

Libya

Country:

[Libya](#)

Year:

2016

Freedom Status:

Not Free

Political Rights:

6

Civil Liberties:

6

Aggregate Score:

20

Freedom Rating:

6.0

Overview:

Four years since the downfall of longtime dictator Mu'ammar al-Qadhafi, Libya remained embroiled in political stalemate and a civil war involving hundreds of rival armed groups in 2015. Over 1,000 people were killed in fighting across the country during the year. Important infrastructure has been damaged during the conflict, and more than 400,000 residents of affected cities and towns have been displaced since mid-2014. Amid the security vacuum and a breakdown in law and order, the Islamic State (IS) militant group steadily gained ground, and consolidated a hub in Sirte.

Two competing governments, each with their own parliaments and allied military forces, claim legitimacy: the House of Representatives (HoR), which is based in the eastern city of Tubruk and enjoys widespread international recognition, and the Tripoli-based General National Congress (GNC). Beginning in January 2015, the United Nations led a political dialogue process aimed at establishing a government of national accord; the negotiations involve members of the competing governments, political party representatives, civil society and women's rights activists, and local council members. In November, GNC and HoR figures opposed to the UN-backed talks spearheaded a parallel, so-called Libyan-Libyan dialogue. In December, representatives from the GNC and HoR signed a UN-brokered agreement that outlined the formation of a national unity government under the leadership of Prime Minister Fayeza Serraj, a GNC member. Under the agreement, the HoR would act as a primary legislature, while GNC members would comprise most of a new State Council, a secondary consultative body. The agreement is meant to be in effect until the adoption of a constitution and the subsequent holding of new parliamentary elections. However, neither the HoR nor the GNC had voted to approve the deal at the year's end, with hardliners on both sides deeming its terms unacceptable. Meanwhile, the United Nations has been unable to facilitate a security agreement between the warring parties.

Meanwhile, Libya's Constitutional Drafting Assembly (CDA), which is based in Al-Bayda and appears to enjoy the recognition of both the GNC and HoR, released a preliminary draft constitution in October.

Oil production, the main source of revenue, has declined massively amid sustained unrest, and the financial situation is deteriorating. The Central Bank and state-owned National Oil Company, both headquartered in Tripoli, remained contested, with attempts to set up parallel institutions in eastern Libya.

Political Rights and Civil Liberties:

Political Rights: 6 / 40 (-2) [Key]

A. Electoral Process: 4 / 12 (-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. The first national legislative elections, in 2012, established the 200-member GNC, which approved a prime minister and cabinet and was tasked with appointing a body that would draft a new constitution. In February 2013, the GNC decided that the drafting panel would be directly elected instead, and in July of that year it passed an electoral law for the 60-member Constitution Drafting Assembly (CDA), with equal representation for Libya's three historic regions: Fazzan in the south, Tripolitania in the west, and Cyrenaica in the east. The High National Election Commission (HNEC), established as a permanent body by the GNC, carried out the constitutional committee elections in 2014. Only 1.1 million Libyans registered to vote, compared with 2.8 million for the 2012 GNC elections, reflecting mounting frustrations with insecurity, government performance, and the pace of the political transition. Moreover, the Amazigh (Berber) minority boycotted the vote on the grounds of unfair representation, and security problems prevented polling stations from operating in many other districts. As a result, 13 of the 60 seats could not be filled.

In March 2014, the GNC approved the seventh amendment to the 2011 constitutional declaration to allow for the election of a new Libyan parliament, the HoR. Despite a military campaign launched by General Khalifa Haftar and his Operation Dignity coalition that May, the HNEC announced that the HoR elections would take place in June, leaving less than a month to prepare for voter education and campaigning. Only 630,000 Libyans cast votes, and security problems in some areas meant that 12 of the 200 seats remained vacant. All candidates were required to run as independents. While the amendment to the constitutional declaration indicated that the HoR would meet in the second-largest city of Benghazi, ongoing fighting there led elected members to relocate to Tubruk, the headquarters of Operation Dignity. Of the 188 members, 158 attended the inaugural session in August 2014, and most foreign governments endorsed the newly elected HoR as the GNC's replacement.

Meanwhile, the 30 members who boycotted the Tubruk session filed a case with the constitutional circuit of the Libyan Supreme Court to challenge the validity of the new legislature. A rump GNC dominated by Islamist members, meeting in Tripoli in August 2014, appointed Omar al-Hassi as the prime minister of a national salvation government, while the HoR reappointed Abdullah al-Thinni that September. In November 2014, the Supreme Court struck down the seventh amendment of the constitutional declaration, which opponents of the HoR took to mean that the new parliament was invalid, and the GNC remained in office.

Much of 2015 was characterized by the political deadlock between the competing GNC and HoR governments and their security coalitions, with each side also reeling from its own internal divisions and grappling with the role and influence of armed groups. The number of representatives attending

the GNC and HoR sessions was difficult to ascertain in 2015, as neither body took great efforts to ensure transparency on governance and decision-making. In March, a GNC spokesperson announced that the GNC had voted to dismiss al-Hassi, with some media reports suggesting that he had lied to GNC representatives about government revenues. The GNC then appointed Khalifa al-Ghwell as the new prime minister. In December, the GNC approved a cabinet reshuffle that saw the number of ministers fall from 24 to 12 plus Prime Minister Ghwell. Meanwhile, in the east, there were reports of tensions between General Haftar and HoR prime minister al-Thinni. In October, two weeks before its mandate was to expire, the HoR voted to extend its constitutional term for six months. At the end of 2015, both governments refused to approve the UN-brokered Libyan political agreement that representatives from each had signed on December 17.

Throughout 2015 both sides appeared to recognize the legitimacy of the al-Bayda-based CDA, which in October released a draft constitution. However, at year's end the charter had yet to be approved by all CDA members.

B. Political Pluralism and Participation: 2 / 16 (-1)

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 the two opposing military coalitions fought for control of the country and against extremist forces, including IS, which rejects both sides and has established a presence in some areas.

Throughout 2015, political life in Libya was suspended in the gridlock of competing eastern and western governments trapped in zero-sum politics. However, representatives from a number of political parties participated in the UN-facilitated dialogue process. Former Qadhafi regime members were notably absent from the talks.

C. Functioning of Government: 0 / 12

Neither of the country's rival political and military camps constituted an effective national government in 2015. 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. Transparency International's 2015 Corruption Perceptions Index ranked Libya at 161 out of 168 countries and territories surveyed. 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 abound in the absence of effective fiscal, judicial, and commercial institutions.

Civil Liberties: 14 / 60 (-1)

D. Freedom of Expression: 6 / 16

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 more 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. While the Supreme Court in 2012 struck down a law that would have restricted any speech deemed insulting to the country's people and institutions, in 2014 the GNC promulgated legislation that criminalized "harming" the 2011 revolution. Authorities are not known to monitor the internet, but 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. Coptic Christian communities have been targeted by armed groups, including IS. The International Commission of Jurists in a December 2015 report said the draft constitution released in October failed to protect the rights of all religious groups.

Close state supervision of education ended along with Qadhafi's regime. However, laws guaranteeing academic freedom have not yet been passed, and many school schedules have been disrupted due to a breakdown in the rule of law. Benghazi schools closed in mid-2014, for example, though some had reopened by the end of 2015.

Although open and free private discussion improved dramatically after 2011, the ongoing hostilities have taken their toll, with many Libyans withdrawing from political life or avoiding criticism of powerful actors.

E. Associational and Organizational Rights: 3 / 12

A 2012 law on freedom of assembly is generally compatible with international human rights principles, and a number of protests have taken place in recent years. However, fighting and related disorder seriously deter peaceful assemblies in many areas. In 2015, there was a wave of politicized demonstrations against the UN-led talks, including an October protest in Benghazi at which at least five people were killed when unidentified attackers fired mortar rounds at the crowd. In June, gunmen shot and killed seven people at a protest in the eastern city of Derna against the presence of IS and foreign fighters who had traveled to Libya to join it. In August, several dozen Qadhafi supporters staged a rally in Benghazi, which was broken up when opponents fired guns at the crowd.

A multitude of domestic nongovernmental organizations (NGOs) formed after the 2011 revolution. However, the number of active NGOs has since declined due to both the increased threat against activists 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.

Trade unions, previously outlawed, have made small strides since 2011, but they are in their organizational infancy and have received little recognition.

F. Rule of Law: 1 / 16

The role of the judiciary remains unclear without a permanent constitution. Its functioning is severely hampered by ongoing fighting and insecurity, as well as by politicization. Criminal justice mechanisms are fragmented or nonoperational, leaving victims with few avenues for recourse. In some cases, nonstate dispute mechanisms have filled the void. Judges, prosecutors, and police officers have faced threats and attacks.

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. In July 2015, a Tripoli court ruled on cases against 37 senior Qadhafi regime officials charged with involvement in crimes committed during the 2011 conflict. The former dictator's son Saif al-Islam Qadhafi, former intelligence chief Abdullah al-Senussi, former prime minister Baghdadi al-Mahmoudi, and six other defendants were sentenced to death by firing squad. Eight additional defendants were sentenced to life in prison, while other officials found guilty received sentences of between 5 and 12 years in prison; 4 people were acquitted. The United Nations and human rights groups expressed concern over the proceedings' conduct, saying that those charged were not guaranteed the right to an adequate defense, that some had made confessions under torture, and that defendants were convicted without the prosecution producing documents or calling any witnesses.

Libya's warring militias operate with little regard for civilian lives. The war's main battleground has been Benghazi, though fighting has taken place across the country. Both the HoR and GNC's claims to power depend on the maintenance of tenuous local alliances, and neither is able to provide security for residents. According to a November 2015 report by the UN High Commissioner for Human Rights and the UN Support Mission in Libya (UNSMIL), IS has carried out summary executions on the basis of political and religious beliefs. The report added that all parties fighting in Libya may be violating international humanitarian law through actions such as the indiscriminate shelling of civilian areas, abduction of citizens, torture, executions, and the destruction of property. In November, rival ethnic tribes from southern Libya signed a cease-fire agreement in Qatar following yearlong fighting in the southern city of Awbari.

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. There are reports of discrimination against the Tebu and Tuareg minorities in the south, particularly in employment, housing, education, and other services.

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. In May 2015 there were reports that three men accused of being gay had been executed in Derna by IS.

G. Personal Autonomy and Individual Rights: 4 / 16 (-1)

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. As of September 2015, UNHCR estimated that 435,000 people were internally displaced in Libya, and hundreds of thousands 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 work and education.

While Libyans have the right to own property and can start businesses, regulations and protections are not upheld in practice. The World Bank's 2015 *Doing Business* report ranked Libya 188 out of 189 economies surveyed. Businesses and homes have been confiscated by militants, particularly in Libya's eastern regions and in Benghazi.

Threats and harassment against women, especially female activists, are reportedly increasing. The GNC has made limited efforts to address gender inequality, but formal legal changes have yet to be enacted.

Forced labor and sexual exploitation are widespread among trafficking victims from sub-Saharan Africa and elsewhere. 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.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

Full Methodology

Source URL: <https://freedomhouse.org/report/freedom-world/2016/libya>