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2013 Scores

Status: Partly Free
Freedom Rating: 4.5
Civil Liberties: 5
Political Rights: 4

Ratings Change

Libya's political rights rating improved from 7 to 4, its civil liberties rating improved from 6 to 5, and its status improved from Not Free to Partly Free due to successful elections for the General National Congress that included candidates from a range of political and regional backgrounds, increased transparency in drafting a constitution, and the proliferation and sustained activism of media outlets and civil society organizations.

Overview

Elections to a General National Congress (GNC) were held in July, and the unelected National Transitional Council handed power to the new body in August. The GNC was tasked with forming a constituent assembly to draft a permanent constitution, which would then be put to a referendum. A prime minister was chosen in October, and after some dispute, a cabinet was approved by the GNC. Despite the end of the previous year's civil war, security remained a problem in 2012. Among other incidents, a high-profile September attack on the U.S. consulate in Benghazi resulted in the death of the U.S. ambassador and three other Americans.

Libya comprised three provinces of the Ottoman Empire until the Italian conquest and occupation of the area in 1911. It became an independent country in 1951 after a brief period of UN trusteeship in the wake of World War II. Libya was then ruled by King Idris, a relatively pro-Western monarch, until 1969, when a group of young army officers led by 27-year-old captain Mu'ammar al-Qadhafi overthrew the king's government. Al-Qadhafi was Libya's undisputed leader until 2011, but he held no official title and was referred to as Brother Leader or Guide of the Revolution.

Al-Qadhafi expounded a political philosophy that fused Arab nationalism, socialism, and Islam, and adopted anti-Western policies. Immediately after taking power, he moved to nationalize oil

assets, claiming that the revenues would be shared among the population. In the 1970s his regime was implicated in several international terrorist attacks. The United States imposed sanctions on Libya in 1981 and bombed targets in the country in 1986. In 1988, a U.S. airliner exploded over Lockerbie, Scotland, killing all 259 people aboard as well as 11 residents of the town. After an exhaustive investigation, Scottish police issued arrest warrants for two Libyans, including an intelligence agent. The UN Security Council imposed trade sanctions on the country, and over the next several years, Libya became more economically and diplomatically isolated.

In 1999, al-Qadhafi moved to mend his international image. He surrendered the two Lockerbie bombing suspects for trial, accepted responsibility for past acts of terrorism, and offered compensation packages to the families of victims. The United Nations suspended its sanctions, and the European Union (EU) reestablished diplomatic and trade relations with Tripoli. In 2004, a year after al-Qadhafi's government announced that it had scrapped its nonconventional weapons programs, the United States established a liaison office in Tripoli. The U.S. government eventually removed Libya from its list of state sponsors of terrorism, reestablishing a full embassy in 2006. Despite frequent promises of reform, however, observance of political rights and civil liberties in Libya remained abysmal, and the Qadhafi regime was consistently hostile to foreign and domestic criticism.

In February 2011, Libyans in several cities took to the streets to protest al-Qadhafi's 42-year rule. Though influenced by the concurrent uprisings in neighboring Tunisia and Egypt, the protests' proximate cause was the arrest of a human rights activist in Benghazi. Security forces violently attacked the demonstrators, setting off clashes between Qadhafi loyalists and a combination of civilians and defectors from the police and military. The rebels in some areas – particularly in eastern Libya – were able to clear loyalist forces from their territory, leading to a civil war with multiple, shifting battlefronts. In March, NATO launched an air campaign to enforce a no-fly zone over the country, protect civilian protesters, and aid rebel militias in their battles against al-Qadhafi's military.

The rebel militias captured Tripoli in August 2011, and al-Qadhafi, his family, and senior regime members were forced to flee the city. Efforts to take control of the remaining loyalist strongholds continued into the fall, and militia members seized and killed al-Qadhafi near his hometown of Sirte in October. Saif al-Islam al-Qadhafi, the ousted leader's son and onetime heir apparent, was also detained, and remained in the custody of a regional militia pending trial.

An unelected National Transitional Council (NTC) that formed in Benghazi in early 2011 to represent the rebel movement eventually relocated to Tripoli and began operating as a de facto national government, but its popular legitimacy and control over territory and armed groups were tenuous. Under mounting pressure, the executive board of the NTC resigned in November 2011, and a new interim cabinet incorporated members of competing regional and tribal militias, as well as business community representatives.

After a series of delays prompted by continuing insecurity, the need to allow citizens more time to register, and the inability of the transitional government to investigate candidates and finalize preparations, Libyans voted in their first parliamentary elections since 1965 on July 7, 2012. More than 100 parties registered ahead of the balloting, which resulted in the creation of an interim, 200-member General National Congress (GNC) to replace the NTC. The National Forces Alliance, a coalition headed by the relatively liberal politician Mahmoud Jibril, led the party-list portion of the voting with 39 of 80 seats, followed by the Muslim Brotherhood's Justice and Construction Party with 17. An array of small parties divided the remaining 24 party-list seats, and only independents ran for the 120 majoritarian seats. Election-related violence caused at least two deaths, but fears of extensive fighting and corruption proved unfounded, and the voting was regarded as generally free and fair. While the GNC's initial choice for prime minister, Mustafa Abushagur, was unable to form a government, its second choice, Ali Zidan, was named in October, and his cabinet was approved by the Congress. The GNC was tasked with electing a

committee that would draft a new constitution, but the composition of the panel and the timeline for the drafting process remained uncertain at the end of 2012.

Insecurity remained a major concern during 2012, with regional militias, armed Islamist groups, international actors, criminal gangs, and smugglers all contributing to the problem. In the most widely publicized incident, an armed assault on the U.S. consulate in Benghazi in September resulted in the death of the U.S. ambassador and three other Americans. Other large-scale violence included deadly bombings during the GNC elections, a series of attacks targeting government security forces in the second half of the year, and a deadly October assault by government and militia forces on the reputed Qadhafi loyalist town of Bani Walid. The southern border areas, a common locus for arms smuggling, drug trading, and human trafficking, had become so insecure by December that the national government instated martial law in the border provinces and gave military authorities jurisdiction over provincial governments.

Political Rights and Civil Liberties

Libya is an electoral democracy. The prime minister and cabinet are responsible to the 200-member General National Congress, whose election in July 2012 was considered largely free and fair. However, the nationwide authority of these officeholders is limited in practice by autonomous regional militias and underdeveloped state institutions.

The 2011 uprising created more space for free political association and participation in Libya. Under the regime of Mu'ammar al-Qadhafi, political parties were illegal, and all political activity was strictly monitored. While only a few parties initially organized after al-Qadhafi's fall, the 2012 elections prompted a proliferation of over 100 parties that spanned the political spectrum, from socialists to Islamists.

Corruption has long been pervasive in both the private sector and the government in Libya, which was ranked 160 out of 176 countries surveyed in Transparency International's 2012 Corruption Perceptions Index. The fall of the Qadhafi regime raised some hopes that the level of graft would decline, but oil interests, foreign governments, smuggling groups, and armed militias often still wield undue influence, especially in the south, and opportunities for corruption abound in the absence of effective fiscal, judicial, and commercial institutions.

The end of the Qadhafi regime, and of the civil war, brought some respite to Libya's long-repressed media sector. Citizen journalism has been on the rise, and more than 100 new print outlets have been established, representing a wide range of viewpoints. In June 2012, Libya's Supreme Court struck down a law that would have restricted any speech deemed insulting to the country's people and institutions. However, media freedom advocacy groups reported an uptick in visa restrictions, filming bans, arbitrary detentions, and deportations of journalists in the months after the election of the GNC in July 2012, especially in the name of security after the September attack on the U.S. consulate in Benghazi.

Nearly all Libyans are Muslims. The Qadhafi regime closely monitored mosques for signs of religious extremism and Islamist political activity, and Muslims of various religious and political strains have been much freer to organize and debate their points of view since his fall. In some cases, however, this has led to verbal and armed clashes. Some Salafi Muslim groups, whose extremely conservative beliefs preclude the veneration of saints, have persistently destroyed or vandalized Sufi Muslim shrines, and the government has lacked the will and capacity to halt such abuses. Two men were killed in a rare attack on buildings belonging to the Coptic Church near Misrata in late December. Despite these incidents, the few non-Muslims in Libya have generally been permitted to practice their faiths with relative freedom, and human rights organizations have called for their rights to be guaranteed in the forthcoming constitution.

Close state supervision of education has been lifted since al-Qadhafi's ouster, and his *Green Book* has been removed from school curriculums. However, laws have not been passed to guarantee academic freedom, and the education system has yet to resume normal operations in all parts of the country in the wake of the civil war.

Freedom of assembly has increased dramatically since 2011. Although the ongoing presence of militia groups and the proliferation of firearms in the country deter peaceful assemblies and the public expression of dissenting views in certain areas, demonstrations by various groups were common during 2012 in the context of the GNC elections and the constitutional drafting process.

Domestic nongovernmental organizations have been allowed significantly more freedom to operate since the collapse of the Qadhafi regime, and they continued to expand in number and range of activities in 2012, particularly surrounding the elections. Trade unions, previously outlawed, have made small strides since 2011, but they are in their organizational infancy and have received little official recognition.

The roles of the judiciary and Supreme Court remain unclear without an official constitution. The court system has begun to recuperate, with some functioning courts in city centers trying ordinary cases. However, investigations into a large number of cases involving torture and extrajudicial executions before and during the civil conflict, including that of Mu'ammar al-Qadhafi, have made little progress, and an estimated 9,000 individuals remain in government or militia custody without any formal trial or sentencing. Among these detainees are high-profile suspects like Saif al-Islam al-Qadhafi and former Qadhafi intelligence chief Abdullah al-Senoussi, who was extradited from Mauritania in September 2012.

Migrant workers from sub-Saharan Africa, who were subject to human rights abuses even before the civil conflict, were reportedly mistreated by militia groups during 2011. While many fled the country under perilous conditions, some remain internally displaced within Libya. Libyans from certain tribes and communities – often those perceived as pro-Qadhafi – have also faced violence and displacement since the civil war.

Women enjoyed many of the same legal protections as men under the Qadhafi regime, but certain laws and social norms perpetuated discrimination, particularly in areas such as marriage, divorce, and inheritance. The GNC has made some limited efforts to address these issues, but formal legal changes have yet to be made. Women's rights groups have organized conferences in Tripoli to discuss the role that women will play in the new political environment; women hold 33 seats in the GNC and two seats in the transitional cabinet.

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