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Libya

Country:

[Libya](#)

Year:

2018

Freedom Status:

Not Free

Political Rights:

7

Civil Liberties:

6

Aggregate Score:

9

Freedom Rating:

6.5

Overview:

While a popular armed uprising in 2011 deposed longtime dictator Mu'ammar al-Qadhafi, Libya is now racked by internal divisions, and international efforts to bring rival administrations together in a unity government have failed to date. A proliferation of weapons and autonomous militias, flourishing criminal networks, and the presence of extremist groups like the Islamic State (IS) have all undermined security in the country. The ongoing violence has displaced hundreds of thousands of people, and human rights conditions have steadily deteriorated.

Political Rights and Civil Liberties:

POLITICAL RIGHTS: 1 / 40 (–2)

A. ELECTORAL PROCESS: 0 / 12 (–1)

A1. Was the current head of government or other chief national authority elected through free and fair elections? 0 / 4

The LPA was signed in December 2015 in an effort to resolve a civil conflict that erupted after the 2014 elections led to the formation of two rival governments. However, the resulting UN-backed government has failed to assert its authority over the two existing structures, meaning Libya has had three governments competing for control and legitimacy since 2016. The internationally recognized Government of National Accord (GNA) is based in Tripoli and led by Prime Minister Fayez al-Serraj. Khalifa al-Ghwell is the prime minister of the National Salvation Government (NSG), also located in Tripoli, which stemmed from a faction that rejected the outcome of the 2014 elections. A third government based in the east is led by Abdullah al-Thinni, associated with the House of Representatives (HoR) elected in 2014, and militarily aligned with Haftar's LNA.

A2. Were the current national legislative representatives elected through free and fair elections? 0 / 4

The 2014 elections were deeply flawed, with less than a month of preparation and ongoing fighting in some areas. Only a small fraction of the voting-age population cast ballots, and all candidates were required to run as independents. Some members of the incumbent legislature, the General National Congress (GNC), challenged the new Tubruk-based HoR's legal validity and continued to meet in Tripoli, backing the NSG as the legitimate government.

Under the LPA, the HoR was to remain in place as the interim legislature. The agreement also created the State Council, a secondary consultative body comprising members of the GNC who had rejected the outcome of the 2014 elections. However, the HoR never formally approved the LPA's provisions or recognized the GNA.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 0 / 4 (–1)

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

In July 2017, a Constitutional Drafting Assembly that was originally elected in 2014 voted to approve a draft constitution, but given the broader political impasse, there was no subsequent progress on holding a referendum to formally adopt the document.

Ghassan Salamé, head of the UN Support Mission for Libya (UNSMIL), laid out a roadmap in September to address the breakdown of the LPA. The plan included amending the agreement, convening a national conference with all political actors, and holding the constitutional referendum, to be followed by parliamentary and presidential elections. The HoR voted in favor of the roadmap in November, but the State Council rejected it. In December, Haftar declared that the LPA and the mandate of the GNA had expired, further dimming the prospects for political reconciliation and national elections.

Score Change: The score declined from 1 to 0 due to ongoing political disagreements and civil conflict that obstructed the creation of a functional system for conducting a constitutional referendum and national elections.

B. POLITICAL PLURALISM AND PARTICIPATION: 1 / 16 (–1)

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 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, and civilian politics have since been overshadowed by the activities of armed groups. While various political groups and coalitions existed as of 2017, the chaotic legal and security environment did not allow for normal political competition.

B2. 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 throughout 2017, with no legal framework for holding elections and no opportunity for a democratic rotation of power.

B3. Are the people's political choices free from domination by the military, foreign powers, religious hierarchies, economic oligarchies, or any other powerful group that is not democratically accountable? 0 / 4

Citizens and civilian political figures are subject to violence and intimidation by various armed groups, which continued to engage in active fighting during 2017. In one of the year's most high-profile assassinations, unidentified gunmen abducted and killed Mohamed Eshtewi, the mayor of Misrata, in December. Separately, the LNA has replaced a number of civilian mayors with military figures in areas under its control.

B4. Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? 0 / 4 (-1)

The ongoing political impasse and civil conflict prevented all segments of the population from exercising their basic political rights in 2017, and communities that lacked an affiliation with a powerful militia were especially marginalized. For example, tens of thousands of people who were forcibly displaced from the town of Tawergha after the 2011 uprising due to their perceived loyalty to the old regime remained under the control of militias from Misrata. The Tawerghans, whom many Libyans regard as ethnically distinct, were supposed to be returned under an agreement ratified by the GNA in June, but disputes persisted and the Misratan forces continued to block the displaced people's return at year's end.

Score Change: The score declined from 1 to 0 due to the complete breakdown of the political process, which made it impossible for any major segment of the population to participate in politics and advocate for their interests.

C. FUNCTIONING OF GOVERNMENT: 0 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 0 / 4

None of the country's feuding political institutions constituted an effective national government in 2017, and all were dependent for their security on fragile alliances with autonomous armed groups.

C2. Are safeguards against official corruption strong and effective? 0 / 4

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, and opportunities for corruption and criminal activity abound in the absence of functioning fiscal, judicial, and commercial institutions.

C3. 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 three competing governments are able to engage in transparent budget-making and contracting practices.

CIVIL LIBERTIES: 8 / 60 (-2)

D. FREEDOM OF EXPRESSION AND BELIEF: 4 / 16

D1. Are there free and independent media? 1 / 4

Most Libyan media outlets are highly partisan, producing content that favors one of the country's political and military factions. The civil conflict and related violence by criminal and extremist groups have made objective reporting dangerous. Many journalists and media outlets have censored themselves or ceased operations to avoid retribution for their work, and a growing number of journalists have fled the country.

D2. 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 Christians form a small minority, with most hailing from neighboring countries. Christian and other minority communities have been targeted by armed groups, including IS. Salafi Muslim militants, whose beliefs reject the veneration of saints, have destroyed or vandalized Sufi Muslim shrines with impunity.

D3. 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 university facilities and altered classroom dynamics, for example by subjecting professors to intimidation by students aligned with militias.

D4. 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, the ongoing hostilities have taken their toll, with many Libyans increasingly withdrawing from public life or avoiding criticism of powerful figures.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 2 / 12**E1. 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. 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.

E3. Is there freedom for trade unions and similar professional or labor organizations? 0 / 4

Some trade unions, previously outlawed, formed after 2011, but they remain in their organizational infancy, and normal collective-bargaining activity is impossible in the absence of basic security and a functioning legal system.

F. RULE OF LAW: 0 / 16**F1. Is there an independent judiciary? 0 / 4**

The role of the judiciary remains unclear without a permanent constitution, and judges face frequent threats and attacks. The national judicial system has essentially collapsed, with courts unable to function in much of the country. In some cases, informal dispute-resolution mechanisms have filled the void.

F2. Does due process prevail in civil and criminal matters? 0 / 4

Militias and semiofficial security forces regularly engage in arbitrary arrests and detentions with impunity. Thousands of individuals remain in custody without any formal trial or sentencing. 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.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 0 / 4

Libya's warring militias 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.

The conflict's main battleground has been eastern Libya, in the cities of Benghazi and Derna, though fighting has taken place across the country. During 2017, the LNA continued its siege of Derna, which was controlled by the Derna Mujahedeen Shura Council, an alliance of anti-LNA Islamist groups. Civilians in the city faced shortages of vital supplies.

Although IS was largely ousted from its stronghold in Sirte on the central Mediterranean coast in 2016, it maintained a presence in the region and continued to carry out attacks in other parts of the country during 2017.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 0 / 4

Libyans from certain tribes and communities—often those perceived as pro-Qadhafi, including the Tawerghans—have faced discrimination, violence, and displacement since 2011. The Tebu and Tuareg minorities in the south also face discrimination, and migrant workers from sub-Saharan Africa have been subject to serious mistreatment, particularly at the hands of 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 (lesbian, gay, bisexual, and transgender) people face severe discrimination and harassment, and have been targeted by militant groups.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 2 / 16 (–2)

G1. 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 government and militia checkpoints restrict travel within Libya, while poor security conditions more generally affect movement as well as access to health care, education, and employment. Airports in Benghazi, Tripoli, Sabha, and Misrata have been attacked and damaged, severely limiting access to air travel. The UN Office for Humanitarian Affairs estimated that 1.3 million people in Libya would need humanitarian assistance in 2017, including more than 313,000 who were internally displaced. Many others have reportedly sought safety in neighboring Tunisia and Egypt.

In February 2017, the LNA issued a decree banning women under the age of 60 from traveling outside Libya without a male guardian. However, backlash against the decree led to its replacement later in the month by a new order barring men and women between the ages of 18 and 45 from unapproved travel.

G2. 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. Businesses and homes have been confiscated by militias, particularly in Libya's eastern regions, and ongoing unrest has severely disrupted ordinary commerce, allowing armed groups to dominate smuggling networks and informal markets.

G3. 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 (-1)

Laws and social customs based on Sharia (Islamic law) put women at a disadvantage 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.

Score Change: The score declined from 2 to 1 because the general breakdown of state authority has increased opportunities and impunity for personalized forms of violence.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 0 / 4 (-1)

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. There are an estimated 750,000 to 1 million migrants in the country.

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.

A series of reports by foreign media during 2017 exposed a growing practice in which detained migrants are sold as slaves or rented out to perform forced labor. The reports linked the trend to an increased backlog of migrants in the country as European governments work with local authorities and militias to reduce sea crossings.

Score Change: The score declined from 1 to 0 due to the increasing scale and severity of the labor exploitation suffered by migrants and refugees who are detained in the country while attempting to reach Europe.

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