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Trafficking in Persons Report 2010 - Libya

LIBYA (Tier 2 Watch List)

Libya is a transit and destination country for men and women from sub-Saharan Africa and Asia subjected to trafficking in persons, specifically forced labor and forced prostitution. Migrants typically seek employment in Libya as laborers and domestic workers or transit Libya *en route* to Europe. The number of migrants and trafficking victims who were smuggled to or through Malta and Italy decreased in the reporting period due to Libyan and Italian joint naval patrols; however, migrants complained of poor treatment and the patrols did not make efforts to identify trafficking victims among them. Although precise figures are unavailable, international organizations and other foreign observers estimate that up to one percent of Libya's 1.5 to 2 million foreigners (i.e., up to 20,000 people) may be victims of trafficking. In many cases, smuggling debts and illegal status leave migrants vulnerable to coercion, resulting in cases of forced prostitution and forced labor; employers of irregular migrants sometimes withhold payment or travel documents, which represent risk factors for trafficking. As in previous years, there were isolated reports that women from sub-Saharan Africa were forced into prostitution in Libya. There were also reports that migrants from Georgia were subjected to forced labor in Libya.

The Government of Libya does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these overall efforts, the government did not show evidence of significant efforts to investigate and prosecute trafficking offenses or to protect trafficking victims; Libya is therefore placed on Tier 2 Watch List for the fifth consecutive year. Undocumented migrants detained by Libyan authorities, including trafficking victims, were punished.

Recommendations for Libya: Draft, pass, and enact legislation that prohibits all forms of trafficking; increase law enforcement efforts to investigate and prosecute trafficking offenses; implement standard procedures on identifying trafficking victims and provide victims with protection; investigate and prosecute officials who are complicit in human trafficking; ensure that victims are not susceptible to deportation or punishment for their unlawful presence in Libya; enforce and build awareness of the labor law's provision which criminalizes the holding of an employee's passport; and undertake an information campaign to raise public awareness of the problem of human trafficking.

Prosecution

The Government of Libya demonstrated no discernible law enforcement efforts over the past year. Libya does not have a comprehensive law prohibiting all forms of trafficking in persons. While articles in the criminal code prohibit prostitution, sexual exploitation, slavery, and trafficking in women, there was no indication that the government used these statutes to prosecute trafficking offenses during the reporting period. Moreover,

Libyan law does not prohibit all forms of human trafficking. The 1970 labor law does not criminalize forced labor, but penalizes some exploitative labor practices, including holding an employee's passport. However, there was no information regarding prosecutions or convictions of violators of this law. Police imprisoned Nigerian traffickers attempting to traffic a Nigerian woman through Libya to Europe; there was no information regarding the legal statutes under which the arrests were made. A recent Human Rights Watch (HRW) publication included interviews indicating that some police were complicit in human trafficking activities. Libyan judges and prosecutors participated in an IOM workshop training on recognizing, investigating, and prosecuting trafficking.

Protection

The Libyan government took minimal steps to improve the protection of trafficking victims during the reporting period. The government did not develop or implement procedures for authorities' proactive identification of trafficking victims, nor did it demonstrate efforts to refer victims detained by authorities to protective facilities. The government referred vulnerable people on an *ad hoc* basis to international organizations or relief workers; some of these were likely trafficking victims. The government provided office space in some detention centers where UNHCR relief workers provided medical and psychological care for an unknown number of detainees, which likely included trafficking victims. International organizations reported that conditions in detention centers worsened significantly since the launch of the Libyan-Italian joint naval patrols in May 2009 and, along with rights groups, expressed concern that the joint patrols return all interdicted migrants to the country without screening for victims of trafficking. The government did not actively encourage victims to participate in the investigation and prosecution of trafficking offenders. Like irregular migrants, trafficking victims were susceptible to deportation or punishment for unlawful presence in Libya as result of being trafficked; a recently released HRW report quoted an observer as saying that migrants can be detained "from a few weeks to 20 years." The same report noted that Libyan authorities regularly beat groups of undocumented African migrants who were returned to Libya by Italian law enforcement officials after the migrants' failed attempt to sail from Libya to Italy. Since the government did not have procedures to identify trafficking victims, some of these undocumented migrants may have been trafficking victims.

Prevention

The Government of Libya made minimal efforts to prevent human trafficking. Public awareness of human trafficking – as a phenomenon distinct from illegal immigration and smuggling – remained low in Libya, including among government officials. During the reporting period, the government did not conduct any anti-trafficking public information campaigns. Libya did not take actions to reduce the demand for commercial sex acts or to prevent possible child sex tourism committed abroad by Libyan nationals. The directors of the government's migrant detention center participated in IOM workshops on care for migrant workers, which covered issues of human trafficking. Libya provided in-kind assistance, including facilities, transportation costs, and translation services, for these workshops and other workshops targeting prosecutors and judges.
