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Country Report on Human Rights Practices 2013 - Libya

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 the fall of Qadhafi's regime in 2011, the National Transitional Council (NTC) oversaw a free and fair election in July 2012 and handed power to an elected parliament, the General National Congress (GNC), in August 2012. The General National Congress appointed a prime minister in November 2012 to head an interim government. These steps led to the formal establishment of the new "State of Libya" on January 9. The interim government did not maintain effective control over the security forces and did not establish full security control throughout the country by year's end. Security forces largely composed of disparate militias nominally and intermittently under the authority of the Defense and Interior Ministries committed human rights abuses.

The most serious human rights problems during the year resulted from the absence of effective justice and security institutions. Consequences of the failure of the rule of law included arbitrary and unlawful killings, including politically motivated killings by groups outside or only nominally under government control; torture and other cruel, inhuman, or degrading treatment or punishment; and harsh and life-threatening conditions in (sometimes illegal) detention and prison facilities.

Other important human rights abuses included arbitrary arrest and detention; lengthy pretrial detention; denial of a 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 against and harassment of journalists; restrictions on freedom of religion; abuses of internally displaced persons (IDPs), refugees, and migrants; corruption and lack of transparency in government; 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 violations of labor rights, including forced labor.

Impunity was a serious problem. The scarcely functioning criminal courts struggled to try abusive Qadhafi-era officials, but generally skirted the pressing problem of abuses during the year by post-Qadhafi militias, in part because of militia intimidation of judges. When authorities did attempt to conduct trials, threats and acts of violence often influenced and curtailed judicial proceedings. Aside from adopting but not yet implementing legislation to provide a new legal framework and sponsoring dialogues on its implementation throughout the country, the government did not take concrete steps by year's end to advance transitional justice. There were rare investigations and still fewer prosecutions of those believed to have committed abuses.

The militias that spearheaded Qadhafi's overthrow continued to fill a security vacuum in many parts of the country, often where they had their tribal roots, and were only nominally under government authority. They varied widely in their makeup and degree of responsiveness to the authority of the state, violated human rights and humanitarian norms, and committed unlawful killings, physical violence, and other abuses. The state failed to develop an ability to control such militia groups, even where they were formally or quasiformally under state control, or to prosecute human rights abuses that they committed.

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

a. Arbitrary or Unlawful Deprivation of Life

There were numerous reports that government forces and security forces only nominally under government control committed arbitrary and unlawful killings, but there were no known arbitrary or unlawful killings by security forces acting under government orders coming from the highest levels of government. The reality was that the higher levels of civilian officials frequently failed to maintain effective control over militias nominally subsumed under Ministry of Defense or Ministry of Interior authority who committed serious abuses.

There were numerous killings, sometimes by militia forces committed under the orders of militia commanders under the nominal authority of the Ministries of Interior or Defense. Arbitrary and unlawful killings were carried out most frequently by militias acting in pursuit of tribally and ethnically based agendas. Primary targets included political competitors, as well as members of the police, internal security apparatus, and military intelligence, but also judges, political activists, foreign diplomats, and Qadhafi-affiliated officials and soldiers.

The first half of the year saw the continuation of a spate of apparently politically motivated killings of members of the police, internal security apparatus, and military intelligence, largely occurring in the eastern regions, and particularly centered in Benghazi and Derna. According to a Human Rights Watch (HRW) report on August 8, there were at least 51 such political killings since Qadhafi's ouster, many of the victims associated with the former regime. For example, on June 26, a car bomb in Benghazi killed Jomaa al-Misrati, a commander of an infantry brigade in the Libyan army who served as a military intelligence officer under Qadhafi. No groups or individuals claimed responsibility for the killings, and the only person known to have been arrested escaped detention.

Whereas during the prior year those targeted for killing were predominantly Qadhafi-affiliated individuals, killers also targeted prorevolution figures and civic leaders during the year. On July 26, unidentified attackers killed February 17 Coalition founder Abdul Salam al-Mismari. The political activist's death followed an attempt by gunmen to kill Nasser Sawalim, the head of the nongovernmental organization (NGO) Libyan Observatory of Human Rights, in the eastern region on July 19.

Foreign diplomatic missions and international organizations also were targets of political violence. There were bombings of the French embassy in Tripoli in April and the Egyptian consulate in Benghazi in August, as well as attacks in Tripoli on diplomatic facilities of the United Arab Emirates in July and the Russian embassy in October.

On November 15, militia members mostly originating from Misrata killed more than 40 persons and injured hundreds more when they fired on a peaceful demonstration demanding an end to the "reign" of the militia in the Gharghur neighborhood of Tripoli (the "Gharghur Massacre"), an event documented by numerous media outlets and human rights observers. During the assault the militia killed a journalist, injured two others, and seriously damaged the Tubactus television station, according to Reporters without Borders. The Ministry of Justice conducted an investigation, which continued at year's end.

At year's end the groups responsible for the vast majority of killings remained unidentified. The consistent targeting pointed to the use of violence to gain political and economic power and a persistent lack of effective response from the interim government.

The government did not announce any arrests in the September 2012 terrorist attack in Benghazi that resulted in the deaths of four U.S. government personnel, including Ambassador J. Christopher Stevens. Due to the scarcely functioning judicial system, limited government control over security forces, and legal ambiguity regarding the amnesty for revolutionaries provided in Law 38, other high-profile cases of killings reported in 2012, including those investigated by the UN Commission of Inquiry, did not progress.

b. Disappearance

As was the case in 2012 government forces and militias acting without government control caused an unknown number of forced disappearances. On April 9, parliament adopted the "Law Criminalizing Torture, Enforced

Disappearances and Discrimination," but the government made few efforts to prevent or investigate forced disappearances, and no punishment was meted out.

There were reports of kidnappings. For example, in September unknown assailants kidnapped the son of a prominent minister in Janzour near Tripoli. At year's end the son's whereabouts and welfare were unknown, although, on at least one occasion, there were false reports of his release. The minister cautioned media outlets against errant reporting, asserting that reporting could worsen the situation.

Many disappearances that occurred under the Qadhafi regime, as well as many related to the 2011 revolution, remained unresolved. The discovery of mass graves revealed the remains of those killed in large numbers during the revolution. According to a UN Support Mission in Libya (UNSMIL) report, the bodies of 11 persons were exhumed in May from a grave in the central city of Tawargha.

Due to the weak judicial system, legal ambiguity regarding amnesty for revolutionary forces, and the slow progress of the National Fact-Finding and Reconciliation Commission, there were no known criminal justice developments in unresolved high-profile cases reported in 2012.

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

The Constitutional Declaration states that no punishment may be implemented outside the law, and on April 9 the GNC adopted a law criminalizing torture. Torture and abuse took place, however, in facilities under the nominal authority of the government and in nongovernment facilities. The government relied on militias to manage nongovernmental incarceration facilities due to its lack of administrative resources and capability. There were also private detention facilities belonging to illegal armed groups. The lack of central oversight and accountability in militia-run facilities permitted widespread abuse. In all types of establishments detainees and prisoners were reportedly tortured and abused. According to evidence UNSMIL gathered including medical reports, 27 deaths in custody during the year were due to torture, 11 of which were in detention centers under the nominal authority of the government but effectively under the authority of armed brigades. By year's end no one was held to account. The minister of justice continued efforts during the year to bring militia-controlled facilities under more formal government control.

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

Militias subjected other categories of detainees to torture. For example, according to an UNSMIL report, on June 17, Ali Mas'ud Ahmad al-Etri died in custody due to beatings and torture in the Mitiga detention facility under the authority of the Tripoli Supreme Security Committee (SSC). (The SSC, established in 2011 under the Ministry of Interior's authority, was intended to be a temporary mechanism to incorporate former anti-Qadhafi fighters into the formal security apparatus.) On June 14, members of the SSC arrested the victim, according to his family, while he was drinking alcohol illegally. Authorities provided his relatives no information on his whereabouts and refused access despite several requests. The head of the SSC claimed that four of the detention facility guards were arrested and were being investigated in connection with this death.

There were no known developments in unresolved high-profile abuses reported in 2012.

Prison and Detention Center Conditions

Prisons and detention facilities fell well short of international standards, and could be harsh and life-threatening, with overcrowding the greatest threat to the well-being of detainees and prisoners.

Physical Conditions: According to an UNSMIL report on August 29, there were approximately 8,000 conflict-related detainees--those accused of having fought for the Qadhafi regime. HRW, as of October 2012, estimated 8,000 persons in detention, including an estimated 3,000 with the Ministry of Justice, 2,000 with the Ministry of Defense or the SSC, and the rest illegally with various armed groups.

Accurate numbers of those incarcerated unrelated to the conflict, including a breakdown by holding agency, were not available, although multiple reports estimated the number to be in the thousands. The main category was foreigners, of which a majority appeared to be irregular migrants. Government facilities under the authority of the Ministry of Interior that held irregular migrants generally were of poorer quality than any other facilities.

The interim government urged military councils and militia groups to transfer detainees to authorized judicial authorities. The greatest concentration was in greater Tripoli, Misrata, and Benghazi. 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 such transfers, the ministry often shared control over these facilities with other parties, including the militias that had been running them, or the militias were simply deputized under the authority of the government and the management of the prison did not change.

Makeshift detention facilities were used throughout the country. Conditions at these facilities 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 zoo. Many prisons and detention centers were outside 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 generally was 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: Administration of prisons and detention centers continued to be guided by the 2005 Law No. 5 on Correctional and Rehabilitation Institutions, which outlined the organizational structure and delineated the authority of the more than 10,000-officer-strong Judicial Police. Some reports noted, however, that less than a quarter of those officers were active, with the rest largely failing to report for work. The ratio of detainees and prisoners to guards varied significantly, and guards generally were poorly trained.

Recurrent prison breaks underscored the incapacity of the Ministry of Justice to administer detention facilities adequately. On March 26 and April 30, dozens of inmates escaped Sabha Prison. On June 14, an armed attack freed another 50 to 60 inmates and killed one person in his cell. On July 27, an estimated 1,400 inmates, including 500 reportedly charged with murder, escaped from Kweifiya Prison in Benghazi. Many escapees were not returned to prison by year's end.

Independent Monitoring: The government permitted some independent monitoring, but the disaggregation of administration and multiplicity of facilities hindered monitors' ability to gain a comprehensive vision of the system. The International Committee of the Red Cross (ICRC) reported visiting 10,000 detainees in 33 places of detention from January to July. UNSMIL, in addition to local NGOs such as the International Organization for Cooperation and Emergency Aid, visited places of detention on a case-by-case basis.

Improvements: The government continued to assume authority over some detention facilities formerly controlled by revolutionary militias. As of September the Ministry of Justice assumed authority over more than 37 detention facilities, and had made significant improvements to conditions. On August 29, UNSMIL reported improved medical care at Zleiten Prison. The ministry also renovated buildings to be used as detention centers and prisons, such as the al-Jawwiyyah Prison in Misrata. The ministry transferred detainees and prisoners to this facility and publicly inaugurated it on August 13.

d. Arbitrary Arrest or Detention

The Qadhafi-era criminal code remains in force. It establishes procedures for pretrial detention and prohibits arbitrary arrest and detention, but often the interim government did not observe these provisions. Government-affiliated security forces arbitrarily arrested and detained citizens indefinitely without formal charges. Throughout the year the interim government had little control over police and regional militias providing internal security. Armed groups carried out illegal and arbitrary detentions throughout the year.

Role of the Police and Security Apparatus

Police reporting to the Ministry of Interior have responsibility for internal security. The military under the Ministry of Defense defends the country from external threats as its primary mission. The military also plays a supporting role for the Ministry of Interior regarding internal security. Civilian authorities had nominal but limited control of the hollowed-out police and security apparatus, and security-related police work generally fell to self-constituted, disparate militias exercising police power largely without training or supervision and with varying degrees of accountability.

On March 17, after the limited success of the SSC and pressed by increasing unrest in the East, the GNC issued Decision 27 ordering all armed groups not affiliated with the government to leave Tripoli. On June 9, the GNC issued Decision 53 instructing the government to disband all "illegal armed brigades and formations" and to present a plan for the integration of individual members into formal security structures by year's end.

There were some successes in the demobilization and integration of militias, such as in July when members of Libya Shield No. 409 dissolved their unit and handed over their weapons and military vehicles to the government at the air force base in Tobruk. Following the "Gharghur Massacre" on November 15 (see section 1. a.), there was increased public pressure to implement GNC decisions 27 and 53 fully, and the government made some progress in demobilizing some militias. For example, on November 21 the Nawasi, Qaaqaa, al-

Madani, al-Sawaq, and Quwat al-Rada brigades formally handed over their Tripoli headquarters to the national army, and Misrata militias withdrew in the same timeframe from Tripoli, in accordance with the law.

Despite some progress at achieving demobilization and integration of militias, it was unclear whether the government had ended its practice of turning to militias to maintain internal security in the absence of effective state-controlled police or military capacity. For example, the Zintan militia continued to provide security at Tripoli International Airport, the country's largest, throughout the year, although a transition to control by government authorities was in process at year's end. On March 17, the GNC ordered militias to leave Tripoli, but on August 5 the GNC president summoned them back to the capital to maintain order. The lack of effective control over these groups was evident when the Group for Crime Fighting, a unit loosely associated with the Libyan Revolutionary Operations Control Room, a body created by the GNC in July to coordinate militias in Tripoli, illegally apprehended the prime minister at his Tripoli hotel October 10. He was released hours later.

There were no known effective mechanisms to investigate and punish abuses of authority, abuses of human rights, and corruption by new postrevolutionary police and security forces. In the militia-dominated security environment, a blurred chain of command led to confusion about the locus of responsibility for formal and less formal security institutions, even if they nominally were under government control. In these circumstances police and security forces were usually ineffective in preventing or responding to societal violence frequently incited by militia groups. Amid the confusion over chain of command and absent effective legal institutions, a culture of impunity prevailed.

Arrest Procedures and Treatment of Detainees

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 power to detain persons for 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 government and militia forces arbitrarily detained persons and held them in formal and informal locations, including unknown locations, for extended periods without formal legal charges or legal authority.

Although the Constitutional Declaration recognizes the right to counsel, 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 government did not observe these prohibitions. Arbitrary arrests were reported throughout the year and were employed by a range of often autonomous armed groups that conducted arrests without legal authority. While many militias nominally were under government control, they continued to carry out arbitrary arrests.

Although some detainees were released, at year's end the government and militias continued to hold a number of prisoners. A firm number was unknown but estimated to be in the several thousands. The interim government took no concrete action to reform the justice system and gaps in existing legislation and the 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: Militia groups detained most persons in detention without charges and outside the interim government's authority. With control of the security environment diffused among various 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.

On September 22, the GNC created a new legal framework by passing the "Law on Transitional Justice," setting a timeline of 90 days from the date of its promulgation on December 2 for the Ministries of Justice, Interior, and Defense to end the detention of those accused in relation to crimes under the previous regime, requiring detainees to be released or referred to public prosecution. By year's end implementation of the law had not begun, although the number of detainees held by militias continued to decline.

Amnesty: There was no explicit amnesty, but the government interpreted Law 38 of May 2012 to provide a blanket amnesty for revolutionaries' actions performed to promote or protect the revolution (see section 1.a.). Both domestic and international legal authorities maintained that the law must be read in conjunction with Law 35 adopted the same day, which provides that acts found to be in contravention of international human rights law covenants, such as rape and torture, are not exempt from prosecution. The possible contradiction between

these two legal decisions, coupled with the government's weakness and disinclination to confront human rights abuses committed by anti-Qadhafi forces, resulted in the government's taking no action to address violations committed during the revolution.

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. In June the Supreme Judicial Council elected a new president and a deputy, using the ballot box for the first time and making the council fully compliant with the law. 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 authorities initiated only a few investigations into alleged abuses by either pro- or anti-Qadhafi groups. Intimidated judges and prosecutors and underresourced courts struggled to deal with sensitive and complex political cases. Additionally, judges and prosecutors cited concerns about the overall lack of security in and around the courts, further hindering the re-establishment of the rule of law. Vigilantes threatened detainees that they would be killed if released, and, conversely, escapees threatened their former jailers.

On April 17, the GNC adopted a law abolishing the jurisdiction of military courts over civilians.

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. Largely independent militias detained persons without legal authority, undermining the prospect for providing them a fair public trial.

By year's end the interim government did not take steps to screen detainees systematically for prosecution or release. The judiciary initiated very few criminal trials, largely because prosecutors and judges feared retaliation by those whom their judgments might anger. For example, a high-level judge was killed outside the courthouse in Derna on June 16, and unknown perpetrators conducted bomb attacks on courthouses in Sirte and Benghazi on July 24 and 28, respectively. The courts were more prone to process civil cases, which were less likely to invite retaliation, although capacity was still limited due to a lack of judges and administrators.

Political Prisoners and Detainees

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

Since most detainees were held for more than a year without being brought before a judge and were denied access to a lawyer, it was not possible to evaluate whether they were political detainees and prisoners. In view of the sweeping nature of retaliation against former regime adherents, it was likely that a number were political detainees.

Civil Judicial Procedures and Remedies

The Constitutional Declaration provides for the right to resort to the judiciary. The post-Qadhafi judicial system did not have the capacity to provide citizens' access to civil remedies for human rights violations until the Law of Transitional Justice provided for fact-finding, accountability, and repatriations for victims. Implementation of the law was in process at year's end; whether it would be effective was undetermined. Civil proceedings remained better established in some parts of the country than others.

According to Law 38, even if a court acquits a person 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.

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. Militias did not respect these prohibitions, and, according to credible reports, the government monitored communications.

As revolutionary groups gained control after the fall of Qadhafi, militias reportedly entered private homes and seized or stole belongings. In particular press reports suggested thefts by regional militias targeted Qadhafi

supporters. In the absence of an effective judicial system for property restitution, individuals sought to regain disputed property by threat or violence.

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

The Constitutional Declaration provides for freedom of opinion, expression, and the press, but the interim government limited the exercise of these rights.

Freedom of Speech: The interim government limited freedom of speech in law and practice. Invoking the penal code, the government criminalized a variety of types of political speech, including speech considered to “tarnish the [country’s] reputation or undermine confidence in it abroad,” speech “insulting constitutional and popular authorities,” and speech “publicly insulting the Libyan Arab people.” According to reports by the international NGO, Amnesty International, article 178 was used to charge Moad al-Hnesh with publishing false information on the internal situation in the country and participating in pro-Qadhafi demonstrations in London, at which he was alleged to have described “revolutionaries” as “rats.” On September 11, al-Hnesh’s trial was scheduled to begin in Zawiya Criminal Court, but at year’s end the status of the trial was unknown.

Press Freedoms: The government generally accommodated freedom of expression, including in online media, but applied some restrictions. For example, the penal code was used to charge Amara al-Khattabi, the editor in chief of *al-Umma* newspaper, with libeling or insulting public officials after he published a list of 84 judges whom he alleged were corrupt. Journalists also continued to struggle with speech limitations and self-censorship due to threats and abductions by militias and extremists and the residual caution from the Qadhafi era.

Violence and Harassment: Despite provisions for freedom of expression and freedom of the press in the Constitutional Declaration, forces associated or nominally affiliated with the government as well as autonomous militias and criminal groups sometimes harassed, abducted, and detained journalists for investigating reports of government or militia activities, detentions, and abductions. For example, on April 22, unidentified men abducted and held for three days Youssef Qarqoum, a reporter for Libya First Channel, after he left a local radio station where he had discussed government corruption. According to Qarqoum his abductors beat and tortured him, including by electric shocks, and accused him of being a Qadhafi supporter. There were no known further developments in the case.

Censorship or Content Restrictions: The interim government reduced censorship drastically. Since the revolution there has been a significant increase of outlets for domestic journalism. Some journalists self-censored due to lack of security. For example, on September 23, militia backed by police arrested freelance journalist Ahmed Abdel Hakim al-Mashaoui, reportedly for giving a telephone interview he gave to a television station in which he criticized the government, the Muslim Brotherhood, and the influence of armed militias. Until his release the following day, authorities pressured Hakim to telephone various media outlets to retract what he had said, and he continued to receive intimidating messages including death threats thereafter.

Nongovernmental Impact: Nongovernmental groups sought to inhibit freedom of expression. For example, on March 6, gunmen took over Alassema TV during a protest outside its studios. It was reportedly seen as supporting secular political figures, according to the international NGO Committee to Protect Journalists. The gunmen abducted at least five journalists and media workers, although all were released within 24 hours.

Internet Freedom

There were government restrictions on internet access, and there were credible reports that the government monitored e-mail and internet communications. In September a government directive invoking article 421 of the penal code aimed to restrict the viewing of pornography by criminalizing the distribution and/or display of material deemed offensive. Reports noted that nearly one million sites were blocked. Social media, such as YouTube, Facebook, and Twitter, were freely accessible.

A large number of bloggers, online journalists, and citizens reported practicing self-censorship due to instability, militia intimidation, and the uncertain political situation.

Although internet penetration outside urban centers remained relatively low, the communications infrastructure continued to improve. The International Telecommunication Union reported that 20 percent of individuals used the internet in 2012, and that there was one broadband subscription per 100 inhabitants.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

The Constitutional Declaration provides for peaceful assembly and association, and the interim government respected these rights.

Freedom of Assembly

The law mandates that protesters must inform the government of any planned protests at least 48 hours in advance and provides that the government can notify the organizers of a ban on the protest up to 12 hours before the event.

Militias sometimes clashed violently with protesters. For example, on June 8, as many as 200 civilians protested outside the Benghazi headquarters of the Libya Shield One Forces, a militia which operated under the Ministry of Defense but was regarded as somewhat independent. The protesters demanded the militia vacate the premises and disband. While accounts varied on who fired the first shot, Shield Forces used deadly force, killing more than 30 civilians. By year's end the government had yet to enforce the law effectively and struggled to manage protests in which protesters were at times armed.

Freedom of Association

The interim 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 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, including foreign travel, emigration, and repatriation, but the government limits it. Law 38 gives the interim government power to restrict a person's movement if he or she is viewed as 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 government generally cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons (IDPs), refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

In-country Movement: The interim government restricted freedom of movement within the country. The law declaring much of the southern part of the country a "closed military zone," remained in effect. Covering the areas around Ghadamis, Ghat, Awbari, al-Shati, Sebha, Murzuq, and Kufra, the law limits civilian access to certain roads in an attempt to curtail illicit trafficking flows. The legislation also temporarily closes the southern border crossings. Some government forces and autonomous militias imposed barriers to movement by setting up checkpoints in areas where they wished to assert control.

Internally Displaced Persons (IDPs)

A significant majority of the more than 550,000 Libyans displaced during the revolution were able to return to their homes by year's end. According to the UNHCR, there were still 59,425 IDPs as of November.

More than half of Libya's IDPs--approximately 30,000--were Tawarghans. Tawargha was a stronghold of Qadhafi forces that besieged Misrata for months during the revolution. Opposing militias from Misrata attacked the town after the regime fell. Misrata militia compelled all of the inhabitants, largely descendants of sub-Saharan former slaves, to leave their homes. The Tawarghans set a June 25 deadline for return, following intense mediation efforts and the government's public commitment to develop a plan for their return and to improve their living conditions. The government paid displaced Tawarghans a stipend. In the absence of an

agreement to address human rights violations through appropriate justice mechanisms, the Tawargha local council agreed in June to postpone the return. At year's end there was no resolution.

The nearly 30,000 other IDPs were mostly residents of other areas that experienced heavy fighting during the revolution. According to a UNHCR report on November 30, this figure included 9,404 persons from Sirte, 9,200 persons from the Western Mountains, 6,122 persons from Misrata, 2,402 persons from Ghadames, and smaller numbers from other areas. Apart from those related to the revolution, displacements due to intermittent tribal clashes persisted, such as the temporary displacement of an estimated 3,000 predominantly Mesheshiyan residents from Mizdah, due to fighting between the Mesheshiya and Guntrar tribes in March and April. Since the interim government was unable to promote adequately the safe voluntary return or resettlement of IDPs and there were no adequate laws, policies, or governmental programs, international organizations and NGOs assisted 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 interim government. IDPs from tribes and cities thought to be loyal to the Qadhafi government, including Tawargha, Qawalish, and Mesheshiya, additionally faced harassment, violence, intimidation, and discrimination. Militia forces particularly harassed and abused Tawarghans and other dark-skinned citizens, suspected of being supporters of the Qadhafi regime, and sub-Saharan mercenaries.

Protection of Refugees

In cooperation with the Libyan Humanitarian Relief Agency, the UNHCR reported the registration of 8,499 refugees and 21,968 asylum seekers in November. The overall figure included 15,898 Syrians, 4,158 Palestinians, 3,092 Iraqis, 3,315 Eritreans, and 1,860 Somalis.

The government established a national committee to register Syrian refugees and issue them identity cards and work permits. It agreed to provide them with free access to healthcare and education. An estimated 25 percent of the newly arrived refugees from Syria needed immediate assistance. The UNHCR provided authorities with technical and material support to assist in this process.

Access to Asylum: The Constitutional Declaration recognizes the right of asylum and forbids forcible repatriation of asylum seekers, but the government did not establish a system for providing protection to refugees or asylum seekers. The government did not legally recognize asylum seekers as a class distinct from migrants without residency permits. As such, the government subjected refugees and asylum seekers to laws pertaining to irregular migrants and regularly held them in detention centers alongside criminals. Authorities often treated the foreigners (migrants, asylum seekers, and refugees) differently from their Libyan counterparts and segregated them inside the detention centers. There was confusion and frustration among the migrants as to their legal situation. Language barriers accounted for some of this difficulty, but the inconsistent legal treatment of foreigners was also to blame. While some were immediately deported to their home countries, others were indefinitely detained. Still others found themselves transferred to different detention centers with little explanation.

There were reports of hundreds to thousands of sub-Saharan Africans who entered the country illegally, 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 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 also was uneven, ranging from immediately to a year or more.

Refugee Abuse: Some refugees faced abuse similar to migrants, principally arbitrary detention, but also killings 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 mercenaries during the conflict. The UNHCR, the ICRC, International Organization for Migration (IOM), HRW, and other organizations accessed 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 charged officially and had no access to review and judicial processes. Those with potential refugee claims had no access to refugee status determination procedures.

Stateless Persons

Laws afford the opportunity to gain nationality. By law citizenship derives from birth in the country or from a citizen parent, and there are naturalization provisions for noncitizens. The Qadhafi regime, however, revoked the citizenship of some inhabitants of the Saharan interior of the country, including many Tebu and some Tuareg, after the regime returned the Aouzou strip to Chad. As a result many nomadic and settled stateless persons lived 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 Tebu during the year as high as 100,000 and that approximately an additional 50,000 persons were at risk of becoming stateless. It was unknown at year's end whether stateless Tuareg and Tebu faced higher rates violence or discrimination than the wider population of minorities, who generally faced a broad range of societal discrimination including in employment, education, housing, health services, marriage, birth registration, access to courts/judicial procedures, and land or property ownership.

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 government's 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, including the right for citizens peacefully to change their government.

Elections and Political Participation

On March 28, the GNC passed a revised law on electoral administration and established the High National Election Commission as a permanent institution.

In its original form, article 6 of the Constitutional Declaration provided for citizens' equality before the law, but on April 9, the GNC passed a political isolation amendment requiring the disenfranchisement of individuals affiliated with the former regime.

The vote for isolation resulted from mounting pressure which began March 5, when political groups and militias laid siege to the GNC to force the vote and enforce isolation. They followed the armed takeover of a vehicle carrying then GNC president Mohammed El-Magariaf with assaults on media outlets perceived to be illegal, and finally a two-week blockade of several government ministries, including foreign affairs, interior, and justice.

On May 5, the GNC passed the Political and Administrative Isolation Law, which lists a wide range of political, administrative, and other positions held during the former regime, as well as types of affiliation and conduct, as a basis for the exclusion of individuals from public life. The interim government formed an "Integrity Commission" in July to implement the law. In advance of its implementation, and acknowledging their probable isolation, several high-level officials, including GNC President El-Magariaf, resigned their posts. The National Council for Civil Liberties and Human Rights and other organizations had pending challenges to the constitutionality of the law at year-end.

Recent Elections: On July 16, the GNC approved an electoral law for the selection of a 60-member Constitutional Drafting Assembly, with a system of majority rule and single seat constituencies spread equally among the three major regions of Tripolitania, Cyrenaica, and Fezzan. While the national election of this assembly was expected to take place in the spring of 2014, local elections for municipal councils in 90 different constituencies began in some of those areas in November.

A provision stipulated that towns with fewer than 250,000 inhabitants would have seven councilors, all of whom would be elected individually, with one seat reserved for a woman and one for a revolutionary who fought and was injured during the 2011 revolution.

Political Parties: The interim government promoted freedom of political parties in the Constitutional Declaration. Prior to the July 2012 elections, political parties flourished and multiplied and, by the end of the year, political parties continued to shape their leadership, develop platforms, and court members. Fractious political infighting among party leaders impeded the government's progress on legislative and electoral priorities. Amidst rising insecurity public ire fell on certain political parties perceived to contribute to instability. For example, after the killing of political activist al-Mismari in Benghazi on July 26, protestors stormed the Tripoli headquarters of the two largest parties, the Muslim Brotherhood-affiliated Justice and Construction Party and the National Forces Alliance, smashing windows, damaging furniture, and looting equipment.

Participation of Women and Minorities: The Constitutional Declaration allows for full participation of women and minorities in elections and the political process, but significant social and cultural barriers limited their proportionate political participation. As in 2012 there were two women among the 24 ministers in the cabinet and 33 women among the 200 members in the GNC. The High National Election Commission's seven members included one woman on its Board of Commissioners.

A cross-party women's caucus in the GNC facilitated the debate over quotas for participation of women in the Constitutional Drafting Assembly, resulting in an electoral law that reserved six seats for women. Another six

seats in the 60-member Constitutional Drafting Assembly were reserved for three minority communities: the Amazigh, Tuareg, and Tebu. In June the GNC elected a new president, Nuri Abu Sahmain, an Amazigh.

IDPs were given voting rights, but the number of IDPs participating in elections was significantly below the national turnout figure. The High National Electoral Commission put into place special measures permitting internally displaced Tawarghans, Tuaregs, and Mesheshiyas to vote.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials. The government did not implement the law effectively, and officials often engaged in corrupt practices with impunity. There were numerous reports of government corruption during the year.

There were numerous reports and accusations of government corruption due to lack of transparency in the government's management of security forces, oil revenues, and national economy. The Constitutional Declaration provides that the government shall guarantee the fair distribution of national wealth among citizens, cities, and regions. Inheriting the heavily centralized institutional legacy of Qadhafi's autocrat-centered regime, however, the interim government in Tripoli struggled to decentralize distribution of oil wealth and delivery of services through regional and local governance structures.

Corruption: Slow decentralization led to increasing accusations of corruption and calls for greater transparency. On June 1, the Transitional Council of Barqa unilaterally declared eastern Libya a federal region. Beginning in July federalists and other claimants backed by armed groups staked out control of oil fields and terminals in the east, causing national revenues to plummet since they demanded political and economic concessions from the central government. A core demand of the strikers was the installation of oil flow monitoring systems to prevent what they alleged was rampant corruption. This same group reportedly attempted to sell oil from these terminals.

Reports also noted decreasing transparency in the GNC, with formerly televised legislative sessions suspended due to rampant infighting. Representatives frequently resigned in protest of legislation and boycotted votes, making it difficult to know which members were active at any given time.

Whistleblower Protection: Neither the law nor the judicial system provides protection to public and private employees for making internal disclosures or lawful public disclosures of evidence of illegality, as evidenced by the violence and intimidation inflicted on journalists and NGOs who attempted to bring corruption to public attention.

Financial Disclosure: There is no requirement for income and asset disclosure by appointed and/or elected officials.

Public Access to Information: There are no laws providing for public access to government information, and it was unclear whether requests for such access were granted.

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

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

UN and Other International Bodies: The government generally cooperated with UN bodies, including human rights components of UNSMIL. The government did not, however, carry out recommended actions to combat impunity for human rights violations by revolutionaries, and was unwilling to comply with International Criminal Court (ICC) injunctions to turn over Qadhafi-era suspected war criminals.

The 2012 report of the UN Commission of Inquiry on Libya concluded that militias executed and tortured to death perceived Qadhafi loyalists and suspected mercenaries, including fighters who had surrendered, 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, Law 38 includes a provision for amnesty to 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.

At year’s end the government engaged in legal proceedings at the 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) provided the ICC with jurisdiction as of February 2011 and obliged the country to cooperate. On July 18, the Appeals Chamber of the ICC rejected the government’s request to suspend further the order to surrender Qadhafi to the court, but the appeal on admissibility remained pending. On April 2, the government filed an admissibility challenge in the case against Abdullah al-Senussi, and the Pretrial Chamber upheld the appeal on October 11, allowing the trial of Qadhafi’s former spy chief to be held domestically.

Government Human Rights Bodies: Following the NTC’s 2011 framework for national reconciliation and transitional justice, the GNC passed the Transitional Justice Law on September 22 (see section 1.e.). It established a legal framework to promote civil peace, implement justice, compensate victims, and facilitate national reconciliation. It further established a Fact Finding and Reconciliation Commission charged with investigating and reporting on alleged human rights abuses, whether suffered under the Qadhafi regime or during the revolution. By the end of the year, implementation of the Transitional Justice Law did not begin.

On April 29, the GNC’s Human Rights Committee held its first official meeting. It engaged with the Ministries of Defense, Interior, and Justice on the integration of the militia members into state institutions, as well as 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, and states 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. On April 9, the GNC adopted a law mandating punishment of not less than one year’s imprisonment for anyone guilty of discrimination on the basis of class, group, region, gender, or color. The interim governments enforced neither the prohibitions nor the punishments effectively, particularly with regard to women and minorities.

Women

Women faced discrimination. Militias and extremists used violence and intimidation against women whom they considered to be in violation of religious law and cultural norms.

Rape and Domestic Violence: The law criminalizes rape but does not address spousal rape. The Constitutional Declaration prohibits domestic violence, but there was scant information on the penalties for violence against women.

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 stopped. In previous years rape victims who failed to meet high evidentiary standards could face charges of adultery. In August the Ministry of Justice submitted a draft law supporting victims of sexual violence which at year’s end remained under the GNC’s consideration.

There were no reliable statistics on the extent of domestic violence. Social and cultural barriers, including police and judicial reluctance to act, as well as a woman’s family’s reluctance to publicize an assault, contributed to lack of effective government enforcement. Municipalities and local organizations maintained women’s shelters in most major cities.

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 increasing intimidation of women by militias and extremists, especially when they accused women of acting in “un-Islamic” manners. In response several groups supporting women’s rights have emerged that catalogue incidents of harassment both to deter them and eventually to seek stronger legislation.

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 prerevolutionary UN estimates, 26 percent of girls and 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 prenatal and postnatal

care. The conflict caused a decrease in available skilled medical personnel, since 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 against gender-based discrimination. Absent implementing legislation and operating with limited capacity, the government did not effectively enforce these prohibitions. Societal discrimination against women continued. Sharia (Islamic law) governs family matters, including inheritance, divorce, and the right to own property. While civil law mandates equal rights to inheritance, women often received less due to interpretations of sharia which favor sons. Women can seek divorce for a range of reasons under current law but, for reasons not identified by law, they often forfeit financial rights by seeking divorce. While the law demands men provide alimony for a fixed duration, the law is not uniformly enforced. Libyan women have to obtain government permission to marry non-Libyan men and often faced difficulties and harassment in attempting to do so, while Libyan men do not have to do the same to marry non-Libyan women.

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. The increasing weight of sharia drove increasing societal discrimination and 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, although according to some reports women received less pay than men for the same government work. The private sector did not discriminate formally between men and women in access to employment or credit, although women generally earned less than men for similar work and participated in the labor force at lower rates than men.

Children

Birth Registration: By law citizenship is derived from birth in the country or from a citizen parent, but the law is ambiguous with respect to women's ability to confer their nationality upon their children if their husbands are non-nationals.

There are also naturalization provisions for noncitizens.

Child Abuse: No statistical information on child abuse was available.

Forced and Early Marriage: The minimum age for marriage is 18 for both men and women, although judges can provide permission for those under 18 to marry.

Harmful Traditional Practices: There were no reports by international organizations of 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 reports of minors joining armed forces. Government officials continued to inform military commanders that minors 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 was at least 18 years old. Vetting standards for age of recruits among militias could not be confirmed, and there were underage enlistees.

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

Anti-Semitism

Nearly all Jews fled between 1948 and 1967. Some Jewish families reportedly remained, but no estimate of the population was available. There were no known reports of anti-Semitic acts during the year.

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, but does not

explicitly prohibit discrimination. The government did not effectively enforce these provisions due to administrative incapacity.

The government did not enact or effectively implement laws and programs to ensure access to buildings, information, and communications, but 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.

National/Racial/Ethnic Minorities

Arabic-speaking Muslims of mixed Arab-Amazigh ancestry constituted 97 percent of the citizenry. The principal linguistic-based minorities were Amazigh, Tuareg, and Tebu. These minority groups were predominantly Sunni Muslim but identified with their respective cultural and linguistic heritage rather than with Arab traditions.

Language remained a point of contention. Under Qadhafi, Amazigh persons faced discrimination, including limitations on the use of their native language, Tamazight. They encouraged the new government to make Tamazight one of the official languages. Following the passage of the electoral law for the Constitutional Drafting Assembly that omitted stipulations on language, Amazigh groups launched a campaign of civil disobedience July 24, including a boycott of the GNC. On July 30, the GNC officially recognized the Amazigh, Tuareg, and Tebu languages and provided for them to be taught in schools.

There were societal discrimination and violence originating in ethnic differences. Racial discrimination existed against dark-skinned Libyans, including those originally of sub-Saharan descent, in part due to allegations that Qadhafi used African mercenaries during the conflict. There were reports that authorities removed dark-skinned Libyans as well as Tuaregs from their homes in Tripoli and held them in detention centers and prisons. There were also clashes between the Tebu and Zway tribes over smuggling routes in the southeast of the country.

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

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

There were no reports of discrimination based on sexual orientation or gender identity in employment, housing, access to education, or health care. Observers noted that persons who reported such discrimination could be subjected to 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 discrimination, physical violence, harassment, blackmail, or other actions, generally on a local level, but there were no known reports during the year.

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. On December 1, the Ministry of Health's National Centre for Disease Control marked World AIDS Day with an information tent on Martyrs' Square in Tripoli and a public awareness campaign that incorporated outreach by local civil society organizations such as Al-Tahaddi Association to Fight AIDS. There were reports that the government segregated detainees suspected of having HIV/AIDS from the rest of the detainee population, often in overcrowded spaces, and they received medical treatment last.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law does not provide for the right of workers to form and join independent unions. The law does provide the right for workers to bargain collectively, and conduct legal strikes, with significant restrictions. The law neither prohibits antiunion discrimination nor requires the reinstatement of workers for union activity. Under the law workers in the formal sector are automatically members of the General Trade Union Federation of Workers,

although they can elect to withdraw from the union. Union membership is limited to citizens, and foreign workers were not allowed to organize.

The requirement that all collective agreements must conform to the “national economic interest” restricts collective bargaining. Strikes can be called only after exhausting all conciliation and arbitration procedures. The government or one of the parties can demand compulsory arbitration, thus severely restricting strikes. The government has the right to set and cut salaries without consulting workers.

Under the interim government, professional groups such as teachers and airline workers frequently used strikes to protest political policies and present employee demands. No government action prevented or hindered these strikes. On April 18, teachers in Benghazi’s state-run schools went on strike primarily in protest of late salaries, but also to express frustration at the presence of former regime members in the Ministry of Education, a lack of resources and poor education facilities, and continuing concerns over the physical security of schools. Employees of Libyan Airlines went on strike several times throughout the year, in March, April, May, and June, with demands ranging from reinstatement of bonuses to relocation of the company’s headquarters to Benghazi, where Libyan Airlines was originally established.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor. The government, however, did not effectively enforce the applicable laws. The resources, inspections, and penalties for violations were insufficient to deter violators. There were numerous reports of foreign workers subjected to conditions indicative of forced labor. For example, Filipinos, Bangladeshis, and sub-Saharan Africans reportedly worked in conditions of forced labor in the construction and domestic sectors. According to the IOM, militias and armed groups subjected migrants in IDP camps and transit centers that they controlled 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 in a form of apprenticeship. It was unclear whether child labor occurred, and no information was available concerning whether the law limits working hours or sets occupational health and safety restrictions for children. At year’s end whether the interim government had the capacity to enforce these laws and which agency would be responsible were not clear.

d. Acceptable Conditions of Work

The law stipulates a workweek of 40 hours, 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 minimum wage was 450 dinars (\$369) per month.

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.

Observers and diplomatic missions of countries with large migrant populations in the country 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 and generally used only if the government closely monitored or regulated the business.

The law permits foreign workers to reside in the country only for the duration of their work contracts, and authorities prohibited workers 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 coercive practices, for example, to changes in conditions of work and contracts, and often had little choice other than to accept such changes or leave the country due to the lack of legal protections or avenues for remediation.