



[Home](#) » [Under Secretary for Democracy and Global Affairs](#) » [Bureau of Democracy, Human Rights, and Labor](#) » [Releases](#) » [Human Rights Reports](#) » [2009 Country Reports on Human Rights Practices](#) » [Near East and North Africa](#) » [Libya](#)

2009 Human Rights Report: Libya

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

2009 Country Reports on Human Rights Practices

March 11, 2010

The Great Socialist People's Libyan Arab Jamahiriya is an authoritarian regime with a population of approximately 6.3 million, ruled by Colonel Mu'ammar al-Qadhafi since 1969. The country's governing principles are derived predominantly from al-Qadhafi's *Green Book* ideology. In theory citizens rule the country through a pyramid of popular congresses, communes, and committees, as laid out in the 1969 Constitutional Proclamation and the 1977 Declaration on the Establishment of the Authority of the People. After elections in March, Secretary of the General People's Committee al-Baghdadi al-Mahmoudi (prime minister equivalent) and the delegates of the 760-member General People's Congress began three-year terms. In practice al-Qadhafi and his inner circle monopolized political power. These authorities generally maintained effective control of the security forces.

The government's human rights record remained poor. Citizens did not have the right to change their government. Continuing problems included reported disappearances; torture; arbitrary arrest; lengthy pretrial and sometimes incommunicado detention; official impunity; and poor prison conditions. Denial of fair public trial by an independent judiciary, political prisoners and detainees, and the lack of judicial recourse for alleged human rights violations were also problems. The government instituted new restrictions on media freedom and continued to restrict freedom of speech (including Internet and academic freedom). It continued to impede the freedom of assembly, freedom of association, and civil liberties. The government did not fully protect the rights of migrants, asylum seekers, and refugees, and in some cases participated in their abuse. Other problems included restrictions on freedom of religion; corruption and lack of transparency; discrimination against women, ethnic minorities, and foreign workers; trafficking in persons; and restriction of labor rights.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

There were no confirmed reports that the government or its agents committed arbitrary or unlawful killings. On May 10, the Tripoli newspaper *Oea* reported that Ali al-Fakheri (also known as Ibn al-Sheikh al-Libi) had been found dead in his cell in Abu Salim prison from an apparent suicide, and that the General Prosecutor's Office (GPO) had begun an investigation. The nongovernmental organization (NGO) Human Rights Watch (HRW) had met briefly with al-Fakheri during a visit to the prison on April 27, but he refused to be interviewed. In a May 12 statement, HRW called on authorities to conduct a full

and transparent investigation. The NGO Amnesty International (AI) visited Abu Salim Prison after his death in May, but authorities denied access to al-Fakheri's guards, forensic doctors, or the autopsy report. There were no results of the GPO investigation made public by year's end.

On August 31, the NGO Committee to Protect Journalists (CPJ) called for a credible and transparent inquiry into the reported 2007 trial and sentencing to death of three unnamed individuals for the 2005 killing of Daif al-Ghazal, a prominent opposition journalist and anticorruption activist.

There were no developments in the case of Mohammed Adel Abu Ali, who died in custody in May 2008 after his return to the country when his asylum claim was denied in Europe. According to HRW, he was tortured in detention. London-based *As-Sharq Al-Awsat* reported that he belonged to the oppositionist "al-Tabu" Front for the Liberation of Libya.

b. Disappearance

In 2007 security services arrested Abdulrahman al- Qutiwi, along with others who appeared subsequently in court to face criminal charges. Authorities did not bring al-Qutiwi to trial. After two years of incommunicado detention during which his whereabouts were unknown, authorities released al-Qutiwi in mid-February.

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

The law prohibits such practices, but security personnel reportedly routinely tortured and abused detainees and prisoners during interrogations or as punishment. Detainees often were held incommunicado. Foreign observers noted that incidents of torture--used as a punishment in Internal Security Service prisons--seemed to have decreased over the past year.

There were reports of torture and abuse during the year. On December 10, the Qadhafi Development Foundation (QDF) released a report on human rights practices in the country. In a statement accompanying the release, the QDF said during the year it had received a "large number of complaints" of torture during imprisonment and called for the government to waive immunities from prosecution for officials accused of torture. The Human Rights Society of Libya (HRSL), the QDF subsidiary responsible for the report, noted that suspected narcotraffickers were among those most mistreated, with punishments including beating with sticks. On March 9, International Christian Concern, an NGO dedicated to religious issues, alleged that four converts to Christianity, arrested in January, had been physically abused in detention, although no specific methods or further details were provided (see section 2.c.). According to a June 9 HRW report, migrants in Malta and Italy previously apprehended in Libya reported that authorities severely abused them. On May 20, HRW interviewed an Eritrean migrant in Rome who alleged officials in Libya beat him with sticks and metal rods at a migrant detention facility. On September 15, Algeria's human rights commissioner stated that 26 of 54 Algerian prisoners released from prisons in the country as part of an annual Revolution Day amnesty "suffered from the effects of torture."

In previous years the reported methods of torture and abuse included chaining prisoners to a wall for hours; clubbing; applying electric shock; applying corkscrews to the back; pouring lemon juice in open wounds; breaking fingers and allowing the joints to heal without medical care; suffocating with plastic bags; depriving detainees of sleep, food, and water; hanging by the wrists; suspending from a pole inserted between the knees and elbows; burning with cigarettes; threatening with dog attacks; and beatings on the soles of the feet.

The law sanctioned corporal punishments such as amputation and flogging, although there were no reports that such punishments were carried out.

No further information was available at year's end concerning the June 2008 alleged abduction, interrogation, and torture of lawyer Dhaw al-Mansuri.

In July 2008 Saif al-Islam al-Qadhafi, son of Colonel Mu'ammar al-Qadhafi, conceded that acts of torture and excessive violence had taken place in prisons. Al-Qadhafi denied government culpability, arguing that the individuals responsible for the torture had acted on their own initiative and were being tried within the legal system. At year's end there was no information released on the progress of trials.

On April 19, Ashraf Ahmad Jum'a al-Hajuj drew attention to his suit against the Libyan government at a preparatory meeting for the Durban Review Conference, chaired by Libyan diplomat Najjat al-Hajjaji. Al-Hajuj, a Palestinian doctor, was arrested in 1999 on charges that he and five Bulgarian nurses working in Benghazi infected hundreds of children. In January 2008 he filed suit in France and at the UN Human Rights Commission in Geneva, arguing he was tortured repeatedly in detention. According to his testimony, the torture included rape by a German shepherd, fingernails ripped off, and electric shocks. He also testified that he was present when the Bulgarian nurses detained with him were tortured. He said most of the torture occurred during the early period after his imprisonment in 1999. At year's end the case was awaiting further action in a French court.

Prison and Detention Center Conditions

According to diplomatic missions and international organizations, prison and detention center conditions ranged from poor to adequate. HRW and AI visited prisons during study tours in April and May respectively, but authorities did not allow full access to prisoners or facilities. A UK-based NGO implementing a prison reform program in partnership with the General People's Committee for Justice had periodic access to some facilities. International organizations had some access to migrant detention centers throughout the country, but that access was restricted after an increase of at-sea interdiction of migrants begun in May led to severe overcrowding in the centers. Pretrial detainees, who reportedly accounted for more than half of the prison population, remained in the same facilities as convicts. Individual prison directors were unable to provide population estimates of their own prisons and centralized records were not kept, according to prison authorities. Men and women are in separate prisons and detention centers. Juvenile migrants were generally held with mothers while in detention.

Security forces reportedly subjected prisoners and detainees to cruel, inhuman, or degrading conditions and denied them adequate medical care. Foreign observers noted that many of those incarcerated had been acquitted or had served their sentences, but remained in internal security service prisons, likely due to unresolved differences between the internal security service administration that manages state security prisons and the General People's Committee for Justice, responsible for legal procedures and criminal detention facilities.

The International Committee of the Red Cross (ICRC) did not have an office in the country. During the year prosecutors and directors of several migrant detention centers participated in training sessions implemented by the International Organization for Migration on prison conditions and reform. International organizations reported that individual directors were responsive regarding limited improvements in the centers under their control, including providing office space for relief workers to provide medical care and counseling to migrants in detention.

On September 6, Minister of Defense-equivalent Abubakr Yunis Jabir appointed Muhammad Bashir al-Khadhar to head an inquiry into the 1996 Abu Salim prison riot, in which a large but unknown number of prisoners died. Yunis stated that the inquiry would be empowered to imprison any officials found guilty of wrongdoing. Press reports indicated the families of victims approved the appointment. Previous investigations have resulted in an estimated 800 families receiving confirmation of death, but officials did not provide bodies or explain the causes of death, through mid-July. According to HRW, authorities offered compensation of 200,000 dinars (\$166,666) if a family agreed to halt legal proceedings.

Family members of some of the victims reportedly killed in the 1996 incident attended the December 12 launch of HRW's country report on Libya, where several family members repeated their rejection of compensation offers and demanded that responsible officials be brought to justice.

d. Arbitrary Arrest or Detention

Sections 111 through 119 of the criminal code establish procedures for pretrial detention and prohibit arbitrary arrest and detention, but the government did not observe these prohibitions. As in previous years, there were reports that security forces arbitrarily arrested and detained citizens. Security services detained individuals without formal charges and held them indefinitely without court convictions.

On January 31, police arrested former secretary general of the Libyan human rights society QDF advisor Juma'a Atiga and charged him with being a member of a banned organization and participating in the killing of the Libyan ambassador in Rome in 1984. According to press accounts, Atiga was released on February 15.

There were no developments reported in the case of regime critic Fouad Nassar al-Mahmoudi. In 2007 security services detained al-Mahmoudi upon his return from a long stay abroad, reportedly placing him in incommunicado detention.

There were no developments in the case of Mahmoud Muhammad Boushima, a government critic resident abroad since 1981, whom police arrested during a 2005 trip to the country, according to an AI report. During an April visit to Abu Salim Prison, HRW unsuccessfully requested a meeting with Boushima.

Role of the Police and Security Apparatus

The country maintains an extensive security apparatus that includes police and military units, multiple intelligence services, local "revolutionary committees," people's committees, and "purification" committees. The result is a multilayered, pervasive surveillance system that monitors and controls the activities and everyday lives of individuals. In theory, military and internal security forces are under direct civilian control under the Jamahiriya, or "sovereignty of the masses" system. In practice, an inner circle of elites close to Muammar al-Qadhafi wields effective control and uses security services to protect regime interests. The legal basis of security service authority is unclear; citizens have no obvious recourse against security services. Frequently cited laws are the 1971 and 1972 "Protection of the Revolution" laws, which criminalize activities based on political principles inconsistent with revolutionary ideology.

The police and Internal Security Service share responsibility for internal security. Armed forces and the External Security Service are responsible for external security. In practice it was unclear where authorities overlapped. Security forces were effective when combating internal and external threats against the regime. Security forces committed serious human rights abuses with impunity, including the lengthy extralegal detentions of Boushima, Abdulrahman al-Qutiwi and the rearrest of Jamal al-Hajj (see section 1.e.). They intimidated, harassed, and detained individuals without formal charges and held them indefinitely without court convictions, particularly in cases involving the political opposition. They regularly enjoyed impunity from criminal acts committed while performing their duties.

In November 2008 opposition members living abroad alleged that security forces battled Toubou tribesmen in the southeastern part of the country. Other observers within the country characterized clashes in the town of Kufra as societal violence between Toubou and Zawiya tribes. There were reports that between 11 and 30 civilians were killed in the fighting.

Arrest Procedures and Treatment While in Detention

The law stipulates that authorities can detain persons for investigation for as long as eight days after arrest. In practice security services held detainees indefinitely, arbitrarily, and secretly. Although the law requires that detainees be informed

of the charges against them, the requirement was not enforced in practice. The law states that for a detention order to be renewed, detainees must be brought before a judicial authority at regular intervals of 30 days, but in practice security services detained persons for indefinite periods without a court order.

The law provides for bail and access to counsel for pretrial detainees, and a public defender for anyone unable to afford a private attorney. Detainees reportedly did not receive information on their right to legal representation during interrogation.

Incommunicado detention remained a problem. The government held many political detainees incommunicado for unlimited periods in unofficial detention centers controlled by branches of the security services. More than 100 detainees may have been held for periods too brief to permit confirmation by outside observers.

According to a June 9 HRW report, migrants in Malta and Italy reported that authorities in Libya subjected them to long periods of detention without recourse.

The law allows women and girls--some of whom were victims of gender-based or domestic violence--who were suspected of violating moral codes to be detained in "social rehabilitation" facilities for their own protection. They can be detained indefinitely without access to legal representation or the opportunity to contest their detention in court. Women at these sites could only be released into family custody, and were sometimes subjected to forced marriage to strangers.

Amnesty

On October 15, authorities released 88 prisoners held for membership in the Libyan Islamic Fighting Group (LIFG) and other jihadist groups. On July 10, the LIFG had stated that its 2007 announced merger with al-Qa'ida in the Islamic Maghreb was "invalid" and in August renounced violent jihad.

On August 28, as a regular part of its annual Revolution Day commemoration, the government reportedly pardoned 2,183 prisoners. On November 25, authorities released an additional 748 prisoners on the religious feast of Eid al-Adha.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, but the judicial system was not independent in practice. Although the law stipulates that every person has the right to resort to the courts, security forces had the authority to sentence without trial, particularly in cases involving the political opposition. The government used summary judicial proceedings to suppress domestic dissent. At his discretion, Mu'ammr al-Qadhafi may interfere in the administration of justice by altering court judgments, replacing judges, or manipulating the appeal system. The judiciary failed to incorporate international standards for fair trials, detention, and imprisonment. The Ministry of Justice admitted that both inefficient bureaucracy and disagreement between the judiciary and the Internal Security Organization led to unfair trials and detention. The ministry reported that hundreds of prisoners that had been acquitted or had served their sentences remained in prison due to differences in the two responsible ministries.

The judicial system is composed of four tiers: the summary courts, the courts of first instance, the three courts of appeal, and the Supreme Court. The summary courts hear cases involving misdemeanors. The decisions of this court may be appealed to the courts of first instance, which are composed of three-judge chambers and have the authority to adjudicate all civil, criminal, and commercial cases. Jurors of the court of first instance apply Shari'a (Islamic law) in family law cases. Cases from the courts of first instance may be appealed to the three courts of appeal, which are composed of three-judge panels. The Shari'a court of appeals hears cases from the lower Shari'a court.

The final court of appeal is the Supreme Court, composed of five separate chambers of five judges. The court has chambers for civil and commercial, criminal, administrative, constitutional, and Shari'a cases. The General People's Congress elects the presiding judge and other members of the Supreme Court.

The Higher Judicial Council, an extrajudicial body that reviews Supreme Court decisions for political implications, has the authority to overturn Supreme Court verdicts or to grant amnesty in cases involving capital punishment.

The Supreme Council for Judicial Authority is the administrative authority of the judiciary that handles appointments, transfers, and disciplinary matters.

A state security court is responsible for hearing national security cases. The court's portfolio includes cases stemming from three laws: Law 80 of the 1975 Penal Code stipulating the death penalty for offenses against the security of the state; Law 71 of 1972, which classifies as "treason" all independent political activity; and a 1969 revolutionary council decision that prohibits all forms of peaceful political opposition. Opposition groups and international human rights groups raised concerns that defendants in cases before the state security court may be denied access to an attorney and that cases are conducted in secret. The QDF called for the abolition of the court in its December 10 report.

Trial Procedures

The law provides for the presumption of innocence, informing defendants of the charges against them, and the right to legal counsel. Independent counsel was not always provided in practice. The presiding judge appoints defense lawyers automatically, even if the defendant has declined representation. In practice defendants often were not informed of the charges against them and usually had little contact, if any, with their lawyers. There were cases during the year in which officials did not present defendants with the charges against them until trial and defendants did not always have access to evidence against them before trial.

Political Prisoners and Detainees

A large but unknown number of persons were in detention or prison for engaging in peaceful political activity or for belonging to an illegal political organization. The law bans any group activity based on any political ideology inconsistent with the principles of the 1969 revolution.

The government reportedly held political detainees, including as many as 100 associated with banned Islamic groups, in prisons throughout the country, but mainly in the Ayn Zara, Jadida, and Abu Salim Prisons in Tripoli. In an August 31 report, HRW claimed dozens of political prisoners remained in jails. The same report noted that "a number" of political prisoners had been freed since 2008. In 2008 human rights organizations and foreign diplomats speculated there were 2,000 political detainees, many held for years without trial. Hundreds of other detainees may have been held but for periods too brief to permit confirmation by outside observers.

On May 20, political activist and al-Qadhafi critic Fathi al-Jahmi died in Jordan. Authorities had regularly held him in solitary confinement without adequate medical care before transferring him to Tripoli Medical Center and then releasing him from custody on May 5 and sending him to a hospital in Jordan. During his transfer, he fell into a coma from which he did not recover, and he died 17 days later. HRW visited him on April 25 and 26 at Tripoli Medical Center, reporting he was frail and emaciated. Al-Jahmi told HRW officials he was not free to leave the hospital. During the visit, HRW noted four men, presumably security officers in plain clothes, stationed near the room.

With the exception of two weeks in 2004, the regime had continuously detained al-Jahmi since 2002 for publicly calling for democratic reforms and for giving media interviews criticizing the regime.

According to HRW, the government contended that it arrested al-Jahmi for telephoning foreign officials and "providing them with information with the purpose of making their countries hate the Great Jamahiriya" and for conspiring to serve the interests of a foreign country. The formal charges were attempting to overthrow the government, slandering Mu'ammar al-Qadhafi, and communicating with a foreign official without permission. Al-Jahmi's lawyer reportedly believed these charges could carry the death penalty.

On December 8, authorities rearrested Jamal al-Hajj in conjunction with a defamation suit filed in June by the minister of justice. In a September 1 report on BBC World television, al-Hajj called the Qadhafi regime's rule a "disaster" and railed against European states for "supporting this dictator." On March 15, Al-Hajj had been released from one year of detention, along with Faraj Humaid. Authorities sentenced the two men in June 2008 to terms of 12 and 15 years respectively, on charges of attempting to foment rebellion and for conducting unauthorized communications with a foreign government. Abdulrahman al-Qutiwi, who had been held in incommunicado detention and had not been seen since his arrest, was released on or about February 15. Before their arrest in 2007, al-Hajj, Humaid, and al-Qutiwi were part of a group of 14 men, led by Idriss Boufayed, who had planned a peaceful demonstration calling for greater political openness. Boufayed was the head of the National Union for Reform, an opposition group he headed in exile for 16 years until his return to the country in 2006, two months before he was arrested the first time. The group reportedly conducted a hunger strike to protest their lengthy pretrial detention in overcrowded cells and alleged mistreatment. Of the 14 arrested, the court convicted and sentenced 11 in 2008 to terms ranging from six to 25 years. One was found not guilty. Of the 11 sentenced, nine were released in 2008, including Idriss Boufayed.

On an April 27 visit to Abu Salim Prison, HRW interviewed Abdel Nasser Younis Meftah al-Rabassi, who was sentenced to 15 years' imprisonment in 2003 for posting an article on an Arabic-language Web site criticizing government corruption. According to human rights activists and AI, he was tortured, did not have access to adequate medical care, was held incommunicado, and was unable to hire his own attorney.

Geneva-based Solidarity for Human Rights, which describes itself as an independent human rights NGO focused on Libya, reported that Muhammad Bosadra, a prisoner who reportedly negotiated with guards during the 1996 Abu Salim Prison riots, had been transferred from prison and put under house arrest after his release from Abu Salim Prison on June 3. He had been held incommunicado since 2005.

Civil Judicial Procedures and Remedies

Citizens did not have access to courts to seek damages for or demand cessation of human rights violations. Security services intimidated, harassed, and detained individuals extralegally and without judicial oversight. In practice individuals did not have the right to seek redress for security service actions in civil court. Neither judicial nor administrative remedies generally were available for alleged wrongs.

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

The law prohibits such actions, but the government did not respect the prohibitions. Security agencies often disregarded the legal requirement to obtain a warrant before entering a private home. They routinely monitored telephone calls and Internet usage, including e-mail communication with foreign countries.

Security agencies and the revolutionary committees oversaw an extensive network of informants engaged in surveillance for the government. The government threatened to seize and destroy property belonging to "enemies of the people" or those who "cooperated" with foreign powers. Exiled government opponents reported that authorities harassed their family members and threatened them with detention.

Authorities inflicted collective punishment on the relatives of individuals, particularly those of convicted oppositionists. Punishments by law include denial of access to utilities (water, electricity, and telephone), fuel, food, and official documents; denial of participation in local assemblies; and termination of new economic projects and state subsidies.

In 2007 the UN Human Rights Committee noted the collective punishment of a community in Bani Walid, where security services reportedly burned the property of relatives of a political activist who had been arrested after calling for a multiparty system.

There were no reports of application of the "purge law" that provides for the confiscation of private assets greater than a nominal amount. The law describes wealth in excess of such unspecified amounts as "the fruits of exploitation or corruption."

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech "within the limits of public interest and principles of the Revolution," but in practice the Publication Act of 1972 severely limits the freedoms of speech and of the press, particularly criticism of government officials or policy. The government tolerated some difference of opinion within governmental structures in people's committee meetings and at the General People's Congress. HRW met with a group of journalists during an April visit to the country. While the journalists acknowledged that restrictions on press freedoms had generally loosened over the past years, they lamented that new freedoms were based not in law but on "personalities" of those enforcing laws--including the Publication Act, which in practice allows the government to silence critics through slander and libel provisions.

The government prohibited all unofficial political activities. The law permits authorities to interpret many forms of speech or expression as illegal. The wide reach of security services and broad networks of informants resulted in pervasive self-censorship.

The government owned and controlled virtually all print and broadcast media. The official news agency, the Jamahiriya News Agency (JANA), is the designated conduit for official views. Government-controlled media neither published nor broadcast opinions inconsistent with official policy. In 2008 the quasiofficial al-Ghad Media Group, a QDF subsidiary controlled by Saif al-Islam al-Qadhafi, launched a satellite television station, a radio station, and two independent newspapers. According to the NGO Reporters Without Borders, most of the journalists at these newspapers also work for official media outlets, and the newspapers were printed on the government's presses. Local revolutionary committees published several small newspapers.

During the year the government nationalized all privately owned news media, reversing the decision in 2007 to allow a few private media outlets. On April 24, the state-run al-Jamahiriya television feed interrupted quasi-independent al-Libiyya satellite television channel in the middle of an interview program. According to press reports, JANA officials took over al-Libiyya's offices and the station manager and deputy director of al-Ghad Media Group, Abdelsalam al-Mishri, was arrested and held for two days. On June 3, opposition Web sites reported General People's Committee decree 226 of 2009, placing the al-Ghad Media Group under state-run National Center for Media Services control. All news outlets under the group's umbrella continued to publish and broadcast through the end of the year, and Saif al-Islam announced that al-Libiyya would relocate to London or Jordan for business reasons. On August 20, al-Ghad-sponsored al-Mutawasit began original programming broadcasts from Jordan. Within days, however, its signal ran al-Jamahiriya feeds in simulcast. It had not resumed original programming at the end of the year.

On October 21, Mohammed al-Sareet reported on *Jeel Libya*, a London-based Web site, about a demonstration carried out by residents of a state-run care center for women that had been orphaned as children calling for the removal of the center's director for sexual harassment. On October 22, al-Sareet was reportedly questioned by police and subsequently charged with criminal defamation of the center's director. Quotations attributed in al-Sareet's original reporting were retracted by the women in subsequent coverage of the event, reportedly under pressure from government officials. On October 31, however, the General Prosecutor's Office charged the center's director with sexual harassment and reportedly dropped all charges against al-Sareet.

Some outlets in Tripoli had limited quantities of international weekly publications. Although the publications law in theory restricts publishing rights to public entities, private companies were able to distribute newspapers and books in practice.

Satellite television was widely available, but the government blocked foreign programming at times.

Internet Freedom

A single government-owned service provider offered Internet access. The number of Internet users was small but growing with improved broadband capability. According to 2008 data of the International Telecommunication Union, there were approximately 82,500 Internet subscribers and 323,000 users. The government reportedly monitored Internet communications. According to a 2009 report by the OpenNet Initiative (ONI), a partnership among several universities to analyze Internet filtering and surveillance, authorities selectively blocked some opposition Web sites and occasionally blocked others, including those that advocated minority rights. During the year most of these Web sites were accessible to users of the state-owned Internet provider. Many Internet cafes operated via satellite connection to Europe, bypassing potential blocking by the state, although security services regularly monitored Internet use at cafes. ONI reported that IP blocking took place at the international gateway. Users were generally able to access blocked content through proxies and Virtual Private Network.

On January 19, the Geneva-based NGO Libyan League for Human Rights reported that six opposition Web sites operating abroad had been hacked, with some pages replaced with proregime content. It was unclear who was responsible for the actions. At the end of the reporting period, all sites remained inoperative.

Academic Freedom and Cultural Events

The government severely restricted academic freedom. Professors and teachers who discussed politically sensitive topics faced the risk of government reprisal. Authorities frequently denied foreigners access to schools and university campuses. Selected students were encouraged to study abroad and, although reportedly monitored, were provided with government scholarships.

All cultural events require advance government approval. Any group or individual seeking to organize a cultural event needs a government sponsor.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law stipulates that "individuals may meet peacefully, and no police personnel are entitled to attend their meetings; moreover, they are not obliged to notify the police of such gatherings." The law also provides for the right to hold public meetings in accordance with the regulations set by law. In practice, however, the government severely restricted these rights and permitted public assembly only with express advance approval and only in support of its positions. Family groups of victims of the 1996 Abu Salim Prison riots who protested in Benghazi periodically throughout the year faced harassment, and authorities arrested four for their protests, according to foreign opposition groups.

Freedom of Association

The government restricted the right of association to institutions affiliated with the government. The government did not allow the formation of groups based on political ideology inconsistent with the 1969 revolution.

In its December 10 report and press conference in Tripoli, LHRS demanded that Law 19 of 1992 that restricts formation of civil society organizations be repealed and pressed for adoption of a new law--in draft since 2008--that would remove the ability of the state to suspend organizations without cause.

c. Freedom of Religion

Although there is no explicit law guaranteeing religious freedom, the government generally respected in practice the right to observe one's religion. Islam is the equivalent of a state religion and is thoroughly integrated into everyday political and social life.

The government regulated mosques, religious schools, and clerics to ensure that all views were in line with the state-approved form of Islam. The government strongly opposed militant forms of Islam, which it viewed as a threat to the regime.

The World Islamic Call Society (WICS), an international educational institution, operated a state-run university in Tripoli that provided Muslims from outside the Arab world with a broad education in literature, history, science, and religion. WICS also organized vocational training programs, offered students exposure to international academic speakers, and maintained relations with local non-Muslim religious groups, including Christian churches.

Although there is no law prohibiting conversion from Islam, the government prohibits efforts to proselytize Muslims and actively prosecutes offenders. International Christian Concern, a Christian rights NGO, reported that four citizen converts to Christianity were detained at a state security prison in Tripoli in January and allegedly held without charge in incommunicado detention for three months and interrogated, abused, and pressured to reveal the names of other converts. Two weeks before their release, the converts were reportedly transferred to a reform and rehabilitation prison where family members were permitted to visit them. They were released on April 21. In May authorities released Daniel Baidoo, a Ghanaian national, after eight years in prison. According to press reports, Baidoo had been imprisoned for proselytizing after receiving Christian biblical tracts at a local post office. The government permitted Christian churches to operate freely but imposed a limit of one church per denomination per city and monitored religious services, including Islamic services, for evidence of political discourse.

A noncitizen female who marries a Muslim citizen is not required to convert to Islam, but a noncitizen male must convert to Islam to marry a Muslim woman. The government maintained the position that all citizens were Muslims.

Societal Abuses and Discrimination

There were no reports of societal violence, harassment, or discrimination against members of religious groups.

Although no statistics were available during the year, the country's Jewish population was extremely small and possibly nonexistent. There was no functioning synagogue. Discussions between the government and representatives of the former Jewish community on possible compensation for Jewish communal property the government confiscated after 1948 have been ongoing since 2004. During al-Qadhafi's trip to Rome on June 10, five representatives from the estimated 6,000-member community of Libyan-origin Jews in Italy were included in a meeting between al-Qadhafi and Italians expelled from the country in the early days of the regime, while an additional unknown number refused to attend the meeting, according to press reports.

Mu'ammarr al-Qadhafi has made statements denigrating Christians and Jews. In a March 2008 speech, echoing statements in a 2007 speech in which he declared that all those who did not practice Islam were "losers," al-Qadhafi said the Christian Bible and the Jewish Torah are forgeries and the original versions mentioned the Prophet Muhammad. Al-Qadhafi stated in a 2007 interview that "Jews will go extinct because everyone hates them."

For a more detailed discussion, see the *2009 International Religious Freedom Report* at www.state.gov/g/drl/irf/rpt.

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

The law stipulates that "each citizen, during times of peace, may move freely, choose the place where he or she wishes to live, and may return to the country and leave whenever he or she chooses." The government generally did not restrict freedom of movement within the country, but freedom to travel outside the country was at times restricted by the arbitrary seizure or nonissuance of passports. Authorities routinely held the passports of foreign spouses of citizens when they entered the country. The widely accepted concept of male guardianship limited women's freedom of movement in practice, particularly travel outside the country.

The law does not allow, nor did the government impose, forced exile as a punishment. The government continued to encourage dissidents abroad to return and publicly promised their safety, but there were numerous reports that the government detained dissidents who returned from exile. The government reportedly interrogated students returning from study abroad and at times discouraged students from studying abroad.

Protection of Refugees

The country is not a party to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. The country is a party to the Organization of African Unity Convention Governing the Specific Aspects of the Refugee Problem in Africa in which states agree to cooperate with the UN High Commissioner for Refugees (UNHCR) and agree that the Convention is the regional complement to the 1951 Convention. The government has not established a system for providing protection to refugees or asylum seekers. Domestic laws do not recognize asylum seekers or refugees as classes distinct from migrants in the country without residency permits. As such, refugees and asylum seekers are subject to laws pertaining to illegal migrants and were regularly held in detention.

In practice, the government provided some protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. During the year authorities allowed limited refugee resettlement to third countries.

The UNHCR operated in the country assisting refugees and asylum seekers despite the absence of a formal memorandum of understanding and the lack of a formal mechanism for individuals seeking protection in the country. On September 20, HRW quoted Brigadier General Mohamed Bashir Al Shabbani, the director of the Office of Immigration at the General People's Committee for Public Security, as saying, "There are no refugees in Libya. They are people who sneak into the country illegally and they cannot be described as refugees. Anyone who enters this country without formal documents and permission is arrested." On June 11, during his visit to Italy, al-Qadhafi responded to criticism about Libya's treatment of asylum seekers by calling the reported situation "a widespread lie."

The government operated at least 10 detention centers for undocumented migrants and asylum seekers, among others. International organizations and some foreign diplomats had occasional access to these detention centers. The UNHCR and the International Organization for Migration had regular access to asylum seekers registered with the UNHCR and irregular migrants in prisons and detention facilities. The UNHCR staff was allowed to conduct private interviews with asylum seekers at government-operated detention facilities with facilitation by the quasi-NGO International Organization

for Peace, Care, and Relief (IOPCR). The UNHCR had regular access to government officials and detained refugees through IOPCR. However, since August, coincidental with an influx of returned migrants due to at-sea interdiction, authorities restricted access to detention centers.

On May 6, the country began implementing joint sea patrols with Italy to curtail the flow of migrants to Europe. Under the agreement, the patrols return interdicted migrants to Libya, where their numbers have swelled migration detention centers beyond capacity. International organizations reported that conditions in the centers have worsened significantly, and along with rights groups expressed concern that the joint patrols return all interdicted migrants to the country without screening for asylum seekers, sick or injured persons, pregnant women, unaccompanied children, or victims of trafficking or other forms of violence against women. In a September report, HRW criticized the interdiction program for denying individuals access to asylum and sending migrants, refugees, and asylum seekers back to detention in inhuman and degrading conditions where they face abuse by authorities. International organization access to returned migrants to screen for the above classes varied according to the decision of each detention center director.

The law prohibits the extradition of political refugees. In practice the government provided some protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. Although the government did not target UNHCR-recognized refugees for forcible deportation, the government regularly and forcibly deported foreigners without properly screening refugees and asylum seekers from economic migrants.

Government sources claim in 2007 to have repatriated 30,940 illegal migrants of the estimated 1.5 to two million illegal migrants in the country, regardless of their status or claims to asylum. During the year according to international organizations working in the country, some government officials became more rigorous in differentiating between legitimate refugees and asylum seekers and other economic migrants.

During the year the UNHCR registered approximately 9,000 refugees on its internal rolls, although it estimated there were 30,000 in the country. Of the total refugee population, an estimated 3,500 were in regular contact with the UNHCR mission in Tripoli. During the year the UNHCR reported an increase in the number of refugee applications, which contributed to an eight-month waiting period for asylum seekers to receive an appointment with the organization. The majority of refugees were Palestinians, Iraqis, and Somalis, followed by smaller but growing numbers from Sudan, Eritrea, and sub-Saharan Africa.

The government stipulates that any foreigner who enters the country illegally shall be arrested and deported. The government operated detention camps to hold noncitizens pending deportation and did not routinely inform diplomatic representatives when their nationals were detained. Persons in detention camps reportedly were abused, including reports of sexual abuse of women. On May 20, HRW interviewed an Eritrean migrant in Rome who alleged that authorities held him in a single room with more than 160 other individuals with limited access to toilets, food, or water, and that guards had beaten him. Another Eritrean migrant interviewed on May 13 claimed authorities transported him with 200 other persons by truck to an inland deportation site at Kufra. Rather than deporting migrants at the border, authorities reportedly left migrants in the desert or released them to smugglers who then demanded payment for transportation to the coast. International organizations also reported mass deportations of irregular migrants, including reports of 1,084 deported Nigerians in September.

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

The country does not have a constitution, and citizens do not have the right to change their government by peaceful means. The country's governing principles stem from al-Qadhafi's *Green Book*, which combines Islamic ideals with elements of socialism and pan-Arabism. The *Green Book* states that direct popular rule is the basis of the political system

and that citizens play a role in popular congresses; in practice, al-Qadhafi and his close associates monopolized every aspect of decision-making in the government.

Elections and Political Participation

The government prohibits the creation of and membership in political parties. The 1977 Declaration on the Establishment of the Authority of the People dictates how citizens exercise their political rights. The government is structured in a pyramid of directly elected residential people's committees (roughly neighborhood voting districts), which in turn form the 424 basic people's congresses, municipal people's committees (sha'abiyas, formed of the basic people's congresses), the 760-member General People's Congress, and the 20 cabinet-level secretaries of the General People's Committee with a general secretary, each layer of which is involved in the selection of the next-higher level. Citizens participate through numerous organizations, including residential, vocational, production, professional, and skilled labor congresses. Voting for leaders of the local congresses is mandatory for all citizens 18 or older. In practice the regime exercised significant influence over legislation and enforcement of the General People's Congress' decisions.

Elections to the General People's Committee occur at meetings of the General People's Congress. Elections are generally held every three years. The most recent elections were held during the second week of March with the people's congresses, the local bodies comprising all citizens, electing their leadership committees. The election process continues through the hierarchy of committees and congresses. Finally, the General People's Congress chooses the General People's Committee, which manages the daily affairs of the government.

In theory, revolutionary committees guard against political dissent and ensure that citizens adhere to sanctioned ideology. These committees approve candidates for the General People's Congress. In practice revolutionary committees played an unclear role in enforcing official ideology, sometimes appearing increasingly marginalized and sometimes appearing active in political life.

According to the February 6 report of the UN Committee on the Elimination of Discrimination against Women, women held 32 percent of the 760 seats in the General People's Congress. No reliable information existed on the representation of minorities in the government.

Section 4 Official Corruption and Government Transparency

Laws stipulating criminal penalties for official corruption are unclear and inconsistently applied. The Administration Monitoring Board is the government agency responsible for oversight of official activities and prevention of corrupt practices. Officials regularly engaged in corrupt practices with impunity. Government corruption coupled with favoritism based on family and tribal ties were perceived to be severe problems. Both contributed to government inefficiency.

The law does not provide for financial disclosure by public officials or public access to government information, and the government did not provide access in practice to citizens, pressure groups, or the media. The government did not publicly provide detailed planning or budget documents.

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

The government prohibited the establishment of independent nongovernmental human rights organizations, although the quasigovernmental QDF routinely criticized the government's human rights practices. Restrictive laws that imposed imprisonment for forming or joining international organizations without government authorization forced individuals wishing to carry out human rights work to operate abroad. In May QDF facilitated AI's first fact-finding visit to the country since 2004. The QDF also facilitated HRW's visit in April, just more than a year after the group's last visit, but restricted their

access to prisons. The QDF facilitated the December 12 launch of HRW's report from Tripoli, the first such event in Libya by an international human rights organization.

Associations engaging in unauthorized political activity were illegal. The Libyan Arab Human Rights Committee, a government body, did not release any public reports. HRSL, operating under the sponsorship of the semiofficial QDF, released a report on December 10 criticizing government policies restricting civil society, calling for the abolition of the state security court, drawing attention to human rights abuses, and demanding resolution of claims stemming from the 1996 Abu Salim riot.

Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, sex, religion, disability, or social status. The government did not enforce these prohibitions effectively, particularly with regard to women and minorities.

Women

The 1969 Constitutional Proclamation granted women equality under the law. In practice traditional attitudes and practices continued that discriminated against women. Shari'a governs inheritance, divorce, and the right to own property. The law does not distinguish between genders for crimes of domestic violence, rape, or sexual harassment. Women have societal restrictions on their movement even to local destinations.

The law prohibits domestic violence, but there was scant information on the penalties or on the extent of violence against women. There were 563 cases of rape reported in 2007; statistics were not disaggregated by gender. In 2008 courts heard more than 900 cases involving sex crimes. On January 29, members of the Committee on the Elimination of Discrimination Against Women criticized the government for not presenting data on violence against women. Prison terms of varying length were handed down to convicted rapists, according to a July 24 government response to the UN Human Rights Committee. Domestic abuse was rarely discussed publicly; HRW reported that students conducting a study on sexual violence in April found that victims were reticent to discuss their experiences due to fears of social stigmatization.

The law criminalizes rape. A convicted rapist must marry the victim, with her agreement, or serve a prison term of as long as 25 years.

The law does not distinguish between rape and spousal rape. According to government officials responding to the UN Human Rights Committee, "if a wife is raped by force or in a way that she does not accept, she may lodge a complaint and demand that her husband be prosecuted and punished." There were 20 Women's Courts in Tripoli and in Benghazi to deal with cases that, according to government officials, could not be resolved privately and where women could avoid the social stigma of appearing in court alongside violent criminals.

The law prohibits prostitution, but there were reports that it existed in major cities.

The law does not prohibit female genital mutilation (FGM), which is foreign to the culture and society. There were no reports of FGM during the year.

Women and girls suspected of violating moral codes were detained indefinitely without being convicted or after having served a sentence and without the right to challenge their detention before a court (see section 1.d.). They were held in "social rehabilitation" facilities, in some cases because they had been raped and then ostracized by their families. The government stated that a woman was free to leave a rehabilitation home when she reached "legal age" (18 years), consented to marriage, or was taken into the custody of a male relative. According to HRW, authorities transferred most women to these facilities against their will, and those who came of their own volition did so because no genuine shelters for survivors of violence exist. HRW maintained that the government routinely violated women's and girls' human rights in

"social rehabilitation" homes, including violations of due process, freedom of movement, personal dignity, and privacy. One example of these violations is the practice of "virginity exams" in "social rehabilitation" facilities. According to a 2006 HRW report, medical providers conducted invasive examinations to determine whether women detained in "social rehabilitation" facilities had engaged in sexual intercourse. HRW notes that these exams have "no medical accuracy."

On October 21, approximately 12 women living in a care center in Benghazi demonstrated in that city, charging officials with sexual harassment and calling for the reinstatement of the center's former director. Several women were quoted in *Libya al-Youm* and *Jeel Libya* saying officials allowed security officers into their rooms at night and at least one woman claimed she had been physically threatened by an official who had propositioned her. On October 31, the General Prosecutor's Office charged the head of the care center with sexual harassment.

The law criminalizes sexual harassment, but there were no reports on how this law was enforced in practice. Expatriate women reported occasional harassment, including men exposing themselves and following women.

The Department of Social Affairs, under the supervision of a cabinet-level member of the General People's Committee, is charged with collecting data and oversees the integration of women into all spheres of public life, although data are often out of date and incomplete. Women did not hold any cabinet-level offices in the government, although the General People's Congress has a representative for women's affairs and two female high committee chairs.

The General Union of Women's Associations, which the government established as a network of quasinongovernmental organizations, addresses women's employment needs. According to 2008 data from the International Labor Organization (ILO), 26 percent of women older than 15 were economically active, compared to 77 percent of men. Traditional restrictions continued to discourage some women from playing an active role in the workplace.

The government is the country's largest employer. Civil service salaries are set according to education and experience. Women and men with similar qualifications are paid at the same grade for positions that are substantially similar. The emerging private sector does not formally discriminate on the basis of gender for access to employment or credit, although cultural conceptions of gender roles reduce women's involvement in the economy.

Women constituted the majority of university students and graduates and made up almost one-third of university faculty.

Virtually all births took place in hospitals and more than 90 percent of mothers received pre- and postnatal care. Maternal mortality was low and female life expectancy was high and rising. All forms of contraception were available free of charge and there were no reports of government or societal pressure on couples limiting their freedom to determine the number, spacing, or timing of their children. During the year at least one child was born to an HIV-positive couple and diplomatic observers indicated that both the mother and child received adequate medical care.

Children

Citizenship is derived from the father and registered in a government-issued family book. There were no data on the number of unregistered births.

The government subsidized primary, secondary, and university education, and secondary education was compulsory through grade nine for both boys and girls. The law imposes high fees on noncitizens enrolled in primary and secondary schools. The UN Human Rights Committee noted that schools discriminated against children born out of wedlock.

According to a 2003 UNDP report, 96 percent of school-age children attended primary school and most reached at least a sixth-grade level; 53 percent of girls and 71 percent of boys attended secondary school.

The law prohibits child abuse, and that prohibition was respected in practice.

There is no law specifically prohibiting statutory rape. Sex outside of marriage is defined as adultery in Law 70 of 1973 and is a felony offense. Eighteen is the age of consent for marriage, although a woman younger than 18 can marry with her father's consent.

Trafficking in Persons

The law criminalizes all forms of trafficking in women, but does not specifically prohibit trafficking in persons. There were widespread reports that persons were trafficked to the country for commercial sexual exploitation and forced labor purposes.

The country was both a transit point for trafficked persons en route to Europe and a destination country for victims from sub-Saharan Africa and South Asia. International observers and countries with significant undocumented migrant populations in the country estimated that one-half to 1 percent of the country's approximately 1.5 million to two million foreign residents may be victims of trafficking.

The law does not expressly criminalize trafficking for purposes of sexual exploitation or involuntary servitude, and the government provided no information on prosecutions related to trafficking offenses, nor does the law expressly criminalize involuntary servitude.

On June 14, HRW published interviews with migrant workers in Italy and Malta claiming government officials were complicit in trafficking in persons. The migrants claimed smugglers arranging boat departures were closely linked with the authorities responsible for interdicting such vessels. Migrant workers also told HRW that authorities often released detainees into the custody of smugglers rather than deporting them, trapping migrants in a repeating cycle of rearrest.

As in previous years, the government did not provide adequate protection to victims of trafficking. The government failed to screen vulnerable populations adequately to identify trafficking victims. Victims were susceptible to punishment for unlawful acts committed because they were trafficked, including unlawful presence in the country, working without a valid work permit, and engaging in prostitution. There were limited reports that authorities deported trafficking victims who had been intermingled with economic migrants without receiving medical, psychological, or legal aid.

The Department of State's annual *Trafficking in Persons Report* can be found at www.state.gov/g/tip.

Persons with Disabilities

The law provides for the rights of persons with disabilities and provides for monetary and other types of social care. A number of government-approved organizations care for persons with disabilities and protect access to employment, education, health care, and other state services. Few public facilities have adequate access for persons with physical disabilities.

National/Racial/Ethnic Minorities

Arabic-speaking Muslims of mixed Arab-Amazigh (Berber) ancestry constituted 97 percent of citizens. The principal minorities were Amazighs and Tuaregs. Both minority groups are predominantly Sunni Muslims but identify with their respective cultural and linguistic heritage rather than with Arab traditions. Several nomadic groups live in areas along the country's desert borders, including members of Tuareg and Toubou tribes. The country is home to an estimated 1.5 million to two million foreign workers. Of those, nearly one million are thought to be of Sahelian or sub-Saharan African origin and in the country as irregular migrants.

During the year the government took steps to alleviate discrimination against the Berber minority. In 2007 the government abolished a law prohibiting the use of Amazigh and Tuareg names. Unlike in previous years, limited exhibitions of Amazigh culture were permitted, including a televised history program. The government allowed the written Amazigh language on more signs, but reportedly still prohibited it in official contexts.

The Berber Web site Tawalt.com reported Revolutionary Committee members in December 2008 targeted Berber leaders near Yefren. Demonstrators reportedly chanted anti-Berber slogans, vandalized properties, and physically confronted counter protesters. Opposition Web sites alleged the individuals acted in collusion with local police.

According to a December 2008 *MEED Business Intelligence* report, the Toubou minority faced discrimination in the town of Kufra. Authorities reportedly withdrew citizenship from members of the Tabou tribe in Kufra during the year, and local authorities reportedly issued decrees barring members of the Tabou tribe who did not have citizenship from access to education and health care services. There were no updates on the reported societal clashes that occurred in Kufra in November 2008 (see section 1.d.)

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

No public information was available on societal discrimination on the basis of sexual orientation or identity.

There were no reports of societal abuses, violence, or discrimination based on sexual orientation and sexual identity, although Libyans tended to hold negative views of homosexual activity. Homosexual acts are a criminal offense punishable by three to five years in prison. The law provides for punishment of both parties. There were no reports of legal discrimination based on sexual orientation in employment, housing, or access to education or health care.

Other Societal Violence or Discrimination

There were no reports of societal violence toward persons with HIV/AIDS. There were reports of societal stigmatization of persons living with HIV/AIDS, due to an association of the disease with drug use and sex outside marriage. This stigma also resulted in underreporting of the disease. Treatment and medicine were provided to HIV/AIDS patients free of charge at special centers.

Section 7 Worker Rights

a. The Right of Association

The law prohibits independent associations; workers are allowed to join the government-organized General Trade Union Federation of Workers. The Federation played an active role in the International Confederation of Arab Trade Unions, the Organization of African Trade Union Unity, and the World Federation of Trade Unions. The government required candidates for trade union office to be citizens. Active government employees are often enrolled automatically.

The law does not give workers the right to strike, and there were no reports of strikes or attempted strikes during the year. Although trade unions have existed officially for more than 25 years, workers historically have seen them as idle organizations under government control. In 2007 an intervention to secure back pay for employees of the National Oil Corporation reportedly took place. No information was available on any additional mechanisms to protect workers' rights.

b. The Right to Organize and Bargain Collectively

The law circumscribes the conduct of union activities, and collective bargaining is restricted in practice. For example, the government must approve all collective agreements between unions and employers to ensure that they are in line with the government's economic and social objectives.

A free trade zone in Misrata officially opened in 2004, although through year's end it was not operating due to bureaucratic delays.

c. Prohibition of Forced or Compulsory Labor

The law prohibits any form of forced or compulsory labor, including by children. There were some reports of forced labor of migrant workers, particularly Filipino, Indian, and sub-Saharan Africans working in the construction sector, after they were smuggled into the country.

d. Prohibition of Child Labor and Minimum Age for Employment

The law forbids children younger than 18 from being employed, except when it is a form of apprenticeship. There was no information available on the prevalence of child labor, although there were no reports of child slavery, prostitution, or recruitment into armed conflict during the year.

No information was available concerning whether the law limits working hours or sets occupational health and safety restrictions for children. The General People's Committee for Manpower, Employment, and Training is responsible for preventing child labor.

e. Acceptable Conditions of Work

The labor law defines the rights and duties of workers, including matters of compensation, pension rights, minimum rest periods, and working hours. The legal workweek is 40 hours. The law stipulates the minimum wage, standard working hours, night shift regulations, dismissal procedures, and training requirements. The law does not specifically prohibit excessive compulsory overtime.

The *Green Book* forbids wages, so pay is in the form of "entitlements." Although some public sector categories, such as professors, have received increases in recent years, a freeze imposed more than a decade ago continues to depress earnings. The minimum wage was 250 dinars (\$208) per month. The government paid an additional pension of 90 dinars (\$75) for a single person, 130 dinars (\$108) for a married couple, and 180 dinars (\$150) for a family of more than two. Although there was no information available regarding whether the average wage was sufficient to provide a worker and family with a decent standard of living, the government heavily subsidized rent and utilities, and government workers received an additional 130 dinars (\$108) per month for food staples during the year. Contracts exist for migrant workers and are the legal basis for granting visas for temporary workers.

Labor inspectors were assigned to inspect places of work for compliance with government-defined health and safety standards, and the law grants workers the right to court hearings regarding these standards. Certain industries, such as the petroleum sector, attempted to maintain standards that foreign companies set. There was no information about whether workers could remove themselves from an unhealthy or unsafe work situation without jeopardizing their employment.

Foreign workers reportedly constituted 1.6 million of the 3.2 million-person work force in 2004, but the labor law applies only to foreign workers who have work contracts, a fraction of the total. These workers are covered under the laws on acceptable conditions of work, while other migrants are considered to be illegally in the country. While the 2006 census counted 349,040 foreigners resident in the country, in 2009 observers and diplomatic missions with large migrant populations in the country estimated the total number of undocumented workers at between 1.5 and 2 million. Authorities permitted foreign workers to reside in the country only for the duration of their work contracts, and they could not send more than half of their earnings to their home countries. They were subject to arbitrary pressures, such as changes in work rules and contracts, and had little choice other than to accept such changes or depart the country. Authorities

deported many foreign workers for not having newly required work permits for unskilled jobs that they held at the time of arrest. In practice the government had no practical means to track foreign workers or remittance flows, relying instead on the threat of deportation and random round-ups, including the deportation of several hundred Nigerians in August and September, to exercise authority.