Civic space scenarios and risk mitigation in Libya

Peaceful Change initiative

Table of Contents

Scope of research

Civic space scenarios and risk mitigation in Libya is a research project carried out by Peaceful Change initiative (PCi), and commissioned and funded by the Foreign and Commonwealth Development Office (FCDO)'s Libya Integrated Security Fund (ISF) team. The research aims to (1) identify key risks and threats that Libyan civil society organisations (CSOs) face from different actors in Libya and (2) develop a risk mitigation framework to enhance their ability to operate safely in the Libyan civic space. The research highlights how the FCDO can support Libyan CSOs to operate and overcome some of the barriers they face, while also helping international non-governmental organisation (INGOs) and international missions to support their Libyan civil society partners in overcoming these challenges.

Research methodology

Using the scenarios model proposed by the FCDO (see below for detailed analysis of the data captured using the model) the research team developed a set of questions (appendix on pages 30-31) that were initially tested with a focus group for feedback to ensure clarity and that the questions were underpinned by robust conflict sensitive principles.

List of accronyms

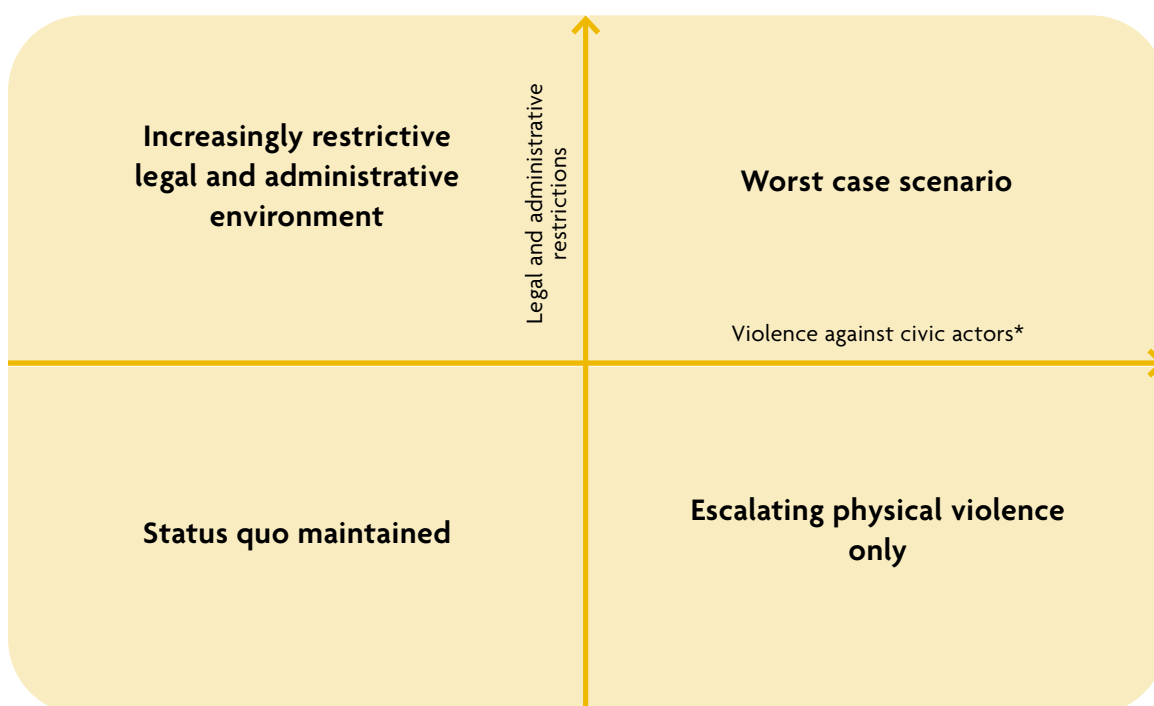|	
CSC	Civil Society Commission
CSO	Civil Society Organisation
FCDO	Foreign and Commonwealth Development Office
IDP	Internally Displaced Person
INGO	International Non-Governmental Organisation
ISF	Integrated Security Fund
MoFA	Ministry of Foreign Affairs
PCi	Peaceful Change initiative

Civic space scenarios and risk mitigation in Libya' is a research project commissioned and funded by the Foreign and Commonwealth Development Office (FCDO)'s Libya Integrated Security Fund (ISF) team.

Scenarios development

The approach proposed by the FCDO is the two-by-two model, which takes the two most important forces present, and builds four scenarios around them. The two forces selected were:

- **Legal-regulatory pressure**: Capturing changing laws and administrative requirements on CSOs.

- **Violence against civic actors**: Capturing direct violence perpetrated by security actors and others, including arbitrary arrest, physical violence and abusive language.

These two forces purposefully consolidate and simplify varied phenomena, to frame a manageable scenarios framework:

Increasingly restrictive legal and administrative environment	**Worst case scenario**
Status quo maintained	**Escalating physical violence only**

Legal and administrative restrictions (vertical axis)

Violence against civic actors* (horizontal axis)

For each of these four scenarios, PCi developed a scenario description which details:
- **Key characteristics**
- **Risks posed to CSOs**

Regional differences that CSOs face in the East, South and West of Libya, and some gender considerations are also highlighted in each scenario.

Research sample

PCi conducted interviews with 67 Libyan CSOs: 20 from the south, 23 from the east and 24 from the west. The research targeted CSOs with different mandates, including community development, human rights, women's and youth's empowerment, peacebuilding, charities, elections and dialogue, psycho-social support, law and justice, heritage and culture, medical aid, disabilities and special needs. The methodology was designed to provide a comprehensive, inclusive contextual background and analysis from the three regions to develop a risk mitigation framework and an accompanying set of questions that the FCDO can use to assess the risks that CSOs encounter and ensure that risk mitigation is integrated at all stages of programming with CSOs.

From the project design and inception phase, PCi has been cognisant of the risks involved and has taken security and safeguarding towards the participating CSOs very seriously. This is why we have ensured personal and organisational information protection and confidentiality by conducting anonymous analysis of all data collected, reaffirming our commitment to the safety and privacy of all involved.

Scenarios analysis

1

Status quo maintained

KEY CHARACTERISTICS

No new major changes to current regulations are made; CSOs can continue to operate based on existing regulatory and legal frameworks, i.e. in compliance with the current registration process as set out by the Civil Society Commission (CSC) and additional provisions by government authorities (e.g., permissions from Ministry of Foreign Affairs (MoFA) to implement activities).

Arbitrary interference in CSOs' activities from security actors continues, with the same level of risk of incidents of verbal and physical violence, arrest, detention, kidnapping, and killing of activists.

Adding to the uncertainty, permissions and scrutiny are dependent on informal, personal relationships and identity of activists, and often entail unofficial payments to security or government officials.

Provisions and restrictions imposed by government authorities and security actors are inconsistent across different regions and Municipalities.

RISKS POSED TO CIVIL SOCIETY ORGANISATIONS

CSOs would continue to face challenges associated with an uncertain but relatively stable regulatory framework. Most CSOs would be able to navigate and adapt to this environment, in which multiple permissions are required to operate, in addition to securing registration with the CSC.

CSOs would continue to rely on personal relationships to operate and negotiate permissions with government and security actors. This exposes CSO activists to increased security risks, particularly if they work on issues that are considered 'sensitive' or belong to identity groups (tribal affiliation, political affiliation, ethnicity, etc.) that are more targeted or systematically denied permissions.

Most CSOs would continue to work with limitations, possibly having to adapt their mandate and activities to avoid scrutiny and restrictions.

Based on PCi's analysis, women's organisations have often been exempted from obtaining additional permissions and allowed to continue to operate based on their registration with the CSC only. As interactions with government and security actors to obtain permissions are not considered 'appropriate' for a woman to engage in based on prevalent gender norms in Libya, women's CSOs are not expected to fulfil these additional requirements. If the status quo is maintained, women would likely continue to operate under the same conditions.

2

Increasingly restrictive legal and administrative environment

KEY CHARACTERISTICS

Increased scrutiny from government authorities and additional, more stringent administrative and legal requirements are imposed, involving multiple layers of bureaucracy from different institutions, in addition to the existing registration process as set out by the CSC.

Arbitrary interventions and interference on CSOs' activities from security actors continue, with the same level of risk of incidents of verbal and physical violence, arrest, detention, kidnapping, and killing of activists.

Provisions and restrictions imposed by government authorities and security actors are inconsistent across different regions and Municipalities.

RISKS POSED TO CIVIL SOCIETY ORGANISATIONS

CSOs would face a more stringent regulatory framework in which multiple permissions are required and change constantly, in addition to securing registration with the CSC. The approval process for permissions is arbitrary and dependant on personal relationships, identity of activists, and CSOs' mandate and activities.

This scenario may result in CSOs being:

- Unable to implement projects because of the higher staffing costs due to the time and effort needed to meet changing permission requirements

- Forced to adapt their mandate and activities to avoid restrictions, including avoiding 'sensitive' issues such as gender, citizenship rights, etc.

- Instrumentation by political actors to deliver projects that align with government agendas as a condition for being allowed to operate

- Disincentivised to work, as administrative processes become increasingly difficult and risky to navigate, particularly for organisations with more 'sensitive' mandates or activists from identity groups (tribal or political affiliation, ethnicity, etc.) that are more targeted or systematically denied permissions.

For women's CSOs, continuing to operate in this scenario would pose comparatively more severe physical and reputational risks that may not be willing (or allowed) to accept.

3

Escalating physical violence

KEY CHARACTERISTICS

No new major changes to current regulations are made; CSOs can continue to operate based on existing regulatory and legal frameworks, as described in scenario two. However, this scenario sees a deterioration of the security environment with a significant increase in the occurrence of incidents of verbal and physical violence, arrest, detention, kidnapping, and killing of activists.

CSOs may be required to make unofficial payments to security or government officials to be allowed to carry out activities.

Provisions and restrictions imposed by government authorities and security actors are inconsistent across different regions and Municipalities.

RISKS POSED TO CIVIL SOCIETY ORGANISATIONS

CSOs would continue to face challenges associated with an uncertain but relatively stable regulatory framework. However, CSOs' ability and freedom to operate would be significantly curtailed due to an increased threat of violence.

CSOs with mandates that are considered more 'sensitive' (e.g., associated with gender or citizenship rights) are likely to be targeted more. Depending on the threat of violence, this may result in some CSOs who work on 'sensitive' issues to stop operating.

In this scenario, only CSOs willing to be instrumentalised to fulfil governmental agendas or contribute to legitimising political actors would be allowed to operate safely.

CSOs that are unable/unwilling to make unofficial payments to security or government officials to operate would cease activities.

For women's CSOs, continuing to operate in this scenario would pose comparatively more severe physical and reputational risks that may not be willing (or allowed) to accept.

4

Worst case scenario

CHARACTERISTICS

Increased scrutiny from government authorities and additional, more stringent administrative and legal requirements are imposed, as described in scenario one, in addition to a deterioration of the security environment with a significant increase in the risk of incidents of verbal and physical violence, arrest, detention, kidnapping, and killing of activists.

CSOs may be required to make unofficial payments to security or government officials to be allowed to carry out activities.

CSOs may be instrumentalised by authorities and pressured to deliver specific activities that suit governmental agendas or contribute to legitimising political actors as a condition for continuing to operate.

Although unlikely, this scenario may see a partial or total ban on CSOs' activities, for example based on their mandate or other arbitrarily determined criteria (by association with foreign donors or INGOs, for example, spying accusations, or activities associated with 'gender' or that are considered to undermine Libyan culture or Islamic values).

Provisions and restrictions imposed by government authorities and security actors are inconsistent across different regions and Municipalities.

RISKS POSED TO CIVIL SOCIETY ORGANISATIONS

CSOs may be intimidated into ceasing to work due to an increased threat of violence and/or disincentivised by a regulatory framework that is too difficult to navigate.

CSOs with more 'sensitive' mandates (e.g., associated with gender or citizenship rights) may be blacklisted or banned. The occurrence of incidents of physical violence against activists would significantly increase.

Incidents of violence against activists may include verbal and physical threat, arrest, detention, kidnapping, torture, and killing. CSO activists may face displacement to other countries because of threats and reputational damage, which may also have an impact on families and communities.

Only CSOs willing to be instrumentalised to fulfil governmental agendas or contribute to legitimising political actors would be allowed to operate safely.

CSOs that are unable or unwilling to make unofficial payments to security or government officials to be allowed to operate would cease activities.

Women's CSOs would be exposed to more severe physical and reputational risks that many women would not be willing (or allowed) to accept.

Combined, the concurrence of increased regulatory pressures and physical violence would disincentivise existing and emerging CSOs from operating, with a significant damaging effect on civic space.

Analysis of key risks and recommended mitigation actions and questions to assess level of risk civil society organisations face

Drawing on the information and data shared by research participants, the following findings accompany the scenarios analysis outlined above. The next section summarises the key risks to CSOs, the risk enhancing factors that CSOs face and potential mitigation responses that the FCDO should consider adopting, especially when partnering with CSOs in Libya.

To identify, understand and assess the seriousness of the risks that CSOs currently face in Libya, a set of questions are also drawn from the findings of the research and respond to the concerns that research participants conveyed during the interviews. The responses are designed to support the FCDO in assessing risks arising from activities and ensuring appropriate mitigations are in place.

The questions could be integrated into the early stages of procurement and contracting. The expectation is that CSOs will be asked to respond to the questions as part of initial contracting procedures. The FCDO can then review the responses to the and determine the level of risk and any mitigation actions that CSOs can put in place with its support. Proposed activities can then be reviewed, or feedback provided in terms of whether appropriate mitigations are in place or whether the risk is too high.

Key risks to civil society organisations

①

Failure to obtain approval from governance actors/ administrative authorities and/or increased administrative hurdles faced by civil society organisations

RISK ENHANCING FACTOR:
CSO mandate, sensitive topics, identity of activists

CSOs can face greater registration challenges because of their mandate, the activities they implement, or the identity of their members. For example, if the activity or project is deemed sensitive or perceived as a threat to religious or traditional norms and values, or focuses on citizenship rights, gender issues or women's rights, the risk of scrutiny from legal/regulatory bodies increases.

RECOMMENDED MITIGATION ACTIONS FOR THE FCDO

The FCDO should work with CSOs that are recipients of its funding to conduct robust risk assessments and identify concrete mitigation actions to minimise risks.

The FCDO should have strong due diligence protocols in place to ensure that CSOs with 'sensitive' mandates or projects have a clear strategy for how to minimise risks, for example specific provisions around communicating projects and activities externally and to regulatory bodies.

In line with the findings of this report, and with the necessary adaptations to the evolving local context in which each CSOs operates, the FCDO should encourage CSOs to consider some of the mitigation strategies that other CSOs have found effective, including leveraging personal relations to engage with influential local stakeholders such as municipalities, traditional leaders, notaries, medical professionals, and judicial figures to support the project to gain broader acceptance and secure greater community engagement, minimising resistance to sensitive topics.

QUESTIONS FOR CSO

- Is the CSO registered with the CSC?

- Does the project/or project activities require authorisation from the CSC? How often?

- As well as the CSC, which other institutions are you required to seek permission from? How often?

- Does the CSO implement projects that may be deemed 'sensitive'? What are the risks and mitigation actions identified by the CSO?

- How can FCDO help you to minimise risks?

RISK ENHANCING FACTOR:

Funding sources

Receiving funding/resources from the FCDO (or other international donors) increases the risk of scrutiny from security actors and legal/regulatory bodies, in some cases leading to an increased threat of violence.

RECOMMENDED MITIGATION ACTIONS FOR THE FCDO

The FCDO should work with CSOs that are recipients of its funding to conduct robust risk assessments and identify concrete mitigation actions to minimise risks related to working with international partners (e.g. INGO or donor).

This may include caution around external communication and visibility, carefully managing publicity around project and organisations funded by the FCDO and multilateral initiatives in close consultation with the CSOs involved.

Through existing coordination mechanisms, the FCDO should consider advocating for other donors and missions providing support to Libya to review their approach to partnering with CSOs to integrate a better understanding and mitigation of these risks.

QUESTIONS FOR CSO

- Do you have any experience of working with an international partner (e.g., INGO or donor)?

- Do Libyan authorities support your work with international partners?

- What (if any) challenges have you experienced from working with international partners?

- Does your international partner assist you with risk mitigation?

- How do they support you to do this?

- How can the FCDO help you to minimise risks?

2

Scrutiny and threat of violence from security actors/armed groups

RISK ENHANCING FACTOR: Mandate, sensitive topics, identity of activists

Sensitivity of project content or mandate of the CSO may increase scrutiny and security threats from security actors.

Working on topics that are deemed sensitive, per-ceived as a threat to religious or traditional norms and values, or that focus on citizenship rights, gender issues or women's rights, increases the risk of scrutiny from security actors, in some cases leading to an increased risk of violence.

RECOMMENDED MITIGATION ACTIONS FOR THE FCDO

The FCDO should work with CSOs that are recipients of its funding to conduct robust risk assessments and identify concrete mitigation actions to minimise risks related to the mandate and project focus of the CSOs that they partner with.

The FCDO should have strong due diligence protocols in place to ensure that CSOs with 'sensitive' mandates or projects have conducted a thorough conflict and stakeholder analysis that can inform a clear strategy for how to minimise risks, for example when engaging with different armed groups locally.

In line with the findings of this report, and with the necessary adaptations to the evolving local context in which each CSOs operates, the FCDO should encourage CSOs to consider some of the mitigation strategies that other CSOs have found effective, including leveraging personal relations to facilitate smoother interactions and develop strategic relations with armed and security actors.

At the same time, the FCDO should ensure that CSOs carefully assess the risks associated with working with security actors and armed groups, particularly for CSOs working on 'sensitive' mandate and projects, or who may be targeted because of their members' identities.

QUESTIONS FOR CSO

- Does the CSO have a strong understanding of the conflict context and of different political and armed actors operating in the context, and how these relate to civil society activities?

- Are security actors/armed groups likely to take an interest in the proposed activities?

- What sort of interest or attention are security actors/armed groups likely to take in the proposed activities? Are permissions, either formally or informally, required for activities to proceed?

- How do you ensure implement your activities safely and manage security risks, including relationship with Security actors? What challenges do you see and how will you mitigate against these?

- How will you manage the interest/attention of security actors/armed groups?

RISK ENHANCING FACTOR: funding sources

Reputation of CSO and staff can be compromised through social media and online targeting and harassment, including physical threats. This can attract attention on their activity and increase the risk of scrutiny from security actors, in some cases leading to an increased risk of violence.

RECOMMENDED MITIGATION ACTIONS FOR THE FCDO

The FCDO should work with CSOs that are recipients of its funding to conduct robust risk assessments and identify concrete mitigation actions to minimise risks related to exposing CSO staff to safety and reputation risks through establishing robust safeguarding protocols.

The FCDO should exercise caution around external communication and visibility, carefully managing publicity around project and organisations funded by the FCDO and multilateral initiatives in close consultation with the CSOs involved.

In line with the findings of this report, and with the necessary adaptations to the evolving local context in which each CSOs operates, the FCDO should encourage CSOs to consider some of the mitigation strategies that other CSOs have found effective, including a proactive approach to visibility through positive and constructive engagement with social media and strategic communications to bolster community trust, promote transparency in CSO activities, and combat mis/disinformation.

QUESTIONS FOR CSO

- Safeguarding: How do you manage the safety of your staff?

- How do you prevent or respond to online harassment of your staff?

- What is your approach to publicising your work and communicating with the public?

- Have you experienced any challenges when publicising your work?

- How can the FCDO help you to minimise risks?

Overview of sensitive issues

The research highlighted specific issues that CSOs in all regions of Libya deemed sensitive, primarily because they can draw the attention of authorities and result in increased scrutiny or cancelling activities for fear of reprisals from government and security actors. The table below sets out the issues and associated level of risk:

Mandates of organisations / Types of projects and activities	Level of risk
Working on topics that are deemed sensitive, or perceived as a threat to religious or traditional norms and values is considered high risk: • Immigration and Libyan identity & citizenship rights • Political participation • Gender issues or women's rights that may be seen contrary to religious or traditional norms • Cultural activities that may be seen as promoting 'western' / 'liberal' agendas or values • Human rights • Research or data collection activities that may be seen as 'intel gathering' • Conflict management & mediation • Migration and refugees • International funding and partnerships with INGOs	High
Working on charitable, humanitarian, social or local development activities is considered low risk: • Education • Humanitarian relief • Crisis management • Supporting Internally Displaced Persons (IDPs) • Livelihoods and income generation • Celebrating Libyan culture and heritage • Disabilities • Religious education and development • Scouts and Guides • Sports and recreation • Libyan funding and partnerships	Low

Detailed findings from the research

The research findings respond to interview questions (appendix) which were developed using the scenarios approach proposed by the FCDO. The next section is a brief, consolidated overview of risks and associated issues disaggregated by region. This is followed by a detailed analysis of key findings from interviews with research participants. The findings correspond to each of the two risks to CSOs:

— Risk one: Failure to obtain approval from governance actors/administrative authorities and/or increased administrative hurdles.

— Risk two: Scrutiny and threat of violence from security actors/armed groups. (Risk two is further broken down into sub-risks for ease of use).

The findings and analysis for each risk is disaggregated by region (West, East & South).

Brief analysis of risks and related issues by region (West, East and South)

1

Failure to obtain approval from governance actors/administrative authorities and/or increased administrative hurdles

WEST

- Registered CSOs face additional requirements imposed by multiple bodies: CSC, municipal authorities, and interior and foreign security.

- Regulations and restrictions towards CSOs are enforced more strictly in Tripoli and larger cities compared to smaller towns, where personal relationships allow for more flexibility and cooperation between the CSC and CSOs.

- It is common for CSO members to be summoned by security forces for investigation to clarify activities.

- The process of obtaining permissions from different security forces is often based on informal agreements.

EAST

- Registered CSOs face additional requirements imposed by multiple security actors: security directorate, external security, internal security and the intelligence service.

- Activities that focus on women's empowerment/rights, political participation, civic education, legal rights, or gender-based violence are considered very sensitive and re-quire special approvals from the Municipality and other security agencies.

- Internal security personnel attend workshops and training sessions; CSOs are required to submit activity reports and participant lists.

SOUTH

- Registered CSOs face additional requirements imposed by security actors: local armed groups and Libyan National Army (LNA) forces.

- Security authorities request that CSOs inform them ahead of planned activities, obtain permits before, and provide detailed reports after these activities, including participant lists.

- Engaging in activities that focus on 'sensitive topics' or that are supported by inter-national organisations can damage the organisation's reputation and cause more thorough scrutiny.

- CSOs face difficulties opening bank accounts.

- Activists from non-Arab ethnic backgrounds who do not hold Libyan nationality, but only administrative identification numbers, face additional challenges in securing registration.

2

Scrutiny and threat of violence from security actors/armed groups

WEST

- Engaging with 'sensitive' projects that challenge social norms often leads to significant backlash on social media, with calls for security forces to intervene.

- CSOs that focus on women's empowerment are more likely to be accused of advancing western agendas.

- Government entities apply pressure on local CSOs, for example through threat or actual eviction of CSOs from public buildings, if they oppose their work.

- CSOs are often accused of espionage for international agencies.

- Women face increased scrutiny and pressure, as their involvement is seen as conflicting with gender and social norms.

EAST

- CSOs have become accustomed to investigations by security forces and delays in obtaining approvals, which are largely viewed as routine bureaucratic processes.

- CSOs dealing with 'sensitive issues' such as the rights of Libyan women married to foreigners or engaging in conflict management initiatives are frequently subject to anonymous threats or summoned for investigation.

- Personal relationships facilitate smoother interactions with security authorities and help to expedite activity approvals.

- Threats can originate from LNA security forces or other armed groups that are not formally affiliated with the LNA.

- CSOs are often accused of espionage for international agencies.

- Women face increased scrutiny and pressure, as their involvement is seen as conflicting with gender and social norms.

SOUTH

- CSOs face arbitrary arrests, physical violence, abusive language and scepticism from the public, and resistance from security actors (both LNA-affiliated forces and local armed groups).

- CSOs must obtain permissions from security authorities, particularly the LNA, before undertaking any 'sensitive' project.

- CSOs working on 'sensitive' topics, such as women's rights, encounter severe challenges, including direct violence from security actors.

- CSOs are often accused of espionage for international agencies.

- Women face increased scrutiny and pressure, as their involvement is seen as conflicting with gender and social norms.

Detailed analysis of key findings from interviews with research participants.

1

Failure to obtain approval from governance actors/administrative authorities and/or increased administrative hurdles

The evolving regulations from the Civil Society Commission have elicited mixed reactions among research respondents. While some view these changes as positive steps towards better organisation, others perceive them as adding complexity and further constricting the civic space.

REGION: WEST

In the West, a distinct contrast exists between Tripoli and smaller cities in the region. In Tripoli where institutions are established and active, there is far more scrutiny of CSOs which are active and operate in Tripoli. Elsewhere in the region there is considerably less scrutiny, as there are far fewer institutions that exist outside of Tripoli. Significant restrictions are notable in Tripoli, where CSOs must renew their registration annually and are subject to tighter checks. In contrast, in areas like Zliten, Bani Waleed and Zwara, CSOs are often able to operate more informally and without renewing their registration. This seems to be attributed to the practices of CSC offices in these areas, whose personnel often lack the competences to implement regulations as strictly as in the capital and larger cities, or where personal relations between members of CSOs and local CSC officers are leveraged and allow for greater cooperation.

In Tripoli and larger cities including Zintan, some CSOs face complex bureaucratic hurdles. In addition to the annual registration renewal, they are often required to obtain approval from multiple bodies before conducting activities, including the CSC, municipal authorities, and interior and foreign security offices. Many CSOs have pointed out the lack of clear regulations governing their operations.

Some registered CSOs deliberately avoid seeking additional permits on the basis that legal registration allows them to bypass the need for security approvals. This is the case, for example, of CSOs with a law and justice mandate, who feel more confident to challenge requests for additional security approvals on a legal basis.

Some CSOs highlighted that the process of obtaining permissions from different security forces is based on their experience and verbal agreement with those bodies, as many CSO members were summoned for investigation to clarify activities by those security forces. According to interviewees, women's CSOs are reportedly targeted less compared to organisations run by men; some women's CSOs need to obtain permissions from security forces while others operate without major interferences. While these findings require further investigation, a possible interpretation may be that the level of scrutiny depends more on the type of mandate of the organisation than on the gender of the CSO members, whereby the work of women's CSOs that focus on charitable activities, for example, is perceived as less sensitive by security actors than that of organisations working on women's rights.

A distinct variation in the level of threat and the adoption of regulations across Libyan cities within the western region is evident, largely influenced by the size of the city and the strength of personal relationships among community members. Additionally, the lack of political divisions between cities in the West makes it easier for CSOs to operate and carry out their activities.

REGION: EAST

All local CSOs are registered under the regional branch of the CSC based in the East, (there are also branches in the South and the West of Libya) and must renew their registration annually; despite the formal procedures, some CSOs encounter additional requirements imposed by security forces, which they must navigate to gain operational clearance and approval for specific activities. The process from security forces is inconsistent and unclear, creating additional complex layers of approval often linked to the perceived sensitivity of activities undertaken by CSOs. Activities that focus on women's empowerment, women's rights, election awareness and education on civic rights, legal awareness and rights, and preventing gender-based violence are considered very sensitive and require approval from the municipality and local/ regional security forces. Implementing these types of activities often results in the local CSOs coming under the microscope of security forces, resulting in CSOs requiring approval for all activities that they plan to implement. The types of security actors include: the security directorate, external security, internal security and the intelligence service. Relationships are fluid between LNA and other security actors. From the research, a surprising finding is that CSOs comprised entirely of women face fewer bureaucratic hurdles, often needing only to renew their registration with the CSC. This is particularly true of CSOs that provide charitable services, who are seen as less politicised and not challenging gender norms. Furthermore, cultural norms and traditional practices frequently preclude women from directly engaging with security force for approval processes.

Procedures and finalising approval from different security forces are sometimes very time-consuming and result in activities being delayed and/or CSOs having to change the implementation of activities to other areas. Moreover, obtaining approvals may require restrictions to planned activities, including working with low visibility for some topics like sexual harassment and physical violence against women and children.

> **Internal security personnel frequently attend workshops and training sessions, with CSOs required to submit activity reports and participant lists post-implementation. This practice can dilute content, particularly on legal awareness, human rights, and women's empowerment, as organisations attempt to navigate the regulatory environment.**

REGION: SOUTH

In the southern region, most CSOs are registered with the CSC branch in the South and renew their registration annually. Despite adherence to these formal procedures, some CSOs face additional requirements imposed by security forces (including local armed groups and LNA forces), which must be navigated to secure operational clearance and approval for specific activities. The process enforced by these security forces is often unclear and complex, particularly for activities considered sensitive.

A recent trend in the South is that security authorities have mandated that CSOs inform them of any planned activities, obtain the necessary permits before proceeding, and provide detailed reports and data on these activities and programmes. Additionally, CSOs have encountered difficulties with opening bank accounts, they are asked to submit detailed organisation documentation and detailed accounts for several

years as well as established legally binding and endorsed memorandum of articles etc. This makes it very difficult for CSOs to open accounts. This restriction has forced many organisations to use personal bank accounts for financial transactions.

The requirement to submit comprehensive data on members, including women, has raised significant concerns due to the potential risks of data misuse, especially in a sensitive societal context. This adds social pressure on women in particular and may represent a disincentive to participate in activities to avoid having to share personal detail and receiving scrutiny. Activities requiring approval from multiple authorities, such as the municipality, security directorate, external security, internal security, and intelligence services, are subject to increased scrutiny and necessitate ongoing approval.

Organisations must carefully evaluate the local context and avoid engaging in sensitive topics that could damage the organisation's reputation. While this was not explicitly highlighted during interviews with CSOs members, it is plausible to conclude that this represents a disincentive for organisations to focus on issues that are likely to be considered 'sensitive' and thus cause additional scrutiny, such as those relating to women's rights, violence against women, or citizenship rights.

The absence of a specific regulatory framework for civil society institutions has led various entities to assert control over these organisations, each imposing its own set of regulations. Initially, civil society institutions were overseen by the CSC, linked to the executive authority. Later, the Presidential Council decided to bring the CSC under its jurisdiction. Subsequently, the House of Representatives reaffirmed that civil society institutions should fall under its authority, based on a 2009 law that aligned CSOs with the General People's Congress. This law remains in effect, resulting in jurisdictional disputes and conflicting regulations that restrict the work of civil society

institutions, leaving them uncertain about their affiliation and legal status.

Additionally, activists from non-Arab ethnic backgrounds who do not hold Libyan nationality but only possess an administrative identification number face additional challenges. No official registrations are issued for the organisations they work with, despite their active involvement. These individuals continue to work without formal registration.

Regarding activities involving women, in some cases they do not seek formal permission from the CSC or any other entity as it can increase their exposure to security risks and interference from both regulatory and security actors. Instead, they prioritise informing them verbally or through personal communication, leveraging their relationships with local authorities and security agencies. However, they have faced difficulties with both internal security (e.g. the Ministry of Interior) and external security (e.g., the Ministry of Foreign Affairs) concerning these activities. These institutions frequently request participant data and detailed information about events organised by the Women's Union, particularly when these activities involve support or participation from international organisations.

2

Scrutiny and threat of violence from security actors/armed groups

Working on topics that are deemed sensitive or perceived as a threat to religious or traditional norms and values heightens risks. These topics include: citizenship rights, gender issues or women's rights.

REGION: WEST

The sensitivity of projects has triggered threats to both men and women; however, women face additional risks beyond those posed by local authorities and security forces, including blackmail and defamation. These threats mainly occur online and are particularly severe for women, as they can result in social ostracism and exclusion from civic work. Obtaining security approvals from various entities can help mitigate these threats when addressing sensitive topics, though it often comes with the expectation of visits from security force members, which can lead to the dilution of discussions.

The level of threat from governmental and security forces is often mitigated through strategic partnerships with governmental authorities, such as municipalities in smaller areas and ministries in larger cities. These partnerships provide protective coverage that can reduce various threats, including those posed by armed groups.

Engaging with sensitive projects that challenge the beliefs and views of specific community groups often leads to significant backlash on social media, with calls for security forces to intervene. These calls are often not heeded; however, they do signal a worrying trend that online pressure can exacerbate security threats to CSOs through misinformation. Medium to large-sized CSOs operating at a regional level typically rely on the expertise of their members to develop risk

mitigation strategies for sensitive topics and leverage personal relationships to secure security approvals across different cities.

REGION: EAST

The threat level faced by CSOs in the eastern region is influenced by multiple factors, with a clear correlation between the sensitivity of their projects and the degree of risk they encounter. Specifically, the more sensitive the topic a CSO addresses, the greater the threat to the organisation and its members. Over time, perceptions of security among CSO members have evolved; what was once considered a security threat- such as investigations by security forces and delays in obtaining approvals is now often viewed as routine bureaucratic processes to which members have become accustomed.

Personal relationships play a critical role in mitigating these threats, facilitating smoother interactions with security authorities, and expediting activity approvals. These relationships are often cultivated professionally, with CSOs building the technical capacities of security force members in areas such as report writing and providing them with opportunities to participate in various training sessions.

In cases involving highly sensitive topics, threats can originate from security forces that are not affiliated with the LNA and therefore considered 'illegitimate'; these are forces that are aligned to specific interest or identity groups, often with a tribal or religious affiliation. It must be emphasised that the distinction between the official, 'legitimate' LNA, police or security forces, and those deemed as 'illegitimate' can be blurred. CSO members who engage with contentious

issues, such as the rights of Libyan women married to foreigners or efforts to prevent escalation between conflicting groups, are frequently subject to anonymous threats or summoned for investigation.

While women in CSOs reportedly face less direct pressure from security forces, they experience heightened social pressure when addressing issues that challenge social norms. In rare instances, security forces may call women in for investigations, often leading to their withdrawal from specific projects or civic engagement. The cumulative effect of pressure from security forces, including military forces, the security directorate, and general security forces, has contributed to the gradual constriction of civic space.

REGION: SOUTH

In the southern region, CSOs navigate a complex threat landscape characterised by arbitrary arrests, physical violence coupled with public scepticism and resistance from security actors, including LNA-affiliated groups and armed groups affiliated with different tribes. These challenges are compounded by stringent permission requirements and a lack of government support, highlighting the need for a nuanced approach to effectively addressing these issues. The threat level faced by CSOs is closely tied to the sensitivity of their projects: more sensitive issues pose greater risks. As a result, CSOs exercise caution in their topic selection, carefully considering the local context to avoid addressing sensitive subjects that could damage their organisational reputation.

Public responses to CSO initiatives generally become positive when these efforts yield tangible results that address 'real' issues as perceived by communities. However, scepticism towards civil society work persists, largely due to the relatively novel nature of fieldwork and volunteer initiatives in this region. Despite this initial resistance, the successful resolution of numerous regional issues by these organisations has fostered a more

favourable perception of civil work, leading to increased trust and reliance on these entities over the past twelve months.

A significant challenge faced by CSOs is the requirement to obtain permissions from security authorities, particularly the LNA before undertaking any sensitive project. This requirement imposes additional barriers, compounded by the lack of governmental support to facilitate these processes. Most criticisms directed at CSOs come from security and military entities, while the public tends to support efforts that address pressing community issues.

CSOs working on sensitive topics, such as women's rights, encounter severe challenges, including direct violence from security actors. For instance, in 2013, an organisation addressing the rights of Libyan women married to foreigners faced severe threats, including gunfire at their headquarters and a grenade attack at the venue hosting their conference. These incidents highlight the significant risks associated with their work.

The Women's Union, which tackled the issue of under-age marriage, initially faced substantial resistance and minimal community support.

> **By strategically involving prominent stakeholders such as notaries, medical professionals, and judicial figures, the project gained broader acceptance. This approach facilitated greater community engagement and increased attendance at related events, showcasing an effective strategy for overcoming resistance to sensitive topics.**

3

Perception that CSOs promote western agendas and are involved in espionage on behalf of international actors

REGION: WEST

There is a perception that CSOs (particularly those working with INGOs) are subject to western cultural influence and are often suspected of undertaking espionage for international agencies. This pertains mainly to those CSOs working with international organisations; however, the perception is now more widespread and impacts on the whole civil society sector in Libya. Established CSOs with a history of charitable work and a positive public image tend to experience less pressure and are even sought after by communities to address community issues.

CSOs mainly face harassment through social media, particularly on Facebook, with arbitrary accusations of collusion with western influences and powers. Despite this, social media remains a primary channel of communication between local CSOs and the broader community. Social media is often characterised as a double-edged sword for CSOs. It has the potential to enhance their public image and positively shift community perceptions, but it can also expose them to heightened risks. Negative portrayals on social media can make CSOs more vulnerable to threats, leading to violations by security forces and other community members.

REGION: EAST

The perception of CSOs among many civilians, particularly in smaller cities, is often shaped by stereotypes that view these entities as promoting western agendas and attempting to alter social norms and religious values. Despite some positive shifts in public attitudes, CSO members continue to face accusations on social media, with some being labelled as spies. Women involved in CSOs encounter additional challenges not faced by their male counterparts, as their participation in civil society is often seen as contravening traditional and cultural expectations, thereby subjecting them to increased pressure. Additionally, men-led CSOs that focus on women's empowerment are more likely to be accused of advancing western agendas.

Government entities apply varying degrees of pressure on local CSOs, particularly those that rely on government-owned buildings for meetings and activities. Changes in the controlling authorities, whether at the municipal level or within security bodies, can result in the eviction of CSOs from these spaces, especially if the authorities oppose the work of CSOs.

Social media and radio are the primary channels for public communication, and the nature of a CSO's focus significantly influences the level of public harassment it receives. CSOs engaging in charitable work and infrastructure development tend to experience less social media backlash than those focusing on awareness, human rights, and capacity-building initiatives.

REGION: SOUTH

In the southern region, CSO members frequently face social media criticism, with some being accused of espionage. Women in these organisations encounter additional challenges, as their involvement is often seen as conflicting with cultural and social norms, leading to increased scrutiny and pressure. Their participation is distinctively challenging compared to their male counterparts, as it is perceived as contravening traditional values, resulting in heightened oversight and pressure from local government actors.

The level of engagement with CSOs largely depends on the nature of their activities. Programmes directly impacting citizens, such as health or social awareness initiatives, tend to garner more public involvement. However, there remains a limited acceptance of the roles and functions of CSOs, with many perceiving them as profit-driven entities primarily serving international organisations to secure funding and opportunities to travel abroad. Accusations of espionage and foreign allegiance are common.

The Internal Security Service has intensified its oversight of CSO activities, requiring regular reports and detailed data submissions. Unfortunately, those tasked with monitoring these organisations often lack a deep understanding of their operations, which exacerbates concerns and fears of accusations such as treason or foreign collaboration.

Security challenges differ across regions. In smaller areas, local dynamics and personal relationships with security agencies often facilitate ongoing cooperation. Organisations in these areas frequently rely on assistance from security agencies to organise and protect their activities.

On the other hand, social media has proven to be a valuable tool for community engagement, particularly through sponsored advertisements and animated content, which have fostered meaningful interactions and positive outcomes. Radio programmes have also played a significant role in outreach and engagement. The strategic use of social media platforms, dialogue sessions, and direct training has significantly bolstered community trust by showcasing transparency in activities.

For women, societal norms often necessitate greater caution to avoid potential social repercussions for themselves and their families. However, women may also benefit from a higher level of respect within society, which can sometimes expedite the process of obtaining necessary permits.

4

Sources of finance and funding, specifically international funding and support

REGION: WEST

Funding from INGOs often exacerbates security threats for CSOs. Security forces frequently accuse INGOs of promoting socially unacceptable practices and perceive them as foreign intelligence agents interfering in local and national affairs. According to one interviewee, certain topics championed by INGOs, such as the shrinking civic space, increase the scrutiny and pressure on CSOs by security forces, leading to more frequent and intensive monitoring of their activities.

Additionally, the security forces' perception of the topic being addressed, regardless of the funding source, plays a significant role in determining the level of threat faced by CSOs. This underscores the complex relationship between INGOs, local CSOs, and security forces, where the nature of the work and the associated risks are heavily influenced by external perceptions and political contexts.

REGION: EAST

Civil society projects in Libya are funded through various sources, with many CSOs depending on membership fees and donations from their members. Others secure funding from alternative sources, including local businesses and INGOs. Under the Government of National Stability (supported by the House of Representatives), the Ministry of Women's Affairs has established partnerships with various women's CSOs and has supported projects to empower Libyan women. However, no other governmental entities have been identified as direct funding sources for local CSOs, although some offer moral support and endorsement. Both direct and indirect support from government entities can mitigate security

threats and streamline the approval process for activities, thereby improving the safety and security of CSO members.

Securing funds from INGOs presents significant challenges for many local CSOs, as these organisations often impose difficult conditions for local CSOs to meet. This includes scrutiny of all financial transactions, sanctioning activities depending on the nature of the activity, regular scrutiny from the CSC and arbitrary visits from security actors, mainly to check who is attending events, the types of topics covered. Moreover, local CSOs that pursue funding from INGOs frequently face threats from both security forces and civilians, who accuse them of espionage. These CSOs are also subjected to increased scrutiny and demands for detailed information during approval.

Despite these challenges, partnerships with INGOs are seen as crucial, though they also exacerbate the pressure in obtaining security forces' approval. Local CSOs that rely on domestic funding sources encounter similar obstacles. In this context, personal relationships with key individuals remain the most important factor in simplifying the approval process and navigating the complex regulatory environment.

REGION: SOUTH

CSOs in the South predominantly rely on local support, primarily depend on membership fees to sustain their activities, and often collaborate with other organisations, including contributions from businesses and community members, to finance their activities. Many initiatives are funded through local resources, with additional in-kind support sometimes provided by local authorities, such as offering tools and resources necessary for operations and implementation. Support from government entities, whether direct or indirect, can help alleviate security threats and expedite the approval process, ultimately enhancing the safety and security of CSO members.

While some projects have received backing from international organisations, a significant challenge in securing international funding lies in the difficulty of opening bank accounts for associations and CSOs. Furthermore, issues with transparency undermine the reputation of certain organisations, as they often fail to adequately publicise their projects and tend to engage with only a limited number of local partners. The recent increase in security scrutiny on foreign funding has further complicated the process of obtaining financial support.

Securing international funding is inherently challenging, requiring a solid foundation of tangible, on-the-ground work, followed by the development of a compelling and well-structured proposal that effectively persuades and convinces potential international funders. Additionally, local CSOs seeking funding from international NGOs often encounter threats from both security forces and civilians, who accuse them of espionage. These CSOs are also subjected to heightened scrutiny and must provide extensive details during the approval process.

Recommendations for the FCDO and other international donors partnering with Libyan civil society organisations

Donors should maintain and strengthen their partnerships with Libyan CSOs, offering capacity, financial and advocacy support to protect and expand civic space in Libya. In light of key findings from this research, the following recommendations are proposed for consideration by donors:

— **Work with CSOs on robust risk management**: Donors should support CSOs to conduct comprehensive risk assessments and developing context-specific risk mitigation strategies. This support should particularly target smaller, grassroots organisations, which may face challenges in meeting the enhanced risk management requirements imposed by donors. Without this support, these organisations may struggle to access funding and form partnerships with international donors, potentially hindering the overall civic space, especially in regions of Libya where smaller CSOs are prevalent.

— **Work with CSOs on thorough conflict and stakeholder analysis:** Donors should help CSOs carry out gender-sensitive conflict analyses and stakeholder mapping to deepen their understanding of the local context in which they operate. This will enable CSOs to assess the risks and opportunities associated with collaborating with local stakeholders and better navigate relationships with security actors. Donors should provide financial and capacity support to ensure this analysis is undertaken, rather than making it a precondition for selecting partner organisations.

— **Have strong due diligence and safeguarding protocols for working with CSOs with 'sensitive' mandates and projects:** Donors should implement rigorous due diligence processes to assess the risks faced by CSOs working on sensitive issues. In addition to assessing these risks, donors should provide timely and adequate support to help partner organisations mitigate potential threats and respond effectively to any incidents or concerns that may arise.

— **Encourage CSOs to consider mitigation actions that other CSOs have found effective:** Donors should create opportunities for CSOs to exchange experiences and best practices on risk mitigation. By facilitating knowledge-sharing among Libyan organisations, donors can help CSOs tailor more effective strategies based on lessons learned by their peers in the Libyan context.

— **Exercise caution in external communication and visibility regarding international funding to CSOs:** Donors should be mindful of the sensitivities surrounding international funding to CSOs when designing communication and visibility strategies. Close consultation with partner organisations is essential to determine the most appropriate and safe approach to external communication on a case-by-case basis, ensuring that the risks associated with publicising funding sources are carefully considered.

— **Encourage CSOs to assess the risks and opportunities of external communications:** Donors should encourage CSOs to thoroughly evaluate both the risks of backlash from external communications and the potential benefits of building public trust or establishing relationships with key stakeholders, including government and regulatory bodies. This balanced approach will help CSOs make better informed decisions about their external visibility.

— **Advocate for international support to strengthen CSOs' risk management:** Donors should advocate with other international missions, agencies, and multilateral bodies to increase support for CSOs in implementing robust risk management frameworks. It is critical that these enhanced protocols come with increased financial and capacity support rather than being imposed as additional administrative burdens on organisations. This will enable CSOs to build the necessary systems to manage risks effectively.

— **Advocate with Libyan counterparts on safeguarding civic space:** Donors should engage with Libyan counterparts, including governmental bodies, regulatory bodies, security actors, and other key stakeholders, to promote and protect the civic space in Libya. Advocacy efforts should focus on encouraging policies and practices that create a conducive environment for CSOs and activists to operate without fear of repression or undue restrictions. This includes advocating for clear, transparent and consistently applied regulations that facilitate CSO operations, as well as advocating for security actors to refrain from interfering with or suppressing the activities of CSOs.

Appendix: interview questions and guidance for data collection

This is not an interview script. These questions are questions to be answered through the research and not necessarily the exact to be asked of interviewees. Interviewers will need to determine specific questions to ask interviewees in order to get answers to these questions, based on their understanding of the interviewee, of sensitivities relating to particular questions and to how the interview may be proceeding.

At the start of any interview, clearly explain the purpose and expectations coming from it.

1. What do you and/or your organisation do?

    Purpose of question: to help understand roles of different types of civil society actors in Libya and what they are working on; to help ease into the interview.

2. Are there sensitivities relating to your organisation's work? How do people react? How do authorities act? Is there a need to change what you do in response to these issues?

    Purpose of question: To understand some of the unofficial pressures the civil society actor may be under.

3. What regulations/administrative procedures do you have to go through to do your work?

    Purpose of question: To map key administrative hurdles civil society actors may be under.

Additional notes:

- Ask about registration of the organisation
- Ask about getting permission from local authorities
- Ask about getting permission from armed groups/security actors
- Ask about getting permission from community actors
- Have you faced any legal challenges in the courts? How did you manage it?
- Have regulations changed in the last year? Better? Worse?
- For each of these, ask what the process is and how they manage it
- Are there any significant differences between men and women's experiences of administrative hurdles and procedures?

4. What is your relationship with other civil society actors?

    Purpose of question: To understand how freely civil society actors can network or work with one another.

Additional notes:

- Tease out questions about relationships (are they competitive, friendly, cooperative etc.)
- What about organisations from other areas in Libya (East, West, South etc.)?

5. Are you concerned about security as part of your work?

   Purpose of question: To understand physical threats to civil society actors

Additional notes:

- Ask about whether they have faced security threats. What sort?

- Follow with: If there have been any incidents (e.g., physical violence, arrests, threats, etc.), what impact have these had on the activity of the organisation?

- Ask about how they plan around security

- What are the coping strategies / resilience mechanisms that organisations put in place to mitigate security challenges and / or in case of security incidents (e.g., mobilising personal networks?)

- Are there any significant differences between how women/men experience security (e.g., threats) or the coping / resilience strategies they put in place?

- Can certain procedures only be conducted by men, e.g. security approvals. This will provide an understanding of gender differences?

6. How do you communicate with the public?

   Purpose of question: Understand processes and sensitivities around outreach.

Additional notes:

- What messages do you want the public to know about your work?

- What do you use to communicate those messages? Social media? News? Other outreach?

- Are there challenges/sensitivities about how you communicate with the public?

- Do you feel the public is supportive of your work? Of civil society actors in general? Why?

- Are there any differences in public perceptions or sensitivities with regards to women vs. men working in civil society?

7. Where do you get funding from?

   Purpose of question: Understand the funding landscape and limitations regarding it.

Additional notes:

- Ask about local sources of funding – are there any limitations on it?

- Ask about how easy it is to access international funding – are there any limitations on it?

- Ask about whether there are any challenges for funding, including sensitivities regarding foreign funding, corruption, etc.

8. Do you think the situation for civil society in Libya is getting better or worse? Why?

   Purpose of question: To understand perspectives and outlook.