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Freedom in the World 2022 - Libya

Not Free

9

/ 100

[Political Rights](#) 1 / 40

[Civil Liberties](#) 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 succeeded in early 2021, creating a fragile peace. However, proliferation of weapons and autonomous militias, flourishing criminal networks, the interference of regional powers, and the presence of extremist groups have all contributed to the country's persistent lack of physical security. More than a decade of violence has displaced hundreds of thousands of people, and human rights conditions have steadily deteriorated.

Key Developments in 2021

- In March, the House of Representatives (HoR) voted in favor of installing the new interim Government of National Unity (GNU), which had been elected by the Libyan Political Dialogue Forum (LPDF), a UN-backed political process. A peaceful transition of power took place shortly after the HoR's vote of approval.
- The GNU was tasked with overseeing the presidential and parliamentary elections that had been set for December. However, following prolonged debates over the legal and constitutional basis for the elections and disputes over candidate eligibility, the High National Election Commission (HNEC), announced the postponement of the elections.
- Despite improvements following the cease-fire brokered in October 2020, political and military violence remained common; human rights violations were widespread, and included unlawful killings, enforced disappearances, and arbitrary detentions. Conditions were further affected by the presence of various armed groups, thousands of foreign mercenaries, a large migrant population, and mass internal displacement.

Political Rights

A Electoral Process

A1 0-4 pts

Was the current head of government or other chief national authority elected through 0 / free and fair elections? 4

Prior to 2021, Libya was divided by two rival administrations: the Government of National Accord (GNA) was based in Tripoli, and controlled much of western Libya; an interim government affiliated with the HoR operated in the east of the country, under the protection of Khalifa Haftar and his Libyan Arab Armed Forces (LAAF).

In October 2020, the United Nations Support Mission in Libya (UNSMIL) facilitated the first round of the Libyan Political Dialogue Forum (LPDF). The LPDF was created to "generate consensus on a unified governance framework" among its inclusive and diverse 74-member delegation, comprised of representatives from across Libya, including members of the HoR, High Council of State (HCS), and

civil society. Members voted on electoral lists consisting of a prime minister and a separate 3-member Presidential Council, with each candidate representing one of Libya's three historic provinces—Tripolitania, Cyrenaica, and Fezzan.

In February 2021, after two rounds of voting, the LPDF selected a new executive council, creating the interim GNU. The LPDF elected Abdelhamid Dbeibah, a wealthy businessman and former Qadhafi associate, to the role of interim prime minister. Mohamed Menfi was chosen to lead the Presidency Council; the remaining two members of the council are Musa al-Koni, the GNA's former deputy prime minister, and Abdullah al-Lafi. In March, 132 members of the HoR met to approve of the GNU and its 35-member cabinet. Five days later, the two rival governments peacefully handed over power to the GNU. Despite allegations of vote buying, the legitimacy of the LPDF elections, the GNU, and its mandate have been internationally recognized.

The LPDF created the GNU as an interim government with a specific, limited mandate. The chief role of the GNU was to reunify national institutions, including the army and the central bank, and to oversee the elections that had been set for December 2021, after which its mandate would end. However, two days before the elections were set to take place, the presidential elections were postponed, after the High National Election Commission (HNEC), tasked with the technical registration and implementation of elections, announced its inability to carry out its mandate. Following the postponements of the December elections, the HoR announced that it no longer recognized the legitimacy of the GNU, though the UN continued to recognize the GNU's mandate.

A2 0-4 pts

Were the current national legislative representatives elected through free and fair elections? 0 / 4

Under the 2015 Libyan Political Agreement (LPA), the unicameral, 200-seat HoR was to remain in place as the interim legislature. The agreement also created the HCS, a secondary consultative body composed of some members of the rival General National Congress (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. Following the launch of Haftar's offensive against Tripoli in 2019, the HoR became further divided, with members opposed to the campaign meeting in Tripoli and other members continuing to meet in Tubruk. There were attempts to reunify the body in the context of the LPDF process in late 2020, but the dispute remained unresolved.

A3 0-4 pts

Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 0 / 4

Despite some legal developments since the fall of the Qadhafi regime, Libya lacks a functioning electoral framework in practice.

An August 2011 constitutional declaration, issued by an unelected National Transitional Council, continues to serve as the key governing document for the transitional period. A Constitutional Drafting Assembly (CDA) that was 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.

According to the LPDF transition roadmap, both the HoR and HCS are required to design and agree on an electoral framework for presidential and parliamentary elections. Despite this stipulation, both the HoR and HCS passed separate electoral laws, each body circumventing and contradicting the other. The electoral law adopted by the HoR, which created an election plan for the December 2021 presidential elections and postponed finalizing a plan for parliamentary elections, was accepted by the UNSMIL.

Two days before the December 2021 presidential election was set to occur, the HNEC announced that the elections had been postponed by one month, citing inadequacies in the electoral law. Disagreements over the establishment of an electoral framework and a flawed process for determining candidates' eligibility persisted through the end of the year.

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, which wield significant power and influence on the ground. While various political factions and coalitions exist, the chaotic legal and security environment does not allow for normal political competition; political parties are largely built around personalities rather than coherent platforms, and often do not have substantial constituencies.

B2 0-4 pts

Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 0 / 4

Following the October 2020 cease-fire, despite the creation of a singular executive government, Libya remains divided between rival political and military factions, and political influence is heavily dependent on military strength.

Elections planned for December 2021 were postponed two days before they were scheduled to take place. The integrity of the planned elections had been severely compromised by widespread voter intimidation and armed obstruction of the electoral process.

More than 90 Libyans, including two women, registered their candidacy in the run-up to the planned 2021 presidential elections. Several leading presidential candidates, however, proved controversial due to their political or military connections. These candidates included Saif al-Islam Qadhafi, son of Mu'ammar Qadhafi; General Khalifa Haftar, head of the Libyan Arab Armed Forces, who has been implicated in war crimes; current prime minister Abdelhamid Dbeibah, who has been implicated in corruption and whose candidacy contravened LPDF stipulations against GNU figures participating in the 2021 elections; and the Speaker of the HoR, Aguila Saleh.

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

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.

B4 0-4 pts

Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 0 / 4

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

The CDA featured two reserved seats each for three non-Arab ethnic minority groups: Amazigh, Tebu, and Tuareg. The Amazigh, however, largely boycotted the 2014 CDA elections and had no representatives in the body, and the two Tebu members rejected the draft constitution it adopted in 2017. The draft was approved by the CDA despite rules requiring support from at least one member from each of the three minority groups. Amazigh, Tuareg, and Tebu organizations have also denounced the UNSMIL for excluding their communities.

Representation for ethnic minority groups remained lacking in 2021; members of all three groups are often unable to acquire citizenship or other forms of documentation, further contributing to their political disenfranchisement.

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

Despite the election of a unified government in March 2021, full control over the national territory has not been established. The creation of the GNU did not result in the development of a cohesive policy platform; its mandate is temporary, and limited to administering elections and unifying national institutions.

In September 2021, 113 members of the HoR passed a vote of no confidence against the GNU; the HCS condemned the no-confidence measure, and some parliamentary sources claimed a no-confidence vote must be passed by 120 members, and was therefore illegitimate. After the elections were postponed in December, the HoR announced that the GNU's mandate had expired, though the UN continued to recognize the GNU's mandate.

C2 0-4 pts**Are safeguards against official corruption strong and effective? 0 / 4**

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

In March 2021, HoR leader Aguila Saleh alleged that Dbeibah had secured his position as interim prime minister through vote buying; a leaked UN report found that Dbeibah had bribed at least two members of the LPDF to vote for him. Dbeibah has faced further allegations of corruption: his close ties to Qadhafi and his involvement with running the Organization for Development of Administrative Centers (ODAC), a state-owned entity that oversees major public sector infrastructure projects, have drawn increased scrutiny. Dbeibah's cousin, Ali Ibrahim Dbeibah, longtime head of ODAC, is suspected of having misappropriated massive amounts of public funds.

C3 0-4 pts**Does the government operate with openness and transparency? 0 / 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**

There is a diverse array of Libyan media outlets based inside and outside the country. However, most are highly partisan, producing content that favors one of the country's political and military factions, and in many cases promoting propaganda, hate speech, or disinformation in coordination with foreign backers. Social media use is widespread, but digital platforms are rife with disinformation campaigns and propaganda, leading to confusion and low levels of trust among consumers.

The civil conflict and related violence by criminal and extremist groups have made objective reporting dangerous, and journalists are subject to intimidation, arbitrary detention, and physical abuse by both sides in the conflict. Despite the risks, some independent journalists and outlets have made efforts to engage in fact-based reporting. In September 2021, freelance journalist Ismail Abuzreiba al-Zway was freed after three years of arbitrary detention for his work with a private Libyan television network, al-Nabaa, which Haftar's LAAF accused of supporting terrorism. Al-Zway had been sentenced to 15 years in prison following a widely-condemned May 2020 secret trial by a military court in Benghazi.

D2 0-4 pts**Are individuals free to practice and express their religious faith or nonbelief in public 1 / 4 and private?**

Religious freedom is often violated in practice. Nearly all Libyans are Sunni Muslims, but Christian and other minority communities have been attacked by armed groups, including local affiliates of the Islamic State (IS) militant group. In eastern Libya, hard-line Salafi Muslims aligned with Haftar's forces control Benghazi's mosques and religious programming. Salafi 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 1 / 4 indoctrination?**

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. Academic self-censorship is common among professors.

Universities face significant operational challenges, including a lack of infrastructure and limited funding for rebuilding schools, training teachers, and supporting researchers. In 2021, the Ministry of Education introduced new regulations aimed at curtailing the expansion of for-profit private universities and addressing the growing problem of forged university degrees, which are often used to falsely obtain government jobs.

D4 0-4 pts**Are individuals free to express their personal views on political or other sensitive topics 1 / 4 without fear of surveillance or retribution?**

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 east than in the west, where residents have somewhat more freedom to criticize government authorities though violent reprisals for critical speech have been reported in both areas.

E Associational and Organizational Rights

E1 0-4 pts

Is there freedom of assembly? 1 / 4

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.

E2 0-4 pts

Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 1 / 4

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.

NGOs in Libya are largely overseen by the Civil Society Commission (CSC), a regulatory body established by the GNA's Presidential Council in 2018, though administration often differs between the east and west of the country. Many repressive Qadhafi-era laws regulating NGOs remain in force, and the CSC has been granted wide-ranging authority to restrict, suspend, and dissolve NGOs.

In July 2021, the GNU proposed a new freedom of association regulation, which would require existing NGOs to reregister with the government. The regulation also includes provisions that would give the government the authority to reject such registrations and to prevent NGOs from opening bank accounts; NGOs would also be required to obtain prior permission before accepting donations and communicating with international NGOs, including the United Nations (UN). Following the proposal of the freedom of association regulation, in October 2021, 16 Libyan organizations and 4 public figures drafted and presented an alternative law intended to guarantee NGOs' independence and operational freedom.

E3 0-4 pts

Is there freedom for trade unions and similar professional or labor organizations? 0 / 4

Some trade unions, previously outlawed, formed after 2011. However, normal collective-bargaining activity has been 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? 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. Members of armed groups, militias and security forces continue to carry out extrajudicial killings, enforced disappearances, torture, sexual and gender-based violence, and arbitrary arrest and detention throughout Libya. The absence of the rule of law has enabled an environment of impunity, particularly with regards to severe human rights violations and war crimes committed by rival political and military factions in the east and west of the country. Judges and lawyers are frequently subjected to immense pressure from armed groups.

In the run-up to the 2021 elections, the judiciary was tasked with vetting presidential candidates and processing appeals to their candidacy. In December, the HoR passed and immediately enacted a law allowing the body to reshuffle members of the Supreme Judicial Council (SJC); the International Commission of Jurists (ICJ) condemned the HoR's actions as an attack on judiciary independence and the rule of law.

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 an 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. The LAAF's military courts routinely flout basic standards of due process and are used to suppress dissent.

Many NGOs work to document and raise awareness of human rights violations, and advocate for victims of such violations, using international institutions such as the UN Human Rights Council (OCHCR) and the International Criminal Court (ICC).

F3 0-4 pts

Is there protection from the illegitimate use of physical force and freedom from war 0 / and insurgencies? 4

Libya's warring militias and their foreign partners 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.

According to the UNCHR, there are over 200,000 internally displaced persons (IDPs) in Libya; this number continues to decrease as a result of the cease-fire in October 2020, though many IDPs remain unable to return home.

Since the cease-fire in October 2020, a fragile peace has been maintained, though violent conflicts among rival armed groups have continued with some frequency.

F4 0-4 pts

Do laws, policies, and practices guarantee equal treatment of various segments of the 0 / population? 4

Libyans from certain tribes and communities—often those perceived as pro-Qadhafi, including natives of the town of Tawergha—have faced discrimination, violence, and displacement. The Tebu and Tuareg minorities in the south also face discrimination.

Foreign migrant workers, asylum seekers, and refugees have been subject to severe mistreatment, including detention in squalid facilities by both state authorities and other 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 0 / residence, employment, or education? 4

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

G2 0-4 pts

Are individuals able to exercise the right to own property and establish private 1 / businesses without undue interference from state or nonstate actors? 4

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 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 1 / size of family, protection from domestic violence, and control over appearance? 4

Laws and social customs 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

Do individuals enjoy equality of opportunity and freedom from economic exploitation? 0 / 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 (IOM) reported that there were more than 600,000 migrants representing at least 43 nationalities present in Libya at the end of 2021. Throughout 2021, voluntary return, resettlement, and evacuation flights were repeatedly halted by authorities. In October, a fact-finding mission appointed by the OCHCR reported that Libyan authorities are engaged in systematic and widespread human rights violations against the country's migrant population, resulting in the murder, torture, imprisonment, rape, and persecution of migrants.

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. Libyan coast guard forces, which receive support from European governments, work to block such departures and have reportedly abused and exploited the passengers they intercept.

ecoi.net summary:

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