

Abuse and Violence Against Women and Children Behind the Bars: Content Analysis

Muniera Khalifa Almbrouk Aldiga^{a*}; Albattat, Ahmad^b; Wan Zokhri Bin Wan Idris^c

^{a,b,c} Post Graduate Center, Management and Science University, University Drive, Off Persiaran
Olahraga, Section 13, 40100, Selangor, Malaysia

^{a*} **Corresponding author:** muniraalmbrok@yahoo.com

Abstract

In recent years, both within and beyond the International Red Cross and Red Crescent Movement, women's issues in armed conflict have gotten more attention. Resolutions affecting the entire Movement, as well as more specific decisions taken within the International C, demonstrate a desire to better address the challenges that women experience. This study tries to uncover abuse and violence against women and children in jails by analysing data from published reports and articles. The undersigned organisations are worried about rising levels of violence against women in Libya's civic space and criticise Libya's government for failing to keep their pledges. Authorities were advised to expect the worst, according to the analysis. Institutes for women's safety research and training Reactivating the hotline and ensuring that women who have been victims of domestic violence have access to a variety of resources. Statistics on violence against women and girls are updated once a month. Protecting female migrants from abuse and exploitation while providing crucial support and combating human trafficking. With the participation of the ministries of Culture, Social Affairs, Endowments, Health, and Media, raising public awareness and boosting social mobilisation through media programmes and educational seminars. To ensure a correct and healthy reaction to situations of violence against women, including domestic abuse, law enforcement professionals should be taught, and the number of female cops should be increased

Keywords: *Abuse; violence; Women and Children; Behind the Bars; Content Analysis*

Introduction

The roads in Libya have been full of potholes since the fall of the Qaddafi dictatorship in 2011. There has been a lack of progress on the political, economic, and security fronts, which has led to feelings of resentment and caused the recovery process to be placed in jeopardy (Omagu, & Odigbo, 2017; Franco, 2018). There have been multiple instances in which Libya has returned to all-out civil war. because of the conflict in Libya, a lot of children and women have recently met a range of threats (Sharma, 2016). This has led to the wide usage of lethal weaponry during wartime which results in the killing of countless families. as a result, various agreements and international law have tackled the protection of individuals (Nance, 2016). Fresh vocabulary was part of the transition, but the supporters also envisioned a new approach to the ius in bello, as shown by the new name. The report began by pointing to a new domain of law —the aforementioned "extended humanitarian law" —that

was equipped with a set of appropriate humanitarian requirements (Alexander, 2016). This set of conventions, known as the 1977 Protocols Additional to the Geneva Conventions, were used as the roadmap for the establishment of a new area (Burkle, Kushner, Giannou, Paterson, Wren & Burnham, 2019).

The International Committee of the Red Cross (ICRC) asserts that international humanitarian law is a subset of international law that controls state-to-state relations (ICRC, 2010). (Cotter & Policinski, 2020). The ultimate purpose of this effort is to protect those who aren't involved in hostilities, such as those who are ill or wounded, detainees, and civilians, as well as to ensure that parties involved in the war uphold their human rights and legal obligations (Kittichaisaree, 2017). The First and Second Articles of the Third Geneva Convention argue that, in accordance with Article 14 of the Third Geneva Convention, women shall be treated with all the attention due to their sex and shall benefit from treatment as favourable as that accorded to men (which effectively replicates Article 3 of the 1929 Convention). (Linton, 2017 claims). Article 27 of the Stockholm treaty, which stipulated "for the protection of civilian individuals in time of conflict," led to paragraph 2. The statement made in the conference held in Stockholm declared, "Women and children would be especially protected from any threats to their dignity or respect." Children between the ages of 15 and 17 must receive preferential treatment in food, medical care, and protection from wartime conditions, according to the agreement.

While prioritising women's full and effective participation in public life, the UN Support Mission in Libya continues to focus on women's participation in all political processes and all peace-building measures (Mueller & Cornago, 2018). The ability of Libyan women to freely voice their opinions and participate in post-conflict reconstruction is quickly diminishing as we approach the 20th anniversary of UNSC Resolution 1325. Women, especially activists and activists involved in politics, human rights, and civil society, can be instrumental in any process of reconciliation and accountability that goes along with the peace process in Libya, including discussing reconciliation and accountability for the country's transition to a peaceful and democratic future (Alunni, Calder & Kappler, 2017). In Libya, women have long been in the forefront of advocating for peace, and they will continue to do so. Because of this, Libyan women have been praised for their diverse achievements and inspiring contributions to international peace-building efforts, including being nominated for the BBC's list of the 100 most influential and inspiring women in the world, being named to Forbes magazine's list of the top 50 women in Africa, and being named to the Nobel Peace Prize shortlist (Forster, 2019). Through internet, new media, and social media, Libyan women have collaborated to deliver innovative ideas to help build momentum and foster peace-building activities (Tamaru & O'Reilly, 2018).

As a result, this statement was made when men and women understood that events are difficult and impact men and women differently, and that women's concerns are generally overlooked. Gender-sensitive humanitarian programmes, which aimed to help both men and women deal with the varied and difficult repercussions of complex situations, were identified as being helpful. Many non-governmental organisations, as well as academia, have contributed to increasing public awareness of this topic, and the legality of present international law is being discussed within the international community. This study is doing research to find violence and abuse against women and children in jails by reviewing information from journal publications and other sources.

Physical, sexual, and emotional abuse of women and children

According to the Ministry of Justice's Judicial Police in October 2017, tens of thousands of more people were being imprisoned in a range of other types of institutions nominally under the Ministries

of Interior and Defense or directly controlled by armed groups. While these organisations have a long history of extensive use of torture and other human rights abuses, they have just entered a period of restriction. For example, the Mitiga prison facility in Tripoli is operated by a militarily aligned organisation linked to the internationally recognised GNA and working for the Ministry of Interior. It's estimated that there are at least 2,600 men, women, and children held in this facility in western Libya, of which the majority do not have access to legal representation. All prisoners go through such situations, which include, but are not limited to, torture, wrongful death, poor medical care, and solitary imprisonment. The Libyan National Army (LNA), a military alliance that governs most of eastern Libya but is not associated with the internationally recognised government, operates the Kuweifiya jail, which has 1,800 inmates who are presumed to be detained there. long periods of arbitrary and incommunicado imprisonment, torture, and other sorts of mistreatment await those who are held in the other two categories (OHCHR, 2018).

Armed warfare in Libya, which began in 2014, further worsened the situation in the country by increasing the number of people detained due to their "war-related" or political involvement. Despite the illegality of much of this, in many instances, such as the tit-for-tat kidnappings based on familial or tribal relationships, or claimed political allegiances, a lot of deprivation of liberty took place. As a result of the expansion and territorial gains of designated terrorist groups, twelve other armed groups, some of which had been integrated into State structures, carried out mass arrests and detentions of individuals, often with no factual evidence of their involvement in violence and other crimes. For far too long, justice has been denied for victims of jail torture. As part of the London Principles Agreement (LPA), which was signed in December 2015, recognition has been given to the compelling need to aid thousands of conflict-related detainees now confined in detention centres. All armed groups must release or return those in their custody within 30 days of the new government seizing control. The provision further said that judges were required to ensure that detainees appear before courts within 60 days of their detention or release and to guarantee that proper security and abuse prevention was in place. 13 The LPA made sure that only statutory law enforcement authorities were allowed to hold and arrest people. 14 hundred of innocent people are still in prison and are not receiving due process or proper protection (OHCHR, 2018).

As of January 1, 2018, the Libyan National Army (LNA), a military coalition made up of professionals and volunteers that included various armed groups organised along regional, ethnic, and ideological lines, held sway over much of eastern Libya. 18 Former general Khalifa Haftar was appointed commander-in-chief of the LNA in March 2015. General Haftar launched Operation Dignity in early 2014, asserting that the mission was to eliminate "terrorists." Abdallah al-Thinni, who heads the "Interim Government," backs the LNA. 19 Attacks and threats against judges, prosecutors, and other judicial personnel due to the worsening security situation that began after armed hostilities resumed in 2014 has led to the closure of some courts. On September 18, 2017, an armed mob attacked a prosecutor at the Gharyan Court Complex, as well as forcibly removed defendants from the court. Armed organisations' defiance of legal rulings like arrest warrants, summons to court, and release orders is common. Many courts have reopened in 2016, including in Libya's east, although judges choose to focus on civil, personal status, and routine criminal trials such as misdemeanours and felonies, ignoring civil and political issues. Mohamed Abdelwahid Abdelhamid, the Unappointed Minister of Justice, who assumed his post in March 2017, argued in June 2017 that solving the problem of wrongful detention must be made a priority. reiterated his commitment to resolve human rights problems in tandem with fulfilling international law obligations.

Detention of women and children

The conditions of detention are consistently much below international minimum detainee care standards, but this varies depending on the institution. Jail conditions are typically associated with torture and other ill-treatment. According to these detainees, prisons under the Ministry of Interior or held directly by armed groups were the primary locations where people voiced complaints about their living conditions. Other instances include the jail population at the Mitiga detention centre who were packed into squalid cells, where they had no light or ventilation, hygiene facilities, or access to proper sanitation. While HRD was conducting their investigation in May of 2016, numerous convicts still had not received mattresses or blankets. Because there was no more room, detainees had to alternate sleeping shifts. These individuals, who were alleged to have committed acts of terrorism-related offences, were held in solitary confinement for an extended period and were denied access to basic requirements.

In al-Kuweifiya Prison, there is also solitary confinement. Inmates complained that they were kept in small, crowded rooms with little space to move around in. Some captives found that mice and insects came via a hole in the ground that was used as a latrine. He stated that he was having difficulty breathing because of the poor airflow and an overabundant smell. Daily, he was given a tiny bottle of water to sip from and use as a cleaning agent. In other words, there is ample proof that each cell in the GIA wing of the prison can contain 20-30 individuals, with room to move around but no extra space to lie down. Even though family visits are very important for detainees who are in desperate need of food, hygiene, and medicine, these visits are prohibited. Restive detainees in Libya have commented on the unsatisfactory quality of food offered as well as a shortage of adequate water. Several prisoners were barred from outside time and sunshine because of their crimes. They became severely injured because of it, and in addition, they developed several ailments, many of which may have been avoided.

The spread of skin and eye infections, as well as gastrointestinal problems, occurs due to preexisting and chronic medical issues that are exacerbated in detention. Despite the general presence of clinics for prisoners and their families, numerous former detainees and their families have consistently complained about subpar and insufficient medical care. There have been deaths in jail due to inadequate custody conditions and medical mistreatment. For example, at least one 2011 "conflict-related" criminal died due to medical neglect and a lack of sufficient food and medicine while in prison of the BRSC from October 2014 until late 2016. During October 2014, a group of anti-Assad rebels—known as the BRSC (Anti-Assad Revolutionary Front)—captured dozens of prisoners from the Abuhdima Military Prison in Benghazi, freeing them. Afterward, the prisoners were relocated to locations across Benghazi, including the homes and structures in Qawarsha and Ganfouda. Between December 2016 and March 2017, the convicts were completely blocked off from the outside world, until they broke out and surrendered to the LNA. During a lengthy, violent struggle in Benghazi, something occurred. The fact that children are literally welded to their adult captors' sides is a major cause for concern. During military operations against the so-called Islamic State (also known as ISIS or ISIL) in Sirte, three minors, all around the age of 14, were arrested. Since they are underage, they were put in a separate cell in the adult male section of al-Jawiya prison, where they remain, according to information received. In another cell in the same section of the prison, seven more youngsters between the ages of 10 and 11 are being kept. Mothers, who were detained in the women's prison area, were prohibited from connecting with their children. Since the city of al-Kuweifiya lacks the room to separate children and adults, children and adults are both crowded together.

Many persons have reported that they have died while in jail after having been suspected of torture or been executed by summary means in Libya since December of 2015. Between October 2013 and

September 2014, the United Nations Special Representative on Human Rights in Iraq (UNSMIL) and the High Commissioner for Human Rights (OHCHR) issued a collaborative study titled *Deaths in Custody*, which discovered deaths in detention centres under the nominal authority of the state but functionally under the control of armed groups. Salah al-Marghani, who was the minister of justice at the time, promised to investigate the claims and prosecute anyone found guilty.⁸⁷ The OHCHR/UNSMIL asserts that no member of an armed group has been convicted of perpetrating or authorising torture even when the abuse caused fatalities. In this environment of impunity, crimes and abuses have been allowed to continue unabated (OHCHR, 2018). Based on interviews with inmates and guards, the HRD identified several examples of women who were imprisoned, typically because of familial links or prisoner exchanges. The women were, as with the men, confined to prisons for lengthy periods of time with no valid reason and no opportunity to dispute their imprisonment. An Egyptian national, Farida Ali Abdul Hamid, was held in an eastern Libyan prison for 13 months. She and her 38-year-old son were arrested in May 2015 by LNA-affiliated soldiers near the village of Budizira, Benghazi. After being imprisoned incommunicado for three days at a facility in Budizira, she was taken to Al-Kuweifiya Prison. As part of a prisoner exchange, she was released in June 2016. In other words, she was never held accountable for anything, and she was never given an opportunity to defend herself. HRD had complained to the proper authorities' multiple times about the arbitrary arrest and horrible health she had while jailed. Farida Abdul Hamid, age 65, was taken into custody when doctors discovered that she had stomach cancer, asthma, high blood pressure, and diabetes. Because officials failed to give her with timely and proper medical attention, her health deteriorated while she was held. After she was released from prison in June, she had three surgeries following her death on October 30, 2016. According to the Working Group on Arbitrary Detention, international conditions for fair trials were not followed in April of 2016, resulting in arbitrary imprisonment for Farida Abdul Hamid and her son (OHCHR, 2018).

More civilians—mostly women and girls—were held against their will by the LNA and other armed groups to swap them for prisoners from opposing factions, and to collect intelligence on the other warring parties. A group of civilians, including men, women, and children, were discovered in Ganfouda in March 2017 after they had escaped from Block 12, which was then controlled by the BRSC and besieged by the LNA. All eight women and five girls ultimately arrived at the al-Kuweifiya Prison. After they arrived, the women and girls were grilled about their male relatives' role in the war. These prisoners were traded with the LNA soldiers that were captured in the attack on the Oil Crescent in March 2017.

Libyan and foreign women who were detained while fighting in Sirte as part of military operations against the so-called Islamic State in November and December 2016 were held in a prison in Misrata (IS). Among those imprisoned were survivors of sexual violence, like as rape, inflicted by so-called Islamic State fighters. 31 women were cleared in April 2017 when a prosecution commission found that they were not guilty of any terror-related offences. 20 Libyan women released between November 22 and January 1, 2018, as ordered by the Office of the Prosecutor General. Sponsors who were allowed to attend gave up two family members as well. If they and their sponsors agree to stay in Tripoli or Misrata and report to the Prosecutor General's Office monthly or as instructed by the Prosecutor General's Office, their liberation was also conditional on their freedom to travel in the country, visit family, and establish or pursue personal interests.

Other women captured in the Sirte military operation are still being held in detention without having been tried or convicted. There have been concerns that a lawyer is missing and that visitation rights are restricted. Reports have confirmed that HRD has endured brutal beatings and sexual abuse from their initial detainment. The extended pre-trial detention of Libyan women who have been

incarcerated in al-Jawiya Prison's Ward B was reported to the Prosecutor General's Office on August 20, 2017, and the following allegations were made: their extended pre-trial detention, inadequate facilities for female prisoners, harsh confinement conditions, and lacking access to healthcare. Women at Libyan institutions are at risk of sexual harassment and assault since they have no female guardians. Hundreds more women are being held in jails in western Libya, and the only ones with female guards are at Tripoli's al-Jdeida prison.

Female prisoners claim that in the Kuweifiya Prison in eastern Libya, GIA officials question them without the presence of female guards, even at night. After spending several days at Mitiga detention centre, a lady in her thirties stated that another female detainee conducted a strip search on her while two male officials watched. While she was apparently being pummeling with a hose, humiliated, and her breasts and buttocks groped, she was reportedly saving someone's life. Male guards in Tripoli's Gergaresh neighbourhood subjected arrested migrant women to strip-searches in a well-publicized series of SDF raids. Afterward, they ordered the ladies to remove their clothes and crouch down as they subjected them to invasive cavity searches. Additionally, women have been abused, both sexually and physically, at places like as the Ministry of Interior (MOI) facilities, particularly before being moved to regular institutions. According to Kendra Heideman (2016), women in most Arab Spring countries play an "awkward role" in modern democracies. The difficulty stemmed from the lack of women understanding the significance of it.

Conclusion

Signatories to this letter of concern want to draw attention to the increasing levels of violence against women in Libya's civic space and express their dissatisfaction with the Libyan government for failing to fulfil its commitments. The study's findings suggest that governments should be held responsible for ensuring that women are protected from all types of abuse by means of legislating and then devoting the resources needed to make sure the laws are successfully enforced. research and training centres for women's safety We will revive the domestic violence hotline, as well as provide services to the women who have been victims of it. A new report on violence against women and girls is released once a month. protecting female migrants from abuse and exploitation, while providing crucial aid Through media programming and educational seminars with the cooperation of ministries of Culture, Social Services, Endowments, Health, and Media, raising public awareness and mobilising social movements. To facilitate proper and healthy responses to situations of violence against women, law enforcement professionals should be taught, and the number of female officers should be increased.

References

- [1] Ahmad, A., Jamaludin, A., Zuraimi, N. S. M., & Valeri, M. (2020). Visit intention and destination image in post-Covid-19 crisis recovery. *Current Issues in Tourism*, 1-6.
- [2] AlBattat, A. R., & Som, A. P. M. (2014). Disaster preparedness of hotel industry abroad: A comparative analysis. In *SHS Web of Conferences* (Vol. 12, p. 01012). EDP Sciences.
- [3] Albattat, A. R., & Som, A. P. M. Preparación para emergencias: cómo los hoteles jordanos gestionan la seguridad.
- [4] Askin, K.D. – War Crimes Against Women: Prosecution in International War Crimes Tribunals – M. Nijhoff, The Hague, 1997.
- [5] Atwood, E.J. – Trop de peines: femmes en prison – Albin Michel, Paris, 2000.

- [6] Benjamin, J., Fancy, K. – *The Gender Dimensions of Internal Displacement: Concept Paper and Annotated Bibliography – Women’s Commission for Refugee Women and Children*, UNICEF, New York, 1998.
- [7] Brownmiller, S. – *Against Our Will: Men, Women and Rape* –Simon & Schuster, New York, 1975.
- [8] Butalia, U. – “A question of silence: Partition, women and the state”–in LENTIN R. (ed.), *Gender and Catastrophe*, Zed Books, London & New York, 1997.
- [9] Byrne, B. – *Gender, Conflict and Development*, BRIDGE Briefings on Development and Gender – Ministry of Foreign Affairs, Netherlands, 1996.
- [10] Carpenter, R.C. – “Surfacing children: Limitations of genocidal rape discourse”– *Human Rights Quarterly*, John Hopkins University Press, 2000, Vol. 22, No. 2.
- [11] Haleh Esfandiari & Kendra Heideman (2016) *The Role and Status of Women after the Arab Uprisings*.
https://www.iemed.org/observatori/arees-danalisi/arxius-adjunts/anuari/med.2015/IEMed%20Yearbook%202015_Panorama_WomenAfterArabUprisings_HalehEsfandiariKendraHeideman.pdf
- [12] Hayat Alvi (2015) *Women 's Rights Movements in the 'Arab Spring': Major Victories or Failures for Human Rights?*
<https://vc.bridgew.edu/cgi/viewcontent.cgi?article=1828&context=jiws>
- [13] *Human Rights on Libya*, 20 March 2018, <http://www.refworld.org/docid/5b55b92c4.html>
OHCHR, *Situation of Human Rights in Libya*, 21 February 2018, <http://www.refworld.org/docid/5b4c64fd4.html>, para. 34.
- [14] Huntington, S. P. (1993). *If not civilization, what?* *Foreign affairs*, 72 (5): 191-197.
<http://www.panzertruppen.org/2010/politica/mh002.pdf>
- [15] Idris, I. (2017). *Implementation of UN Security Council Resolution 1325 in Libya*.
- [16] IFEX (2018) *Libya must uphold its obligation to protect women*. <https://ifex.org/libya-must-uphold-its-obligation-to-protect-women/>
- [17] *International Committee of The Red Cross (ICRC) Opinion Paper*, March 2008 “In the face of intimidation and targeting, high-profile women activists continued to be forced to retreat from public and political engagement”; Amnesty International, *Amnesty International Report 2017/18 – Libya*, 22 February 2018, <http://www.refworld.org/docid/5a9938c64.html>.
- [18] *International Committee of The Red Cross (ICRC) Opinion Paper*, March 2008 “In the face of intimidation and targeting, high-profile women activists continued to be forced to retreat from public and political engagement”; Amnesty International, *Amnesty International Report 2017/18 – Libya*, 22 February 2018, <http://www.refworld.org/docid/5a9938c64.html>.
- [19] Khosrokhavar, F. (2016). *New Arab revolutions that shook the world*. Routledge.
- [20] Kittichaisaree, K. (2017). *Application of the Law of Armed Conflict, Including International Humanitarian Law, In Cyberspace*. In *Public International Law of Cyberspace* (pp. 201-231). Springer, Cham.
- [21] Litsas, S. N. (2020). *Obama’s Foreign Policy and the Arab Spring: The Cases of Egypt, Libya, and Syria*. In *US Foreign Policy in the Eastern Mediterranean* (pp. 103-153). Springer, Cham.
- [22] Muniera Khalifa E Almabrouk; Albattat, Ahmad; and Wan Zokhri Bin Wan Idris, “Protection of Women and Children from War in Libya: Literature Review,” *International Journal of Multidisciplinary Research and Publications (IJMRAP)*, Volume 4, Issue 2, pp. 78-83, 2021.
- [23] Nance, M. (2016). *Defeating ISIS: Who they are, how they fight, what they believe*. Simon and Schuster.
- [24] OHCHR (2018) *Abuse Behind Bars: Arbitrary and unlawful detention in Libya*.
https://www.ohchr.org/Documents/Countries/LY/AbuseBehindBarsArbitraryUnlawful_EN.pdf

- [25] OHCHR, Situation of Human Rights in Libya, 21 February 2018, <http://www.refworld.org/docid/5b4c64fd4.html>, para. 37; UN Security Council, Report of the Secretary-General on the United Nations Support Mission in Libya, 12 February 2018, <http://www.refworld.org/docid/5b4c678f4.html>, para. 51; UN Secretary- General, Children and Armed Conflict, 24 August 2017, <http://www.refworld.org/docid/5a95820e4.html>, para. 106.
- [26] Sharma, R. (2016). *The rise and fall of nations: Forces of change in the post-crisis world*. WW Norton & Company.
- [27] Trindade, A. A. C. (2017). Judge Antônio A. Cançado Trindade. *The Construction of a Humanized International Law: A Collection of Individual Opinions (2013-2016) (Vol. 3)*. Brill.
- [28] UNSMIL (2020) UN in Libya Statement on “International Day for the Elimination of Sexual Violence in Conflict Zones”. United Nations Support Mission in Libya. Retrieved 25 June 2020 from <https://unsmil.unmissions.org/>
- [29] Van Ooijen, C., Ubaldi, B., & Welby, B. (2019). *A data-driven public sector: Enabling the strategic use of data for productive, inclusive, and trustworthy governance*.
- [30] Vulaj, E. (2019). Twenty Years Later: A Look back at the Kosovo War and Enforcing Legal Remedies for Murder, Torture, and Sexual Violence War Crimes. *ILSA J. Int'l & Comp. L.*, 26, 129.
- [31] *Women and armed conflicts*, Study for the Norwegian Ministry of Foreign Affairs, Norwegian Institute of International Affairs, 1999.
- [32] *Women as chattel: The emerging global market in trafficking*— Gender Matters Quarterly, USAID Office of Women in Development, Gender Reach Project, 1999, Issue No. 1.
- [33] *Women Building Peace: From the Village Council to the Negotiating Table*, International Alert Campaign Brochure, 2000.