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Freedom of the Press 2012 - Libya ("Draft")

Status: Partly Free

Legal Environment: 16

Political Environment: 27

Economic Environment: 17

Total Score: 60

Survey Edition	2007	2008	2009	2010	2011
Total Score, Status	96,NF	94,NF	94,NF	94,NF	94,NF

Status change explanation: Libya improved from Not Free to Partly Free due to significant improvements in media freedom and access to information as Mu'ammar al-Qadhafi's control over the country progressively crumbled during 2011. The draft constitution contains provisions for expanded freedom of expression and of the press, and access to officials is far greater than under the Qadhafi regime. There has also been a boom of media outlets, particularly in the east, with a diversity of viewpoints. Journalists are able to cover the news more freely than before, and with less threat of violence and intimidation.

Prior to the 2011 uprising that led to the overthrow of longtime leader Mu'ammar al-Qadhafi, the Libyan media were among the most tightly controlled in the world. However, following al-Qadhafi's downfall, the media environment in Libya experienced a transformation. The revolution began in February, when citizens in several Libyan cities – inspired by early 2011 uprisings in Tunisia and Egypt – took to the streets to protest al-Qadhafi's 42-year rule, sparking a brutal crackdown by the regime. Libyan civilians and army defectors took up arms in response to the regime's attacks, and in March, a NATO-led campaign of airstrikes was launched to protect civilians and aid the rebels. Rebel forces quickly established control of the east, and a National Transitional Council (NTC) – based in the eastern city of Benghazi – was formed. In August, rebel militias captured Tripoli, the capital, and al-Qadhafi and his family fled the city. Al-Qadhafi was seized and killed by militia members near his hometown of Sirte on October 20. The NTC relocated to Tripoli, and by year's end, it was operating as a de facto national government.

Under the Qadhafi regime, Libyan journalists had operated under the 1972 Publication Act, which contained provisions banning libel and slander, and broadly restricted critical speech. After taking power, the NTC was tasked with drafting a new constitution and electoral laws. In August 2011, the transitional government published the Draft Constitutional Charter for the Transitional Stage, which is intended to fill the gap before

elections and a new constitution. The draft charter guarantees several fundamental human rights. Article 13 guarantees, among other rights, "freedom of opinion for individuals and groups, freedom of scientific research, freedom of communication, liberty of press, printing, publication and mass media." While these provisions are a positive start, they do not fully reflect the guarantees of the right to freedom of expression as set by international standards. The charter provides a broad definition of freedom of expression, but does not explicitly abolish censorship or include the right to seek, receive, and impart information and ideas. Additionally, it does not cover all types of expression and methods of communication, and it does not grant these rights to every person. In addition, clear laws on libel and slander have yet to be established.

Under the Qadhafi regime, there was no independent press, and state-owned media operated largely as mouthpieces for the authorities. Journalists worked in a climate of fear and self-censorship. In the initial stages of the conflict, state-controlled media only broadcast demonstrations in favor of the regime. After the fall of the regime, Libyan media experienced unprecedentedly free working conditions, without clear regulations or set red lines. The NTC's actions have been encouraging when it comes to press freedom; for example, the transitional government declared that it would attempt to not control content – including criticism of the body's performance – and access to officials is less restricted than under the previous regime. At the beginning of the revolution, there was pressure to self-censor to show a united front, but since the official liberation of the country, local media have been free to write critically of the NTC. The media environment in eastern cities experienced change earlier than the rest of the country, with around 130 outlets registered by July.

The five fatalities recorded during 2011 made Libya one of the most dangerous countries in the world for journalists, although this was unsurprising given the armed revolt, during which journalists were caught in the crossfire, and the overall level of violence. Ali Hassan al-Jaber, a Qatari cameraman for Al-Jazeera, was shot outside Benghazi in March following coverage of the protests. In April, American photographer Chris Hondros and British documentary filmmaker Tim Hetherington were killed by a mortar round in Misurata while covering the conflict. South African freelance journalist Anton Hammerl was also killed in April outside Brega by loyalist forces. There were also numerous cases of detention and harassment of international and freelance journalists during the conflict. In February, Al-Jazeera reporter Atef Al-Atrash disappeared after reporting that several journalists had been detained in Libya. American photographer James Foley was detained for six weeks in April, and was released with three other foreign journalists in May. In addition, al-Qadhafi at the outset of the conflict invited a number of international reporters to Tripoli to cover the conflict; however, their movements were closely monitored, their reporting was restricted to covering progovernment demonstrations, and often they were prevented from leaving Tripoli's Rixos Hotel.

A dramatic increase in outlets in 2011 significantly altered the Libya media landscape, with a much wider diversity of independent and pro-NTC viewpoints. Many smaller media sources are owned by individuals and often survive on donations, and in many cases, ownership of these outlets remains unclear. Activists and entrepreneurs launched hundreds of outlets on a variety of platforms during and in the wake of the uprising. Benghazi, one of the first cities to declare itself free of the Qadhafi regime, had 800 media outlets registered by the time Libya declared itself independent in October 2011. During the year, media outlets flourished in Misurata, Tripoli, and in the western Nafusa Mountains, where the Amazigh minority established newspapers as well as television and radio stations in their own language (under the Qadhafi regime, Amazigh was a banned language). Tribute FM was the first Libyan English-language radio station established. When it received this license, the NTC said it wanted the outlet to be "as critical of the new regime as they liked."

There has also been an explosion of print media in the wake of the revolution. As Libya does not have a recent history of independent media, the quality of the journalism has frequently been criticized, and few newspapers have enough content to establish a daily edition. Many of the newspapers and magazines founded during the fall of the old regime are closing, mostly due to activists returning to their normal lives or because their enterprises lacked equipment, funding, or experience in the media industry. More

recently, the government has proposed giving some funding to independent media outlets in their early stages to help them become established.

The General Press Corporation (GPC) that had existed under Qadhafi has been dissolved, along with state-owned newspapers such as *Al-Shams* and *Al-Zahf al-Akhdar*. A new body, the Press Support and Encouragement Corporation, has taken its place. It was founded and is headed by journalist and poet Idris al-Mismari. He has vowed that this new press body will not replace the GPC, but instead will "safeguard the state-owned [press] to serve journalism." He has also promised that Libya's press will be based on "freedom and transparency," and that a code of ethics will be written by journalists.

Before February 2011, all TV stations were run by the state broadcaster, the Libya Jamahiriyah Broadcasting Corporation (LJBC). The LJBC was disbanded after the fall of Tripoli in August 2011 and replaced by the state-owned Libyan Radio and Television network (LRT). There are currently more than 20 television stations and dozens of radio outlets, many of which are controlled by private owners. Among the new television stations that were established during the conflict are Libya al-Hurrah, which replaced the pro-Qadhafi channel Al-Libiyah. The station was founded by Libyan journalist Mohammad Nabbous, who was shot dead by a sniper in March while covering a battle in Benghazi; since then, it has expanded from a web-based television channel to be broadcast live from several Libyan locations. Libya TV or Libya al-Ahrar was launched in April 2011 with support from the Qatari government and Libyan businessmen. Although it is a private channel, it is increasingly seen as the mouthpiece of the NTC. Before the fall of the regime, satellite channels that carried stations such as Al-Jazeera were jammed in order to withhold information from citizens. Nevertheless, journalists continued to work around these barriers to spread information, and after the fall of the regime, access to these channels resumed.

Internet penetration remains relatively low, with about 14 percent of the population accessing the medium in 2011. The social media scene in Libya experienced constant growth in 2010, and it more than doubled between February and October 2011. Libyans' use of social media, as well as video- and photo-sharing websites, was instrumental in the provision of information, news, and multimedia content about the protests and ensuing conflict. According to Social Bakers, which provides usage statistics for social media sites, Libyan Facebook users increased by 121 percent, from 72,000 to 230,940 people (3.57 percent of the population), in 2011. After journalists, bloggers, and activists uploaded images of the initial February protests to the internet and social networking sites, the Qadhafi government shut down or disrupted the internet and mobile phone, and many bloggers were arrested. Between February and August 2011, access to the internet was severely limited in the west; however, it was gradually restored after the rebels established control in the east, and the rebels set up their own mobile phone network in Benghazi in April. Following the liberation of the country, there were no reports of the resumption of filtering that had been prevalent during the Qadhafi era.

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