17 February 2011 marked the beginning of the historical overthrow of the oppressive regime of Colonel Muammar Gaddafi in Libya. The Libyan Uprising, which was triggered by the protests of women in Benghazi on 15 February 2011 against the arrest of Fethi Tarbel, human rights lawyer for the victims of the 1996 Abu Salim massacre, soon spread around the whole country. Protesters demanded the removal of Gaddafi as head of state and called for an open and inclusive Libya. They demanded the end of an era of oppression and gross human rights violations in the country, such as those committed in the Abu Salim prison. The response of Gaddafi to this protest with armed violence against civilian protesters ignited a civil war between the government forces in support of Gaddafi and the opposition armed forces formed by the rebels. By the end of February 2011, it became clear that Libyans, with the support of the UN-led international community, were determined to transform their country into a democratic, pluralist and equal state.

If there is one thing, which symbolizes the Libyan Revolution, it is the unity of Libyans in taking responsibility for the shape of their country after 42 years of Gaddafi’s rule. In demanding long-awaited changes, Libyans appeared to join in solidarity and abandoned the differences, which permeated the society thus far. One of the key boundaries, which was set aside during the civil war in the most visible way (even for an external observer) and enabled the unity of Libyans was gender.

Since its very inception, Libyan women were actively participating in the course of the Revolution. Their role during the uprising stretched much beyond the traditional gender roles expected of women and performed by them in Libyan society. Libyan women stood arm in arm with

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Libyan men in fight against the Gaddafi regime. They played a central role in the Revolution by providing essential support to the fighters and often taking up arms themselves.

They sent a clear message: by showing their strength and willpower through their full participation in Libya’s political transition, women wanted to be citizens of a free Libya in their own right and on a basis equal with men. This rather powerful image of what may be labelled as ‘a step towards empowerment of Libyan women’ raises the important question of the legal position of women in the aftermath of the Revolution.

The opportunities that lie ahead for Libyan women greatly depend on the shape of the new Libyan legal system. For that reason, it is crucial that in times of post-conflict transition women’s rights are no longer marginalized and take a strong place on the agenda ‘for the change’. In the context of the upcoming new Libyan Constitution, debate regarding the status of human rights in post-conflict Libya and women’s rights in particular, is very timely. It is thus through the creation of adequate laws and their thorough implementation, that women’s rights can be secured and the foundations of gender equality in post-conflict Libya can be set.

Would the post-Gaddafi government, strongly aspiring to build a democratic, pluralist state respecting human rights and the rule of law, adequately address the problem of gender inequalities and discrimination of women in the Libyan society? Would human rights of Libyan women be secured and enshrined in the new Constitution and the new legal system? Or would (s)heroes of the Revolution have to fight yet another battle—a battle for equality and empowerment?

2. WOMEN AND THEIR RIGHTS IN GADDAFI’S LIBYA

Approaching the challenge of securing women’s rights in the liberated Libya in a complete and effective manner requires a thorough understanding of the current legal position of women in Libya, which was shaped over 42 years of Gaddafi’s rule.

Prior to 17 February 2011, women were not actively present in the socio-political sphere in Libya. In traditional and conservative Libyan society, the vast majority of women were not involved in the political consultation or decision making processes. The existence of a patriarchal system which was supported by Gaddafi’s dictatorship resulted in the majority of decisions, including laws relating to women and directly impacting on their lives, being made without women’s participation. This situation has