogue is to develop a set of (1) concrete recommendations on immediate policy and governance issues to prepare a conducive environment for elections, and (2) policy and legislative proposals to address long-term conflict drivers with a view to formulating a unified national vision that will shape the path to sustained stability.

This paper outlines key topics which could be discussed in the Structured Dialogue National Reconciliation and Human Rights Track. The topics listed reflect priorities consistently raised by Libyans in engagements across the country, including during online sessions with UNSMIL leadership, as well as an online survey—between October and November 2025—of 1,000 Libyans. They also draw on UNSMIL’s recent nationwide consultations, and community-based and expert consultations facilitated by Libyan civil society organisations. The topics further incorporate issues highlighted by Libyan women and persons with disabilities during consultations ahead of the Structured Dialogue.

Advancing National Reconciliation and Transitional Justice

Libyans across regions continue to emphasise that national reconciliation must be grounded in a comprehensive, rights-based framework addressing both past grievances and root causes of conflict as well as ongoing human rights violations and newly emerged drivers of conflict. Consultations underline the need for an inclusive, victim-centred legal basis for transitional justice, developed through broad engagement with affected communities, including women, youth and persons with disabilities, and linked to wider political and constitutional processes. Despite repeated calls for such an approach, the absence of a unified national process has constrained progress towards addressing the legacy of conflict. Clarifying the fate and whereabouts of missing persons remains a central priority for many Libyans. Families continue to call for coordinated mechanisms, supported by appropriate legal, administrative and psychosocial assistance, to address the impact of unresolved disappearances. Reconciliation also depends on inclusive approaches that reflect Libya’s diversity and address longstanding barriers to participation. Cultural components—including Tebu, Tuareg and Amazigh communities—continue to report challenges related to documentation, access to services and participation in public life, while women, including internally displaced women, women with disabilities, and those heading households, face compounded vulnerabilities. Progress toward reconciliation requires a coordinated, rights-based process to address past violations and meaningfully integrate the voices and experiences of all communities.

Guiding questions:

- What should be the main priorities of Libya's reconciliation and transitional justice process in addressing past violations? What are the particular priorities of women or cultural components?
- What types of measures should be taken to recognize and repair the harm suffered during conflicts by victims and their families?
- How can victims, minorities, women, and youth participate safely and meaningfully in shaping and implementing Libya's reconciliation and transitional justice process?
- What steps are needed to help prevent future human rights violations?

Strengthening the Independence of the Judiciary, Accountability, and the Rule of Law

Libya's justice system is based on a unified legal framework that combines civil law and Islamic legal principles, administered through a range of judicial bodies operating under the authority of the Supreme Judicial Council. The Supreme Court, established as an independent institution with constitutional review functions, sits at the apex of this structure. Years of political division and institutional strain, however, have affected the ability of the justice system to operate consistently across the country. It has also led to the emergence of divided, parallel institutions including a constitutional court in Benghazi and most recently a division within the Supreme Judicial Council. Libyans participating in consultations have raised concerns about the uneven application and enforcement of legislation, entrenched impunity, and interference, particularly by legislative and executive authorities, in judicial processes. They emphasise the importance of ensuring equal treatment before the law, addressing impunity for human rights violations, and safeguarding the integrity, unity and coherence of judicial institutions. Participants have also called for judicial independence and transparency, supported by anti-corruption measures. In this context, the consistent implementation of judicial decisions - including arrest warrants, release orders, and summons - is essential to reinforcing accountability, while effective protection measures for judges, prosecutors, lawyers, victims, and witnesses are considered necessary to enable them to carry out their functions without intimidation. Ensuring fair and equal access to justice for all is key to building responsive institutions, restoring public confidence in these State institutions, upholding the rule of law, and supporting broader efforts towards advancing human rights and national reconciliation based on the principles of transitional justice.

Guiding questions:

- What are the steps needed to preserve the unity and independence of the judiciary?
- What reforms would help build public trust in courts and ensure equal access to justice for all? What targeted measures are needed to ensure access to

justice for victims of gross human rights violations, in particular women or minorities?

- What measures are needed to protect judges, prosecutors, defense lawyers, and other justice actors from threats, intimidation, or interference in their work?
- What steps could help ensure that everyone – including detainees – has timely access to legal counsel and the legal guarantees necessary for a fair trial?
- What mechanisms could help monitor and safeguard judicial independence and integrity, and ensure accountability for interference in judicial affairs?

Protecting Civic Space and Inclusive Participation

An open and inclusive civic space where all Libyans can participate meaningfully and safely in public and political life is essential to enabling credible elections and advancing Libya's democratic transition. It requires that individuals and groups can express their views freely, assemble peacefully and engage in decisions that affect their lives. While civil society organisations (CSOs) play a central role in promoting dialogue, monitoring elections and advancing human rights and national reconciliation, restrictive frameworks governing CSOs and international NGOs in Libya undermine their ability to operate. Reported reprisals, including threats, intimidation, violence, abductions and arbitrary detention against political actors, activists, journalists and human rights defenders, create a climate of fear that stifles freedoms of expression, association and peaceful assembly. Participants in national consultations have voiced concerns regarding civic freedoms, and CSOs have called for a framework consistent with Libya's human rights obligations. Women, youth, persons with disabilities and members of cultural components continue to report barriers to participation in public and political processes. Addressing barriers related to representation, access to information, accessibility, as well as addressing hate speech, incitement and violence in the online sphere is vital to building inclusive institutions, fostering free, open and safe national dialogues, strengthening public trust, and supporting democratic governance.

Guiding questions:

- How would you describe the current legal and institutional environment for civil society in Libya? What changes would help civil society organizations operate more freely, safely, and effectively?
- What factors influence the ability of different groups in Libyan society – including women, youth, minorities, and persons with disabilities—to participate in civic and political processes and public life? What changes or support would help strengthen their participation?
- What challenges do civil society organizations, activists, journalists, and community leaders face in their ability to carry out their work freely and safely? What measures could help address these challenges?

- How can the independence of journalism/media be ensured so that they play a vital role in the democratic transition in Libya, protect public freedoms, and promote accountability?
- In your view, what role can civil society play in supporting dialogue, strengthening trust within communities, and contributing to Libya's political and electoral processes?

Addressing Arbitrary Detention, Due Process, and Conditions of Detention

Arbitrary arrests and detentions, including prolonged pretrial detention, enforced disappearances, abductions, ill-treatment and torture, including sexual violence, deaths in custody, and other human rights violations in places of detention, remain widespread and systematic across Libya. Consultations with Libyans highlight deep concern about the lack of accountability and entrenched impunity, as security actors in all regions continue to arbitrarily detain men, women and children without a clear legal basis. Individuals are frequently deprived of liberty without timely access to legal counsel or family contact. Libyans have consistently underscored the need to ensure the rights of all persons deprived of their liberty and their humane treatment, while conditions in detention have deteriorated, notably due to overcrowding and gaps in the provision of basic services, including nutrition, water, health care and rehabilitation. Conditions of arrest and detention routinely undermine and deny due-process and fair-trial guarantees. Public consultations also emphasise that these challenges are compounded by the presence and influence of armed and unaccountable security actors controlling places of detention, underscoring the importance of strengthening State authority and judicial and civilian oversight over all detention facilities, clarifying the legal framework to promote accountability and advance a human rights-based approach to security-sector reform. Addressing these issues is critical to reinforcing the rule of law, protecting and promoting human rights and preventing further violations, and contributing to an environment conducive to a rights-based national reconciliation process.

Guiding questions:

- What concerns exist around arrests or detention in Libya, and what measures could help ensure that detentions are conducted in accordance with the law?
- What steps could be taken to strengthen transparency, oversight, and accountability in all places of detention?
- What challenges exist in ensuring that detainees have access to lawyers, family members, and other due process rights?
- What measures could help better protect detainees from abuse, including torture, ill-treatment, or enforced disappearance? What targeted measures are needed to protect women detainees?

- What steps are needed to prevent arbitrary detention and better protect detainees?