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Freedom Status: Not Free

Aggregate Score: 13/100 (0 = Least Free, 100 = Most Free)

Freedom Rating: 6.5/7 (1 = Most Free, 7 = Least Free)

Political Rights: 7/7 (1 = Most Free, 7 = Least Free)

Civil Liberties: 6/7 (1 = Most Free, 7 = Least Free)

Quick Facts

Population: 6,300,000

Capital: Tripoli

GDP/capita: \$5,518

Press Freedom Status: Not Free

Net Freedom Status: Partly Free

Libya's political rights rating declined from 6 to 7 due to wide-ranging problems associated with the ongoing political and security crisis, including overdue elections and the lack of a fully functional government with nationwide recognition and authority.

OVERVIEW

While a popular armed uprising in 2011 deposed longtime dictator Mu'ammar al-Qadhafi, Libya is now wracked by political, security, and economic crises, and a UN-brokered deal designed to bring rival administrations together in a unity government has failed to come to fruition. Awash in weapons and hundreds of armed groups, criminal networks have flourished, and a faction of the Islamic State (IS) extremist group has emerged. Fighting has displaced hundreds of thousands of people and disrupted basic services. Human rights conditions have deteriorated, and impunity reigns.

Key Developments in 2016:

- The UN-backed Libyan Political Agreement (LPA), signed in December 2015, failed to unify the country's rival political and military authorities under a single administration. The country had three competing governments at year's end. In October, there was a failed coup attempt by one administration against UN-backed authorities in Tripoli.

- General Khalifa Haftar, commander of the Libyan National Army in the east of the country, refused to endorse the UN-backed deal, and strengthened his foothold in eastern Libya. A number of elected civilian mayors in areas under his control were replaced by military governors, including in Benghazi, where new authorities implemented a measure requiring military approval for demonstrations.
- Local armed forces, primarily from the city of Misrata and nominally affiliated with the UN-backed government, fought the Islamic State (IS) extremist group in the coastal city of Sirte. Beginning in August, U.S. airstrikes supported the operations and by year's end most IS fighters had been pushed out of the city. However, IS maintained a presence elsewhere in Libya.
- The human rights situation continued to deteriorate amid ongoing armed conflicts between the hundreds of militant groups operating in Libya, and an economic crisis that left many without basic services. The UN Office for Humanitarian Affairs estimated that 1.3 million people in Libya will require humanitarian assistance in 2017.

Executive Summary:

Five years after the downfall of longtime dictator Mu'ammar al-Qadhafi, Libya remains deeply divided between political and military actors, and internationally backed efforts to reach political consensus and establish a single government with authority over the whole country have failed. The human rights situation continues to deteriorate amid ongoing armed conflicts between the hundreds of militant groups and an economic crisis that has left many without basic services, including electricity.

In late 2015, following 18 months of UN-led negotiations, representatives from two competing governments – the Tubruk-based House of Representatives (HoR), which enjoyed widespread international recognition, and the Tripoli-based General National Congress (GNC) – signed the LPA. The agreement was intended to end the political gridlock and armed fighting that started in 2014 between the rival HoR and GNC, each of which had its own allied military coalitions, and reconcile them within a single administration. The appointment of a nine-member Presidency Council (PC) under the leadership of Prime Minister Fayeaz al-Serraj followed. The PC assumed office in Tripoli in March 2016; it was tasked with forming a unity government, the Government of National Accord (GNA), to serve as an executive branch. Under the LPA, the HoR would act as a primary legislature, while GNC members would form the State Council, a secondary consultative body. The agreement was designed to be in effect until the adoption of a new constitution and the subsequent holding of parliamentary elections.

However, at the end of 2016, the HoR had yet to pass a measure approving the LPA's provisions – including one formally establishing the HoR as the country's legislature. In August, the HoR voted overwhelmingly to reject a GNA cabinet proposed by the PC.

At year's end Libya thus had three competing governments: the United Nations-backed PC, in Tripoli, which the international community continued to back; the National Salvation Government (NSG), the successor to the GNC, also based in Tripoli; and the interim government associated with the HoR in eastern Al-Bayda and Tubruk, respectively. The LPA's primary effect was to reconfigure much of the internal strife in Libya as between supporters and opponents of the PC and the internationally-backed agreement itself.

Meanwhile, Libya's Constitutional Drafting Assembly (CDA), a body that was previously neutral and uncontested, in 2016 became mired in political infighting.

Amid the security vacuum and a breakdown in law and order, IS established a presence in the coastal city

of Sirte, though local armed groups, assisted by U.S. airstrikes, mostly dislodged IS fighters from the city by year's end. However, the group maintained a presence in other parts of Libya, including around Benghazi and Derna.

Oil production, the main source of revenue in Libya, has declined massively in recent years and the financial situation continues to deteriorate. The human rights situation has also worsened, as armed groups on all sides commit human rights violations.

POLITICAL RIGHTS AND CIVIL LIBERTIES

Political Rights 3 / 40 (-3)

A. Electoral Process 1 / 12 (-3)

- A1. Is the head of government or other chief national authority elected through free and fair elections?
- A2. Are the national legislative representatives elected through free and fair elections?
- A3. Are the electoral laws and framework fair?

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 and the adoption of a permanent constitution. Amid the political crisis that unfolded in 2014 and 2015 between rival governments and military coalitions in the east and west of the country, the United Nations launched a political dialogue process that ended with the signing of the LPA in December 2015 in Skhirat, Morocco, and the establishment of a nine-member Presidency Council tasked with forming a unity government, the GNA.

While the United Nations and many world powers voiced support for the LPA and PC in 2016, their legitimacy is contested domestically. In October 2016, power struggles in Tripoli underscored the weak position of UN-backed prime minister-designate Serraj and the PC. That month, Khalifa al-Ghwell, the Tripoli-based prime minister of the NSG, and former members of the defunct legislative GNC seized several state buildings, and declared the GNA "void," though they could not garner much support and ultimately failed to displace UN-backed authorities from Tripoli. Meanwhile, the HoR in 2016 declined to approve a constitutional amendment, as envisioned by the LPA, that would formally approve the LPA's provisions and establish the HoR as Libya's legislative authority; this was largely because HoR head Aquila Saleh and General Haftar, who commands the HoR-aligned Libyan National Army, objected to an LPA provision that subordinated the military to the PC. Furthermore, as General Haftar consolidated his control over eastern Libya during the year, both he and his chief of staff fired a number of elected municipal mayors and installed military figures in their place, including in Benghazi, Libya's second-largest city.

Additionally, the Constitutional Drafting Assembly (CDA), which had been uncontested and maintained neutrality throughout the 2014-15 conflict, in 2016 became embroiled in political infighting. The LPA's timeline rests on the CDA's completion of a new constitution and the HoR and State Council's approval of the new charter. The CDA released a second draft constitution in February 2016 after consultative sessions that took place in Oman, which included roughly half of its members.

While an electoral law was published in the aftermath of the 2011 revolution and an electoral commission was appointed, in practice Libya lacks a functioning electoral framework.

B. Political Pluralism and Participation 2 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system open to the rise and fall of these competing parties or groupings?

B2. Is there a significant opposition vote and a realistic opportunity for the opposition to increase its support or gain power through elections?

B3. Are the people's political choices free from domination by the military, foreign powers, totalitarian parties, religious hierarchies, economic oligarchies, or any other powerful group?

B4. Do cultural, ethnic, religious, or other minority groups have full political rights and electoral opportunities?

More than 100 parties or lists spanning the political spectrum, from socialists to Islamists, organized to participate in the 2012 GNC elections, marking a clear departure from the Qadhafi era, during which political parties were illegal and all independent political activity was banned. However, the legitimacy and integrity of the new parties steadily eroded, and all candidates in the 2014 elections were required to run as independents. Civilian politics and public participation were further marginalized by and subordinated to armed groups, as two opposing military coalitions in the east and west fought for control of the country and against extremist forces, including IS.

Throughout 2016, political life in Libya was mired in obstructionist, zero-sum politics. The UN-backed PC, currently located off a naval base in Tripoli, had yet to secure control and reconcile rival political and military actors. Major world powers reiterated support for the UN-brokered LPA and PC during the year, and in April, the European Union (EU) sanctioned three political personalities who opposed the unity government: Nouri Abusahmain, former head of the GNC; Ghwell, of the NSG; and Saleh, speaker of the HoR in the east.

C. Functioning of Government 0 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government?

C2. Is the government free from pervasive corruption?

C3. Is the government accountable to the electorate between elections, and does it operate with openness and transparency?

None of the country's rival political and military camps constituted an effective national government in 2016. While the GNA enjoys strong backing from the international community, its domestic security is based on a fragile arrangement with various armed groups. Even before the rift between the HoR and GNC opened in 2014, the authority of elected officials was limited due to underdeveloped state institutions and the presence of autonomous regional armed groups, which by some counts number more than 1,700.

Corruption has long been pervasive in both the private sector and the government. The fall of the Qadhafi regime initially raised hopes that the level of graft would decline, but oil interests, foreign governments, smuggling syndicates, and armed groups still wield undue influence, especially in the south, and opportunities for corruption and criminal activity abound in the absence of effective fiscal, judicial, and commercial institutions.

Civil Liberties 10 / 60 (-4)

D. Freedom of Expression and Belief 4 / 16 (-2)

D1. Are there free and independent media and other forms of cultural expression?

D2. Are religious institutions and communities free to practice their faith and express themselves in public and private?

D3. Is there academic freedom, and is the educational system free of extensive political indoctrination?

D4. Is there open and free private discussion?

The fall of the Qadhafi regime lifted restrictions on the long-repressed media sector. Citizen journalism became more common, and media outlets ranging from satellite television and radio stations to print publications multiplied in number. However, media freedom is increasingly limited by political and criminal violence that has made objective reporting dangerous. Many journalists and media outlets have censored themselves or ceased operations to avoid retribution by armed groups. Threats and violent reprisals for reporting have prompted a growing number of journalists to flee the country. Post-Qadhafi authorities have sometimes sought to curb free expression through the approval of restrictive laws codifying insult crimes. The GNC has in the past directed a state internet service provider to turn over certain data, and to ban access to websites that hosted content dealing with Christianity or atheism, or which were deemed pornographic.

Nearly all Libyans are Sunni Muslims, but Christians form a small minority, with most hailing from neighboring countries. Some Salafi Muslim groups, whose beliefs reject the veneration of saints, have destroyed or vandalized Sufi Muslim shrines. Egyptian Coptic Christian communities have been targeted by armed groups, including IS.

Close state supervision of education ended along with Qadhafi's regime. However, laws guaranteeing academic freedom have not been passed, and by mid-2016 hundreds of schools across the country were closed due to a breakdown in the rule of law, or damage to facilities inflicted during fighting between various armed groups.

Although open and free private discussion improved dramatically after 2011, the ongoing hostilities have taken their toll, with many Libyans increasingly withdrawing from political life or avoiding criticism of powerful actors, particularly in the eastern regions dominated by General Haftar's forces.

E. Associational and Organizational Rights 2 / 12 (-1)

E1. Is there freedom of assembly, demonstration, and open public discussion?

E2. Is there freedom for nongovernmental organizations?

E3. Are there free trade unions and peasant organizations or equivalents, and is there effective collective bargaining? Are there free professional and other private organizations?

A 2012 law on freedom of assembly is generally compatible with international human rights principles. However, fighting and related disorder seriously deter peaceful assemblies in many areas. After General Haftar replaced the elected mayor of Benghazi with a military leader, the new authorities banned demonstrations without prior approval from the military.

A multitude of domestic nongovernmental organizations (NGOs) formed after the 2011 revolution. However, the number of active NGOs continued to decline in 2016, due to armed conflict and the departure of international donors. Armed groups with varying political, tribal, and geographic affiliations have targeted 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.

Some trade unions, previously outlawed, formed after 2011, but they remain in their organizational infancy.

F. Rule of Law 0 / 16 (-1)

F1. Is there an independent judiciary?

F2. Does the rule of law prevail in civil and criminal matters? Are police under direct civilian control?

F3. Is there protection from political terror, unjustified imprisonment, exile, or torture, whether by groups that support or oppose the system? Is there freedom from war and insurgencies?

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population?

The role of the judiciary remains unclear without a permanent constitution, and judges, prosecutors, and police officers in postrevolutionary Libya face frequent threats and attacks. By the end of 2016 the country's judicial system had essentially collapsed, with courts across the country nonfunctional and impunity widespread. In some cases, nonstate dispute mechanisms have filled the void.

Investigations into a large number of cases involving torture and extrajudicial executions before and during the 2011 revolution, including the killing of Qadhafi, have made little progress. Thousands of individuals remain in the custody of militia or government groups despite the absence of any formal trial or sentencing.

Libya's warring militias operate with little regard for civilian lives. Various armed groups have carried out indiscriminate shelling of civilian areas, abductions, torture, executions, and the destruction of property. The war's main battleground has been Benghazi, though fighting has taken place across the country. In 2016, eastern Libya saw a spate of kidnappings and other attacks targeting government officials, activists, and journalists. Fighting in Benghazi in 2016 resulted in many casualties, including of civilians, and widespread hardship. In the south, tribal clashes also resulted in casualties during the year.

The U.S. State Department has estimated that hundreds of people were killed in 2016 due to violent acts committed by extremist groups including IS, Ansar al-Sharia, and al-Qaida in the Islamic Maghreb (AQIM). In 2016, local armed forces, primarily from the city of Misrata and nominally affiliated with the UN-backed government, fought IS in the coastal city of Sirte, with some assistance from U.S. air strikes beginning in August, and had mostly dislodged IS fighters from the city by the year's end. However, the IS maintained a presence in other parts of Libya, including around Benghazi and Derna.

Separately, General Haftar, who is seen as an anti-Islamist figure and enjoys backing from the United Arab Emirates and Egypt, strengthened his foothold over Libya's eastern region, particularly after the successful takeover of the Gulf of Sidra oil crescent in September 2016.

Libyans from certain tribes and communities – often those perceived as pro-Qadhafi – have faced discrimination, violence, and displacement since 2011. Migrant workers from sub-Saharan Africa have also been subject to discrimination and mistreatment, particularly at the hands of armed groups. The Tebu and Tuareg minorities in the south face discrimination.

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

G. Personal Autonomy and Individual Rights 4 / 16

G1. Do individuals enjoy freedom of travel or choice of residence, employment, or institution of higher education?

G2. Do individuals have the right to own property and establish private businesses? Is private business activity unduly influenced by government officials, the security forces, political parties/organizations, or

organized crime?

G3. Are there personal social freedoms, including gender equality, choice of marriage partners, and size of family?

G4. Is there equality of opportunity and the absence of economic exploitation?

The 2011 constitutional declaration guarantees freedom of movement, but violence has disrupted normal activity in major cities. Airports in Benghazi, Tripoli, Sabha, and Misrata have been attacked and destroyed, severely limiting access to air travel. The UN Office for Humanitarian Affairs has estimated that 1.3 million people in Libya will need humanitarian assistance in 2017, including more than 313,000 who are internally displaced. Many others have reportedly sought safety in neighboring Tunisia and Egypt. Government and militia checkpoints also restrict movement within Libya, while poor security conditions more generally affect movement as well as access to healthcare, education, and work.

While Libyans have the right to own property and can start businesses, regulations and protections are not upheld in practice. Businesses and homes have been confiscated by militants, particularly in Libya's eastern regions and in Benghazi, and ongoing unrest has severely disrupted ordinary commerce.

Threats and harassment against women, especially female activists, are common. Forced labor, sexual exploitation, abuse in detention facilities, and starvation are widespread among migrants and refugees from sub-Saharan Africa and elsewhere, many of who are beholden to human traffickers. 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 abandoned in the Mediterranean Sea, where passengers hope to be rescued and taken to Europe. The voyages are often deadly.

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