

Flygtningenævnets baggrundsmateriale

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FREEDOM IN THE WORLD 2020

Libya

NOT FREE

9

/100

<u>Political Rights</u>	1/40
<u>Civil Liberties</u>	8/60

LAST YEAR'S SCORE & STATUS

9/100 **Not Free**

Global freedom statuses are calculated on a weighted scale. See the methodology.



Overview

Libya has been racked by internal divisions and intermittent civil conflict since a popular armed uprising in 2011 deposed longtime dictator Mu'ammar al-Qadhafi. International efforts to bring rival administrations together in a unity government have failed, and interference from regional powers has exacerbated the latest fighting. A proliferation of weapons and autonomous militias, flourishing criminal networks, and the presence of extremist groups have all contributed to the country's lack of physical security. The ongoing violence has displaced hundreds of thousands of people, and human rights conditions have steadily deteriorated.

Key Developments in 2019

- In early 2019, the UN Support Mission in Libya (UNSMIL) was steadily working toward a national conference meant to end Libya's political divisions. However, in early April, two weeks before the conference was to begin, a military alliance based in the country's east and led by Khalifa Haftar launched an offensive aimed at seizing the western capital, Tripoli, where the UN-backed Government of National Accord (GNA) was based. Western militias rallied to the defense of Tripoli, and the fighting persisted through the end of the year, drawing in further interference by foreign powers on both sides.
- More than 1,000 people had been killed in the renewed conflict by year's end, including nearly 300 civilians, and more than a hundred thousand people fled their homes in Tripoli. Food, fuel, water, electricity, and medical supplies—already difficult to obtain—became even more scarce, and access to public services was disrupted.

Political Rights

A. Electoral Process

A1 0-4 pts

Was the current head of government or other chief national authority elected through free and fair elections?

O / 4

There were two rival governments in Libya as of 2019, neither of which had a current electoral mandate. The GNA, led by Prime Minister Fayez al-Serraj, was based in Tripoli and had nominal control over the surrounding territory in the country's northwest. It was formed as part of the 2015 Libyan Political Agreement (LPA), an internationally brokered accord meant to end the political gridlock and armed conflict that had started in 2014 between factions loyal to the Tubruk-based House of Representatives (HoR), elected that year, and the Tripoli-based General National Congress (GNC), which predated and rejected the outcome of the 2014 elections. The LPA text granted a one-year mandate to the GNA upon its approval by the HoR, with a one-time extension if necessary. However, the HoR never granted its approval. Instead, an interim government affiliated with the HoR persisted in the east, under the protection of Haftar and his Libyan National Army (LNA), renamed the Libyan Arab Armed Forces (LAAF) during 2019.

UNSMIL sought to resolve the rift by convening a national conference of diverse Libyan stakeholders in April 2019, but the effort was upended when Haftar's forces launched a campaign to seize the capital and the rest of western Libya.

A2 0-4 pts

Were the current national legislative representatives elected through free and fair elections?

O / 4

Under the LPA, the unicameral, 200-seat HoR was to remain in place as the interim legislature. The agreement also created the High Council of State (HCS), a secondary consultative body composed of some members of the rival GNC. However, the HoR never formally approved the LPA's provisions or recognized the GNA.

Members of the HoR were elected in 2014 in polls that were marked by violence and drew the participation of only about 15 percent of the electorate. Its mandate formally expired in 2015; while it unilaterally extended its tenure, it has rarely achieved

a quorum in practice. HCS members were originally elected in 2012, as part of the GNC elections.

A3 0-4 pts

Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies?

0 / 4

An August 2011 constitutional declaration, issued by an unelected National Transitional Council, serves as the governing document for the ongoing transitional period between the revolution against al-Qadhafi and the adoption of a permanent constitution. Despite some legal developments, Libya lacks a functioning electoral framework in practice.

An electoral law was published in the aftermath of the 2011 revolution, and members of the High National Election Commission (HNEC) were appointed. A Constitutional Drafting Assembly elected in 2014 voted to approve a draft constitution in 2017. In the fall of 2018, the HoR approved a law containing a framework for a constitutional referendum, along with several accompanying amendments to the 2011 constitutional declaration. It then submitted the former, the Referendum Law, to the HNEC, but there was speculation that the new law and amendments would face legal challenges. There was no substantive progress on the constitution in 2019.

B. Political Pluralism and Participation

B1 0-4 pts

Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings?

1 / 4

A range of political parties organized to participate in the 2012 GNC elections, but all candidates were required to run as independents in the 2014 HoR elections. Civilian politics have since been overshadowed by the activities of armed groups, who wield significant power and influence on the ground. While various political groups and coalitions exist, the chaotic legal and security environment does not allow for normal political competition.

B2 0-4 pts

Is there a realistic opportunity for the opposition to increase its support or gain power through elections?	0 / 4
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Libya remained divided between rival political and military factions throughout 2019, with little movement toward the organization of elections and thus no opportunity for a democratic rotation of power. The LAAF's attack on Tripoli just weeks before the UN-sponsored national conference was to begin was effectively an effort to seize control through military means rather than through a negotiated political agreement followed by elections.

B3 0-4 pts

Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means?	0 / 4
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Ordinary citizens have no role in Libya's political affairs, which are currently dominated by armed factions, foreign governments, oil interests, smuggling syndicates, and other extrapolitical forces. Citizens and civilian political figures are subject to violence and intimidation by the various armed groups.

Foreign powers backed opposing sides in the 2019 conflict, and in some cases their involvement grew as the fighting intensified. Russia, Egypt, the United Arab Emirates, Saudi Arabia, France, and others have lent support to the LAAF, while Turkey and Qatar have been the most prominent supporters of the GNA.

B4 0-4 pts

Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities?

0 / 4

The ongoing political impasse and armed conflict prevented all segments of the population from exercising their basic political rights in 2019. Communities that lacked an affiliation with a powerful militia were especially marginalized.

C. Functioning of Government

C1 0-4 pts

Do the freely elected head of government and national legislative representatives determine the policies of the government?

0 / 4

Neither the GNA nor Haftar had electoral legitimacy or full control over the national territory in 2019, and both remained dependent on fractious militia groups and foreign powers for their security. To the extent that civilian government institutions continued to function, they were bifurcated. For example, de facto authorities in the eastern part of the country have established a parallel central bank and state oil company.

C2 0-4 pts

Are safeguards against official corruption strong and effective?

0 / 4

Corruption is pervasive among government officials, and opportunities for corruption and criminal activity abound in the absence of functioning fiscal, judicial, and other institutions.

C3 0-4 pts

Does the government operate with openness and transparency?

O / 4

There are no effective laws guaranteeing public access to government information, and none of the competing authorities engage in transparent budget-making and contracting practices.

Civil Liberties

D. Freedom of Expression and Belief

D1 0-4 pts

Are there free and independent media?

1 / 4

Most Libyan media outlets are highly partisan, producing content that favors one of the country's political and military factions. The civil conflict and related violence by criminal and extremist groups have made objective reporting dangerous, and journalists are subject to intimidation and detention. In January 2019, a photographer was killed while covering clashes between militias south of Tripoli. Many journalists and media outlets have censored themselves or ceased operations to avoid retribution for their work, and journalists continue to flee the country. Many media outlets broadcasting from abroad also take partisan positions, use hostile rhetoric, and promote their favored side in the armed conflict.

D2 0-4 pts

Are individuals free to practice and express their religious faith or nonbelief in public and private?
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1 / 4

Religious freedom is often violated in practice. Nearly all Libyans are Sunni Muslims, but Christians form a small minority. Christian and other minority communities have been targeted by armed groups, including local affiliates of the Islamic State (IS) militant group. Salafi Muslim militants, who reject the veneration of saints, have destroyed or vandalized Sufi Muslim shrines with impunity.

D3 0-4 pts

Is there academic freedom, and is the educational system free from extensive political indoctrination?

1 / 4

There are no effective laws guaranteeing academic freedom. The armed conflict has damaged many university facilities and altered classroom dynamics; for example, professors can be subject to intimidation by students who are aligned with militias.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 1 / 4

Although the freedom of private discussion and personal expression improved dramatically after 2011, the ongoing hostilities have taken their toll, with many Libyans increasingly withdrawing from public life or avoiding criticism of powerful figures. Numerous examples of kidnappings and killings of activists, politicians, and journalists have added to the general deterrent effect.

Conditions for personal expression are considerably worse in the LAAF-controlled east than in the west, where residents are comparatively free to criticize the GNA. In July 2019, HoR member Seham Sergewa was kidnapped in a violent attack on her home in Benghazi after she criticized Haftar's offensive in Tripoli in an interview with a pro-LAAF television station. Her whereabouts remained unknown at the end of the year.

E. Associational and Organizational Rights

E1 0-4 pts

Is there freedom of assembly?	1/4
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A 2012 law on freedom of assembly is generally compatible with international human rights principles, but in practice the armed conflict and related disorder seriously deter peaceful assemblies in many areas. Anti-Haftar protests were held in Tripoli during 2019.

E2 0-4 pts

Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work?	1/4
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The number of active nongovernmental organizations (NGOs) has declined in recent years due to armed conflict and the departure of international donors. Militias with varying political, tribal, and geographic affiliations have attacked civil society activists with impunity. Many NGO workers have fled abroad or ceased their activism in the wake of grave threats to themselves or their families.

E3 0-4 pts

Is there freedom for trade unions and similar professional or labor organizations?	0/4
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Some trade unions, previously outlawed, formed after 2011. However, normal collective-bargaining activity is impossible in the absence of basic security and a functioning legal system.

F. Rule of Law

F1 0-4 pts

Is there an independent judiciary?	
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0/4

The role of the judiciary remains unclear without a permanent constitution, and judges, lawyers, and prosecutors face frequent threats and attacks. The national judicial system has essentially collapsed, with courts unable to function in much of the country. In some cases, informal dispute-resolution mechanisms have filled the void.

F2 0-4 pts

Does due process prevail in civil and criminal matters?

0/4

Since the 2011 revolution, the right of citizens to a fair trial and due process has been challenged by the continued interference of armed groups and inability to access lawyers and court documents. Militias and semiofficial security forces regularly engage in arbitrary arrests, detentions, and intimidation with impunity. Thousands of individuals remain in custody without any formal trial or sentencing.

F3 0-4 pts

Is there protection from the illegitimate use of physical force and freedom from war and insurgencies?

0/4

Libya's warring militias operate with little regard for the physical security of civilians. Various armed groups have carried out indiscriminate shelling of civilian areas, torture of detainees, summary executions, rape, and the destruction of property. Militias also engage in criminal activity, including extortion and other forms of predation on the civilian population.

The renewed fighting that began with the LAAF's offensive in April 2019 killed more than 1,000 people by year's end. According to UN estimates, these included nearly 300 civilians, and more than 128,000 people were displaced.

F4 0-4 pts

Do laws, policies, and practices guarantee equal treatment of various segments of the population?

0 / 4

Libyans from certain tribes and communities—often those perceived as pro-Qadhafi, including natives of the town of Tawergha—face discrimination, violence, and displacement. The Tebu and Tuareg minorities in the south also face discrimination. Migrant workers from sub-Saharan Africa have been subject to severe mistreatment, including detention in squalid facilities by both authorities and armed groups.

Women are not treated equally under the law and face practical restrictions on their ability to participate in the workforce. Widows and displaced women in particular are vulnerable to economic deprivation and other abuses.

Under Libya's penal code, sexual activity between members of the same sex is punishable by up to five years in prison. LGBT+ people face severe discrimination and harassment, and have been targeted by militant groups.

G. Personal Autonomy and Individual Rights

G1 0-4 pts

Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education?

0 / 4

The 2011 constitutional declaration guarantees freedom of movement, but militia checkpoints restrict travel within Libya, while poor security conditions more generally affect movement as well as access to education and employment.

Airports in Benghazi, Tripoli, Sabha, and Misrata have been attacked and damaged, severely limiting access to air travel. During 2019, Mitiga International Airport in

Tripoli was regularly bombarded by forces loyal to Haftar. After a September attack on the civilian part of the airport damaged a plane carrying a large number of pilgrims returning to Libya, flights in and out of western Libya shifted to an airport in the city of Misrata, whose militias were aligned with the GNA. The Mitiga airport was closed intermittently during the rest of the year as a result of repeated attacks.

G2 0-4 pts

Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors?	1/4
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While Libyans formally have the right to own property and can start businesses, legal protections are not upheld in practice. Businesses and homes have been damaged amid fighting or other unrest, or confiscated by militias, particularly in Libya's eastern regions. Ongoing insecurity has severely disrupted ordinary commerce, allowing armed groups to dominate smuggling networks and informal markets.

G3 0-4 pts

Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance?	1/4
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Laws and social customs based on Sharia (Islamic law) disadvantage women in personal status matters including marriage and divorce. Libyan women with foreign husbands do not enjoy full citizenship rights and cannot transfer Libyan citizenship to their children. There are no laws that specifically address or criminalize domestic violence, and most such violence goes unreported due to social stigma and the risk of reprisals. The law imposes penalties for extramarital sex and allows rapists to avoid punishment by marrying their victims. Rape and other sexual violence have become increasingly serious problems in the lawless environment created by the civil conflict.

G4 0-4 pts

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Do individuals enjoy equality of opportunity and freedom from economic exploitation?**O / 4**

There are few protections against exploitative labor practices. Forced labor, sexual exploitation, abuse in detention facilities, and starvation are widespread among migrants and refugees from sub-Saharan Africa, the Middle East, and South Asia, many of whom are beholden to human traffickers. The International Organization for Migration reported that there were more than 654,000 migrants in Libya at the end of 2019.

Libya lacks comprehensive laws criminalizing human trafficking, and the authorities have been either incapable of enforcing existing bans or complicit in trafficking activity. Traffickers have taken advantage of civil unrest to establish enterprises in which refugees and migrants are loaded into overcrowded boats that are then abandoned in the Mediterranean Sea, where passengers hope to be rescued and taken to Europe. The voyages often result in fatalities.

**On Libya**

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Country Facts**Global Freedom Score****9/100** **Not Free****Internet Freedom Score****49/100** **Not Free**

Other Years

2019

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