Libya

Libya | Freedom of the Press 2016

PRESS FREEDOM STATUS: Not Free

LEGAL ENVIRONMENT: 22 / 30
(o=BEST, 30=WORST)

POLITICAL ENVIRONMENT: 34 / 40 (↓1)
(o=BEST, 40=WORST)

ECONOMIC ENVIRONMENT: 19 / 30
(↓1)
(o=BEST, 30=WORST)

PRESS FREEDOM SCORE: 75 / 100 (↓2)
(o=BEST, 100=WORST)

QUICK FACTS

Population: 6,317,000

Net Freedom Status: Partly Free

Freedom in the World Status: Not Free

Internet Penetration Rate: 0.4%

Overview
Libya’s political and security situation continued to deteriorate in 2015, further weakening the ability of journalists to pursue their work freely. Threats, abductions, and attacks against media outlets and journalists were reported throughout the year, and many went into exile for safety reasons. Reporters often promoted or were compelled to promote the interests of the de facto authorities or militias that controlled their regions, putting them at risk of attacks by rival groups.

**Key Developments**

- A draft constitution containing some protections for media freedom was published in October, but it appeared unlikely to move forward until political actors could implement an agreement to end the civil war and form a unity government.

- At least one journalist was assassinated during the year, and seven who had been abducted in 2014 were allegedly killed by Islamist militants.

**Legal Environment: 22 / 30**

An August 2011 constitutional declaration serves as Libya’s governing legal document pending the drafting and adoption of a new constitution. It provides limited protection for freedoms of opinion, communication, and the media, but does not fully reflect international standards for freedom of expression. The charter does not explicitly abolish censorship or include the right to access information. It does not cover all types of expression and methods of communication.
A draft constitution was published by the elected Constitutional Drafting Assembly (CDA) in October 2015. However, the deteriorating security situation and threats against members of the CDA stalled the process of constitutional reform. Article 132 of the draft provides for the right to expression and publication, but also calls on the state to “protect private life and prohibit defamation, libel, incitement of hatred, racism, violence, declaring others as infidels and imposition of ideas by force.” The draft specifically guarantees the freedom, pluralism, and independence of the media under Article 133, and prohibits pretrial detention of journalists in press-related cases. The same article states that outlets can only be suspended or dissolved through court decisions.

On the right to information, Article 150 of the draft declares that the state “shall provide the necessary measures for transparency” and guarantee the freedom of information while protecting military and public security secrets, the administration of justice, private life, and confidential agreements with other states.

Beyond the constitution, a number of laws and decrees currently in force contain provisions that restrict media freedom. These include the Qadhafi-era Publications Law of 1972; Law 15 of 2012, which prohibits media discussion of religious opinions issued by the National Council of Islamic Jurisprudence; Decree 5 of 2014, which authorizes the suspension of satellite television stations that criticize the 2011 revolution or destabilize the country; and Law 5 of 2014, which amended the Qadhafi-era penal code to prescribe up to 15 years in prison for any statements that may harm or prejudice the 2011 revolution or insult the executive, judiciary, or legislature or any of their members.

However, the ongoing civil conflict has prevented the development and enforcement of an effective legal and regulatory framework for the media. Two competing governments claimed legitimacy during 2015, with loosely affiliated militias controlling different parts of the country, and UN-mediated efforts to
form a unity government remained incomplete at year’s end. Meanwhile, extremist groups including the Islamic State (IS) held territory in some areas, imposing their own crude legal systems.

Libyan journalists have formed a number of advocacy groups and professional associations, such as the Libyan Center for Freedom of the Press, but their ability to function is severely impaired by violence and intimidation.

**Political Environment: 34 / 40 (↓1)**

In the context of the civil war, the rival political and militia factions have taken over key media assets in the areas under their control. Censorship and self-censorship at such outlets are pervasive. The resulting polarization has raised concerns about the involvement of media and journalists in hate speech, incitement to violence, misinformation, and direct threats to individuals. In October 2015, the UN Educational, Scientific, and Cultural Organization (UNESCO) hosted a gathering of Libyan media owners and editors as part of an effort to promote ethical standards and “prevent the transformation of their media organizations into platforms for the broadcasting of hate and incitement to violence.”

Serious verbal threats by government officials against journalists were also reported. In November, the state news agency of the internationally recognized government based in Tobruk published a statement in which the minister of information, Omar Quary, described journalists for the newly launched, European-backed Libyan Cloud News Agency as “stupid spies who are supported by the foreign governments” and called on the military to detain them.

Militias and extremist groups commit crimes against journalists and media institutions with impunity, as no authority has the capacity to investigate or
punish the abuses. Courts and prosecutors’ offices were not operating in most parts of the country in 2015. At least one journalist was killed in connection with his work during the year, according to the Committee to Protect Journalists. Muftah al-Qatrani, owner and director of the Benghazi production company Al-Anwar, was assassinated at his office in April. Al-Anwar had been covering local fighting among rival militias for various satellite television networks.

Kidnapping of journalists has also been a serious problem. Four Libyan journalists and an Egyptian cameraman with Barqa TV were found dead in April 2015 near the city of Al-Bayda, having been abducted in 2014. IS militants were believed to be responsible. IS announced in January that it had executed two Tunisian journalists who were kidnapped in September 2014 near the town of Brega. Photojournalist Mohamed Neili, who worked for the Chinese state-run news agency Xinhua, was reportedly abducted in October 2015 near his home in Tripoli.

Given the dangerous environment, many journalists have been forced to cease their professional activities or move abroad. The Libyan Center for Freedom of the Press reported a number of cases during 2015 in which journalists decided to stop working as a result of constant threats they received on their Facebook pages.

**Economic Environment: 19 / 30 (↓1)**

The civil war has caused considerable economic instability for media outlets in Libya, and de facto control by armed groups has proven more relevant to an outlet’s operations than legal ownership. The two competing governmental authorities supported rival “state” television channels and news agencies during 2015, and IS took control of local state television and two private radio
stations after occupying Sirte early in the year, converting them into propaganda mouthpieces. Local councils in some cities operate their own television or radio stations.

A variety of privately owned television channels serve Libyan audiences, though most broadcast via satellite from abroad. While some of these outlets receive funding from foreign governments or nongovernmental organizations, transparency of ownership and financing among Libyan media in general is limited. Due to the poor security situation, related economic turmoil, and physical damage to infrastructure, terrestrial broadcasters and newspapers face serious practical difficulties with respect to production and distribution, leading to reduced or interrupted service by many outlets over the course of 2015.

A variety of news websites operate online, often displaying clear political affiliations in their content. Social media, mainly Facebook and Twitter, have emerged as the main available tools for the exchange of information among Libyans, including journalists, political figures, and civil society groups. Islamist militant groups have also increasingly used Twitter to disseminate threats and propaganda. Internet penetration was estimated at 19 percent in 2015. Expansion of access has been hampered by weak telecommunications infrastructure and frequent electricity outages, among other problems.