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Libya

NOT FREE

9
/100

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

LAST YEAR'S SCORE & STATUS

10 /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 repeatedly failed, preventing long-overdue elections. The proliferation of weapons and autonomous militias, flourishing criminal networks, interference by regional powers, and the presence of extremist groups have all contributed to a persistent lack of physical security. More than a decade of violence has displaced hundreds of thousands of people, and human rights conditions have generally deteriorated.

Key Developments in 2023

- The country's rival executives, the Tripoli-based Government of National Unity (GNU) and the Government of National Stability (GNS), based in eastern Libya, remained at odds over holding national elections, despite reaching a draft agreement in June on a legal framework.
- In May, the GNS appointed a new prime minister, Osama Hamad, to replace Fathi Bashagha.
- Factional fighting broke out in Tripoli in August and the eastern city of Benghazi in October, with clashes between militias leaving at least 55 dead in the capital and more than 15 dead in Benghazi.
- In September, two dams collapsed in the eastern port city of Derna; the estimated death toll ranged from 4,000 to as high as 20,000, with many people swept out into the Mediterranean Sea. The Libyan Arab Armed Forces (LAAF), the militia group that controlled the city, was accused of blocking independent reporting, relief efforts, and freedom of movement in Derna in the aftermath of the disaster.

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?

0/4

In 2020, after years of division between rival administrations based in Tripoli and the eastern city of Tobruk, the United Nations organized an inclusive Libyan Political Dialogue Forum (LPDF), with representatives from various political factions and civil society. The forum elected Abdelhamid Dbeibah as prime minister of the new GNU in February 2021. Members of a three-member Presidential Council were also chosen. In March of that year, the GNU won the approval of the House of Representatives (HoR), the Tobruk-based legislature associated with militia commander Khalifa Haftar and his LAAF coalition. Despite allegations of vote buying, the legitimacy of the LPDF process, the GNU, and its mandate were internationally recognized.

The GNU was tasked with overseeing direct popular elections set for December 2021. However, voting was postponed after the High National Election Commission (HNEC) announced its inability to carry out its mandate. The HoR subsequently announced that it no longer recognized the GNU.

In February 2022, the HoR leadership appointed Bashagha as prime minister of the new GNS. In May 2023, Bashagha was replaced by his finance minister, Osama Hamad, following allegations of corruption.

The Dbeibah-led GNU remained in Tripoli, resisting the GNS's attempts to displace it, and continued to enjoy the backing of the United Nations and key members of the international community through the end of 2023.

A2 0-4 pts

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

0/4

Under an earlier attempt at national reconciliation, the 2015 Libyan Political Agreement (LPA), the unicameral, 200-seat HoR was called upon 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 General National Congress (GNC); the Tripoli-based GNC had originally been elected in 2012 and rejected the outcome of the 2014 elections that established the HoR. However, the HoR never formally approved the LPA's provisions or recognized the Tripoli-based government it established.

The 2014 HoR elections were marked by violence, drew the participation of only about 15 percent of the electorate, and were ruled unconstitutional by the Libyan Supreme Court. The HoR's original mandate formally expired in 2015; while it unilaterally extended its tenure, it has rarely achieved a quorum in practice. After Haftar launched a military 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 Tobruk. There were attempts to reunify the body in the context of the LPDF process in late 2020. The dispute remained unresolved as of the end of 2023.

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, the two bodies issued separate, conflicting electoral laws. The law promulgated by HoR speaker Aguila Saleh, which established rules for a December 2021 presidential election and postponed final plans for parliamentary elections, was accepted by UN envoys. It was criticized by some HoR members for being adopted in violation of parliamentary voting procedures, and for relying on the 2011 constitutional declaration rather than arranging for a referendum on a new constitution.

Two days before the December 2021 presidential election date, the HNEC announced that the vote 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. Rather than responding to the HNEC's requests to correct the election process, the HoR passed a motion in January 2022 to establish its own constitutional drafting body and delay elections by at least 14 months.

Meanwhile, UN-led initiatives aimed at fostering successful elections via the so-called 6+6 committee—comprised of six members each of the HoR and HCS—have been in progress since 2020, seeking a consensus between the two bodies on the legal and constitutional groundwork for elections. In June 2023, the committee reached an apparent agreement on a draft framework for holding presidential and parliamentary elections. However, two sides continued to disagree over several issues, including election laws, eligibility requirements for presidential candidates, and a provision calling for the formation of an interim unity government to guide the country to elections.

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

Libya remained divided between rival political and military factions in 2023, with no clear roadmap for elections, and political influence was still heavily dependent on military strength and relationships to foreign powers.

Before it was postponed, the presidential voting set for December 2021 had already been severely compromised by widespread voter intimidation and armed obstruction of the electoral process.

Several of the leading presidential contenders had backgrounds that cast doubt on their viability as candidates. They included Saif al-Islam al-Qadhafi, a son of the former dictator who was wanted for extradition by the International Criminal Court; Haftar, the LAAF commander, who had also been implicated in violations of international law; and GNU prime minister Dbeibah, who had been accused of corruption and ran despite LPDF stipulations against GNU figures participating in the 2021 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

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

0/4

Political impasses and armed conflicts have prevented all segments of the population from exercising their basic political rights. Women and communities that lack an affiliation with a powerful militia are 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 also denounced UN representatives for excluding their communities from the LPDF process. 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

State institutions remained divided during 2023, no political entity was operating with a current electoral mandate, and no single force had full control over the national territory. The GNS, created in February 2022 by the HoR leadership, operated under the protection of the LAAF in the areas it controlled, particularly in eastern Libya. The GNU continued to operate in Tripoli and parts of western Libya.

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 unified and functional fiscal, judicial, and other institutions.

In September 2022, the Audit Bureau published a report on the GNU's public spending in 2021 and alleged widespread misuse of public funds by ministers and other officials. Separately, the LAAF has long been accused of raising funds through extortion, smuggling operations, and illegal seizures of public and private property in eastern Libya.

In the aftermath of the September 2023 Derna dam collapse, the HoR approved 10 billion dinars (\$2 billion) to fund reconstruction efforts. The sons of militia commander Haftar reportedly controlled the relief funds, fueling fears of misappropriation and calls for the money to be given to international agencies.

C3 0-4 pts

Does the government operate with openness and transparency?	0 / 4
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There are no effective laws guaranteeing public access to government information, and none of the country's 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?	0 / 4
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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 accounts linked to the rival political groups and their foreign supporters have also disseminated such content.

In September 2022, the HoR adopted Law No. 5 of 2022, a controversial cybercrime measure that empowered the authorities to block and censor content—and impose criminal punishments—based on vague violations of “public order and morality.”

The years of civil conflict and related violence by criminal and extremist groups have made objective reporting dangerous, and journalists and commentators are subject to intimidation, arbitrary detention, and physical abuse by a variety of armed actors.

After the September 2023 dam disaster in Derna, LAAF authorities blocked and harassed international and local journalists and stifled independent reporting. Internal intelligence agents were reportedly appointed to monitor the activities of the press, and some journalists were detained and questioned for several hours.

The LAAF also blocks telecommunications in its territory during periods of unrest, including during October 2023 clashes in the city of Benghazi.

Score Change: The score declined from 1 to 0 because the Tobruk-based administration in the east swiftly enforced severe restrictions on journalists working to report on widespread destruction and loss of life caused by the Derna dam collapse.

D2 0-4 pts

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

1/4

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.

In March 2023, six Libyan men and women, some of whom hailed from the country’s Indigenous ethnic groups, were arrested separately by security forces in western Libya and are faced the death penalty for converting to Christianity and proselytizing, under Article 207 of the Libyan penal code. The article, which punishes attempts to change “the fundamental rules of the social structure,” has been used to curb freedom of religion dating back to the Qadhafi era.

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 school and university facilities and altered classroom dynamics; for example, professors can be subject to intimidation by students who are aligned with militias. Self-censorship is common among educators. Among other operational challenges, educational institutions have limited access to independent funding for reconstruction, training, and salaries, which increases their vulnerability to political pressure.

D4 0-4 pts

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, ongoing militia activity has taken its toll, with many Libyans withdrawing from public life or avoiding criticism of powerful figures. Numerous 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.

The cybercrime law issued by the HoR in 2022 allows the authorities to engage in surveillance of private communications without clear guidelines or safeguards against abuse.

Space for free private discussion deteriorated in 2023, as individuals faced reprisals for private expression of critical views and security officials in the east warned that they were monitoring social media activity, including following the Derna dam disaster in September.

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 armed conflict and related disorder have seriously deterred peaceful assemblies in many areas. Throughout 2023, antigovernment protests—including an August demonstration in Tripoli against the GNU—were met with intimidation and arrests by security personnel.

The right to peaceful assembly was severely restricted in the aftermath of the Derna dam disaster in September 2023. Authorities imposed bureaucratic obstacles that obstructed civilian relief efforts, requiring special security clearance for travel within Derna. In response to protests criticizing the official response, the LAAF arrested at least nine people. The crackdown on dissent in Derna had a wider chilling effect on freedom of assembly.

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. International NGOs, human rights activists, and researchers seeking to work in the country routinely face obstacles such as the denial of entry visas.

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. In July 2022, a court in Benghazi suspended a controversial 2019 decree that granted the CSC wide-ranging authority to restrict, suspend, and dissolve NGOs, but other repressive regulations and Qadhafi-era laws affecting NGOs remained in force.

In March 2023, the GNU prime minister's office said that all NGOs must "correct their legal status" in accordance with a strict 2001 law; the order effectively invalidated organizations formed after 2011. Dbeibah granted the NGOs provisional status while they updated their registration in line with the law.

E3 0-4 pts

Is there freedom for trade unions and similar professional or labor organizations?	1/4
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Some professional and trade unions, having been outlawed under the Qadhafi regime, formed or were revived after 2011 and are able to function under that year's constitutional declaration. Unions representing oil workers, teachers, bakers, doctors, and other groups have established offices in major cities and coordinate with local chapters across the country. The union movement has been affected by the country's broader east-west political divide, and workers' rights have been ignored in practice by successive governments. Labor activists are also subject to violence and intimidation by militia forces, particularly in the east. Nevertheless, unions have sought to defend their interests through a number of strike actions as well as engagement with civil society groups, political figures, and militia leaders.

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 from armed groups. Courts are unable to function in much of the country, and even in areas where they do operate, their integrity and impartiality have been compromised. Some residents have resorted to informal dispute-resolution mechanisms, and the LAAF oversees a military court system in eastern Libya, but these venues lack due process and judicial autonomy.

The HoR leadership routinely interferes with the judiciary's composition. In late 2021, the HoR enacted a law that empowered it to change the leadership of the Supreme Judicial Council. The legislative body then appointed a slate of new Supreme Court judges in August 2022, named a new Supreme Court chief in September, and issued legislation in December to establish a Constitutional Court that would sit in Benghazi. These and other such moves were contested by the HCS. The Supreme Court ruled in June 2023 that the law establishing the Constitutional Court was unconstitutional.

The courts have failed to hold security forces accountable for abuses of power such as the crackdown on independent reporting and freedom of assembly in the aftermath of the September 2023 Derna dam disaster.

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.

Some Libyans have sought justice by turning to courts outside the country. In July 2022, a US federal court ruled in a civil suit that Haftar—a dual American-Libyan citizen—was financially liable for torture and abuses against civilians that amounted to war crimes.

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 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.

While there was no sustained combat during 2023, clashes broke out in August in Tripoli after members of the Special Deterrence Force militia arrested the leader of the rival 444 Brigade. At least 55 people were killed, and another 146 were reportedly injured. In October, fighting broke out in the eastern city of Benghazi between the LAAF and forces loyal to former defense minister Mahdi al-Barghathi, who had travelled to his home city from Tripoli. Barghathi was reported to have died in custody after his arrest.

F4 0-4 pts

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

0/4

Libyans from certain tribes, ethnic groups, and Indigenous communities—often those perceived as pro-Qadhafi or non-Libyan, including natives of the town of Tawergha—have faced discrimination, violence, and displacement. The Tebu and Tuareg populations 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 state authorities and other armed groups. A 2021 fact-finding mission appointed by the UN Human Rights Council reported that Libyan authorities had 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. There were more than 705,000 foreign migrants in the country as of December 2023, according to the International Organization for Migration (IOM).

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 for violence 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 combat and poor security conditions more generally have affected movement as well as access to education and employment. Travel between eastern and western Libya is somewhat less dangerous since the 2020 cease-fire, but sporadic road closures and abandoned landmines or explosives remain common.

As of August 2023, there were about 125,000 internally displaced people in Libya, according to the UN Refugee Agency.

Corruption is a problem for those seeking to advance their employment or education. In 2022, the Ministry of Education introduced regulations aimed at

addressing the use of forged university degrees to falsely obtain government jobs.

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

While Libyans formally have the right to own property and can start businesses, legal protections are not upheld in practice. The Qadhafi regime's Law No. 7 of 1986 abolished land ownership, leading to decades of squatting in private domiciles and ongoing disputes over property rights. Businesses and homes have been damaged amid fighting or confiscated by militias in recent years, particularly in Libya's eastern regions. Persistent 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

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; the GNU granted citizenship to a group of more than 100 such children in June 2022, and in October it decreed that all children of Libyan mothers and foreign fathers would have access to public education and health care.

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.

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 established 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.



On Libya

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Country Facts

Global Freedom Score

9/100 Not Free

Internet Freedom Score

42/100 Partly Free

Other Years

2023

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ADDRESS

1850 M St. NW Floor 11
Washington, DC 20036
(202) 296-5101

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info@freedomhouse.org

PRESS & MEDIA

press@freedomhouse.org

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