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Country Report on Human Rights Practices 2019 - Libya

Executive Summary

Libya’s Government of National Accord (GNA) is a transitional government, created by the 2015 Libyan Political Agreement. The 2011 Constitutional Declaration envisions a parliamentary democracy that allows for the exercise of political, civil, and judicial rights. Citizens elected an interim legislature, the Libyan House of Representatives (HoR), in free and fair elections in 2014. The country is in a state of civil conflict. The GNA, headed by Libyan prime minister Fayeze al-Sarraj, governed only a limited portion of the country. Parallel, unrecognized institutions in eastern Libya, especially those aligned with the self-styled “Libyan National Army” (LNA) led by General Khalifa Haftar, continued to challenge the authority of the GNA.

During the year the GNA had limited effective control over security forces, and these forces consisted of a mix of semi-regular units, tribal nonstate armed groups, and civilian volunteers. The national police force, which reports to the Ministry of Interior, has official responsibility for internal security. The armed forces under the Ministry of Defense have the primary mission for external defense, but they also supported Ministry of Interior forces on internal security matters. Civilian authorities had only nominal control of police and the security apparatus, and security-related police work generally fell to disparate informal armed groups, which received salaries from the government and exercised law enforcement functions without formal training or supervision and with varying degrees of accountability.

Conflict heightened during the year among GNA-aligned armed nonstate armed groups and other nonstate actors. The LNA exercised varying levels of control over the majority of Libyan territory at various points during the year. Informal nonstate armed groups filled security vacuums across the country, although several in the west aligned with the GNA as a means of accessing state resources. ISIS-Libya attempted to maintain a presence, although limited, primarily in the southwestern desert region. The UN and international partners were leading efforts to broker a cessation of hostilities in Tripoli and urged stakeholders to return to a UN-mediated political process.

Significant human rights issues included arbitrary and unlawful killings, including of politicians and members of civil society, by armed groups including some aligned with the GNA and the LNA, criminal gangs, and ISIS-Libya; forced disappearances; torture perpetrated by armed groups on all sides; arbitrary arrest and detention; harsh and life-

threatening conditions in prison and detention facilities, some of which were outside government control; political prisoners held by nonstate actors; unlawful interference with privacy, often by nonstate actors; undue restrictions on free expression and the press, including violence against journalists and criminalization of political expression; widespread corruption; trafficking in persons; threats of violence against ethnic minorities and foreigners; criminalization of same-sex sexual orientation; and use of forced labor.

Impunity from prosecution was a severe and pervasive problem. Divisions between political and security apparatuses in the west and east, a security vacuum in the south, and the presence of terrorist groups in some areas of the country severely inhibited the government’s ability to investigate or prosecute abuses. The government took limited steps to investigate abuses; however, constraints on the government’s reach and resources, as well as political considerations, reduced its ability or willingness to prosecute and punish those who committed such abuses. Although bodies such as the Ministry of Justice and the Office of the Attorney General issued arrest warrants and opened prosecutions of abuses, limited policing capacity and fears of retribution prevented orders from being carried out.

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

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were numerous reports that GNA-aligned armed groups, LNA-aligned armed groups, other nonstate actors, including foreign mercenary groups from Chad, Russia, and Sudan, and ISIS-Libya fighters committed arbitrary or unlawful killings.

Alliances, sometimes temporary, among elements of the government, nonstate actors, and former or active officers in the armed forces participating in extralegal campaigns made it difficult to ascertain the role of the government in attacks by armed groups. In some cases foreign mercenaries may have operated with support from their home governments: For example, the Wagner Group reportedly provided command and control support in the LNA’s offensive on Tripoli, with multiple casualties resulting from sniper fire by Wagner personnel.

Reports indicated nonstate armed groups, criminal gangs, and terrorist organizations committed targeted killings and bombings against both government officials and civilians.

In September the UN Support Mission in Libya (UNSMIL) reported 16 extrajudicial killings in retaliation for the killing of two senior commanders in the pro-LNA Kaniyat nonstate armed group in Tarhouna.

ISIS-Libya claimed responsibility for various attacks on civilian and military-held areas during the year.

In some instances no party took responsibility for the attacks. For example, on August 10, a car-bomb explosion in Benghazi resulted in five civilian fatalities, including three UN staff members. There were no claims of responsibility for the attack.

In the absence of an effective judicial and security apparatus, most killings were not investigated. There were many reports of civilian casualties as result of the continuing hostilities. Shelling, gunfire, airstrikes, and unexploded ordnance killed more than a thousand persons, including civilians, during the year. Between January and October, the UN Office of the High Commissioner for Human Rights (OHCHR) documented the deaths of 218 civilians and the injury of 289 others. In July the World Health Organization estimated the number of deaths in broader Tripoli since April was 1,093, including 106 civilians, and 5,752 wounded, including 294 civilians.

On July 2-3, an airstrike on the Tajoura migrant detention center in Tripoli killed 53 persons and injured more than 80 others. Press reports attributed the attack to LNA-aligned forces.

On August 5, LNA-aligned forces conducted airstrikes on Murzuq, killing more than 40 civilians, according to the UN Panel of Experts for Libya.

b. Disappearance

GNA and LNA-aligned armed groups, other nonstate armed groups, criminal gangs, and tribal groups committed an unknown number of forced disappearances (see section 1.g.). Due to its limited capacity, the GNA made few effective efforts to prevent, investigate, or penalize forced disappearances.

On May 2, two Libyan journalists for television broadcaster Libya al-Ahrar, Mohamed al-Qurj and Mohamed al-Shibani, were abducted. They were released three weeks later.

On July 17, HoR member Siham Sergiwa was abducted from her home after criticizing the LNA's offensive on Tripoli in a television interview. Her husband was shot in the leg, and her son was beaten. Her whereabouts remained unknown. The circumstances surrounding Sergiwa's disappearance, including the presence of LNA-aligned groups establishing road closures near her home at the time of the kidnapping, led to speculation that the abduction was LNA orchestrated.

Migrants, refugees, and other foreign nationals were especially vulnerable to kidnapping. UNSMIL received reports that an unknown number of migrants intercepted at sea by the Libyan Coast Guard went missing after disembarking at Libyan ports, and it was possible they were seized by armed groups engaged in human trafficking or smuggling.

In February an unidentified armed group abducted 14 Tunisian nationals on their way to work at an oil refinery in Zawiya, releasing them three days later.

Many disappearances that occurred during the Qadhafi regime, the 2011 revolution, and the postrevolutionary period remained uninvestigated. Due to the continuing conflict, weak judicial system, and legal ambiguity regarding amnesty for revolutionary forces, law enforcement authorities and the judiciary made no appreciable progress in resolving high-profile cases.

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

While the Constitutional Declaration and postrevolutionary legislation prohibit such practices, credible sources indicated personnel operating both government and extralegal detention centers tortured prisoners (see section 1.g.). While judicial police controlled many facilities, the GNA continued to rely primarily on armed groups to manage prisons and detention facilities. Furthermore, armed groups, not police, initiated arrests in most instances. An unknown number of individuals were held without judicial authorization in other facilities nominally controlled by the Ministry of Interior, or in extralegal facilities controlled by GNA-affiliated armed groups, LNA-affiliated armed groups, and other nonstate actors. Treatment varied from facility to facility and typically was worst at the time of arrest. There were reports of cruel and degrading treatment in government and extralegal facilities including beatings, administration of electric shocks, burns, and rape.

At Mitiga Prison in Tripoli, prisoners alleged that GNA-aligned Special Deterrence Force (SDF) members conducted summary executions and acts of torture.

In August the GNA alleged there was evidence of torture and abuse of corpses of prisoners released to the GNA by the Tarhouna-based and LNA-aligned Kaniyat nonstate armed group.

In addition to individuals held in the criminal justice system, UNSMIL estimated that 4,900 refugees, asylum seekers, and migrants were held in migrant detention centers nominally controlled by the Ministry of Interior’s Department to Combat Illegal Migration (DCIM) as of November. An unknown number of other refugees and migrants were held in extralegal detention facilities controlled by criminal and nonstate armed groups.

In September Italian authorities arrested three men in Sicily who allegedly tortured migrants at the DCIM-administered Zawiya detention center in 2018. Testimonies from the victims included allegations of arbitrary killing, systematic rape, forced labor, beatings with electric cables, and deprivation of food and water.

A March 2019 report by the U.S.-based Women’s Refugee Commission found that migrants and refugees, including men, women, and children, were subjected to extensive sexual violence in government and extralegal migrant detention facilities across the country.

Prison and Detention Center Conditions

Prisons and detention facilities were often overcrowded; conditions were harsh and life threatening, falling well short of international standards. Many prisons and detention centers were outside government control (see section 1.g.).

Physical Conditions: Overcrowding and limited access to health care reportedly continued during the year. UN agencies and UNSMIL reported that malnutrition and communicable diseases, including tuberculosis, scabies, and HIV/AIDS, affected detainees in some GNA prisons and detention centers. Thousands of detainees at Mitiga Prison, including women and minors, lived within range of ongoing hostilities at Tripoli’s Mitiga Airport. Prison and detention facilities were in need of infrastructural repairs, suffered from poor ventilation, lacked adequate hygiene facilities, and experienced power and water outages. Some detainees were held in makeshift facilities.

There was no centralized record keeping. There were reportedly no functioning juvenile facilities in the country, and authorities held juveniles in adult prisons, although sometimes in separate sections. There were often separate facilities for men and women. Very few GNA facilities employed female prison guards.

According to UNSMIL and press reports, migrant detention centers suffered from massive overcrowding, poor sanitation conditions, lack of access to medical care, food shortages, and significant disregard for the protection of detainees, including allegations of unlawful killing, sexual violence, and forced labor. Of the migrants and refugees held in government detention centers, an estimated 10 percent were minors. A large number of migrant and refugee detainees were held in extralegal facilities, although numbers were unknown. There were numerous anecdotal reports that officials, nonstate armed groups, and criminal gangs moved migrants through a network of government and extralegal detention facilities with little monitoring by the government or international organizations.

Administration: The Judicial Police Authority, tasked by the GNA Ministry of Justice to run the prison system, operates from its headquarters in Tripoli. It remained administratively split, however, with a second headquarters in al-Bayda that reports to a rival, eastern “Ministry of Justice” that provides oversight to prisons in eastern Libya and Zintan. During the year the ratio of detainees and prisoners to guards varied significantly. Monitoring and training of prison staff by international organizations remained largely suspended, although training of judicial police continued during the year.

Independent Monitoring: Multiple independent monitoring organizations reported difficulties gaining access to prison and detention facilities, particularly those in eastern Libya. The GNA permitted some independent monitoring by international organizations and foreign embassies, but these movements were tightly controlled.

Although some international organizations received permission to visit migrant detention facilities during the year, the responsiveness of GNA authorities and level of access varied widely from visit to visit. As of September the UN High Commissioner for

Refugees (UNHCR) and its partners had conducted 900 visits during the year to provide counseling, medical assistance, and register refugees and asylum seekers in government migrant detention facilities.

d. Arbitrary Arrest or Detention

There were continued reports by UNSMIL of prolonged and arbitrary detention for persons held in prisons and detention facilities. Human Rights Watch (HRW) stated that a large but indeterminate number of persons held in such prisons and detention centers were arbitrarily detained for periods exceeding one year.

Nonstate actors detained and held persons arbitrarily in authorized and unauthorized facilities, including unknown locations, for extended periods and without legal charges or legal authority.

The prerevolutionary criminal code remains in effect. It establishes procedures for pretrial detention and prohibits arbitrary arrest and detention, but these procedures were often not enforced. The government had weak control over police and GNA-aligned armed groups providing internal security, and some armed groups carried out illegal and arbitrary detentions unimpeded. The low level of international monitoring meant that there were no reliable statistics on the number of arbitrary detentions.

Arrest Procedures and Treatment of Detainees

The law stipulates an arrest warrant is required, but authorities may detain persons without charge for as long as six days and may renew detention for up to three months, provided there is “reasonable evidence.” The law also specifies authorities must inform detainees of the charges against them and have a detainee appear before a judicial authority every 30 days to renew a detention order. The law gives the government power to detain persons for up to two months if 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.”

Although the Constitutional Declaration recognizes the right to counsel, the vast majority of detainees did not have access to bail or a lawyer. Government authorities and armed groups held detainees incommunicado for unlimited periods in official and unofficial detention centers.

Arbitrary Arrest: Authorities frequently ignored or were unable to enforce the provisions of the criminal code prohibiting arbitrary arrest and detention. Various GNA-aligned and nonstate armed groups arbitrarily arrested and detained persons throughout the year. According to HRW and local human rights organizations, prison authorities, nonstate armed groups, and criminal networks held thousands of detainees without charges or due process.

Pretrial Detention: While authorities must order detention for a specific period not exceeding 90 days, the law in practice results in extended pretrial detention. An ambiguity in the language of the law allows judges to renew the detention period if the

suspect is of “interest to the investigation.” Additionally, limited resources and court capacity resulted in a severe backlog of cases. UNSMIL estimated that 60 percent of detainees in GNA Ministry of Justice prisons were in pretrial detention as of August. According to international nongovernmental organizations (NGOs), many of these detainees were held for periods longer than the sentences for the minor crimes they allegedly committed. The Ministry of Justice was working to improve practices by training the judicial police on international standards for pretrial detention.

Some individuals detained during the 2011 revolution remained in custody, mostly in facilities in the west. International NGOs have called for the release of detainees held for petty charges to mitigate overcrowding in prisons. The GNA Office of the Prosecutor General established a committee in late 2018 to review cases of arbitrary detention and conduct judicial screening of detainees in Mitiga Prison; the Office of the Prosecutor General reported in February the committee had completed its work and that a final report would be submitted to the government.

Armed groups held most of their detainees without charge and outside the government’s authority. With control of the security environment divided among various armed groups and a largely nonfunctioning judiciary, circumstances prevented most detainees from accessing a review process.

Detainees’ Ability to Challenge Lawfulness of Detention before a Court: The law allows a detained suspect to challenge pretrial detention before the prosecutor and a magistrate judge. If the prosecutor does not order release, the detained person may appeal to the magistrate judge. If the magistrate judge orders continued detention following review of the prosecutor’s request, and despite the detainee’s challenge, there is no further right to appeal the assigned detention order. A breakdown in the court system, intimidation of judges, and difficulties in securely transporting prisoners to the courts effectively limited detainee access to the courts during the year.

e. Denial of Fair Public Trial

The Constitutional Declaration provides for an independent judiciary and stipulates every person has a right of recourse to the judicial system. Nonetheless, thousands of detainees lacked access to lawyers and information concerning the charges against them. Judges and prosecutors faced threats, intimidation, violence, and under-resourced courts. Judges and prosecutors in various parts of the country cited concerns regarding the overall lack of security in and around the courts, further hindering the rule of law. Civilian and military courts operated sporadically depending on local security conditions. Court proceedings were limited in areas affected by continuing hostilities and in the country’s south.

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 GNA-affiliated and nonstate actors did not respect these standards. There were multiple

reports of individuals denied fair and public trials, choice of attorney, language interpretation, the ability to confront plaintiff witnesses, protection against forced testimony or confessions, and the right to appeal.

According to reports from international and local NGOs, arbitrary detention and torture by armed groups, including those operating nominally under government oversight, contributed to a climate of lawlessness that made fair trials elusive. Armed groups and families of the victims or the accused regularly threatened lawyers, judges, and prosecutors.

Amid threats, intimidation, and violence against the judiciary, the GNA did not take steps to screen detainees systematically for prosecution or release. The courts were more prone to process civil cases, which were less likely to invite retaliation, although capacity was limited due to a lack of judges and administrators.

Political Prisoners and Detainees

Armed groups, some of which were nominally under GNA authority, held persons on political grounds, particularly former Qadhafi regime officials and others accused of subverting the 2011 revolution, in a variety of temporary facilities.

The lack of international monitoring meant that there were no reliable statistics on the number of political prisoners.

Civil Judicial Procedures and Remedies

The Constitutional Declaration provides for the right of citizens to have recourse to the judiciary. The judicial system did not have the capacity to provide citizens with access to civil remedies for human rights violations. The Law of Transitional Justice provided for fact finding, accountability, and reparations for victims, but this was not implemented in practice. Courts did process civil, administrative, family, commercial, and land and property law matters. Lack of security and intimidation by armed groups challenged the ability of authorities to enforce judgements.

Impunity for the state and for armed groups also exists in law. Even if a court acquits a person detained by an armed group, that person has no right to initiate a criminal or civil complaint against the state or the armed group unless “fabricated or mendacious” allegations caused the detention.

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

The Constitutional Declaration considers correspondence, telephone conversations, and other forms of communication inviolable unless authorized by a court order. Nonetheless, reports in the news and on social media indicated GNA-aligned groups,

LNA-aligned groups, criminal groups, and other nonstate actors violated these prohibitions by entering homes and monitoring communications without judicial authorization.

Invasion of privacy left citizens vulnerable to targeted attacks based on political affiliation, ideology, and identity. Extrajudicial punishment extended to targets’ family members and tribes. Armed groups arbitrarily entered, seized, or destroyed private property with impunity.

g. Abuses in Internal Conflicts

Civil society and media reports documented abuses by GNA-aligned groups, LNA-aligned groups, nonstate groups, including mercenaries from Chad, Russia, and Sudan, and terrorist organizations. Human rights abuses committed by armed groups reportedly included indiscriminate attacks on civilians, kidnapping, torture, appropriation of property, burning of houses and vehicles, and forced expulsions based on political belief or tribal affiliation.

The largest internal conflict during the year occurred near Tripoli, where LNA-aligned forces fought to take control of the city from GNA-aligned forces. The war in Tripoli significantly worsened humanitarian conditions for more than 400,000 individuals in the area.

Killings: There were numerous reports that GNA-aligned groups, LNA-aligned groups, foreign mercenaries, and nonstate actors committed arbitrary and unlawful killings of civilians (see section 1.a.). Primary targets of killings included political opponents, judges, political activists, members of civil society, journalists, religious leaders, tribal leaders, and former Qadhafi-era officials and soldiers.

On June 26, GNA-aligned groups retook the city of Gharyan from LNA-aligned forces. There were reports that GNA forces killed several already-injured LNA soldiers at close range in Gharyan Hospital.

LNA-aligned groups under Khalifa Haftar continued attacks by ground and air forces against their opponents, including GNA-aligned forces and those the LNA labeled as terrorists.

In February LNA-affiliated groups regained control of Derna following intense fighting with local armed groups. More than 100 bodies were reportedly recovered in the area, including an indeterminate number of women and children.

Since April there have been extensive reports of indiscriminate shelling and rocket attacks in Tripoli, mostly by LNA-aligned forces.

On October 6, an airstrike by LNA-affiliated groups on an equestrian club in Tripoli’s Janzour neighborhood injured several civilians, including children.

On November 18, an airstrike on a biscuit factory in Tripoli killed 10 persons and injured

35 others.

According to local media reports in July, the LNA promoted Major Mahmoud Werfalli, commander of the LNA’s Special Forces, to lieutenant colonel. In 2017 the International Criminal Court issued a warrant for Werfalli’s arrest following repeated allegations that he committed extrajudicial executions. In December Werfalli was sanctioned under the Global Magnitsky Act for being a foreign person who is responsible for, is complicit in, or has directly or indirectly engaged in serious human rights abuses. Since 2016 Werfalli has carried out or ordered the killings of 43 unarmed detainees in eight separate incidents, many of which were publicized on social media.

Although exact figures were impossible to obtain, terrorist organizations also carried out bombings and other attacks resulting in civilian casualties. On May 4, ISIS-Libya claimed responsibility for an attack at an LNA-affiliated training camp in Sebha that reportedly killed nine persons. On May 18, ISIS-Libya claimed responsibility for killing three security personnel and kidnapping four other individuals from an oil field entrance gate in Zillah.

There were reports of communal violence between ethnic and tribal groups. An indeterminate number of civilians were killed and others injured in clashes between the Tebu and Ahali communities in Murzuq between February and October, according to local media reports.

There were reports of killings and injuries by unexploded ordnance. Libyan authorities received many complaints about unexploded ordnance from communities within range of hostilities in Tripoli.

Abductions: GNA-aligned groups, LNA-aligned groups, and other armed groups were responsible for the disappearance of civilians, although few details were available (see section 1.b.). Kidnappings targeted activists, journalists, former government officials, migrants, and the security forces. Kidnappings-for-ransom remained a frequent occurrence in many cities.

In May there were reports LNA-aligned groups kidnapped several civilians from their homes in Derna and held them in arbitrary detention. In May and October, there were reports LNA-aligned groups kidnapped High State Council members Mohammed Abu Ghamja and Mustafa al-Treki, respectively. Al-Treki was released in October, but Abu Ghamja’s whereabouts remained unknown.

There were various other unconfirmed reports that LNA-aligned groups abducted bloggers and activists in southern Tripoli.

In August former minister of oil and gas Abdelbari al-Arusi was kidnapped by an unknown armed group. He was released two weeks later.

There were frequent reports of migrants and other expatriate workers abducted for ransom.

Physical Abuse, Punishment, and Torture: Jailers at both government and extralegal detention centers reportedly tortured prisoners. The lack of full government control over detention facilities limited information available on conditions within these facilities (see section 1.c.).

Child Soldiers: There were reports of increased child recruitment by armed groups. Although government policy required proof recruits were at least age 18, nonstate armed groups did not have formal policies prohibiting the practice. There were multiple unconfirmed reports of underage enlistees in nonstate armed groups and of children engaged in forced labor—such as cooking and cleaning—for such groups. The GNA did not make credible efforts to investigate or punish recruitment or use of child soldiers.

Also see the Department of State’s annual *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/> (<https://www.state.gov/trafficking-in-persons-report/>).

Other Conflict-related Abuse: Additional abuses stemming from conflict included restrictions on travel and deliberate attacks on health-care facilities.

Authorities at Tripoli’s Mitiga Airport suspended flights several times throughout the year due to indiscriminate shelling and airstrikes by LNA-aligned groups, which killed several civilians at the airport and significantly restricted the delivery of humanitarian assistance.

As of November, UNSMIL reported there had been 60 registered attacks on health facilities and workers, including attacks on hospitals, field clinics, and ambulances. The attacks led to 11 confirmed health-care worker deaths and 33 injuries, although the actual number could be higher. An estimated 20 percent of health-care infrastructure in the country was inoperable due to damages from conflict, disrepair, or other factors.

For example, in late July airstrikes by LNA-affiliated groups targeted two field hospitals and two ambulances, killing four health-care workers and injuring eight others.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The Constitutional Declaration provides for freedom of opinion, expression, and press, but various armed groups, including those aligned with the GNA, exerted significant control over media content, and censorship was pervasive. Unidentified assailants targeted journalists and reporters for political views.

Freedom of Expression: Freedom of speech was limited in law and practice. The law criminalizes acts that “harm the February 17 revolution of 2011.” The HoR, since its election in 2014, and the GNA, since taking its seat in Tripoli in 2016, have done little to lessen restrictions on freedom of speech. Civil society organizations practiced self-

ensorship because they believed armed groups would threaten or kill activists. Widespread conflict in major urban areas deepened the climate of fear and provided cover for armed groups to target vocal opponents with impunity.

International and local human rights organizations claimed that human rights defenders and activists faced continuing threats—including physical attacks, detention, threats, harassment, and disappearances—by armed groups, both those aligned with and opposed to the GNA.

Observers reported that individuals censored themselves in everyday speech. Armed groups reportedly used social media to target political opponents, incite violence, and engage in hate speech. According to UNSMIL, various news publications and television stations published calls to violence, spread intentionally false news, and permitted ad hominem attacks.

Press and Media, Including Online Media: Press freedoms were limited in all forms of media, creating an environment in which virtually no independent media existed. International news agencies reported difficulties obtaining journalist visas, encountered refusals to issue or recognize press cards, and were barred from reporting freely in certain areas, especially eastern cities. UNSMIL documented restrictions imposed by the Foreign Media Department at the Ministry of Foreign Affairs, which seriously affected the operations of journalists in Tripoli.

Violence and Harassment: The international NGO Reporters Without Borders reported that all sides used threats and violence to intimidate journalists. Harassment, threats, abductions, violence, and killings made it nearly impossible for media to operate in any meaningful capacity in areas of conflict. In the first half of the year, UNSMIL reviewed 23 cases of threats, intimidation, and violence against journalists; two cases of unlawful killing; and 10 cases of arbitrary arrest and detention. Journalists were targeted based on their media work or other factors, including tribal affiliation.

Impunity for attacks on members of media exacerbated the problem, with no monitoring organizations, security forces, or a functioning judicial system to constrain or record these attacks.

On January 19, Mohamed Ben Khalifa, an Associated Press photographer, was killed by an airstrike while covering clashes between rival nonstate armed groups south of Tripoli. In response to his death, protests condemning violence against journalists were held in Tripoli, Benghazi, Sebha, and Zuwara, according to the Libyan Center for Freedom of the Press. It is unclear what, if any, efforts authorities took to seek accountability for his death.

On May 2, two Libyan journalists for television broadcaster Libya Al-Ahrar, Mohamed al-Qurj and Mohamed al-Shibani, were abducted while covering the hostilities in Tripoli. Libya Al-Ahrar alleged that LNA-aligned nonstate armed groups were responsible. The journalists were released three weeks later.

Censorship or Content Restrictions: Journalists practiced self-censorship due to the lack of security and intimidation. The unstable security situation created hostility towards civilians and journalists associated with opposing armed groups or political factions.

Libel/Slander Laws: The penal code criminalized a variety of political speech, including speech considered to “insult constitutional and popular authorities” and “publicly insulting the Libyan Arab people.” It and other laws also provide criminal penalties for conviction of defamation and insults to religion. Most reports attributed infringement of free speech to intimidation, harassment, and violence.

National Security: The penal code criminalized speech considered to “tarnish the [country’s] reputation or undermine confidence in it abroad,” but the GNA did not enforce this provision of the code during the year.

Nongovernmental Impact: Nongovernmental armed groups, terrorist groups, and individual civilians regularly harassed, intimidated, or assaulted journalists.

Internet Freedom

The GNA generally did not restrict or disrupt access to the internet or widely censor online content. Selective filtering or blocking of access did exist, despite the fact that no reliable public information identified those responsible for censorship. There were no credible reports that the GNA restricted or disrupted internet access or monitored private online communications without appropriate legal authority during the year.

Facebook pages were regularly hacked by unknown actors or closed due to mass reporting and complaints.

Social media, such as YouTube, Facebook, and Twitter, played a critical role in official and unofficial government and nongovernmental communications. Facebook remained the main platform government officials, ministries, and armed groups used to transmit information to the public.

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

Academic Freedom and Cultural Events

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

According to Freedom House, teachers and professors faced intimidation by students aligned with nonstate armed groups.

b. Freedoms of Peaceful Assembly and Association

Freedom of Peaceful Assembly

The Constitutional Declaration provides for a general right to peaceful assembly, and the GNA generally respected this right. The law on guidelines for peaceful demonstrations, however, fails to include relevant assurances and severely restricts the exercise of the right of assembly. The law mandates protesters must inform the government of any planned protest at least 48 hours in advance and provides that the government may notify the organizers that a protest is banned as little as 12 hours before the event.

There were reports of several small public protests in Tripoli and other major Libyan cities, in which participants expressed frustration with civilian casualties and fatalities caused by the continuing conflict and poor service delivery by the national and municipal governments.

Freedom of Association

The Constitutional Declaration includes freedom of association for political and civil society groups. The government lacked capacity, however, to protect freedom of association, and targeted attacks on journalists, activists, and religious figures severely undermined freedom of association.

In March the GNA Presidential Council issued a decree to regulate civil society organizations (CSOs). According to human rights organizations, if implemented, the decree would seriously limit space for civil society to operate independently and freely in the country. The decree regulates the work of local and foreign organizations in terms of their establishment, registration, and assembly in a restrictive manner and grants the executive authority broad powers to limit or suspend organizations.

CSOs are required to register with the GNA-affiliated “Civil Society Commission” in Tripoli if they have activities in the west and with an eastern, rival Civil Society Commission in Benghazi if they have activities in the east. In August the Civil Society Commission in Tripoli issued a circular banning members of Libyan organizations from participating in events outside the country without seeking the commission’s approval at least 15 days prior.

UNSMIL reported prolonged detention of, and denial of family visits to, civil society activists held in the Granada detention center in eastern Libya. Threats, including death threats, were made against numerous CSOs because of their human rights activities, and UNSMIL reported that at least three activists have sought sanctuary abroad.

c. Freedom of Religion

See the Department of State’s *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/> (<https://www.state.gov/religiousfreedomreport/>).

d. Freedom of Movement

The Constitutional Declaration recognizes freedom of movement, including foreign travel, emigration, and repatriation, although the government has the ability to restrict freedom of movement. The law provides the government with the power to restrict a person’s movement if it views that person 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.”

In-country Movement: The GNA did not exercise control over internal movement in the west, although GNA-aligned armed groups set up some checkpoints. The LNA established checkpoints in the east and south. These checkpoints were occasional targets of attacks by terrorist organizations, including a May 18 attack on an LNA checkpoint at the entrance to an oilfield in Zillah, which was claimed by ISIS-Libya.

There were reports that armed groups controlling airports within the country conducted random checks on departing domestic and international travelers, since the country lacked a unified customs and immigration system.

Citizenship: The Nationality Law states that citizens may lose citizenship if they obtain a foreign citizenship without receiving permission beforehand from authorities, but there is still no process for obtaining permission. Authorities may revoke citizenship if it was obtained based on false information, forged documents, or withheld relevant information concerning nationality. The state lacked the capacity, however, to investigate the authenticity of citizenship applications.

If a father’s citizenship is revoked, the citizenship of his children is also revoked. The law does not specify if a mother’s citizenship is also revoked in this case. The law does not specify if only minor children are susceptible to losing their nationality in this way or if loss of nationality would apply to adult children as well.

Non-Arab communities were marginalized under the Arab nationalist Qadhafi regime. Qadhafi revoked the citizenship of some inhabitants of the Saharan interior of the country, including minorities such as the Tebu and Tuareg, after the regime returned the Aouzou strip along the Libya-Chad border to Chad in 1994. As a result there were many nomadic and settled stateless persons in the country.

Additionally, due to a lack of state control of the southern borders, a large number of irregular migrants of Tebu background entered the country, some of whom reportedly applied for and obtained documents attesting to nationality, including national identification numbers.

e. Internally Displaced Persons

Limited access for local and international assistance organizations into areas affected by fighting between rival armed groups and to official and unofficial detention centers within the country hampered efforts to account for and assist the displaced.

As of November, UNHCR estimated there were 301,407 internally displaced persons (IDPs) in the country—approximately a 50 percent increase over 2018. Some 128,000 of these were displaced from the greater Tripoli area alone during the year.

In July the International Organization for Migration (IOM) assessed that most new displacements were due to the continued conflict in Tripoli, the escalation of violence in the southern city of Murzuq, and flooding in Ghat. More than two-thirds of IDPs sought shelter in western Libya, including safer neighborhoods in Tripoli, the Nafusa Mountains, and along the western coast. IDPs were reportedly living in rented accommodation, with host families, in schools or other public buildings, in informal camps, in other shelter facilities, or in abandoned buildings.

In October the International Committee of the Red Cross (ICRC) estimated that 100,000 persons were displaced from Tripoli during a two-month period of intensive bombing and shelling in the summer.

In January HRW observed that most of the 48,000 former residents of the town of Tawergha, who were forcibly displaced after the 2011 revolution, remained displaced.

IDPs were vulnerable to abuses. The government struggled to facilitate the safe, voluntary return of IDPs to their place of origin. Due to the lack of adequate laws, policies, or government programs, international organizations and NGOs assisted IDPs to the extent possible in the form of cash payments and provision of health services, including to those with disabilities.

f. Protection of Refugees

Abuse of Migrants, Refugees, and Stateless Persons: According to UNHCR, refugees, asylum seekers, and migrants were subjected to unlawful killings, arbitrary detention, torture, sexual exploitation, and other abuses by GNA-aligned groups, LNA-aligned and other nonstate groups, and criminal organizations (see section 1.d.).

Conditions in government and extralegal migrant detention facilities included severe overcrowding, insufficient access to toilets and washing facilities, malnourishment, lack of potable water, and spread of communicable diseases (see section 1.c.). Many press reports indicated refugees and migrants were summarily tortured in official and unofficial detention centers. According to numerous press reports, nonstate actors routinely held migrants for ransom payments.

UNSMIL reported migrant deaths in GNA detention centers at Tariq al-Sikkah, Qasr Bin Ghashir, Zawiyah, and Sebha.

On September 19, a Sudanese migrant who had been intercepted on a boat off the coast of Libya was shot and killed by Libyan Coast Guard personnel when he resisted being taken to a detention center, according to the IOM.

Armed groups, criminal gangs, and terrorist organizations involved in human smuggling activities targeted migrants. Numerous reports during the year suggested that various human smugglers and traffickers had caused the death of migrants. Hundreds of rescued migrants who were reported to have been sent to detention centers were later determined to be missing. In June OHCHR called on the GNA to launch an investigation to locate these missing persons. On July 25, up to 150 migrants who set sail from the Libyan coast, including women and children, drowned when a wooden boat piloted by smugglers capsized in the Mediterranean. There were no known arrests or prosecutions by the GNA during the year of Libyan nationals engaged in trafficking or human smuggling.

Women refugees and migrants faced especially difficult conditions, and international organizations received many reports of rape and other sexual violence. The OHCHR concluded in a December 2018 report on interviews with 1,300 migrant women and girls that a majority of female migrants in the country were subject to systematic rape by their traffickers and prison guards or witnessed the rape of others. An al-Jazeera investigation concluded in September 2019 similarly documented systematic female and male rape in migrant detention facilities.

Migrants were exploited for forced labor at the hands of smugglers, traffickers, and GNA-aligned armed groups (see section 7.b.).

Access to Asylum: The country is not party to the 1951 Refugee Convention or its 1967 protocol, although the Constitutional Declaration recognizes the right of asylum and forbids forcible repatriation of asylum seekers. The GNA has not established a system for protecting refugees or asylum seekers. Absent an asylum system, authorities can detain and deport asylum seekers without their having the opportunity to request asylum. The GNA did not legally recognize asylum seekers without documentation as a class distinct from migrants without residency permits.

UNHCR, the IOM, and other international agencies operated within the country and were allowed to assist refugees and immigrants and repatriate those who wish to return to their countries. UNHCR monitored and publicly reported on the situation of refugees and migrants in the country, including those in GNA detention centers. During the year, UNHCR, ICRC, and the IOM provided basic services directly and through local implementing partners to refugees and asylum seekers.

In December 2018 UNHCR and the Ministry of Interior began receiving refugees at a new Gathering and Departure Facility (GDF) in Tripoli, intended to host vulnerable refugees while they awaited resettlement or voluntary repatriation. In July, following an airstrike on the Tajoura migrant detention center in Tripoli, nearly 500 individuals who survived the airstrike spontaneously appeared at the GDF. In September UNSMIL assessed that GDF conditions were overcrowded, contributing to a deteriorating humanitarian situation. On October 2, UNHCR and the Ministry of Interior conducted the first relocation of 15 former Tajoura arrivals to a Community Day Center in Gurji. In November UNHCR reported the GDF hosted 1,200 individuals.

On September 10, the Rwandan government, UNHCR, and the African Union signed a Memorandum of Understanding (MOU) to establish a transit mechanism for refugees and asylum seekers evacuated out of Libya. Under the MOU, Rwanda will receive some refugees and asylum seekers currently held in Libyan migrant detention facilities. The first group of 66 refugees was evacuated to Rwanda on September 26. As of November UNHCR had assisted 2,018 refugees and asylum seekers with leaving Libya, including 1,293 under evacuation programs and another 725 under resettlement programs.

Freedom of Movement: Migrants and refugees are generally considered to be illegally present in Libya and are subject to fines, detention, and expulsion. Migrants attempting sea crossings on the Mediterranean who were later intercepted by the Libyan Coast Guard were considered to have violated Libyan law and were often sent to migrant detention facilities in western Libya.

Access to Basic Services: Refugees registered with UNHCR may access basic protection and assistance from UNHCR and its partners, but during the year the GNA did not provide refugees universal access to health care, education, or other services given the limitations of its health and education infrastructure.

g. Stateless Persons

Libyan national mothers alone are generally unable to transmit citizenship to their children. The law permits female nationals to confer nationality to their children only in certain exceptional circumstances, such as when fathers are unknown, stateless, or of unknown nationality. In contrast the law provides for automatic transmission of nationality to children born of a Libyan national father, whether the child is born inside or outside of Libya and regardless of the nationality of the mother. There are naturalization provisions for noncitizens.

According to Mercy Corps, up to 30 percent of the population in southern Libya are of undetermined legal status, which fueled discrimination in employment and services, and contributed to ethnic and tribal tension. Noncitizens without national identification numbers cannot access basic services; register births, marriages, or deaths; hold certain jobs; receive state salaries; vote; or run for office.

Due to the lack of international monitoring and governmental capacity, there was no comprehensive data on the number of stateless persons.

Section 3. Freedom to Participate in the Political Process

The Constitutional Declaration provides citizens the ability to change their government in free and fair periodic elections based on universal and equal suffrage and conducted by secret ballot to provide for the free expression of the will of the people.

Elections and Political Participation

Recent Elections: In 2014 the High National Electoral Commission successfully administered the election of members to the HoR, an interim parliament that replaced the General National Congress, whose mandate expired that year. Observers mostly commended the performance of the electoral authorities, with the largest national observation umbrella group citing minor technical problems and inconsistencies. Violence affected some polling centers. Eleven seats remained vacant due to a boycott of candidate registration and voting by the Amazigh community.

The term of the HoR has expired; however, the legislative body was recognized as the nation’s legitimate parliament by the Libyan Political Agreement signed in 2015, which created the interim GNA.

In May 2018 leaders of the country’s rival factions agreed to convene parliamentary and presidential elections in December 2018. In November 2018, however, parties delayed the elections to 2019. A Libyan National Conference planned for April in Ghadames was intended to create a roadmap for elections, but on April 4, LNA-aligned forces began their offensive on Tripoli, and the National Conference did not occur.

In March and April, the GNA-aligned Central Committee for Municipal Council Elections (CCMCE) held 22 elections for municipalities in southern and western Libya. Among the 375,296 eligible voters in these municipalities, nearly one-half registered to vote, and of those, 81,281 turned out to vote. Various organizations deployed 343 election observers in 11 of the 22 municipalities. Although voter turnout was not high across the board, domestic observer organizations concluded they were professionally and fairly administered. Elections in 11 municipalities did not go forward due to the conflict, including Kikla, Alsaabaa, South Zawiya, Sabratha, and Surman.

The CCMCE held municipal elections in Sebha in April, electing a new municipal council. LNA-aligned forces had entered the city earlier in the year, and in May a local court annulled the municipal election results. Following an appeal, the court’s decision was overturned in favor of the CCMCE. As of December observers expected a transfer of power to the municipal council elected in April.

LNA-aligned authorities in eastern Libya were seeking to establish a rival counterpart to the CCMCE. LNA-aligned authorities also created new city councils in cities under their control, replacing elected officials with appointed personnel linked to the LNA.

In July the Administrative Chamber of the Tripoli Appeals Court passed a ruling to invalidate a GNA decision that had introduced a list voting system and regulated municipal council elections.

Political Parties and Political Participation: Political parties proliferated following the revolution, although political infighting among party leaders impeded the government’s progress on legislative and electoral priorities. Amid rising insecurity, public ire fell on political parties perceived to contribute to instability.

The Political Isolation Law (PIL) prohibits those who held certain positions under Qadhafi between 1969 and 2011 from holding government office. Observers widely criticized the law for its overly broad scope and the wide discretion given to the PIL Committee to determine who to exclude from office. The HoR voted to suspend the PIL in 2015, and individuals who served in political and military positions during the Qadhafi era are no longer categorically ineligible from serving in governmental office.

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—in addition to security challenges—prevented their proportionate political participation.

The election law provides for representation of women within the HoR; of the 200 seats in parliament, the law reserves 32 for women. There were 21 women in the HoR during the year. The disparity was due to resignations and parliamentary deputies who refused to take their seats in the HoR.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for conviction of corruption by officials. The government did not implement the law effectively, and officials reportedly engaged in corrupt practices with impunity. There were numerous reports of government corruption during the year but, as in 2018, no significant investigations or prosecutions occurred.

The Constitutional Declaration states that the government shall provide for the fair distribution of national wealth among citizens, cities, and regions. The government struggled to decentralize distribution of oil wealth and delivery of services through regional and local governance structures. There were many reports and accusations of government corruption due to lack of transparency in the GNA’s management of security forces, oil revenues, and the national economy. There were allegations that officials in the GNA submitted fraudulent letters of credit to gain access to government funds.

Corruption: Internal conflict and the weakness of public institutions undermined implementation of the law. Officials frequently engaged with impunity in corrupt practices such as graft, bribery, and nepotism. There were numerous reports of government corruption during the year, including some reports that officials engaged in money laundering, human smuggling, and other criminal activities. The government lacked significant mechanisms to investigate corruption among police and security forces.

Slow progress in implementing decentralization legislation, particularly with regard to management of natural resources and distribution of government funds, led to accusations of corruption and calls for greater transparency.

The Audit Bureau, the highest financial regulatory authority in the country, made efforts to improve transparency by publishing annual reports on government revenues and expenditures, national projects, and administrative corruption. The Audit Bureau also investigated mismanagement at the General Electricity Company of Libya that had lowered production and led to acute power cuts.

The UN Libya Sanctions Committee Panel of Experts, a committee established pursuant to United Nations Security Council Resolution 1970 (2011), continued to make recommendations, including on corruption and human rights issues.

Financial Disclosure: No financial disclosure laws, regulations, or codes of conduct require income and asset disclosure by appointed or elected officials.

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

A number of human rights groups encountered government restrictions when investigating alleged abuses of human rights. The GNA and affiliated nonstate armed groups used legal and nonlegal means to restrict some human rights organizations from operating, particularly organizations with an international affiliation.

The United Nations or Other International Bodies: UNSMIL maintained an office and staff in Tripoli during the year. UN agency representatives were able to visit some areas of the country, contingent on the permission of government and nonstate actors and on local security conditions.

The GNA was unable to assure the safety of UN officials, particularly in areas of the country not under GNA control, but generally cooperated with UN representatives in arranging visits within the country.

Government Human Rights Bodies: The National Council for Civil Liberties and Human Rights, a national human rights institution created by legislative authority in 2011, was not able to operate in the country due to security concerns. The council maintained limited engagement with other human rights organizations and the UN Human Rights Council. It had a minimal presence in Tripoli. Its ability to advocate for human rights and investigate alleged abuses during the reporting period was unclear. The GNA Ministry of Justice has a human rights directorate; however, domestic human rights organizations criticized the body for inactivity.

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

Women

Rape and Domestic Violence: The law criminalizes rape but does not address spousal rape. The Constitutional Declaration prohibits domestic violence but does not contain reference to penalties for those convicted of violence against women.

There were no reliable statistics on the extent of domestic violence during the year. Social and cultural barriers—including police and judicial reluctance to act and family reluctance to publicize an assault—contributed to lack of effective government enforcement.

By law a convicted rapist may avoid a 25-year prison sentence by marrying the survivor, regardless of her wishes, provided her family consents. Rape survivors who could not meet high evidentiary standards could face charges of adultery.

In a March 29 report, the UN secretary-general stated that migrant women and girls were particularly vulnerable to rape and other forms of conflict-related sexual violence, including forced prostitution and sexual exploitation in conditions amounting to sexual slavery. There were reports of egregious acts of sexual violence against women and girls in government and extralegal detention facilities (see section 2.d., Protection of Refugees).

Female Genital Mutilation/Cutting (FGM/C): There was no available information about legislation on FGM/C. FGM/C was not a socially acceptable practice; however, some of the migrant populations came from sub-Saharan countries where it was practiced.

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 armed groups and terrorists, including harassment and arbitrary detention based on accusations of “un-Islamic” behavior.

There were reports armed groups harassed women traveling without a male “guardian” and that men and women socializing in public venues were asked by armed groups to produce marriage certificates to verify their relationship.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: The Constitutional Declaration states citizens are equal by law with equal civil and political rights and the same opportunities in all areas without distinction on the grounds of gender. Absent implementing legislation, and operating with limited capacity, the GNA did not effectively enforce these declarations.

Women faced social forms of discrimination that affected their ability to access employment, their workplaces, and their mobility and personal freedom. Although the law prohibits discrimination based on gender, there was widespread cultural, economic, and societal discrimination against women. The UN Entity for Gender Equality and the Empowerment of UN Women (UN Women) noted that survey data indicated a significant disparity in earned incomes between men and women, even when controlling for educational attainment.

The country lacks a unified family code. Sharia often governs family matters, including inheritance, divorce, and the right to own property. While civil law mandates equal rights in inheritance, women often received less due to interpretations of sharia that favor men.

Children

Birth Registration: By law children derive citizenship from a citizen father. The law permits citizen women who marry foreign men to transmit citizenship to their children, although some contradictory provisions may potentially perpetuate discrimination. There are also naturalization provisions for noncitizens.

Education: The continuing conflict disrupted the school year for thousands of students across the country; many schools remained unopened due to lack of materials, damage, or security concerns. In May al-Jazeera estimated that 120,000 students in Tripoli alone had missed school due to conflict. In July the UN Office for the Coordination of Humanitarian Affairs noted it had received reports of shelling on school buildings. Forced disappearances and internal displacement further disrupted school attendance. As of November, UNSMIL estimated dozens of schools had been destroyed in continuing conflict and nearly 30 other schools had been repurposed as shelters for displaced persons.

Early and Forced Marriage: The minimum age for marriage is 18 for both men and women, although judges may permit those younger than 18 to marry. LNA authorities reportedly imposed a minimum age of 20 for both men and women. Early marriages are relatively rare, according to UN Women, although comprehensive statistics were not available due to the lack of a centralized civil registry system and the continuing conflict.

There were anecdotal reports of child marriage occurring in some rural and desert areas where tribal customs are more prominent. There were also unconfirmed reports that civil authorities could be bribed to permit underage marriage.

Sexual Exploitation of Children: There was no information available on laws prohibiting or penalties for the commercial sexual exploitation of children or prohibiting child pornography. Nor was there any information regarding laws regulating the minimum age of consensual sex.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State’s *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html> (<https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>).

Anti-Semitism

Most of the Jewish population left the country 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 <https://www.state.gov/trafficking-in-persons-report/> (<https://www.state.gov/trafficking-in-persons-report/>).

Persons with Disabilities

The Constitutional Declaration addresses the rights of persons with disabilities by providing for monetary and other types of social assistance for the “protection” of persons with “special needs” with respect to employment, education, access to health care, and the provision of other government services, but it does not explicitly prohibit discrimination. The government did not effectively enforce these provisions. IDPs, migrants, and refugees with disabilities were especially vulnerable to poor treatment in detention facilities.

National/Racial/Ethnic Minorities

Arabic-speaking Muslims of Arab, Amazigh, or mixed Arab-Amazigh ancestry constitute 97 percent of the citizenry. The principal linguistic-based minorities are the Amazigh, Tuareg, and Tebu. With the exception of some Amazigh, who belong to the Ibadi sect of Islam, minority groups are predominantly Sunni Muslim but often identified with their respective cultural and linguistic heritages over Arab traditions.

The law grants the right for “all linguistic and cultural components to have the right to learn their language,” and the government nominally recognizes the right to teach minority languages in schools. Minority and indigenous groups complained that their communities were often allowed to teach their languages only as an elective subject within the curriculum.

The extent to which the government enforced official recognition of minority rights was unclear. There were reports that teachers of minority languages faced discrimination in receiving accreditation and in being eligible for bonuses, training, and exchange opportunities provided by the Ministry of Education.

There were also reports that individuals with non-Arabic names encountered difficulties registering these names in civil documents.

Ethnic minorities faced instances of societal discrimination and violence. Racial discrimination existed against dark-skinned citizens, including those of sub-Saharan African heritage. Government officials and journalists often distinguished between “local” and “foreign” populations of Tebu and Tuareg in the south and advocated expulsion of minority groups affiliated with political rivals on the basis they were not

truly “Libyan.” Some representatives of minority groups, including representatives of Tebu and Tuareg communities, rejected the 2017 draft constitution because of a perceived lack of recognition of the status of these communities, although the draft explicitly protects the legal rights of minority groups. A number of Tebu and Tuareg communities received substandard or no services from municipalities, lacked national identity numbers (see section 2.d.), faced widespread social discrimination, and suffered from hate speech and identity-based violence. Some members of ethnic minority communities in southern and western Libya reported being unwilling to enter certain courthouses and police stations for fear of intimidation and reprisal.

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

Societal discrimination against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons persisted, and official discrimination was codified in local interpretations of sharia. Convictions of same-sex sexual activity carry sentences of three to five years’ imprisonment. The law provides for punishment of both parties.

There was little information on discrimination based on sexual orientation or gender identity in employment, housing, access to education, or health care. Observers noted that the threat of possible violence or abuse could intimidate persons who reported such discrimination.

There were reports of physical violence, harassment, and blackmail based on sexual orientation and gender identity. Armed groups often policed communities to enforce compliance with their commanders’ understanding of “Islamic” behavior, harassing and threatening with impunity individuals believed to have LGBTI orientations and their families.

HIV and AIDS Social Stigma

There was no available information on societal violence toward persons with HIV/AIDS.

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. It provides for the right of 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. By law workers in the formal sector are automatically members of the General Trade Union Federation of Workers, although they may elect to withdraw from the union. Only citizens may be union members, and regulations do not permit foreign workers to organize. According to Freedom House, some trade unions formed after the 2011 revolution, but they remain in their infancy, and collective-bargaining activity was severely limited due to the continuing hostilities and weak rule of law.

The GNA was limited in its ability to enforce applicable labor laws. The requirement that all collective agreements conform to the “national economic interest” restricted collective bargaining. Workers may call strikes only after exhausting all conciliation and arbitration procedures. The government or one of the parties may demand compulsory arbitration, thus severely restricting strikes. The government has the right to set and cut salaries without consulting workers. State penalties were not sufficient to deter violations.

Employees organized spontaneous strikes, boycotts, and sit-ins in a number of workplaces. In March up to 60 workers at the country’s largest oilfield, al-Sharara, appeared in a video demanding a 67-percent salary increase and timely salary payments. In August the National Oil Corporation requested that the GNA implement a 2013 resolution approving salary increases. The GNA has yet to approve the requested increases.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor. The GNA, however, did not fully enforce the applicable laws due to its limited capacity. The resources, inspections, and penalties for violations were insufficient to deter violators.

There were numerous anecdotal reports of migrants and IDPs being subjected to forced labor by human traffickers. According to numerous press reports, individuals were compelled to support the armed groups that enslaved them, including by preparing and transporting weapons. Others were forced to perform manual labor on farms, at industrial and construction facilities, and in homes under threat of violence.

Private employers sometimes used detained migrants from prisons and detention centers as forced labor on farms or construction sites; when the work was completed or the employers no longer required the migrants’ labor, employers returned them to detention facilities.

Also see the Department of State’s *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/> (<https://www.state.gov/trafficking-in-persons-report/>).

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits children younger than 18 from employment, except in a form of apprenticeship. The law does prohibit the worst forms of child labor. The government lacked the capacity to enforce the law. No information was available concerning whether the law limits working hours or sets occupational health and safety restrictions for children.

There were reports of children forced into labor or military service by nonstate armed groups. These accounts were difficult to verify due to the absence of independent monitoring organizations and the ongoing hostilities.

d. Discrimination with Respect to Employment and Occupation

The Constitutional Declaration provides for a right to work for every citizen and prohibits any form of discrimination based on religion, race, political opinion, language, wealth, kinship, social status, and tribal, regional, or familial loyalty. The law does not prohibit discrimination on age, gender, disability, sexual orientation or gender identity, social status, HIV-positive status, or having other communicable diseases. The law does not specifically prohibit discrimination based on an individual's employment or occupation.

The limitations of the central government restricted its ability to enforce applicable laws. Discrimination in all the above categories likely occurred.

Women faced discrimination in the workplace. Observers reported that authorities precluded hiring women for positions in the civil service. They reported social pressure on women to leave the workplace, especially in high-profile professions such as journalism and law enforcement. In rural areas societal discrimination restricted women's freedom of movement, including to local destinations, and impaired their ability to play an active role in the workplace.

e. 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. There is a national monthly minimum wage. There is not an official poverty income level.

The law provides occupational health and safety standards, and the law grants workers the right to court hearings regarding violations of these standards. The limitations of the GNA restricted its ability to enforce wage laws and health and safety standards. Legal penalties were not sufficient to deter violations of the law.

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 the year. The Ministry of Labor is responsible for occupational safety and health concerns; however, no information was available on enforcement and compliance.

No accurate data on foreign workers were available. Many foreign workers have departed the country due to continuing instability and security concerns.

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USDOS – US Department of State (/en/source/11558.html)

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Austrian Red Cross

Austrian Centre for Country of Origin and Asylum Research
and Documentation (ACCORD)

Wiedner Hauptstraße 32, 1041 Wien

T (Telefon) +43 1 589 00 583

F (Fax) +43 1 589 00 589

info@ecoi.net

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