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LIBYA 2012 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Libya is a parliamentary democracy with a temporary Constitutional Declaration that allows for the exercise of a full range of political, civil, and judicial rights. Following eight months of civil war ending with the ouster of the Qadhafi regime in October 2011, the Transitional National Council (TNC) named an interim government in November 2011. After free and fair balloting on July 7, the TNC handed over power to an elected parliament, the General National Congress (GNC), on August 8, and a prime minister was sworn in on November 14. The TNC and later the government had not established full security control throughout the country by year's end. Militias formerly actively opposed to the Qadhafi regime were affiliated with or integrated into government security forces. They nominally and intermittently reported to civilian authorities but more often acted autonomously, particularly in the eastern part of the country.

Qadhafi's fall ended an era of systematic, state-sanctioned human rights violations, and several signs indicated that successor governments adopted a positive approach respecting human rights, such as the successful holding of elections in July, the development of a relatively freer press, and the emergence of an active civil society. Nonetheless, some abuses continued, most frequently where the elected government did not control militias. The new authorities lacked the capacity and a basic legal framework to fully protect civil and judicial rights. Qadhafi-era laws that did not contravene the TNC's 2011 Constitutional Declaration remained in force, but their applicability remained unclear, due to the lack of enforcement capability, lack of competency of the courts, and confusion over the applicability of new and old laws. The legacy of decades of personalized dictatorship, marginalized institutions, an ineffective legal framework, and isolation from the international community severely hindered government efforts to enforce the rule of law.

The most significant human rights problems during the year resulted from the absence of effective justice and security institutions following the collapse of the previous dictatorial regime. There was sporadic violence in some areas, governmental inability to carry out its mandated tasks, and little progress in addressing the former regime's abuses. Consequently, the new government fell short of establishing a consistent rule of law.

Other important human rights abuses included: arbitrary and unlawful killings, including politically motivated killings by groups outside government control; kidnappings; torture and other cruel, inhuman, or degrading treatment or punishment; harsh and life-threatening conditions in detention and prison facilities,

some of which were illegal; arbitrary arrest and detention; lengthy pretrial detention; denial of fair public trial; an ineffective judicial system staffed by intimidated judicial authorities; arbitrary interference with privacy and home; use of excessive force and other abuses in internal conflicts; localized restrictions on humanitarian aid to civilians; limits on the freedoms of speech and press, including violence and harassment of journalists on several occasions and in certain areas; restrictions on freedom of religion; abuses of internally displaced persons (IDPs), refugees, and migrants; social discrimination against and societal abuse of women and ethnic and racial minorities, including foreign workers; legal and social discrimination based on sexual orientation; trafficking in persons; killings related to societal violence; and breaches of labor rights in practice, including forced labor.

Impunity was a serious problem. Although militias detained abusive Qadhafi-era officials, the scarcely functioning criminal courts struggled to try them, and when they did attempt to conduct trials, judges often faced threats of violence. In the same vein, with the judiciary not fully functioning, the government had not taken concrete steps by year's end to advance transitional justice. There were rarely investigations and still fewer prosecutions of those believed to have committed abuses.

With the disappearance of the authoritarian Qadhafi regime, militias that spearheaded his overthrow filled a security vacuum in many parts of the country. During the year militias and their supporters--at times nominally but not fully under the control of the interim and later the elected government's authority--violated human rights and humanitarian norms, committing unlawful killings, physical violence, and other abuses. Hostility to real and perceived Qadhafi loyalists permeated the country, the principal targets of which were actual or suspected former Qadhafi soldiers or supporters. Nongovernmental actors, including autonomous militias and armed tribal groups, committed human rights abuses. Disappearances, illegal detentions, and imprisonment of persons on political grounds occurred, as did looting and further violence. Vulnerable civilian populations, including ethnic minorities and migrants, faced ongoing violence and discrimination.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary or Unlawful Deprivation of Life

There were numerous reports of arbitrary and unlawful killings, particularly of real or suspected Qadhafi supporters. Primary targets included Qadhafi soldiers or supporters, possible sub-Saharan mercenaries, dark-skinned Libyans, former members of the security forces, as well as foreign diplomats. After the 2011 fall of

Qadhafi, some militias continued to operate and were largely unresponsive to government authority, particularly in the eastern area of the country. These militias also committed unlawful killings. The government indicated that the investigation into the death of Qadhafi continued (see section 5).

Some of the deadly violence reportedly was in part motivated by revenge. For example, in October autonomous militias and those under the control of the Ministry of Defense enforced a blockade around Bani Walid, a city considered one of the last bastions of pro-Qadhafi sentiments. The blockade was an attempt to pressure the city to turn over the suspected pro-Qadhafi forces that captured, reportedly tortured, and kept in detention for two months until his death Omran Shaaban, the Misratan youth credited with capturing Qadhafi in October 2011.

On October 16, brigade forces began an assault on Bani Walid. More than 20 persons were killed and hundreds wounded, according to Reuters. According to Amnesty International (AI), three vehicles carrying medical supplies, oxygen, and medical personnel were prohibited from entering the city. Local residents also reported that vehicles carrying fuel, water, and food supplies had been turned away. International organizations as well as nongovernmental organizations (NGOs) called on authorities to end the siege, avoid unnecessary and excessive use of force, and allow medical and food supplies into the city. On October 24, fighters captured and ransacked the town (see section 5).

On a more individual scale, there were at least 21 killings during the year in Benghazi alone of current and former security officials, many of them defectors from the Qadhafi regime. For example, on September 10, a commander at the air defense base in Benghazi was shot by unknown gunmen upon leaving a mosque after prayers. On August 10, a senior army officer was killed in a drive-by shooting, also outside a Benghazi mosque. In November and December, unknown gunmen targeted and killed seven government security personnel in Benghazi.

Foreign diplomats and international organizations, particularly of Western origin such as the British ambassador and the International Committee of the Red Cross (ICRC) were also targets of violence. On September 11, a terrorist attack in Benghazi resulted in the death of four U.S. government personnel, including Ambassador J. Christopher Stevens.

An October 17 report of the international NGO Human Rights Watch (HRW) implicated Misrata-based militias in the apparent execution of dozens of detainees following the capture and death of Muammar Qadhafi in October 2011. It presented evidence that the militias captured and disarmed members of the Qadhafi convoy, beat, and then executed at them at the Mahari Hotel in Sirte, where 53 bodies were found, including that of Mutassim Qadhafi (see section 1.b.).

According to HRW the findings called into question authorities' claim that Muammar Qadhafi was killed in cross fire and not after his capture. The UN Commission of Inquiry on Libya concluded that it was unable to confirm the death of Mutassim Qadhafi as an unlawful killing. The commission was unable to obtain any account of the circumstances of his death. Similarly, it was unable to confirm the death of Muammar Qadhafi as an unlawful killing in the absence of a first-hand account of the circumstances of his death, inconsistent accounts from secondary sources, and its failure to gain access to the autopsy report.

In addition, at year's end the country was engaged in legal proceedings at the International Criminal Court (ICC) regarding the trials of Saif al-Islam Qadhafi and Abdullah al-Senussi, both of whom the ICC prosecutor accused of crimes against humanity. UN Security Council Resolution 1970 (2011) provides the ICC with jurisdiction as of February 2011 and obliges Libya to cooperate. The government expressed its desire to prosecute both individuals domestically. The Rome Statute of the ICC contains provisions to deal with situations in which a state with jurisdiction wishes to pursue charges itself; the matter is ultimately one for ICC judges to decide.

Due to the scarcely functioning judicial system, limited government control over security forces, and legal ambiguity regarding amnesty for revolutionaries (in Law 38), high-profile cases of killings reported in 2011 did not progress, apart from the UN Commission of Inquiry's work.

b. Disappearance

The number of persons subjected to forced disappearance by government forces as well as militias acting without government control remained unknown at year's end.

There were reports of kidnappings, including of foreigners. For example, on July 31, seven Iranian employees of the Iranian Red Crescent were abducted in Benghazi. They were released on October 6.

The discovery of numerous mass graves revealed the remains of those killed in large numbers during the revolution.

Due to the weak judicial system, legal ambiguity regarding amnesty for revolutionary forces, and the slow start of the National Fact-Finding and Reconciliation Commission, there were no known criminal justice developments in unresolved high-profile cases reported in 2011, apart from the UN Commission of Inquiry's work.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitutional Declaration states that no punishment may be implemented outside the law. However, abuse took place in facilities under the nominal authority of the government following the fall of Qadhafi, as well as in nongovernment facilities run by the militias that filled the security vacuum left by government's lack of capability. In both types of establishments, detainees and prisoners were reportedly tortured and abused.

In one example, according to the UN Support Mission in Libya, three detainees died on April 13 as a direct result of torture, and at least seven other persons were tortured in the Zaroug detention facility in Misrata. The Supreme Security Committee (SSC), which was under the authority of the Ministry of the Interior, controlled the facility.

Militias subjected other types of detainees to torture. For example, on April 1, a militia group from Al-Zawiya abducted neurosurgeon Hisham Anour Ben Khayal after he was accused of medical neglect. They held him at their base in Al-Zawiya, where he was beaten with sticks and whips; photographic evidence published on June 7 by AI confirmed the torture.

Treatment varied from facility to facility and was typically worst at the time of arrest. Reported abuses included beatings with belts, sticks, rifles, and hoses; administration of electric shocks; burns inflicted by boiling water, heated metal, or cigarettes; mock executions; suspension from metal bars; and rape. Abuses against detainees, particularly alleged Qadhafi loyalists and sub-Saharan Africans aligned with Qadhafi, were similarly reported at other militia-run facilities throughout the country.

Despite evidence of abuses by pro-Qadhafi and prorevolution forces, there were no known criminal justice developments in unresolved high-profile abuses reported in 2011, apart from the UN Commission of Inquiry's work.

Prison and Detention Center Conditions

Throughout the year there was little reliable information available about conditions inside prisons and detention facilities.

Physical Conditions: The number of prisoners and detainees was unknown during the year. Estimates were difficult to make because of the existence of militia detention centers and prisons and lack of centralized records.

Both the interim and the elected governments urged military councils and militia groups to transfer detainees to authorized judicial authorities. During the year there was a period of transition when control of a number of detention facilities transferred from various militia groups to the Judicial Police under the Ministry of Justice. After the transfer, control over these facilities was often shared with other parties, including the brigades that had been running them, or the brigades were simply deputized under the authority of the government and the management of the prison did not change.

According to a report by the UN secretary-general's special representative for Libya, Ian Martin, on May 10, there were approximately 3,000 persons held in 31 Justice Ministry facilities and approximately 4,000 persons held by various militia groups at formal or secret detention facilities. The transition process was ongoing during the year, and at year's end the ICRC estimated that several thousand persons remained deprived of freedom. The greatest concentration of detainees was in greater Tripoli, Misrata, and Benghazi. The vast majority were Libyans accused of fighting for the Qadhafi regime. The other main category was foreigners, of which a majority appeared to be irregular migrants.

Because of the 2011 conflict, makeshift facilities appeared throughout the country to accommodate detainees collected by all sides. These facilities' conditions were uneven and varied widely, but consistent problems included overcrowding, poor ventilation, the lack of necessities such as mattresses, and poor access to hygiene and health care. Militias reportedly detained persons at schools, former government military sites, and other informal venues, including private homes and, in one case, a soccer club. Many prisons and detention centers were outside of central government control, and the conditions in some prisons and detention centers were harsh to the point of being life threatening. Access to food in Ministry of Justice prisons was generally adequate, although access to potable water was a critical problem in Joodayem, Salah Aldeen, and Dafniya prisons.

Men and women were reportedly held separately. In some instances minors were held in Ministry of Justice prisons with adults. Human rights organizations reported that militias also held minors with adults.

Administration: Information about the administration of prisons and detention centers was generally not available due to the lack of government control and improvised solutions that were required to accommodate the large increase of detainees in the course of the revolution. There was no information on adequacy of recordkeeping, alternative sentencing practices, permission for religious observances, investigation of allegations of inhumane conditions, or access to visitors. There was no credible ombudsman for prisoners and detainees.

Monitoring: The ICRC reported completing 184 visits to 86 prison and pretrial detention facilities during the year. The ICRC opened an official office in the country. However, the ICRC's staff and facilities came under rocket attack at least five times during the year, compelling its leadership to temporarily shut down operations outside Tripoli. The UN Support Mission and NGOs made some visits to places of detention on a case-by-case basis.

Improvements: The initiation of transfer of detainees from militia to Ministry of Justice facilities was seen by observers as encouraging, although according to a November 8 UN Support Mission in Libya briefing to the Security Council, "little progress" was made.

d. Arbitrary Arrest or Detention

The Qadhafi-era criminal code establishes procedures for pretrial detention and prohibits arbitrary arrest and detention, but often the interim governments did not observe these provisions. There were reports that government-affiliated security forces arbitrarily arrested and detained citizens without formal charges, holding them indefinitely without court convictions. Throughout the year the interim governments had little control over police and regional militias providing internal security. Armed groups carried out illegal and arbitrary detentions through the end of the year. For example, from June 7 to July 2, a Zintan militia group detained the defense lawyer for Saif al-Islam al-Qadhafi, an ICC staff member; three other ICC staff members remained with her during her detention. The ICC lawyers were visiting Saif al-Islam al-Qadhafi in a Zintan prison on a government-authorized visit when they were detained by a Zintan brigade after allegedly passing documents to Saif al-Islam al-Qadhafi, which the Zintanis deemed a threat to national security.

Role of the Police and Security Apparatus

The Qadhafi regime maintained an extensive security apparatus, focused on safeguarding the regime and general criminality. The institutions of uniformed police and military remained in place after the revolution, although many in these services never returned to work. The high level of desertion coupled by low levels of competency and capacity led to a security and institutional vacuum following the 2011 conflict.

Police, reporting to the Ministry of Interior, has responsibility for internal security. The military, under the Ministry of Defense, has defense of the country from external threats as its primary mission. The military also plays a supporting role to the Ministry of Interior for internal security. In October 2011 the TNC also created, under Ministry of Interior authority, the SSC, a temporary mechanism of

tens of thousands of former anti-Qadhafi fighters. Its purpose was to prevent militia free-lancing by integrating demobilized revolutionary fighters into a government chain of command and to supply a pool of auxiliary forces for use in crisis areas. In December the Ministry of Interior prioritized gradually vetting and integrating SSC members into the police force, but the ministry deferred integration efforts due to problems with implementation.

Civilian authorities had nominal but limited control of the hollowed-out police and security apparatus, and their tasks during and after the conflict generally fell to self-constituted, disparate militias, exercising police power largely without training, supervision, and varying degrees of accountability.

There were no known effective mechanisms to investigate and punish abuse and corruption by new post revolutionary police and security forces. The government's National Council for Civil Liberties and Human Rights attempted to carry out investigations but did not have the backing to follow through after militia groups threatened the council.

In the militia-dominated security environment, a blurred chain of command led to confusion over who was responsible for these nascent security institutions, even if they were nominally under government control. In these circumstances police and security forces were ineffective in preventing or responding to societal violence, frequently committed by militia groups.

“A climate of impunity” existed for violations committed by anti-Qadhafi regime fighters, according to a March 2 report by the UN Human Rights Council's International Commission of Inquiry. Investigations and prosecutions for human rights violations throughout the year were largely nonexistent, as courts generally focused on family and civil law cases.

Arrest Procedures and Treatment While in Detention

The law stipulates that an arrest warrant is required, but authorities can obtain permission to detain persons without charge for as long as eight days. The law also specifies that detainees be informed of the charges against them and that, for a detention order to be renewed, detainees must be brought before a judicial authority at regular intervals of 30 days. Law 38 also gives the government powers to detain persons up to two months if they were considered a “threat to public security or stability” based on their “previous actions or affiliation with an official or unofficial apparatus or tool of the former regime.” Affected individuals may challenge the measures before a judge.

Following the revolution and attendant breakdown of judicial institutions and process, the interim governments and militia forces arbitrarily detained persons, holding them in formal and informal locations, including unknown locations, for extended periods without formal legal charges or legal authority. In some cases orders for arrest came from official or quasi-official sources. At times during the conflict, the opposition military command or the interim governments formed committees that issued orders and warrants to militias for the arrest of certain individuals. Most detainees were former Qadhafi government officials, suspected Qadhafi loyalists, suspected foreign mercenaries, or migrants from sub-Saharan Africa.

According to HRW most detainees had been held for more than a year without being brought before a judge and had been denied access to a lawyer. On May 2, to address this problem, the TNC adopted Law 38 stipulating that the Ministries of Interior and Defense take measures concerning conflict-related detainees by referring them for prosecution or release within a two-month period. The deadline for transfer of detainees was July 12. The law was not implemented effectively, although the number of detainees held by militias declined.

The Constitutional Declaration recognizes the right to counsel; however, in practice the vast majority of detainees did not have access to bail or a lawyer.

Incommunicado detention was a severe problem. Government authorities and militias held detainees incommunicado for unlimited periods in recognized, as well as unofficial and unknown, detention centers.

Arbitrary Arrest: The criminal code prohibits arbitrary arrest and detention, but the governments did not observe these prohibitions. Arbitrary arrest was reported throughout the year and was employed by a range of often-autonomous armed groups that conducted arrests without legal authority. While many militias were nominally under government control, they continued to carry out arbitrary arrests.

While some detainees were released, at year's end the government and militias continued to detain several thousand persons. The interim governments took no concrete actions to reform the justice system, and gaps in existing legislation and unclear separation of powers among the executive, judicial, and legislative branches contributed to a weak judicial system. Very few detainees had access to counsel, faced formal charges, or had the opportunity to challenge their detention before a judicial authority.

Pretrial Detention: Most persons in detention had been detained by militia groups without charges and outside the interim governments' authority. With control of the security environment diffused among militia groups and a largely

nonfunctioning judiciary, most detainees were prevented from accessing a review process, meaning few detainees were formally held in pretrial status.

Amnesty: Following the revolution the press reported that the TNC released hundreds of prisoners from facilities under its direct and indirect control. Those released were primarily opponents of Qadhafi. Furthermore, the interim governments gave amnesty to all exiles who were guilty of petty crimes, permitting them to return with their records expunged. The TNC's Law 38, passed on May 2, was interpreted to provide a blanket amnesty for actions by revolutionaries performed to promote or protect the revolution (see section 1.a.). The TNC asserted that Law 38 was subject to international law and must be read in conjunction with Law 35, which provides that acts found to be in contravention of international human rights law covenants are not exempt from prosecution.

e. Denial of Fair Public Trial

The Constitutional Declaration provides for an independent judiciary and stipulates that every person has a right to resort to the courts. The judicial system under Qadhafi was not independent. While the part of the system processing day-to-day, nonpolitically tinged cases functioned reasonably well, the judicial system, despite tentative efforts to reform it, remained largely ineffective in dealing with the complex issues arising from the end of the Qadhafi era. Thousands of persons in detention were held without access to a lawyer and without being informed of the charges against them. Moreover, few trials were held, and only a few investigations were initiated into alleged abuses by either pro- or anti-Qadhafi groups. Qadhafi's parallel court system for political cases no longer existed, and the Ministry of Justice no longer directed the day-to-day operations of the court system. However, the courts still struggled to deal with sensitive and complex political cases. In addition, judges cited concerns about the overall lack of security in and around the courts as one of the reasons that they had not yet returned to work, further hindering the judiciary's reestablishment. Detainees were also subjected to threats that they would be killed if released.

Trial Procedures

The Constitutional Declaration provides for the presumption of innocence and the right to legal counsel, provided at public expense for the indigent. During the year these standards were generally not respected in practice. Largely independent militias detained persons without legal authority, undermining the prospect for providing them a fair public trial.

As of year's end the government had not taken steps to systematically screen detainees for prosecution or release. Following the attack on the U.S. facilities in

Benghazi on September 11, the government attempted to extend its control over militias, an effort that had much popular support and led to an increased number of detainees under government control. As of year's end very few criminal trials had been initiated by the post-Qadhafi judiciary, largely because judges feared retaliation by those who might be angered by their judgments. The courts were more prone to process civil cases, which were less likely to raise public ire, although there was still limited capacity due to a lack of judges and administrators.

Political Prisoners and Detainees

The interim governments and various militias, to the extent that they controlled security forces, held persons in a variety of temporary facilities on political grounds, particularly former Qadhafi officials, internal security organization members, and others accused of "subverting the revolution."

Civil Judicial Procedures and Remedies

The Constitutional Declaration provides for the right to resort to the judiciary, but the post-Qadhafi judicial system did not have the capacity to provide citizens' access to civil remedies for human rights violations. Some civil proceedings resumed, albeit unevenly, in different parts of the country by year's end.

The TNC's February 14 transitional justice law foresees the establishment of a victims' compensation fund for victims of crimes and human rights violations committed under the Qadhafi regime since 1969 but does not prevent victims from seeking justice through the courts.

According to Law 38, even if a court acquits a person who was detained by a militia, that person has no right to initiate a criminal or civil complaint against the state or the militia unless the detention was based on "fabricated or mendacious" allegations.

At year's end the minister of justice was consulting with civil society groups on transitional justice and pressing the General National Congress to pass a revised transitional justice law.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitutional Declaration considers correspondence, telephone conversations, and other forms of communication as inviolable, except where authorized by court order, but militias did not respect these prohibitions in practice.

As revolutionary groups gained control after the fall of Qadhafi, there were reports of militias entering private homes and seizing or stealing belongings. In particular press reports suggested thefts by regional militias, targeting Qadhafi supporters. In the absence of an effective judicial system for property restitution, individuals claimed disputed property by threat of violence or by force. Law 38 on procedures for the transitional period provided a list of 330 persons who could be evicted from their home and denied the right to challenge the action in a court of law.

Although the interim government was not responsible for collective punishment of relatives of Qadhafi loyalists, it was unable to deter militia groups from attacking or discriminating against such persons.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

While the Constitutional Declaration under the interim governments provides for freedom of opinion, expression, and the press, in practice freedom of speech and press--although greatly expanded since the Qadhafi era--were limited with the TNC criminalizing some political speech. Although the number of media outlets grew exponentially in the country throughout the year, levels of professionalism varied widely, and news reporting was often driven by rumor or hearsay.

Freedom of Speech: Freedom of speech was limited in law and practice under the interim governments. On May 2, the TNC passed Law 37 that criminalized a variety of types of political speech, including speech that “glorifies the tyrant [Muammar Qadhafi],” “did damage [to] the February 17 revolution,” or “insulted Libya’s institutions.” However, on June 14, the Supreme Court ruled the law unconstitutional.

Freedom of Press: While the Qadhafi regime censored, scrutinized, and controlled the media, the successor interim and elected governments accommodated freedoms of expression, including online media. Journalists continued to struggle with self-censorship due to the residual media culture from the Qadhafi era and threats from militias and extremist groups.

Violence and Harassment: Despite government support for freedom of expression and freedom of the press, forces associated or nominally affiliated with the government as well as autonomous militias sometimes harassed, abducted, and detained journalists for investigating reports of militia activities, detainees, and missing persons, according to Reporters without Borders. For example, in February SSC militias in Misrata detained two British journalists reporting on revenge attacks on dark-skinned Libyans who were accused of supporting Qadhafi

forces during the war. They were released on March 18. On October 21, armed members of the Warfalla tribe, angry at that station's coverage of hostilities in Bani Walid, attacked and destroyed Libya Al-Hurra's broadcasting headquarters in Benghazi. In another example, in March unidentified individuals abducted and beat Sharifa Alfisa, an outspoken female independent journalist writing for a number of online Libyan news sites, under mysterious circumstances in Benghazi. She was released several days later. In addition women's NGOs faced threats and harassment for their awareness campaigns on women's rights and empowerment.

Censorship or Content Restrictions: While the Qadhafi government effectively censored all media and restricted criticism, the interim governments and the elected government reduced censorship drastically. Independent journalism was nonexistent under Qadhafi. Since the revolution there has been an explosion of outlets for domestic journalism. Some journalists self-censored due to insecurity.

Internet Freedom

A single government-owned service provider offered Internet access. There were no government restrictions on access to the Internet, but there were some credible reports that the government monitored e-mail or Internet communication. Social media applications, such as YouTube, Facebook, and Twitter, were freely accessible. Although Internet penetration outside Tripoli remained relatively low, the number of Facebook users doubled during the year, from an estimated 400,000 to 800,000. At year's end the communications infrastructure had been largely restored to prerevolutionary levels, with functioning but inconsistent cellular telephone, Blackberry, and Internet services. Many international telecommunications companies were seeking to invest in and diversify this sector of the economy, but the investment climate in the country as well as the interim governments' reticence to make decisions on contracts delayed increased competition that could lead to cheaper, better Internet access. There were no filters on Internet content, but service was unreliable or nonexistent outside major cities.

On December 4, the SSC arrested a blogger, Hamid Ahmed Tolbah, allegedly without cause according to the NGO Arab Network for Human Rights. He was released the following day, following pressure from at least one high-ranking government official.

Academic Freedom and Cultural Events

The Constitutional Declaration provides for freedom of scientific research. Following the end of the conflict, academics with a background studying or teaching Qadhafi's *Green Book* ideology faced discrimination.

There were no known restrictions on cultural events under the new governments. Amazigh communities, particularly in the west, were able for the first time in 42 years to use their language, Tamazight, in public communications. In November the Amazigh held a cultural festival in Jado highlighting their cultural heritage.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The Constitutional Declaration provides for peaceful assembly. While the interim and democratically elected governments respected freedom of assembly, autonomous militias sometimes clashed violently with pro-Qadhafi protesters. On November 6, the GNC passed Law 65, which mandates that protesters must inform the government of any planned protests at least 48 hours in advance and that the government could notify the organizers of a ban on the protest up to 12 hours before it is to take place. However, as of year's end the government had not implemented the law and struggled to manage protests in which protesters were at times armed.

Freedom of Association

Following the fall of Qadhafi, the interim governments and the elected government respected and promoted freedom of association. The Constitutional Declaration included freedom of association for political and civil society groups. Libyans founded hundreds of self-styled, service-oriented NGOs. Other NGOs took on political colorings. The Constitutional Declaration permitted the emergence of nascent political groups and self-described parties and allowed the development of a civil society.

c. Freedom of Religion

See the Department of State's latest *International Religious Freedom Report* at www.state.gov/j/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The Constitutional Declaration recognizes freedom of movement. Law 38 gives the government powers to restrict a person's movement if they are considered a "threat to public security or stability" based on the person's "previous actions or affiliation with an official or unofficial apparatus or tool of the former regime." Affected individuals may challenge the measures before a judge.

The interim governments generally cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to IDPs, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

In-country Movement: The interim governments generally did not restrict freedom of movement within the country. On December 16, the GNC voted to declare much of the southern part of the country a “closed military zone,” covering the areas around Ghadamis, Ghat, Awbari, Al-Shati, Sebha, Murzuq, and Kufra--limiting civilian access to certain roads in an attempt to curtail illicit trafficking flows. The legislation also temporarily closed the southern border crossings. When the conflict ended, some autonomous militias and government forces imposed barriers to movement by setting up checkpoints in areas that remained strongholds for Qadhafi loyalists, such as Bani Walid, Sirte, Tawargha, and other locations.

Internally Displaced Persons (IDPs)

While the situation improved and significant numbers of Libyans have begun to return to their places of origin, according to the UNHCR there were still 65,000 IDPs. Because Tawargha served as base for Qadhafi forces during the revolution, Misratan militias attacked the town following the fall of the regime. All the inhabitants of Tawargha, more than 30,000 persons who were largely descendents of sub-Saharan former slaves, were compelled to leave their homes because of the militia’s siege and attacks, and most had not returned at year’s end.

The needs of displaced persons were largely met through international humanitarian assistance; as of year’s end there was no effective government program to assist IDPs or facilitate their return. Moreover, satellite imagery analysis by HRW showed that the town of Tawargha was subjected to a deliberate campaign of destruction after its capture in late 2011, with more than 1,500 buildings destroyed by arson and others destroyed through controlled explosions or bulldozing, making the return of former inhabitants impossible without systematic reconstruction and security efforts. The HRW analysis was corroborated by a video showing members of a militia, Katibet al Ahrar, participating in the town’s destruction.

More than 50,000 residents from cities that experienced heavy fighting, including Ajdabiya, Sirte, Misrata, Bani Walid, and Ras Lanuf, also remain displaced. The UN, ICRC, and various NGOs assisted IDPs during and after the conflict. The interim governments were not able to promote the safe voluntary return or resettlement of IDPs, nor were there adequate laws, policies, or governmental programs in place to assist them.

IDPs were vulnerable to abuses, such as armed attacks, arbitrary detention, trafficking, forced labor, and gender-based violence, from militia forces or other armed groups not under the control of the transitional governments. On February 6, for example, militias entered and attempted to make arrests in a makeshift IDP camp at a former naval academy in Janzour, a suburb of Tripoli. When camp detainees protested, militia forces shot and killed seven black Tawarghans--three children, two men, and two women. IDPs from tribes and cities known to be loyal to the Qadhafi government, including the Tawargha, Qawalish, and Mesheshiya, additionally faced harassment, violence, intimidation, and discrimination. Militias in Misrata arbitrarily detained hundreds of Tawarghan IDPs, including women and children, and transferred them to detention in nearby Misrata, where human rights groups reported serious mistreatment and torture. Dark-skinned Libyans were particularly vulnerable to harassment and abuse by militia forces.

Protection of Refugees

Prior to the revolution, the UNHCR had registered an estimated 9,000 refugees from the Palestinian territories, Iraq, Sudan, Somalia, and other African countries and identified approximately 3,700 asylum seekers in the country. Many registered refugees and asylum seekers fled to Tunisia, Egypt, and Europe during the conflict. As of year's end, the UNHCR office could not verify the numbers and nationalities of those who remained.

The UN estimated that as many as 34,000 Syrians arrived in the country beginning in May. The UNHCR found that many were fleeing general and targeted violence in Syria. By year's end approximately 1,000 Syrians had registered as refugees with the UNHCR.

Access to Asylum: The interim governments and the democratically elected government did not establish a system for providing protection to refugees or asylum seekers. The Constitutional Declaration recognizes the right of asylum and forbids forcible repatriation of asylum seekers. However, asylum seekers were not legally recognized as a class distinct from migrants without residency permits. As such, refugees and asylum seekers were subject to laws pertaining to irregular migrants and were regularly held in detention centers alongside criminals. The foreigners (migrants, asylum seekers, and refugees) were often treated differently than their Libyan counterparts with whom they were segregated from inside the detention centers. There was confusion and frustration for the migrants as to their legal situation. Some of this difficulty was attributed to language barriers, but the inconsistent legal treatment of foreigners was also to blame. While some were immediately deported to their home countries, others were indefinitely detained.

Yet others found themselves being transferred to different prisons with little explanation.

While the flow of persons across the border continued throughout the conflict, there were reports that hundreds to thousands of sub-Saharan Africans entered the country illegally near year's end, aided by the porous nature of the country's southern borders. Treatment of migrants depended upon their country of origin and the offense for which they were being held (some were held for having improper documents and others for having committed other crimes). There was no consistent protocol for determining whether foreigners were to be sent to migrant detention facilities or to criminal detention facilities. The waiting time for deportation to home countries was also uneven, with some individuals returned after three months and others waiting a year or more.

Refugee Abuse: Some refugees faced abuses similar to migrants, including killings, arbitrary detention, and gender-based violence. Detention of sub-Saharan African refugees and migrants increased significantly after the fall of the Qadhafi government, when revolutionary forces detained thousands of sub-Saharan Africans on suspicion that they supported the Qadhafi regime or were complicit in abuses during the conflict. While the interim governments and affiliated militias subsequently released several thousand detainees, estimates of sub-Saharan Africans detained in scattered detention sites at year's end ranged from 1,500 to 2,500. The UNHCR, ICRC, International Organization for Migration (IOM), HRW, and other organizations were able to access many detention sites and informal detention facilities run by militias to provide basic assistance, including sanitation and health care, refugee registration, and counseling. Most detainees were not officially charged and had no access to review and judicial processes. Those with potential refugee claims had no access to refugee status determination procedures.

Stateless Persons

By law citizenship is derived from birth in country or from a citizen parent; there are naturalization provisions for noncitizens. However, Qadhafi removed citizenship from some inhabitants of the Saharan interior of the country, including many Tebou and some Tuareg, whom he felt were not sufficiently attached to his regime. As a result there were many nomadic and nonnomadic stateless persons living in the country. The UNHCR identified as many as 25,000 primarily nomadic Tuareg in the southwest who had been living in the country for several decades but held no citizenship documentation. The UNHCR estimated the number of potentially stateless Tuareg and Tebou as high as 100,000 and that approximately 50,000 persons were potentially at risk of statelessness.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

Following the revolution the temporary Constitutional Declaration and road map for political transition guided the interim governments' activities. The declaration, which defines the country as a democratic state deriving authority from the people, provides for a range of political, civil, and judicial liberties.

Elections and Political Participation

On April 4, the TNC created the Authority for Integrity and Enforcing Patriotic Standards (Integrity Commission). The commission is responsible for vetting legislative candidates and senior personnel in government and important nongovernmental institutions (universities, public companies, unions, and other organizations) to ensure that they were not managers or senior officials of the former regime and do not have any criminal background. The commission rejected four nominated ministers reportedly due to ties to the Qadhafi regime.

Recent Elections: According to independent election monitors, the TNC oversaw the first national, free, and fair elections in 42 years on July 7, during which citizens elected the GNC, a transitional body until a constitution is approved that would delineate the next elections. Turnout was estimated at slightly more than 62 percent of 2.8 million registered voters. There was violence in the east, including in Benghazi, and attempts to destroy election materials and threaten voters on election day. Some irregularities were reported in registering residents of Kufra, in the southern part of the country, but these incidents did not compromise the overall integrity of the election. One candidate was killed in the south before the campaign period, and there were a few deaths on election day or immediately prior. There was significantly lower voter turnout by women. Members of the armed forces were ineligible to vote.

More than 20,000 domestic observers and party agents as well as 180 international observers were accredited. Domestic election observer groups, such as the Shahed Network and Rased, were granted full access to monitor the election processes independently and made generally positive assessments of the election. Local elections also took place in Misrata, Benghazi, Derna, and several other cities.

Political Parties: The interim governments promoted freedom of political parties, associations, and other civil society organizations in the Constitutional Declaration and in practice. Prior to the July elections, political parties flourished and multiplied, and by the end of the year political parties had taken shape around leaderships and divergent backers.

Participation of Women and Minorities: Significant social and cultural barriers largely excluded women from political leadership, and there were only two women among the 24 ministers. The TNC had one female member. In a total of 200 total representatives, 33 women were elected to the GNC, all but two through party lists with seats allocated proportionately. According to electoral rules, political party lists for the seats to be elected on a proportional basis had to alternate by gender. For multiseat constituencies where there were party lists, every other candidate was a woman. Women's approximately 39 percent participation in the GNC election as voters, while exceeding initial expectations, was significantly lower than their proportion of the population and lower than their 45 percent of registered voters. Campaign posters featuring women candidates were frequently defaced.

Out-of-country registration and voting locations were established in some Western countries and in the UAE but not in Egypt or Tunisia, which had the highest numbers of Libyan citizens living outside the country.

IDPs were given voting rights, but the number of IDPs participating was significantly below the national turnout figure. The Higher National Electoral Commission put into place special measures for internally displaced Tawarghans, Tuaregs, and Mashashiyas to be able to vote. Tawargha (see IDP section) was a constituency in the GNC elected almost exclusively by IDPs.

Section 4. Corruption and Lack of Transparency in Government

The transitional government and the democratically elected government and citizens called for prosecutions of Qadhafi regime officials for corruption. Trials had begun for Abuzeid Dorda and Baghdadi al Mahmoudi, but there have been very few hearings by year's end. Citizen activists attempted to promote energy sector and government transparency. Popular demands for accountability and transparency prompted the interim governments to pursue more open practices, such as televised broadcasts of GNC sessions, although concrete progress on this front was limited at year's end.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Under Qadhafi the government prohibited the establishment of independent human rights NGOs, and none operated in country. The successor governments were receptive to international and local human rights organizations and responsive to international observers. Local human rights-focused civil society organizations have been active throughout the post-Qadhafi period.

UN and Other International Bodies: The new authorities generally cooperated with UN bodies, including human rights components of the UN Support Mission to Libya (UNSMIL).

The March 2 report of the UN Commission of Inquiry on Libya concluded that militia executed and tortured to death perceived Qadhafi loyalists and suspected mercenaries, including fighters after surrender, and members of the civilian population. According to the commission, “During armed conflict this amounts to the war crime of murder. Once the conflict ended, it constituted an arbitrary deprivation of life.” There were no known independent or government prosecutions related to killing by militias. Moreover, the TNC’s Law 38 includes a provision that amnesty will be granted for any “acts made necessary by the 17 February revolution” and for the revolution’s “success or protection.” This provision prevents revolutionaries from being subject to prosecution for taking up arms against the Qadhafi regime. Government officials stated that the provision would not be used to provide amnesty for human rights violations or war crimes committed by revolutionary forces during the conflict.

Government Human Rights Bodies: Law 38, the TNC’s February 14 law establishing the framework for national reconciliation and transitional justice, provides for the establishment of a fact-finding and reconciliation commission. Its mandate is to investigate crimes and human rights violations committed since 1969. The law also establishes a victims’ compensation fund but does not prevent victims from seeking justice through the courts. On December 12-13, the Fact-Finding and Reconciliation Commission and the Human Rights Committee of the GNC organized, in cooperation with the UN, a conference, Truth and Reconciliation in Libya: The Way Forward.

The GNC established a fact-finding committee to look into alleged human rights violations in connection with the assault on Bani Walid, but there were no further developments by year’s end (see section 1.a.).

The GNC formed a Human Rights Committee, which was following plans developed by the Ministries of Defense, Interior, and Justice on the integration of the militias into state institutions and standardizing arrest procedures and treatment while in detention.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The Constitutional Declaration contains clear references to equal rights, stating that all citizens are equal before the law in enjoying civil and political rights, equal opportunities, and the duties of citizenship without discrimination based on religion, sect, language, wealth, sex, descent, political views, social status, or

regional, family, or tribal affiliations. However, the interim governments did not enforce these prohibitions effectively, particularly with regard to women and minorities.

Women

Women faced discrimination. Militias and extremists used violence and intimidation against women they considered in violation of religious law and cultural norms. For example, during the August GNC handover ceremony, a woman not wearing a headscarf provoked a controversy when she was asked to leave the stage. The woman was asked to cover her head midway through her presentation. After she declined, a member of the GNC walked out of the ceremony in protest.

Rape and Domestic Violence: The law criminalizes rape but does not address spousal rape. A convicted rapist must marry the victim, with her agreement, or serve a prison term of up to 25 years. According to local contacts and NGOs, the forced marriage of victims to rape perpetrators as a way to avoid criminal proceedings has reportedly stopped. In previous years rape victims who failed to meet high evidentiary standards could face charges of adultery. The Constitutional Declaration prohibits domestic violence, but there was scant information on the penalties for violence against women.

Social and cultural barriers contributed to lack of effective government enforcement. There were no reliable statistics on the extent of domestic violence, but NGOs reported that it was widespread.

Sexual Harassment: The law criminalizes sexual harassment, but there were no reports on how or whether it was enforced. According to civil society organizations, there was widespread harassment and intimidation of women by militias and extremists, especially when the women were accused of acting “un-Islamic.”

Reproductive Rights: Couples and individuals have the right to decide freely and responsibly the number, spacing, and timing of their children and have the information and means to do so free from discrimination, coercion, and violence. According to UN estimates, 26 percent of women between the ages of 15 and 49 used a modern method of contraception. In previous years virtually all births were attended by skilled health personnel, and more than 90 percent of mothers received pre- and postnatal care. The conflict caused a decrease in available skilled medical personnel, as many foreign citizen medical workers fled the country, which likely affected women’s access to sufficient care prior to and during childbirth.

Discrimination: The Constitutional Declaration states that citizens are equal under the law and includes prohibitions on gender-based discrimination. Absent implementing legislation and operating with limited capacity, the government did not effectively enforce this prohibition in practice. Societal discrimination against women continued. Sharia (Islamic law) governs family matters, including inheritance, divorce, and the right to own property.

In rural areas societal discrimination restricted women's movements, even to local destinations, and impaired their ability to play an active role in the workplace. Increasing societal discrimination deriving from Sharia affected women in urban life as well.

The government was the largest employer in the economy. Civil service salaries were set according to education and experience, and women and men received the same pay for the same work. The private sector did not formally discriminate between men and women for access to employment or credit, although women generally earned less than men for similar work and participated in the labor force at much lower rates.

Children

Birth Registration: By law citizenship is derived from either parent or birth in country. Births were registered in a government-issued family book, generally shortly after birth.

Child Marriage: The minimum age for marriage is 18 for both men and women.

Harmful Traditional Practices: There were reports by international organizations that some nomadic groups practiced female genital mutilation/cutting (FGM/C). There were no public campaigns against FGM/C.

Sexual Exploitation of Children: There was no information available on penalties for the commercial sexual exploitation of children, the minimum age of consensual sex, or on any laws prohibiting child pornography.

Child Soldiers: There were no reports of children joining the armed forces. Government officials informed military commanders that children could not be accepted into the military, and it was official military policy that prior to a soldier signing an enlistment contract, either directly with the military or with a militia working under the auspices of the government, he must provide proof that he is not less than 18 years old.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism

The overwhelming majority of the country's Jews fled between 1948 and 1967. While there were reports of some Jewish families remaining, there were no estimates of the current population available. There were isolated reports of anti-Semitism during the year. A noncitizen was detained for several days in July in Benghazi, allegedly because of his connections with Jews in exile who attempted to regain property. Some Jewish citizens living abroad said that they did not return to reopen the synagogue in Tripoli due to concerns for their safety.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

Persons with Disabilities

The Constitutional Declaration addresses the rights of persons with physical, sensory, intellectual, and mental disabilities and requires the state to provide monetary and other types of social assistance. In addition, a number of organizations provided services to persons with disabilities. Few public facilities had adequate access for persons with physical disabilities, resulting in restricted access to employment, education, and health care. New sidewalks did not have curb cuts for persons in wheelchairs, and new construction often did not have accessible entrances. There was limited access to information or communications. Nevertheless, the Department of Education undertook efforts to mainstream children with disabilities into the school system, and the National Election Commission took some steps to attempt to make the July election accessible to persons with disabilities.

The revolution caused injuries and disabilities among fighters and civilians, including children maimed by mortar or gunfire or injured due to remaining unexploded ordnance. The interim governments made efforts to set up mechanisms to address problems among the war-wounded, including the evacuation of large numbers of injured to hospitals in other countries for extended treatment. In addition, the war-wounded were provided monetary payments and given preferential hiring for some government positions.

National/Racial/Ethnic Minorities

Arabic-speaking Muslims of mixed Arab-Amazigh ancestry constituted 97 percent of the citizenry. The principal minorities were Amazigh, Tuareg, and Tebou. These minority groups were predominantly Sunni Muslim but identified with their respective cultural and linguistic heritage rather than with Arab traditions. Several nomadic groups lived in areas along the country's desert borders, including Tuareg and Tebou.

An estimated 1.5 million to two million foreign workers and undocumented migrants were present in the country before the conflict began, but many fled or were displaced during the conflict. Of those, nearly one million were believed to be of Sahelian or sub-Saharan African origin.

Under Qadhafi, Arabic was declared the only official language, and the regime denied the existence of non-Arab citizens. Amazigh people faced discrimination, including limitations on the use of their native language, Tamazight. At year's end, however, the Amazigh used their language publicly, publishing journals written in Tamazight and using their language on public signs and on the radio. They encouraged the new government to make Tamazight one of the official languages.

There was societal discrimination and violence originating in ethnic differences. Racial discrimination existed against dark-skinned Libyans, including those of originally sub-Saharan descent, in part due to allegations that Qadhafi used African mercenaries during the conflict. There were reports of dark-skinned Libyans as well as Tuaregs being removed from their homes in Tripoli and held in detention centers and prisons.

There was also societal discrimination and violence originating in attitudes toward the previous regime. For example, fighting began April 1, reportedly involving heavy weapons, between the largely Amazigh and anti-Qadhafi western town of Zuwara, on one side, and the mostly Arab and pro-Qadhafi towns of Al-Jimail and Regdalin on the other.

There were also clashes reflecting a conflict between Tebou and Zway tribes over smuggling rivalries in the southeast of the country. On March 26, Arab government-affiliated militia clashed with Tebou tribal groups in the region near Kufra. According to reports from local contacts and NGOs, the fighting was largely one sided and targeted at Tebou civilian neighborhoods in attempt to push Libyan Tebou out of the country into Chad. On April 21, the conflict had escalated to the point that government forces were sent to Kufra to restore order.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

The governments deemed lesbian, gay, bisexual, and transgender (LGBT) orientation illegal, and official and societal discrimination against LGBT persons persisted during the year. The penal code makes consensual same-sex sexual activity punishable by three to five years in prison. The law provides for punishment of both parties.

On November 22, members of the Nawasi Brigade affiliated with the Ministry of Interior arrested and detained 12 allegedly gay men who were at a private party. Members of the group announced the arrest on Facebook, eliciting homophobic commentary. The men were released a week after being detained, with bruises on their backs and legs and shaved heads. One of the men reported that this type of treatment was commonplace and claimed that he had been beaten during a separate arrest by the Nawasi Brigade in August.

There were no reports of discrimination based on sexual orientation or gender identity in employment, housing, or access to education or health care. Observers noted that persons who reported such discrimination could be subject to additional violence or abuse.

Citizens tended to hold negative views of LGBT persons, and homosexuality was socially stigmatized. Sexual orientation or gender identity occasionally constituted the basis for societal violence, harassment, blackmail, or other actions, generally at a local level. In previous years there were infrequent reports of societal discrimination, physical violence, or harassment based on sexual orientation or gender identity.

Other Societal Violence or Discrimination

There were no reports of societal violence toward persons with HIV/AIDS. In previous years there were reports of societal stigmatization of persons with HIV/AIDS, due to an association of the disease with drug use, sex outside marriage, and homosexuality. No information was available about the effects of the conflict on persons suffering from HIV/AIDS. There were reports that detainees suspected of having HIV/AIDS were segregated from the rest of the detainee population, often in overcrowded spaces, and were the last to receive medical treatment.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The Constitutional Declaration does not recognize trade union rights, which are regulated by law. There is no real freedom of association, as workers in the formal sector were automatically members of the General Trade Union Federation of Workers, although they could elect to withdraw from the union. Union membership is limited to citizens; migrant workers were not allowed to organize.

Collective bargaining was also restricted, as all collective agreements had to conform to the “national economic interest.” Strikes could be called only after all conciliation and arbitration procedures had been exhausted. The government or one of the parties could demand compulsory arbitration, thus severely restricting strikes. The government had the right to set and cut salaries without consulting workers. Union workers were not well protected against antiunion discrimination.

Under the interim governments, there were numerous reports of strikes by professional groups, such as teachers and lawyers, who used strikes as a method to protest political policies and actions. There was no government action to prevent or hinder these strikes. There was also an airport employees’ strike that delayed flights between Benghazi and Tripoli. In early November employees of the main oil refinery in the western part of the country, the Zawiya Oil Refining Company, threatened to strike if the government ignored their demands for better security after armed men blocked the entrance to their refinery for two days.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor. However, there were numerous reports of forced labor by migrant workers, for example Filipinos, Indians, and sub-Saharan Africans, in the construction and domestic sectors after they were smuggled into the country. The IOM reported that migrants in IDP camps and transit centers controlled by militias or armed groups were subjected to forced labor and trafficking.

Also see the Department of State’s *Trafficking in Persons Report* at www.state.gov/j/tip.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits children younger than 18 from being employed, except when in a form of apprenticeship. No information was available concerning whether the law limited working hours or sets occupational health and safety restrictions for children. At year’s end it was not clear whether the interim government had the capacity to enforce these laws or which agency would be responsible.

There was no information available on the prevalence of child labor or the effect that the conflict had on the practice.

d. Acceptable Conditions of Work

The minimum wage was 250 dinars (approximately \$200) per month. Although some public sector employees, such as professors, received pay increases in recent years, a freeze imposed more than a decade ago continued to depress earnings. The government paid an additional pension of 90 dinars (\$72) for a single person, 130 dinars (\$104) for a married couple, and 180 dinars (\$144) for a family of more than two. The government heavily subsidized rent and utilities, and government workers received an additional 130 dinars (\$104) per month for food staples. One-third of citizens lived below the poverty line.

The legal workweek was 40 hours. The law stipulates standard working hours, night shift regulations, dismissal procedures, and training requirements. The law does not specifically prohibit excessive compulsory overtime. Labor laws require employers to pay equal wages to men and women if the nature and conditions of their work are the same.

The government set occupational health and safety standards, and the law grants workers the right to court hearings regarding these standards.

Certain industries, such as the petroleum sector, attempted to maintain standards set by foreign companies. There was no information available on whether inspections continued during and after the revolution.

While the 2006 census counted 349,040 foreigners resident in the country, observers and diplomatic missions of countries with large migrant populations in Libya estimated that prior to the revolution the number of undocumented workers was between 1.5 million and two million. Although foreign workers reportedly constituted more than 20 percent of the workforce, the labor law applies only to legal foreign workers who have work contracts, which were a fraction of the total. While contracts, generally written in Arabic, are required for the hiring business to sponsor the worker for a visa, such contracts were rare in practice and generally used only if the business was closely monitored or regulated by the government.

Authorities permitted foreign workers to reside in the country only for the duration of their work contracts, and workers were prohibited from sending more than half of their earnings to their home countries. There were reports that by year's end it had become difficult for migrants to acquire work permits.

Foreign workers were subjected to arbitrary pressures, for example to change work rules and contracts, and had little choice other than to accept such changes or leave the country.