

Policy Brief

Making justice more accessible in Libya: a proposal for a grounded and realistic National Strategy

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This research project on Access to Justice in Libya (A2JiL) began with several questions: what justiciable problems do people have? Where do they go with these problems? Which institutions are there to respond, and how do they respond? Do they provide an adequate remedy? How is all of this affected by the present conditions of society and state? In pursuing these questions, the research team collected a wealth of data, and then focused on another type of question, i.e., could we possibly make realistic and feasible suggestions to improve access to justice in Libya?

The idea of a National Strategy for Access to Justice in Libya emerged from discussions among the project team about how to contribute to real improvements. In our analysis, we concluded that judicial institutions play a significant role, but that they cannot resolve the complex and multifaceted problem of access to justice on their own. Improving access to justice calls for a collective effort, which would involve judicial institutions, the state through all its three branches, and society itself. It would be helpful to provide those governing, or seeking to govern, Libya, with a set of concrete suggestions on how to achieve this.

The Access to Justice in Libya (A2JiL) research project

This research project was conducted from 2021 to 2026 by the Centre for Law and Society Studies (University of Benghazi) and the Van Vollenhoven Institute for Law, Governance, and Society (Leiden University). Researchers carried out in-depth case studies including interviews throughout the country with people who suffered from serious injustices and had embarked on a 'journey for justice'. These trajectories led them along justice institutions of all kinds and their responses. Next, case studies of a different type were conducted to make an institutional analysis of courts, public prosecution, public lawyers, council of elders, and other justice institutions, mostly, but not exclusively, state-based. Furthermore, a nation-wide survey gathered data among thousands of Libyans about how they dealt with a potentially legal problem – what actions they took, which outcomes they obtained, and how they perceived the various justice institutions. Throughout the project, the research team discussed their findings and possible explanations with Libyan practitioners, policy makers, and academics in numerous workshops, conferences, and policy dialogues, and studied legislation, case files, official reports and statistics. For full research reports, please see the website: <https://libyanlawandsociety.org>

Three key problems of access to justice, and the need for Acceleration, Humanisation and Real Remedies

The research has identified three top access to justice problems as experienced by justice seekers. First, journeys for justice are often too slow. This is not only problematic for those seeking transitional justice, but also in cases of everyday injustices, such as disputes over employment, goods and services, ordinary crime, housing and land disputes, and marital disputes. Second, the treatment of justice seekers is too often lacking humane treatment. Third, outcomes are too often inadequate, or even absent. The obvious response to the first problem of 'slowness of justice' should be *acceleration*;¹ the response to inhumane treatment should be *humanisation*; and the response to inadequate outcomes should be *real remedies*. Discussions on policies and laws concerning access to justice in Libya could gain focus by systematic reference to the threefold motto of *Acceleration, Humanisation, and Real Remedies*.

Underlying problem areas and strategic objectives

As we searched for causal relationships between the three top A2JiL problems and other problematic phenomena, we were able to identify nine major underlying problem areas of various kinds, and caused by different factors. To resolve or mitigate these underlying problems, we formulated responses in terms of strategic objectives (see table 1). The first five underlying problems fall within the circle of control of the leadership of Libya's justice sector. So, the corresponding strategic objectives are 'actionable', and many of the suggestions related to them could be implemented relatively easily, and relatively soon. The other four underlying problems and their corresponding strategic objectives are contingent upon broader socio-economic transformations, and on major political developments, which are in the hands of those who hold real power in Libya.

Table 1: Underlying problems and their corresponding strategic objectives

No.	Underlying problems	Strategic objectives
1	Lack of legal, material, and financial resources in judicial institutions	Providing judicial institutions with sufficient legal, material, and budgetary resources
2	Lack of capacity in justice institutions, notably in judicial bodies	Capacity development
3	Inadequate and outdated legislation and of the overall legislative framework	Amendment and updating of specific laws and provisions,
4	Lack of legal awareness	Legal information
5	Lack of leadership and coordination of judicial bodies among the leadership of the justice sector	Clarification and harmonisation of roles and responsibilities
6	Political divisions of the Libyan state	Unification and harmonisation of national-level institutions
7	Stagnation of Libya's initiatives for transitional justice	Revitalisation of transitional justice
8	The general state of government institutions	Institutional development of public administration
9	Grave social discrimination	Increased inclusive access to justice institutions

In order to achieve the strategic objectives corresponding to the five 'actionable' problem areas, priority action should focus on the following:

1. Ensuring sufficient resources for judicial institutions: Judicial institutions depend on a certain quantity of human, material, legal, and financial resources. Currently, most institutions lack many of these, including a shortage of office spaces, insufficient means of transportation, not enough equipment such as computers and, importantly, insufficient quantity (or maldistribution) of human resources, namely judges, prosecutors, public lawyers, and their auxiliary staff.² More, and more equitable, distribution of these varied resources depending on the exact needs of each institution, would help plug significant gaps in effectiveness and speed.

2. Capacity development of members and staff in judicial institutions. A lack of standards and effective processes hampers the capacity of judicial institutions. Areas for improvement should include pre- and in-service training, appointment and transfer through the judicial movement, the acquisition of different technical, writing, social and psychological, and leadership skills, and issues relating to specialisation, standards of assessment, promotion, and disciplinary measures.³

3. Amending and updating legislation. Certain outdated provisions have caused unnecessary delays in legal procedures, congestion in the caseloads of courts, and shortcomings in the right to litigate and appeal in criminal, administrative, and constitutional cases. An updated legal framework will increase its clarity and relevance, based on which access to justice can be improved.⁴

4. Increasing people's awareness regarding the law and their rights. Our research has shown that many people, especially the poor, lower-educated, and the less-well-connected, are less aware of their rights, and of the institutions and procedures available to them. Furthermore, the lack of up to date legal information is a broader problem in Libya. Focus should therefore be on improving this awareness and knowledge, both of the general public and of targeted vulnerable groups, by launching awareness campaigns, making legal information more easily and widely accessible online and offline, and enhancing the capacity for legal aid on the side of institutions. The Directorate of Public Lawyers could play a key role in this regard.^{5,6}

5. Better leadership and coordination of the judicial bodies at the national level. Issues of unclear and overlapping mandates between various national-level institutions have often been problematic, with as key example coordination between the Supreme Council⁷ for the Judiciary and the Minister of Justice, which has led to issues within courts and the High Institute for the Judiciary, responsible for pre-service training of judicial bodies recruits. The roles of all national judicial bodies should be clarified and harmonised, in order to set a solid and clear framework for all justice institutions.⁸

Joint effort

Structural improvement of access to justice in Libya will require a joint effort by a multitude of Libyan actors across society, state, and judicial institutions. Given the importance of access to justice for all people in Libya, we assume that a firm consensus could develop between actors across the political divide of the country, concerning the need for a national access to justice strategy. The elements of such a strategy that have limited political sensitivity could be implemented in the short term.

Promises of justice to the Libyan people

In the 1950s and 1960s, after Libya had achieved independence from Italy, social and economic progress were not felt by all, and political power remained in the hands of elites. Muammar Gaddafi's 1969 Revolution was therefore broadly welcomed, and expected to enhance social, economic, and political justice. Following the prevailing doctrines of Arab Socialism, Gaddafi introduced major socio-economic reforms including social services for the masses, redistribution of property, and more egalitarian relations between men and women. But the regime gradually became more repressive, and political power was in fact concentrated among a small elite around 'brother-leader' Gaddafi. Most state institutions were weakened, political opponents were relentlessly eliminated, gross human rights violations systematically committed, and the laws and justice institutions underwent various changes so that the regime could keep close political control. As in the winter of 2010-11 uprisings emerged against the authoritarian regimes in neighbouring Tunisia and Egypt, in Libya, calls for justice sparked the "17 February" uprising. Once again, the Libyan people asked for political change under the banner of justice.

References

- Ibrahim, Suliman, and Jan Michiel Otto. 2026. *Journeys for Justice in Libya and How to Facilitate Them: Research on People, Problems, Laws, Institutions, and Practices*. Leiden.
- Van Vollenhoven Institute. 2026. *Slowness of justice in Libya: what, why, and how to address it?* Leiden.
- Van Vollenhoven Institute. 2026. *Public lawyers in Libya: repeat, repeal, regress, or relaunch?* Leiden.

Endnotes

- 1 See A2JiL policy brief 'Slowness of justice in Libya: what, why, and how to address it?' (2026).
- 2 The relevant suggestions are numbered 5.1, 5.2, and 5.3 in Chapter 9 of the project report (Ibrahim & Otto 2026).
- 3 The relevant suggestions are numbered 5.5-5.20 in Chapter 9 of the project report (Ibrahim & Otto 2026).
- 4 The relevant suggestions are numbered 2.1-2.5 in Chapter 9 of the project report (Ibrahim & Otto 2026).
- 5 See A2JiL policy brief 'Public lawyers in Libya: repeat, repeal, regress, or relaunch?' (2026).
- 6 The relevant suggestions are numbered 3.2-3.4 and 6.3 in Chapter 9 of the project report (Ibrahim & Otto 2026).
- 7 The body with supervisory powers over the judiciary, prosecution, public lawyers, and government lawyers.
- 8 The relevant suggestions are numbered 4.1-4.5 in Chapter 9 of the project report (Ibrahim & Otto 2026).