



# LIBYEN (67)

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## U.S. Department of State

### Libya Report on Human Rights Practices for 1997

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#### LIBYA\*

The Socialist People's Libyan Arab Jamahiriya is a dictatorship that has been ruled by Colonel Muammar Al-Qadhafi (the "Brother Leader and Guide of the Revolution") since 1969, when he led a military coup to overthrow King Idris I. Borrowing from Islamic and pan-Arab ideas, Qadhafi created a political system that rejects democracy and political parties and purports to establish a "third way" superior to capitalism and Communism. Libya's governing principles are predominantly derived from Qadhafi's "Green Book." In theory, Libya is ruled by the citizenry through a series of popular congresses, as laid out in the Constitutional Proclamation of 1969 and the Declaration on the Establishment of the Authority of the People of 1977, but in practice Qadhafi and his inner circle control political power. Qadhafi is aided by extragovernmental organizations--Revolutionary Committees and a Comrades Organization--that exercise control over most aspects of citizens' lives. He uses extrajudicial killing and intimidation to control the opposition abroad and summary judicial proceedings to suppress it at home. The Government continues to repress banned Islamic groups and exercises tight control over ethnic and tribal minorities, such as Berbers and the Warfalla tribe. The judiciary is not independent of the Government.

Colonel Qadhafi publicly called for violence against opponents of his regime after violent clashes between Islamic activists and security forces in Benghazi in September 1995. Outbreaks of violence between government forces and Muslim militants have continued to plague eastern Libya since that time.

Libya maintains an extensive security apparatus, consisting of several elite military units, including Qadhafi's personal bodyguards, local Revolutionary Committees, and People's Committees, as well as the "Purification" Committees, which were formed in 1996. The result is a multilayered, pervasive surveillance system that monitors and controls the activities of individuals. The various security forces continued to commit numerous serious human rights abuses.

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\* The United States has no official presence in Libya. Information on the human rights situation is therefore limited.

The Government dominates the economy through complete control of the country's oil resources, which account for almost all export earnings and approximately 30 percent of Libya's gross domestic product. Oil revenues constitute the principal source of foreign exchange. In March Qadhafi announced that 75% of the 1997/98 fiscal year budget will be spent on investment and development, but much of the country's income has been lost to waste, corruption, attempts to develop weapons of mass destruction, and to acquire conventional weapons. Despite efforts to

diversify the economy and encourage private sector participation, the economy continues to be constrained by a system of extensive controls and regulations covering prices, credit, trade, and foreign exchange. The Government's mismanagement of the economy has caused high levels of inflation, increased import prices, and hampered economic expansion, which has resulted in a decline in the standards of living for the majority of citizens in recent years. Unemployment is estimated to be 30% and is expected to increase.

The Government's human rights record remains poor. Citizens do not have the right to change their government. Security forces arbitrarily arrest, detain, and torture prisoners during interrogations for punishment. Prison conditions are poor, and many political detainees are held for years without charge. The Government restricts the freedoms of speech, press, assembly, association, and religion. Citizens do not have the right to a fair public trial, to be represented by legal counsel, to be secure in their homes or persons, or to own private property. There were reports of mass expulsions of foreign workers and residents to neighboring countries in 1997, and the regime again contemplated the return of the approximately 30,000 Palestinians currently residing in Libya. Traditional attitudes and practices continue to discriminate against women, and female genital mutilation (FGM) is still practiced in remote areas of the country. The Government discriminates against and represses certain minorities and tribal groups. The Government restricts basic worker rights.

Libya continues to be subject to economic and diplomatic sanctions imposed by the U.N. Security Council in connection with the bombings of Pan Am flight 103 over Scotland in 1988 and the bombing ofUTA flight 772 over Chad in 1989. Libya made no progress in complying with the U.N. resolutions regarding the bombing of Pan Am 103. Libya mounted an aggressive international diplomatic campaign to have the U.N. sanctions lifted and violated U.N. sanctions prohibiting flights into or out of Libya four times during the year.

## **RESPECT FOR HUMAN RIGHTS**

### **Section 1 Respect for the Integrity of the Person, Including Freedom From:**

#### **a. Political and Other Extrajudicial Killing**

Violent clashes between the security forces and militant Islamist opposition groups continued in 1997. The clashes were predominantly concentrated in the eastern region of Libya and resulted in an undetermined number of deaths. In response to continued attacks against the regime and a prison mutiny that occurred in Benghazi in 1996, the Government maintained tightened security measures, made hundreds of arrests, and conducted military operations in the areas where insurrection occurred. Government forces killed a number of people, but there were no definitive estimates of the total killed in these government attacks.

Qadhafi uses extrajudicial killings and intimidation to control the opposition abroad, and summary judicial proceedings to suppress domestic dissent. There have been reports of Libyan security forces hunting down and eliminating dissidents living abroad (see Section 1.b.).

A large number of offenses, including political offenses and "economic crimes," are punishable by death. A 1972 law mandates the death penalty for any person associated with a group opposed to the principles of the revolution, as well as for other acts such as treason, attempting to change the form of government by violence, and premeditated murder. The "Green Book" of 1988 states that "the goal of the Libyan society is to abolish capital punishment", but Qadhafi has not acted to abolish the death penalty and its scope has increased. In July 1996, a new law went into effect that applies the death penalty to those who speculate in foreign currency, food, clothes, or housing during a state of war or blockade and for crimes related to drugs and

alcohol.

On January 2, two civilians and six army officers were executed, the civilians by hanging and the army officers by firing squad, while at least five others were given prison sentences, all convicted on charges of being American spies, treason, cooperating with opposition organizations, and instigating violence to achieve political and social goals. The eight executed men were arrested with dozens of others in connection with a coup attempt by army units composed of Warfalla tribe members in October 1993. The men were convicted by the Supreme Military Court and they reportedly did not have lawyers for their trial. The convicted persons were allegedly kept in secret locations and tortured throughout their incarceration to obtain confessions of criminal activity.

The U.N. Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions noted that last year "the apparent lack of respect for fair trial standards in trials leading to the imposition of capital punishment in Libya."

Libya continues to be subject to economic and diplomatic sanctions imposed by the U.N. Security Council in connection with the bombings of Pan Am flight 103 over Scotland in 1988, which killed 259 people on board and 11 people on the ground, and the bombing of UTA flight 772 over Chad in 1989, which killed 171 people. These U.N. Security Council resolutions require that Libya fulfill the following conditions: ensure the appearance in a U.S. or Scottish court of those charged in the Pan Am 103 case; cooperate with U.S., British, and French investigations into the Pan Am and UTA bombings; pay compensation; and renounce terrorism and support for terrorism.

Libya again failed to make any progress in 1997 towards complying with the demands of the U.N. Security Council resolutions relating to the Pan Am 103 bombing. The Qadhafi regime undertook aggressive international diplomatic initiatives to garner support from international organizations and individual countries for proposals that would require the U.N. Security Council to negotiate Libyan compliance with the resolutions. As part of the Government's strategy of attacking the U.N. Security Council resolutions, the regime violated the sanctions against air travel to and from the country four times during the year. Qadhafi was on two of these flights.

In 1996 the Government took limited steps to address the U.N. Security Council resolutions concerning the bombing of UTA flight 772. In March 1996, Qadhafi wrote a letter to French President Jacques Chirac pledging cooperation in resolving the UTA bombings short of extraditing the suspects or compromising Libya's sovereignty. France's chief anti-terrorism magistrate, Jean-Louis Brugiere, visited Libya in an effort to investigate the incident and concluded his investigation in May. Judge Brugiere charged the second in command of the Libyan intelligence service, Abdallah Senoussi (brother-in-law of Qadhafi), with ordering the UTA bombing and charged five other Libyan agents for their involvement. He identified the other suspects as Abdesslam Issa Shibari, Abdesslam Hamouda, Libyan diplomat Abdullah Elazragh, and intelligence operative Ibrahim Naeli and Mushah Arbas. Judge Brugiere issued international arrest warrants for the six Libyans and indicated that the suspects would be tried in absentia. A trial is expected in early 1998.

In spite of the Government's violent repression of resistance, opposition groups continue to surface and stage attacks on Qadhafi and his regime. For example, on February 17 opposition groups attacked an elite military camp at Suq al-Khamis, killing several Libyan soldiers. Along with military strikes, opposition groups reportedly attempted to kill government officials as well. On July 29, an attempt was made on the life of a high-ranking security official in Benghazi. In January there were unconfirmed reports of an attack on Qadhafi himself.

b. Disappearance

The Libyan regime actively engages in the abduction and elimination of those persons whom Qadhafi calls "stray dogs," oppositional dissidents in exile. A number of Libyan oppositionists have disappeared inside and outside of the country's borders in recent years, and their whereabouts and welfare remain unknown.

In 1993 Libyan dissident Mansour Kikhiya disappeared from Cairo. There is credible information that following his abduction, Kikhiya was executed in Libya in early 1994.

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

Although Libya is a party to the U.N. Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, security personnel reportedly torture prisoners during interrogations for punishment. Government agents periodically detain and reportedly torture foreign workers, particularly those from sub-Saharan Africa. Torture reports are difficult to corroborate because many prisoners are held incommunicado.

Methods of torture reportedly include: chaining to a wall for hours, clubbing, electric shock, the application of corkscrews in the back, lemon juice in open wounds, breaking fingers and allowing the joints to heal without medical care, suffocation by plastic bags, deprivation of food and water, and beatings on the soles of the feet. The law calls for fines against any official using excessive force, but there are no known cases of prosecution for torture or abuse.

There is insufficient information to make a determination on overall prison conditions, but a mutiny in July 1996 at the Abu Salim prison was caused by inmates protesting poor conditions. The prisoners went on a hunger strike and captured guards to protest the lack of medical care, overcrowding, and inadequate hygiene and diet provided at the facility. Security units were dispatched to suppress the uprising and hundreds of people were left dead after the week-long incident; as many as

100 of them killed by security forces.

The Government does not permit prison visits by human rights monitors.

d. Arbitrary Arrest, Detention, or Exile

Security forces arbitrarily arrest and detain citizens. By law the Government may hold detainees incommunicado for unlimited periods. It holds many political detainees incommunicado in unofficial detention centers controlled by members of the Revolutionary Committees. Hundreds of political detainees, many associated with banned Islamic groups, are reported to be held in prisons throughout Libya, but mainly in the Abu Salim prison in Tripoli. Many have been held for years without charge. Hundreds of other detainees may have been held for periods too brief (3 to 4 months) to permit confirmation by outside observers. It was reported that many political detainees were released early in the year, most of whom had been students and had been detained for the last 5 to 10 years.

Security forces maintained their intense campaign to arrest suspected members and sympathizers of banned Islamic groups and to monitor activities at mosques following a continued series of violent clashes in eastern Libya (see Section 1.a.). Some practicing Muslims have shaved their beards to avoid harassment from security services. Qadhafi has publicly denounced Libyan "mujahideen" (generally, conservative Islamic activists who fought with the Afghan resistance movement against Soviet forces) as threats to the regime.

The 1994 Purge Law was established to fight financial corruption, black marketeering, drug

trafficking, and atheism. Enforcement of the Purge Law by the "Purification" Committees began in June 1996 and continued through mid-1997. Scores of businessmen, traders, and shop owners were arbitrarily arrested, with the closure of dozens of shops and firms on charges of corruption, dealing in foreign goods, and funding Islamic fundamentalist groups. As part of the campaign to implement the Purge Law, the wealth of the middle class and affluent was targeted as well. The Government marked the beginning of Ramadan in January by releasing an undetermined number of people arrested by the "Purification" Committees in 1996, but the regime acknowledges that it still holds 29 of the detainees for further investigation (see Section I.f.).

On March 8, the Libyan General People's Congress approved a collective punishment law for accomplices to crimes of "obstructing the people's power, instigating and practicing tribal fanaticism, possessing, trading in or smuggling unlicensed weapons, and damaging public and private institutions and property." The new law provides that "any group, whether large or small," including towns, villages, local assemblies, tribes, or families, be punished in their entirety if they are accused by the General People's Congress or Committee of sympathizing, financing, aiding in anyway, harboring, protecting, or refraining from identifying perpetrators of such crimes. Punishment under the collective punishment law ranges from the denial of access to utilities (water, electricity, telephone), fuels, food supplies, official documents, and participation in local assemblies, to the termination of new economic projects and state subsidies.

The Government does not impose exile as a form of punishment; to the contrary, Qadhafi seeks to pressure Libyans working or

studying abroad to return home and the regime pursues dissidents in exile (see Section I.b.).

#### e. Denial of Fair Public Trial

The judiciary is not independent of the Government.

There are four levels of courts: summary courts, which try petty offenses; the courts of first instance, which try more serious crimes; the courts of appeal; and the Supreme Court, which is the final appellate level.

Special revolutionary courts were established in 1980 to try political offenses. Such trials are often held in secret or even in the absence of the accused. In other cases, the security forces have the power to pass sentences without trial, especially in cases involving political opposition. The U.N. Special Rapporteur has noted a lack of fairness in trials of capital cases (see section I.a.). In the past, Qadhafi has incited local cadres to take extrajudicial action against suspected opponents.

The private practice of law is illegal; all lawyers must be members of the Secretariat of Justice.

According to Amnesty International (AI), approximately 22 persons were convicted and imprisoned for political offenses during 1995. AI estimates there are at least 1,000 political prisoners.

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

The Government does not respect the right to privacy. Security agencies often disregard the legal requirement to obtain warrants before entering a private home. They also routinely monitor telephone calls.

The security agencies and the Revolutionary Committees oversee an extensive informant network. Libyan exiles report that meretricious family ties to suspected regime opponents may result in

government harassment and detention. The Government may seize and destroy property belonging to "enemies of the people" or those who "cooperate" with foreign powers. In the past, citizens have reported that Qadhafi has warned members of the extended family of any regime opponent that they too risk the death penalty.

The collective punishment law passed by the General People's Congress in March made into law Qadhafi's previous threats of punishment for families or communities that aid, abet, or do not inform the regime of criminals and oppositionists in their midst (see Section 1.d.).

The Purge Law of 1994 provides for the confiscation of private assets above a nominal amount, describing wealth in excess of such an undetermined nominal amount as the fruits of exploitation or corruption. In May 1996, Qadhafi ordered the formation of hundreds of "Purge" or "Purification" Committees composed of young military officers and students. The Committees, backed by thousands of Revolutionary Committees, implemented the Purge Law through mid-1997. The "Purification" Committees reportedly seized some "excessive" amounts of private wealth from members of the middle and affluent classes; the confiscated property was taken from the rich to be given to the poor, in an effort to appease the populace and to strengthen Qadhafi's power and control over the country. The activities of the "Purification" Committees largely ended by May in reaction to increasingly violent public reactions to their intrusive tactics.

## **Section 2 Respect for Civil Liberties, Including:**

### **a. Freedom of Speech and Press**

The authorities tolerate some difference of opinion in People's Committee meetings and at the General People's Congress, but in general, severely limit freedom of speech. This is especially true with regard to criticism of Qadhafi or his regime. Infrequent criticism of political leaders and policies in the state-controlled media is interpreted as a government attempt to test public opinion, or weaken a government figure who may be a potential challenger to Qadhafi.

The regime restricts freedom of speech in several ways: by prohibiting all political activities not officially approved, by enacting laws so vague that many forms of speech or expression may be interpreted as illegal, and by operating a pervasive system of informants that creates an atmosphere of mistrust at all levels of society.

The State owns and controls the media. There is a state-run daily newspaper, *Al-Shams*, with a circulation of 40,000. Local Revolutionary Committees publish several smaller newspapers. The official news agency, JANA, is the designated conduit for

official views. The regime does not permit the publication of opinions contrary to government policy. Such foreign publications as *Newsweek*, *Time*, the *International Herald Tribune*, *Express*, and *Jeune Afrique* are available, but authorities routinely censor them and may prohibit their entry onto the market.

The Government restricts academic freedom. Professors and teachers who discuss politically sensitive topics face a risk of government reprisal.

### **b. Freedom of Peaceful Assembly and Association**

Public assembly is permitted only with regime approval and in support of the regime's positions.

Despite these restrictions, members of the Warfalla tribe staged several informal protests in 1995 to protest the regime's decision to carry out the death penalty against tribe members involved in the 1993 coup attempt. The Government responded by arresting hundreds of tribe members, and expelling others from the military and security forces. On January 2, eight Warfalla tribe

members arrested for involvement in the 1993 coup attempt were executed and at least five others were given prison sentences for allegedly being American spies (see Section 1.a.).

The last display of public discontent and resentment towards the Government occurred when a riot broke out over a penalty called at a soccer match in Tripoli on July 9, 1996. The rare instance of public unrest began when a contentious goal was scored by the team that Qadhafi's sons supported and the referee called the play in their favor. The spectators reportedly started chanting anti-Qadhafi slogans after the referee made the call and Qadhafi's sons and their bodyguards opened fire in the air, then on the crowd. The spectators panicked and stampeded out of the stadium and into the streets, where they stoned cars and chanted more anti-Qadhafi slogans. The Government officially admitted that 8 people died and 39 were injured as a result of the soccer riots, but there were reports of up to 50 deaths caused by the gunfire and the stampede of the crowd.

The Government limits the right of association; it grants such a right only to institutions affiliated with the regime. According to a 1972 law, political activity found by the authorities to be treasonous is punishable by death. An offense may include any activity that is "opposed to the principles of the Revolution."

#### c. Freedom of Religion

The Government restricts freedom of religion. Libya is overwhelmingly Muslim. In an apparent effort to eliminate all alternative power bases, the regime has banned the once powerful Sanusiyya Islamic sect. In its place, Qadhafi established the Islamic Call Society (ICS), which is the outlet for state-approved religion as well as a tool for exporting the Libyan revolution abroad. In 1992 the Government announced that the ICS would be disbanded; however, its director still conducts activities, suggesting that the organization remains operational. Islamic groups at variance with the state-approved teaching of Islam are banned.

Members of some minority religions are allowed to conduct services. Services in Christian churches are attended by the foreign community. A resident Catholic bishop, aided by a small number of priests, operates two churches. In March the Vatican established diplomatic relations with Libya, stating that Libya had taken steps to protect freedom of religion. The Vatican hoped to be able to more adequately address the needs of the estimated 50,000 Christians in the country.

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Government usually does not restrict the internal movement of Libyan citizens, but is known to impose blockades on those cities and regions (primarily in the east) where antigovernment attacks or movements originate. In 1996 after the escape of some 400 prisoners during which residents purportedly harbored escapees--the town of Darnah was sealed off by government troops and also had its water and electricity cut off. The Government also requires citizens to obtain exit permits for travel abroad and limits their access to hard currency. A woman must have her husband's permission to travel abroad. Authorities routinely seize the passports of foreigners married to Libyan citizens upon their entry into the country.

The right of return exists. In fact, the regime often calls on students, many of whom receive a government subsidy, and others working abroad to return to Libya on little or no notice. Students studying abroad are interrogated upon their return.

Some citizens, including exiled opposition figures, refuse to return. There have been reports of Libyan security forces hunting down and eliminating dissidents living abroad (see Section 1.a.).

The Government arbitrarily expels noncitizens (see Section 6.c.). In September 1995, the Government expelled approximately 1,000

Palestinian residents to signal its displeasure with the signing of the Interim Agreement between Israel and the Palestine Liberation Organization. The Palestinians were forced to live in makeshift camps along the Egyptian border. The Government allowed the Palestinians living in the border camps to return to Libya, but over 200 Palestinians selected to remain, hoping to travel to the West Bank and Gaza or resettle in Egypt. The governments of Egypt and Israel refused to accept the Palestinian refugees in 1996, leaving them stranded in the deteriorating and squalid conditions of the once temporary border encampments. They were forcibly removed from their encampments to another location in country by Libyan police and military authorities in April.

The Government expelled 132 Algerians in November.

The Government is not a signatory to the 1951 United Nations Convention Relating to the Status of Refugees or its 1967 Protocol, and therefore does not grant asylum, first asylum, or refugee status to foreigners in Libya. The U.N. High Commissioner for Refugees (UNHCR) reported that by April 1996, there were over 3,000 refugees of concern to the UNHCR in Libya, including some 2,000 Somalis, 750 Eritreans, 325 Sudanese, and 300 Ethiopians. The Government officially contacted the UNHCR Liaison Officer in Tripoli in 1995 in an effort to facilitate the repatriation of Arab and African refugees to their country of origin. The UNHCR assisted in the repatriation of 168 Eritreans and 129 Ethiopians from Libya in the first 4 months of 1996.

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

Citizens do not have the right to change their government. Major government decisions are controlled by Qadhafi, his close associates, and committees acting in his name. Political parties are banned. Qadhafi appoints military officers and official functionaries down to junior levels. Corruption and favoritism, partially based on tribal origin, are major problems, adversely affecting government efficiency.

In theory, popular political participation is provided by the grassroots People's Committees, which send representatives annually to the national General People's Congress (GPC). In practice, the GPC is a rubber stamp that approves all recommendations made by Qadhafi.

Qadhafi established the Revolutionary Committees in 1977. These bodies primarily consist of Libyan youths who guard against political deviation. Some Committees have engaged in show trials of regime opponents; in other cases, they have been implicated in the killing of opponents abroad. The Committees approve all candidates in elections for the GPC.

There is no reliable information on the representation of women and minorities in the Government.

### **Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

The Qadhafi regime continues to prohibit the establishment of any independent human rights organizations. Instead, it created the Libyan Arab Human Rights Committee in 1989, the Committee has yet to publish any known reports.

The regime does not respond substantively to appeals from Amnesty International (AI) on behalf of detainees. In 1994 the regime described AI as a tool of Western interests and dismissed its work as neocolonialist. AI representatives last visited Libya in 1988.

### **Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social**

## Status

The Constitution prohibits discrimination based on these factors. However, the Government does not enforce these prohibitions, particularly discrimination against women and tribal minorities.

## Women

Although little detailed information on the extent of violence against women, it remains a problem. In general the intervention of neighbors and extended family members tends to limit reports of domestic violence. Abuse within the family is rarely discussed publicly, due to the value attached to privacy in society.

The Constitutional Proclamation of 1969 granted women total equality. Despite this legal provision traditional attitudes and practices prevail and discrimination against women persists, which keeps them from attaining the family or civil rights guaranteed them. A woman must have her husband's permission to travel abroad (see Section 2.d.).

Although their status is still not equal to that of men, most observers agree that, with the advent of oil wealth in the 1970's, the opportunity for women to make notable social progress has increased. Oil wealth, urbanization, development plans, education programs, and even the impetus behind Qadhafi's revolutionary government have all contributed to the creation of new employment opportunities for women. In recent years, a growing sense of individualism in some segments of society, especially among the educated young, has been noted. For example, many educated young couples prefer to set up their own households, rather than move in with their parents, and view polygamy with scorn. Since the 1970's the level of educational differences between men and women has narrowed.

In general, the emancipation of women is a generational phenomenon: urban women under the age of 35 tend to have more

"modern" attitudes toward life and have discarded the traditional veil; at the same time, older urban women tend to be more reluctant to give up the veil or the traditional attitude towards family and employment. Moreover, a significant proportion of rural women still do not attend school and tend to instill in their children such traditional beliefs as women's subservient role in society.

Employment gains by women also tend to be inhibited by lingering traditional restrictions that discourage women from playing an active role in the workplace, and by the resurgence of Islamic fundamentalist values. Some observers have noted that even educated women tend to lack self-confidence and social awareness and seek only a limited degree of occupational and social participation with men.

The ambiguous position of women is illustrated by Qadhafi's own attitudes and utterances. His development plans have made an effort to include women in the modern work force, yet he has criticized women's emancipation in the West, including their employment gains.

## Children

The Government has subsidized education (which is compulsory to age 15) and medical care, improving the welfare of children in the past 25 years. However, declining revenues and general economic mismanagement have led to cutbacks, particularly in medical services. Some tribes located in remote areas still practice female genital mutilation (FGM) on young girls, a procedure that is widely condemned by international health experts as damaging to both physical and psychological health.

## People with Disabilities

No information is available on the Government's efforts to assist people with disabilities.

## National/Racial/Ethnic Minorities

Arabic-speaking Muslims of mixed Arab and Berber ancestry comprise 97 percent of the population. The principal non-Arab minorities are Berbers and blacks. There are frequent allegations of discrimination based on tribal status, particularly against Berbers in the interior and Tuaregs in the south. Qadhafi manipulates tribes to maintain his grip on power by rewarding some tribes with money and government positions and repressing and jailing members of various other tribes. Qadhafi also attempts to keep the tribes fractured by pitting one against another.

## Section 6 Worker Rights

### a. The Right of Association

Independent trade unions and professional associations are prohibited and workers do not have the right to form their own unions. The regime regards such structures as unacceptable "intermediaries between the revolution and the working forces." However, workers may join the National Trade Unions' Federation, which was created in 1972 and is administered by the People's Committee system. The Government prohibits foreign workers from joining this union.

The law does not provide workers with the right to strike. There have been no reports of strikes for years. In a 1992 speech, Qadhafi affirmed that workers have the right to strike but added that strikes do not occur because the workers control their enterprises.

The official trade union organization plays an active role in the International Confederation of Arab Trade Unions and the Organization of African Trade Union Unity. It exploits international trade union contacts to engage in propaganda efforts on behalf of the regime. The Arab Maghreb Trade Union Federation suspended the membership of Libya's trade union organization in 1993. The suspension followed reports that Qadhafi had replaced all union leaders, in some cases with loyal followers without union experience.

### b. The Right to Organize and Bargain Collectively

Collective bargaining does not exist in any meaningful sense because the labor law requires that the Government must approve all agreements.

There are no export processing zones.

### c. Prohibition of Forced or Compulsory Labor

In its 1995 report, the International Labor Organization's (ILO) Committee of Experts stated that "persons expressing certain political views or views ideologically opposed to the established political, social, or economic system may be punished with penalties of imprisonment...involving...an obligation to perform labor." The situation in 1997 remains largely the same. The 1995 ILO report also noted that public employees may be sentenced to compulsory labor "as a punishment for breaches of labor discipline or for participation in strikes even in

services whose interruption would not endanger the life, personal safety, or health of the whole or part of the population." The Government informed the ILO in 1996 that legislation was enacted to abolish these provisions and submitted a report to the ILO, but the ILO has not yet commented on it.

There have been credible reports that the Government has arbitrarily forced some foreign workers into involuntary military service or has coerced them into performing subversive activities against their own countries. Libyans, despite the Penal Code which prohibits slavery, have been implicated in the purchase of Sudanese slaves, who are largely southern Sudanese women and children who were captured by Sudanese government troops in the war against the southern rebellion.

#### d. Status of Child Labor Practices and Minimum Age for Employment

The minimum age for employment of children is 18. Education is compulsory to age 15.

#### e. Acceptable Conditions of Work

The labor force is approximately 1.2 million workers (including 161,000 foreign workers) in a population of 5.2 million. Wages, particularly in the public sector, are frequently in arrears. A public wage freeze imposed in 1981 remains in effect and has seriously eroded real income. The average wage appears inadequate to provide a worker and family

with a decent standard of living. The average wage is about \$750 (270 Libyan dinars) per month at the official exchange rate, but is only worth \$100 at the unofficial exchange rate.

The legal maximum workweek is 48 hours. The Labor Law defines the rights and duties of workers, including matters of compensation, pension rights, minimum rest periods, and working hours. Labor inspectors are assigned to inspect places of work for compliance with occupational health and safety standards. Certain industries, such as the petroleum sector, try to maintain standards set by foreign companies. There is no information on whether a worker can remove himself from an unhealthy or unsafe work situation without risking continued employment.

The Labor Law does not accord equality of treatment to foreign workers. Foreign workers may reside in Libya only for the duration of their work contracts, and may not send more than half of their earnings to their families in their home countries.

They are subject to arbitrary pressures, such as changes in work rules and contracts, and have little option but to accept such changes or to depart the country. Foreign workers who are not under contract enjoy no protection.

In May the U.N. Committee on Economic, Social, and Cultural Rights cited inadequate housing, threats of imprisonment to those accused of disobeying disciplinary rules, and accusations of causing a variety of societal problems as some of the problems in Libya's treatment of foreign laborers.

The Government uses the threat of expulsion of foreign workers as leverage against countries whose foreign policies run counter to Libya's. The Government expelled approximately 1,000 Palestinian residents in late 1995 to signal its displeasure with the agreement between Israel and the Palestine Liberation Organization, and in May 1996, the regime threatened to expel thousands of Palestinian workers for political and economic reasons (see Section 2.d.).

Over 130 Algerians were expelled in November (see Section 2.d.).

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