A. ELECTORAL PROCESS: 0 / 12

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

Libya’s current, internationally recognized executive leadership was appointed as part of the LPA, an internationally brokered accord sealed in late 2015. The agreement was intended to end the political gridlock and armed fighting that started in 2014 between the rival Tubruk-based House of Representatives (HoR), which enjoyed widespread international recognition, and the Tripoli-based General National Congress (GNC)—each of which had its own allied military coalitions. The appointment of a nine-member Presidency Council (PC) under the leadership of Prime Minister Fayez al-Serraj followed. The PC assumed office in Tripoli in 2016 and was tasked with forming a unity government, the Government of National Accord (GNA), to serve as an executive branch.

The LPA text granted a one-year mandate to the GNA upon its approval by the HoR, with a one-time extension if necessary. However, the HoR has never approved it.

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

Under the LPA, the unicameral, 200-seat HoR was to remain in place as the interim legislature. The agreement also created the High Council of State (HCS), a secondary consultative body composed of a handful of members of the rival GNC. However, the HoR never formally approved the LPA’s provisions or recognized the GNA.

Members of the HoR were elected over four years ago in polls marked by violence, and which saw the participation of only about 15 percent of the electorate. Its mandate formally expired in 2015, though it has ruled to extend it. HCS members were elected six years ago, as part of the 2012 GNC elections.

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

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. Despite some legal developments, Libya lacks a functioning electoral framework in practice.

An electoral law was published in the aftermath of the 2011 revolution, and members of the High National Election Commission (HNEC) were appointed. In 2017, a
Constitutional Drafting Assembly elected in 2014 voted to approve a draft constitution. 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 has been speculation that the new law and amendments will face legal challenges.

A number of consultative meetings were held in 2018 as part of an UNSMIL action plan, unveiled in 2017, 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 UN at year’s end was proposing elections for 2019.

Separately, in May, the Islamic State (IS) militant group attacked the HNEC headquarters, resulting in at least 12 deaths, most of them civilians.

**B. POLITICAL PLURALISM AND PARTICIPATION: 1 / 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 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, who wield significant power and influence on the ground. While various political groups and coalitions exist, the chaotic legal and security environment does 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 2018, with little movement toward the organization of elections and thus no opportunity for a democratic rotation of power. United Nations–backed efforts to organize elections faltered in 2018, and the UN at year’s end was proposing elections for 2019.

**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**

Oil interests, foreign governments, smuggling syndicates, and armed groups wield significant influence over the political sphere. Citizens and civilian political figures are subject to violence and intimidation by various armed groups, which continued to engage in active fighting during 2018.

**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**
The ongoing political impasse and civil conflict prevented all segments of the population from exercising their basic political rights in 2018. Communities that lacked an affiliation with a powerful militia were especially marginalized.

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

The limited authority of the internationally recognized government is dependent on powerful militia groups, which are often in conflict with one another. Militias have effective control over a number of critical government institutions and ministries.

The eastern part of Libya is largely controlled by Khalifa Haftar and his LNA. De facto authorities in the eastern part of the country have established a parallel central bank and state oil company.

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

Corruption is pervasive among government officials, and opportunities for corruption and criminal activity abound in the absence of functioning fiscal, judicial, and other 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 competing authorities engage in transparent budget-making and contracting practices.

CIVIL LIBERTIES: 8 / 60

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 journalists continue to flee 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. 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, professors can be subject to intimidation by students who are 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.

However, demonstrations do take place. In August, a group of detained migrants forced their way out of the detention center where they were being held and marched toward the capital, demanding assistance from the United Nations and human rights organizations. In December, dozens of members of the ethnic Tuareg tribe protested against a US airstrike in southwestern Libya that reportedly targeted members of IS, but which protesters said had killed civilians.

**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. However, 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, lawyers, and prosecutors 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**

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 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.

In an August 2018 mass trial, the judiciary convicted 99 defendants, sentencing 45 to death and 54 to five years in prison. The defendants had been accused of playing various roles in what has become known as the Abu Saleem Highway Massacre, which took place in Tripoli during the 2011 revolution and saw alleged Qadhafi sympathizers and allied security forces kill 146 anti-Qadhafi protesters.

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.

In 2018, violence continued in various parts of the country. The LNA continued a two-years-old siege of the eastern city of Derna, and by mid-year appeared to have wrested some control of the city from 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 maintains a presence in the region and has continued to carry out attacks.

In Tripoli, rival armed groups competing for resources and vital institutions fought from late August through late September, leaving over 100 people dead and nearly 600 injured, including many children, according to the UN International Children’s Emergency Fund (UNICEF). Hundreds of families were trapped as a result of the fighting and at least 5,000 families were displaced, according to the agency. The UN brokered a ceasefire deal, but tensions between armed groups continue.

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—face discrimination, violence, and displacement. The
Tebu and Tuareg minorities in the south also face discrimination. Migrant workers from sub-Saharan Africa have been subject to severe mistreatment, including detention in squalid facilities by both authorities and 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**

**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 education and employment. Airports in Benghazi, Tripoli, Sabha, and Misrata have been attacked and damaged, severely limiting access to air 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 damaged amid fighting or other unrest, or confiscated by militias, particularly in Libya’s eastern regions. 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**

Laws and social customs based on Sharia (Islamic law) 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. 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. 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. The International Organization for Migration (IOM) said in the fall of 2018 it had identified 670,000 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.