



Policy Brief

Public lawyers in Libya: repeat, repeal, regress, or relaunch?

What are Public Lawyers?

The Directorate of Public Lawyers is one of Libya's six judicial bodies.¹ In 2025 it counted 1,160 members across Libya, 70% of whom are women. The directorate is administered from Tripoli. It has eleven branch offices corresponding to the territorial jurisdictions of Libya's eleven Courts of Appeal. Smaller public lawyers' offices fall within the jurisdiction of primary courts and, in some cases, district courts. Branch offices are divided in ca. four departments, addressing civil, family, administrative, and criminal cases. Department chiefs allocate cases to public lawyers and supervise their work. When a suspect in a criminal case does not have a lawyer, the court calls for a public lawyer and appoints her or him to take up the defence. In contrast, in civil, family and administrative cases, it is the justice seeker who approaches the public lawyers branch office to seek advice and representation.

The Directorate of Public Lawyers was established by the Gaddafi regime in 1981 as the Directorate of People's Lawyers. It reflected two dimensions of the regime: providing free legal aid for ordinary people, and replacing private legal practice by a centrally-controlled socialist substitute.² After the regime's collapse in 2011, this legacy became a liability, leaving the institution vulnerable to political attacks and criticism from various actors, particularly private lawyers. Debates concerning public lawyers are still ongoing. Proponents stress their vital role in enhancing access to justice for poor and other marginalised groups. Opponents stress unfair competition and certain dysfunctions.

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).³ Researchers carried out in-depth case studies including interviews throughout the country with people who suffered from serious injustices. Studying their journeys for justice, they also learned about their use of public lawyers. Next, different types of case studies were conducted to make an institutional analysis of PL branch offices in Tripoli and Benghazi. Furthermore, a Nationwide Survey gathered data among thousands of Libyans about the use and perceptions of public lawyers. In addition, the research team discussed the role of PL 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, see the website: <https://libyanlawandsociety.org>

Research

All of this underscores the importance of a well-informed, realistic, and balanced policy discussion. Therefore, the Access to Justice in Libya project has examined the role of public lawyers. Whilst this study does not claim to provide definitive answers regarding people's reliance on public lawyers, or on their effectiveness, it has gathered a wealth of relevant data and warrants at least two plausible hypotheses. First, public lawyers meet important needs of a significant number of people across several legal fields, notably of vulnerable groups, achieving a measurable degree of success in doing so. Second, there is substantial room for improvement and expansion of their services in specific areas, in order to fully fulfil their present mandate. It is highly recommended to conduct follow-up socio-legal research on public lawyers, mapping views and action patterns of (potential) users, members and staff of the Public Lawyers Directorate, and policymakers.

Mandate

According to Law 4 of 1981, the legal mandate of Libya's Public Lawyers is threefold. First, they represent Libyan people *in court*, free of charge (Art. 6). This includes all judicial procedures, including appeals, as well as the enforcement of rulings (Art.11). Public Lawyers may also represent foreign nationals, in return for modest fees (Art.10). Their service may even extend to companies (Art.9). Secondly, public lawyers are mandated to *guide citizens and make them aware* of the various provisions of laws and regulations that relate to their rights, duties and interests and they may use *all means of publication* and advertising for this purpose (Art. 5). Thirdly, public lawyers help citizens *end their disputes amicably* (Art. 5 and 11).

In practice, the mandate's first part – free representation in court – prevails. However, enforcement of court decisions is often problematic. Therefore, public lawyers should step up this part of their mandatory work.

The mandate's second part acknowledges that access to justice requires legal awareness and guidance of the people, notably of vulnerable groups. In practice, many users are neither aware of public lawyers and their services, nor of their own rights and duties under prevailing law. Yet most public lawyers are not firmly directed to realise this second part of their mandate.⁴

Because judicial proceedings tend to be slow and cumbersome, public lawyers should indeed assist clients with mediation and negotiation to end their disputes faster and amicably – the mandate's third part. In practice, however this part of the mandate generally falls behind in performance.⁵

Use

According to the Nationwide Survey, 90% of respondents who faced a justiciable problem did not consult a lawyer at all, and amongst those who did, 7% consulted private lawyers, whilst only 2% consulted public lawyers. Nevertheless, official statistics tell us that offices of public lawyers in major cities like Tripoli and Benghazi have been visited by tens of thousands of people. Case studies showed that in Tripoli most clients were poor, while in Benghazi the clientele was more diverse in terms of social and economic class. One explanation may be that relatively well-off justice seekers engage both a public lawyer and a private lawyer for the same case.

According to Survey data, public lawyers were consulted mostly for family problems and problems concerning ownership of land and housing. 62% of the users were females, and 38% were males. Survey participants attributed this reluctance, among others, to their lack of awareness of the availability of public lawyers' services, and to the public lawyers' distance from population centres. Nevertheless, the level of trust puts public lawyers, private lawyers and community-based institutions roughly at the same level of 70 to 80%.

Problems

Undoubtedly, public lawyers' branch offices have their problems. They are unable to process and complete many of the incoming cases, resulting in huge backlogs.⁶ It must be noted, though, that public lawyers often depend on other judicial bodies, such as the courts or the public prosecution.

While the quantity of human resources seems sufficient, there are fluctuations in professional competence, with some members being very competent and demonstrating huge professionalism, while others do not. Unfortunately, leadership and inspection focus on quantity rather than quality. Such problems, which affect effectiveness and efficiency, are generic problems within Libya's government institutions, and are by no means confined to public lawyers. The same applies to the notable shortages of material resources (office spaces, office equipment, computers, limited legal materials – printed or digitalised, stationary, and means of transport). There have been complaints from public lawyers about the obstacles they face in police stations and at offices of the public prosecution when they come to represent a suspect and to attend investigations. These typically include a lack of access and of respect for their profession, sometimes perceived as gender discrimination due to the high share of female public lawyers. Perhaps such disdain can partly be attributed to the prevailing perception amongst judges and prosecutors, that the work of public lawyers is less demanding in terms of workload and working hours compared to other judicial professions, whereas their salaries are the same.

Whilst these problems need to be addressed, one should also recognise the achievements. The work itself, assisting clients in just causes, and positive collegial relationships can provide public lawyers with a degree of job satisfaction and professional recognition. In fact, the public lawyers in the offices under review were very capable of achieving positive outcomes, in terms of 'winning cases'. In Benghazi, lawyers expressed pride in having won roughly twice as many cases as they had lost. The collegial solidarity amongst public lawyers often leads to informal exchange of case details and mutual assistance. Meanwhile more than a few excellent public lawyers have been appointed to the judiciary, thus bringing a deeper understanding of justice-seekers, in particular females, to the courts.

Weighing four policy options

A policy discussion about the future of the public lawyers may consider four options:

First, Repeat: the institution continues to do what it has done over the last decades, without major policy changes. The Directorate of Public Lawyers currently function to a certain extent. Public lawyers are being used by people across Libya, and by women in particular. However, simply continuing on the current path is bound to perpetuate the attacks, criticisms, and uncertainty surrounding the institution. This would further negatively affect the public lawyers' job security and career perspectives, and their motivation. It would also be a missed opportunity to improve access to justice by fulfilling their full mandate, improving their professionalism and specialisation by training, and making their premises and offices better accessible and suitable for confidential conversations.

Second, Repeal: the institution is completely erased by repealing the law which established it. This option may satisfy the fiercest critics of public lawyers, who believe that this Gaddafi legacy could best be eradicated forever. However, abolishing the institution would imply that the government refrains from helping those who need free legal aid the most. Our data suggest that vulnerable groups, including women with family-related issues, and people with limited means and low education, are among the most frequent users; suspects would lose dedicated defense lawyers. Given the frequency and seriousness of injustices in Libya, this cannot be a desirable course of action.

Third, Regress: the institution is shrunk to its most elementary functions by significantly reducing its funding. This option may satisfy many of the critics who believe the institution is inefficient and ineffective. On the other hand, letting the institution gradually decline would combine the negative effects of options 1 and 2: the state's indifference to access to justice for its people; and the public lawyers staying in limbo, uncertainty, discouragement, and frustration. In addition, the decrease in funding

would further affect the resources of the already under-resourced Directorate of Public Lawyers. This would undermine the quality of its services.

Fourth, Relaunch: the institution's policy and mandate are reviewed and refreshed considering the need for real improvement of access to justice in Libya. Critics might not like the idea of reforming, developing and broadening the institution, arguing that it would require financial investments with no clear direct impact. Yet, financial investments were already made for decades, and as a result basic infrastructure and expertise are already available. By following the policy suggestions below, the impact of public lawyers on access to justice could be significantly increased. Strengthening their role in providing legal awareness and guidance would be a great way support to justice seekers, and expanding their role in amicable dispute resolution could help reduce the pressure of caseloads and backlogs on the courts. Targeted training and specialisation could considerably improve public lawyers' performance in family, criminal, civil, and administrative cases.

For a systematic exploration and elaboration of this option, further socio-legal research among the users, members and staff of several public lawyers' branch offices could be most helpful. Such research might include a review of the present position of the Directorate of Public Lawyers as one of the six legal bodies jointly administered by the Supreme Council for the Judiciary.

Policy suggestions

1. Fully fulfil public lawyers' mandate by developing those parts of the mandate which have been lagging, i.e., promoting legal awareness, providing legal information and guidance, and assisting citizens in resolving their disputes peacefully. Equip the directorate with the necessary means for these developments.
2. Continue to improve the public lawyers' core activity of representing clients in court, by providing them with targeted training, opportunities to specialise, adequate means, and respectful collegial treatment. With regard to the latter:
 - a. Pay greater attention to providing appropriate office spaces to ensure the confidentiality and privacy of the relationship between public lawyers and their clients;
 - b. Promote respect for and proper interaction with public lawyers by the Public Prosecution and the police;
 - c. Encourage public lawyers to participate in constitutional litigation and remove any obstacles that may prevent their involvement.
3. Consider limiting free public lawyers' services to low-income individuals and other vulnerable groups. Prevent individuals, especially financially capable ones, from relying simultaneously on the services of public and private lawyers.

4. Broaden the focus of supervision, inspection and assessment of public lawyers to include all the mandatory asks. In doing so, emphasise quality of the work, rather than quantity only.
5. Conduct follow-up socio-legal research to establish an appropriate knowledge base for critically evaluating the divergent perspectives on public lawyers.⁷

References

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Endnotes

- 1 The other bodies are the Judiciary, the Public Prosecution, the Directorate of Government Lawyers, the Directorate of Law, and the Directorate of Judicial Inspection.
- 2 The private legal practice was restored in 1990, and has since existed alongside the Directorate of Public Lawyers.
- 3 For further details, see the project's report (Ibrahim and Otto 2026).
- 4 Though the Benghazi branch office, has established an awareness unit, largely limited to family-related issues.
- 5 The Benghazi branch office has established a Dispute Resolution Council consisting of three public lawyers; it operates successfully on a daily basis (Shayteer 2026).
- 6 This further contributes to the issue of slowness of justice, as expanded on in the policy brief 'Slowness of justice in Libya: what, why, and how to address it?' (Van Vollenhoven Institute 2026).
- 7 This would contribute to improving several dimensions of access to justice. For further details, see A2jil policy brief 'making justice more accessible in Libya: a proposal for a grounded and realistic National Strategy' (2026).
- 8 Such research should include comparison between branches of the Directorate of Public Lawyers, and between public and private lawyers, as well as a qualitative assessment of cases handled by public lawyers, and systematic surveys of public lawyers to examine institutional organisation, professional experiences, operational challenges, and potential reform measures.