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## 2010 Human Rights Report: Libya

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

### 2010 Country Reports on Human Rights Practices

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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 2009, 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 all positions of leadership and political power. Security forces reported to civilian authorities.

Citizens did not have the right to change their government. Continuing problems included reported disappearances, torture, arbitrary arrest and imprisonment, lengthy pretrial and sometimes incommunicado detention, official impunity, and poor prison conditions. Denial of fair public trial by an independent judiciary, detention and imprisonment of persons on political grounds, and the lack of judicial recourse for alleged human rights violations were also serious problems. The government significantly restricted media freedom and continued to restrict freedom of speech (including Internet and academic freedom). It continued to severely impede the freedom of assembly, freedom of association, and civil liberties. The government did not 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.

In May 2009 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 in April 2009, but he refused to be interviewed. In a May 2009 statement, HRW called on authorities to conduct a full and transparent investigation. The NGO Amnesty International (AI) visited Abu Salim prison after al-Fakheri's death in May, but authorities denied access to his guards, forensic doctors, and the autopsy report. At year's end no results of the GPO investigation had been made public.

There were no developments in the case of Mohammed Adel Abu Ali, who died in custody in 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 mid-February authorities released Abdulrahman al Qutiwi, whom security forces had arrested in 2007, along with others who appeared subsequently in court to face criminal charges of attempting to foment rebellion and conducting unauthorized communications with a foreign government. During his detention authorities did not bring al-Qutiwi to trial and kept him in incommunicado detention with his whereabouts unknown.

In November the families of Izzat Yousef al-Maqrif and Jaballah Matar, who disappeared in Cairo in 1990, filed cases with the UN Human Rights Committee. Al-Maqrif and Matar were prominent members of the National Front for the Salvation of Libya, a political opposition group. Human rights organizations report that Egyptian authorities arrested al-Maqrif and Matar and transferred them to Libyan custody, where they were held in Abu Salim prison. Their families requested information regarding their status or confirmation of their death from the government, but at year's end no information had been made available.

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

The law prohibits such practices, but security personnel reportedly tortured and abused detainees and prisoners routinely during interrogations or as punishment. In December 2009 the Qadhafi International Charity and Development Foundation (QDF), an NGO founded and chaired by Muammar al-Qadhafi's son, Saif al-Islam al-Qadhafi, that is registered in Switzerland with executive offices in Tripoli, released a report on human rights practices in the country. In a statement accompanying the release, the QDF said during the year it had recorded "several flagrant violations" and 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.

There were reports of torture and abuse during the year. On July 2, HRW reported that guards had beaten members of a group of more than 300 Eritreans detained on charges of illegal immigration.

In previous years 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; beatings on the soles of feet; being suspended by the arms; and denial of medical treatment.

The law sanctioned corporal punishments such as amputation and flogging; no official cases were available for citation that such punishments were carried out.

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

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In July Saif al-Islam al-Qadhafi conceded publicly that acts of torture and excessive violence had taken place in prisons. In a 2009 meeting with HRW, Ministry of Justice officials complained that they were denied permission from the Ministry of Public Security to prosecute members of the Internal Security Organization (ISO) for alleged crimes committed within ISO-run prisons as well as arbitrary detentions outside of official detention centers.

In April 2009 Ashraf Ahmad Jum'a al-Hajuj drew attention to his suit against the 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 with HIV. In 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 2009 respectively, but authorities did not allow full access to prisoners or facilities. During the year a United Kingdom-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.

There were effectively two prison systems in the country: one administered by the Ministry of Justice, and a second administered by security services. The security services administered Ain Zara and Abu Salim prisons, which housed approximately 500 prisoners at year's end, according to the Human Rights Society of Libya. Diplomats and foreign observers were allowed access to the Ministry of Justice prisons but were denied access to the security service prisons.

In 2009, according to HRW, the minister of justice proclaimed that there were approximately 500 prisoners who had served their sentence or been acquitted by the courts but remained imprisoned under ISO orders. According to press reports, the minister asked to be relieved of his duties in light of his inability to enforce court orders to liberate acquitted prisoners, but he subsequently retained his position. HRW reported that the ISO head confirmed in December 2009 that his agency was detaining 330 prisoners who had completed their sentences or whom courts had acquitted, with no apparent legal authority to keep them in detention.

In a September 2009 report, consultants from King's College of London reported that between 12,000 and 15,000 inmates were held in 34 prison establishments in the country. The consultants reported that the prisons often were overcrowded. Periodic mass releases served to reduce pressure on prison facilities. 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 were held in separate prisons and detention centers. Juvenile migrants generally were held with mothers while in detention.

Based upon periodic visits to some Ministry of Justice detention facilities, foreign observers reported that prisoners and detainees had reasonable access to visitors and were permitted religious observance. Authorities permitted prisoners and detainees to submit complaints to judicial authorities without censorship and investigated credible allegations of inhumane conditions. In some cases there was retaliation for complaints of prison conditions. In November 2009 authorities summoned Jamal al-Haji to a state security court and detained him for filing complaints of inhumane treatment during a previous detention.

In contrast to Ministry of Justice facilities, access to prisons maintained by state security services, such as Ain Zara and Abu Salim, was tightly controlled. Security forces reportedly subjected prisoners and detainees to cruel, inhuman, or degrading conditions and denied them adequate medical care. Prisoners did not have reasonable access to visitors, and there was no transparent, credible system for submitting complaints or investigating allegations of inhumane conditions in these prisons.

The Ministry of Justice worked with the QDF to identify and release prisoners who had been acquitted or had served their sentences, and in March the Ministry of Justice announced the release of 80 prisoners who had been acquitted, followed by the release in August of 37 prisoners who had been acquitted. However, observers and government officials noted that several hundred remained in custody.

The government did not allow independent monitoring of prison conditions by independent NGOs, the media, or international human rights groups. There was not a credible ombudsman who could serve on behalf of prisoners and detainees to consider such matters as alternatives to incarceration for nonviolent offenders to alleviate overcrowding; addressing the status and circumstances of confinement of juvenile offenders; or improving pretrial detention, bail, and recordkeeping procedures to ensure that prisoners do not serve beyond the maximum sentence for the charged offense.

There was scant public information about conditions inside prisons.

The International Committee of the Red Cross did not have an office in the country, although it monitored prison conditions in the country from its regional office in Tunis, Tunisia. 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.

In September 2009 the 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. The minister of justice reported to HRW in April 2009 that previous investigations had resulted in an estimated 800 families receiving certificates confirming 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) to the family of each victim if the family agreed to halt legal proceedings.

Family members of some of the victims reportedly killed in the 1996 incident attended the December 2009 launch of HRW's report on the country, where several family members repeated their rejection of compensation offers and demanded that responsible officials be brought to justice.

#### d. Arbitrary Arrest or Detention

The criminal code establishes procedures for pretrial detention and prohibits 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 April 14, the government released political dissident Jamal al-Hajj, arrested in December 2009 on charges of criminal defamation after he criticized the Ministry of Justice for his treatment as a political prisoner between 2007 and 2009.

In January 2009 police arrested former secretary general of the Human Rights Society and 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 after two weeks' detention.

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 and reportedly placed 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 2009 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 al-Qadhafi wields total 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 the ISO 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 political prisoners. 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 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.

In April AI reported that armed security personnel had forced evictions of Toubou tribespeople in Kufra and demolished their houses. AI also reported that Toubou tribespeople had alleged that authorities prohibited their children from attending school and refused to register the birth of Toubou children. Between November 2009 and April, dozens of Toubou were arrested after attempting to stop the demolitions, according to AI, and those who resisted were reportedly beaten with sticks.

#### Arrest Procedures and Treatment While in Detention

The law stipulates that authorities can obtain permission to detain persons for investigation without charge for as long as eight days after arrest. In practice security services at times 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, access to counsel for pretrial detainees, and a public defender for anyone unable to afford a private attorney. However, 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. There were reports of nationals and foreigners detained without charge by the ISO. In November a British-Ghanian citizen filed suit in a London court claiming that the ISO had detained him incommunicado in a small cell for approximately four months. He charged that his captors threatened him with "disappearance," beat him, and force-fed him narcotics.

According to a June 2009 HRW report, migrants in Malta and Italy reported that authorities in Libya had 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 and who were suspected of violating moral codes, to be detained in "social rehabilitation" facilities. They could be detained indefinitely without access to legal representation or the opportunity to contest their detention in court. Women at these sites could be released only to their families, often the source of the threat to their safety. Women sometimes were subjected to forced marriage to strangers. HRW, which initially highlighted this phenomenon in a 2006 report, said the practice continued.

#### Amnesty

The government regularly releases some prisoners to mark religious holidays. On August 31, as part of the annual Revolution Day commemoration, the government reportedly pardoned 1,189 prisoners who had served at least half of their sentence, according to the Supreme Judicial Council.

On March 24, authorities released from Abu Salim prison 214 prisoners, including prisoners held for membership in the Libyan Islamic Fighting Group (LIFG) and other jihadist groups. On August 31, authorities released an additional 37 prisoners from jihadist groups. In 2009 the LIFG stated that its 2007 merger with al-Qaida in the Islamic Maghreb was "invalid" and renounced violent jihad.

#### 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 al-Qadhafi and his close associates 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. In December 2009 the Ministry of Justice reported to HRW that disagreements between the judiciary and the ISO 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, and it worked to release several hundred such prisoners. According to HRW an estimated 117 prisoners had been released during the year, and approximately 200 remained in prison. Early in the year, the Ministry of Justice established a review committee to compensate victims of wrongful imprisonment. According to the Ministry of Justice, the committee began to disburse compensation payments to victims, and families of victims, of wrongful imprisonment in August.

## 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.

In November HRW, al-Karama, and the human rights NGO Track Impunity Always (commonly known as TRIAL) reported that they had obtained documents showing the ISO blocked a prosecutor's investigation into the role of security services officers in the 2006 death in detention of Ismail al-Khazmi. Authorities reportedly took Al-Khazmi from his workplace in 2006 and tortured him in a Tripoli prison. Authorities acknowledged his death one year later but did not provide information about the time and circumstances. The government did not conduct a transparent inquiry into al-Khazmi's death.

## 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, in effect banning all political parties.

On March 24, the government reportedly released 214 political detainees from the Abu Salim prison, including those associated with banned Islamic groups, as part of a joint government-QDF terrorist rehabilitation program. On August 31, authorities released an additional 37 prisoners who were alleged members of jihadist groups who had undergone the terrorist rehabilitation program. Foreign observers reported that Ayn Zara and Abu Salim prisons at the end of the year housed an estimated 400 to 500 prisoners. In a 2009 report, HRW claimed dozens of political prisoners remained in jails. In 2008 human rights organizations and foreign diplomats speculated that 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 April 14, the government released political dissident Jamal al-Haji after several months' imprisonment. He had publicly held the government responsible for the 2009 death of Fathi al-Jahmi and had alleged torture of himself during his previous two-year imprisonment for "attempting to overthrow the political system" and "communication with enemy powers."

Geneva-based Solidarity for Human Rights, which describes itself as an independent human rights NGO, 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 in June 2009. He had been held incommunicado since 2005.

In March authorities released Abdelnasser Al-Rabbasi, according to HRW. He had been jailed in 2003 and sentenced to 15 years' imprisonment for submitting a short story on corruption to the *Arab Times*. According to the human rights group al-Karama, he was initially held incommunicado for several months after his arrest and tortured by the ISO.

In May 2009 political activist and al-Qadhafi critic Fathi al-Jahmi died in Jordan. Government authorities had held him in solitary confinement without adequate medical care before transferring him to Tripoli Medical Center and then releasing him from custody and sending him to a hospital in Jordan in May. He was released from jail in a coma and in grave medical condition and died 17 days later. 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 al-Qadhafi, and communicating with a foreign official without permission.

#### Civil Judicial Procedures and Remedies

Citizens did not have access to courts to seek damages for or demand cessation of human rights violations, although some released political prisoners were able to seek compensation through the court system. In August the Ministry of Justice announced it would pay compensation to released prisoners for wrongful detention commensurate to time served. The ministry declared that such released prisoners would receive an estimated 2,000 dinars (\$1,600) for each month of imprisonment. Separately the Human Rights Society said it was assisting the government in the rehabilitation of released former members of extremist groups by offering a stipend, mentoring, and a return to prior employment.

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.

#### 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. There was also physical surveillance of political activists and foreign organizations.

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. According to HRW some family members of victims of the 1996 Abu Salim prison killings reported that security services questioned them after they attended an HRW-hosted event in 2009.

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 freedom of speech and the press is severely limited, particularly criticism of government officials or policy. There are provisions in the penal code that criminalize "insulting public officials." The government tolerated some difference of opinion within governmental structures in people's committee meetings and at the General People's Congress. The Publication Act allows the government to silence critics through slander and libel provisions.

The government prohibited all unofficial political activities as well as most forms of political speech or expression. The wide reach of security services and broad networks of informants resulted in pervasive self-censorship.

In August 2009 the NGO Committee to Protect Journalists 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.

The government owned and controlled virtually all print and broadcast media. The official news agency, the Jamahiriya News Agency, is the designated conduit for official views. Government-controlled media neither published nor broadcast opinions inconsistent with official policy. In 2008 the quasi-official 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 (RSF), most of the journalists at these newspapers also worked for official media outlets, and the newspapers were printed on government presses. Local revolutionary committees in line with government opinion published several small newspapers.

In 2009 the government nationalized all privately owned news media. Al-Ghad newspapers *Oea* and *Quryna* suspended printing in January and resumed in July. The National Organization for Libyan Youth, an organization affiliated with al-Ghad, criticized the decision and said the government's General Press Authority refused to print the two newspapers because of "unauthorized" reports of future appointments to the General People's Congress.

On November 4, Secretary of the General People's Committee al-Baghdadi al-Mahoudi again suspended printing of *Oea* after the newspaper published reports that al-Baghdadi would lose his government position. Local press reported that during the next two days police arrested 20 journalists working for al-Ghad and detained them for several days. Al-Mutawassit, an al-Ghad television station, began broadcasting from London in August 2009 but within days ran al-Jamahiriyah programming in simulcast, ostensibly due to financial difficulties. In August the channel resumed original programming after a year-long hiatus, and at year's end it was broadcasting from London.

According to HRW and AI, the ISO routinely harassed journalists, and overly broad provisions of the penal code served as the basis for frequent charges of criminal defamation.

On February 17, authorities arrested four journalists working for Radio Benghazi program *Massaa al-Kheir Benghazi* (Good Evening Benghazi) and held them overnight, according to RSF. The program focused on exposing local government corruption as well as discussing politically sensitive issues such as the Abu Salim prison massacre. The station's director took the program off the air, dismissed the four journalists, and banned them from the station's premises.

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

Satellite television was widely available.

#### 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 2009 data of the International Telecommunication Union, there were approximately 82,500 Internet subscribers and 354,000 users. An estimated 5.5 percent of the population had access to the Internet. The government reportedly monitored Internet communications. According to a 2009 report by the OpenNet Initiative, a partnership among several universities to analyze Internet filtering and surveillance, authorities selectively blocked some opposition Web sites and occasionally blocked others.

In January the government began filtering some Web sites, including YouTube, after the posting of videos of demonstrations by the families of Abu Salim victims, and of videos of al-Qadhafi's family members attending parties, according to RSF. Other independent and opposition Web sites also were blocked in January, including opposition sites such as Libya al-Youm, al-Manara, Jeel Libya, Akhbar Libya, and Libya al-Mostakbal, according to HRW. Access was later restored to some of the sites. These and other opposition Web sites were periodically hacked or blocked throughout the year. In January 2009 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. Human rights activists, journalists, and local citizens launched a Facebook campaign to restore access to the sites. RSF reported that recently the government established a regulatory body (Niyabat al-Sahafa) to monitor journalists reporting on corruption cases. In November Blackberry service was launched, but data service was not consistently available.

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. Users were generally able to access blocked content through proxies and Virtual Private Network.

#### 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. Academic authorities encouraged selected students to study abroad, and some students were provided with government scholarships. According to HRW students were reportedly monitored by their embassies while abroad.

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.

Families of the victims of the 1996 Abu Salim massacre regularly protested in Benghazi, and authorities generally tolerated their protests. In March 2009 authorities arrested five protesters and detained them incommunicado before their eventual release, according to AI.

In October a group of lawyers who demanded new bar association elections met in the streets of Benghazi on at least two occasions, according to local Web sites. The lawyers were protesting what they viewed as government efforts to suppress the bar association's autonomy and prevent new leadership in the organization. The lawyers reportedly were allowed to assemble but were monitored by security services.

##### Freedom of Association

The government severely restricted the right of association and generally only allowed institutions affiliated with the government to operate. The government did not allow the formation of groups based on political ideology inconsistent with the 1969 revolution. In practice no nongovernmental organizations functioned in the country. The government does not

allow foreign funding to any organization or work of any political nature with foreign groups. In September, at a regional forum on civil society development in Tripoli, independent lawyers and journalists called for a revision of Law 19, which governs the formation of civil society groups, to enable greater freedom of association. Critics of the law said that it granted to security services undue authority to reject applications to form civil society organizations and that it gave the state wide-reaching authority to suspend organizations without cause. In September the Human Rights Society reported that it was urging the General People's Congress to review a draft law on civil society.

#### c. Freedom of Religion

For a complete description of religious freedom, see the *2010 International Religious Freedom Report* at [www.state.gov/g/drl/irf/rpt/](http://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 law does not allow, nor did the government impose, forced exile as a punishment. The QDF continued to encourage dissidents abroad to return and publicly promised their safety.

Though the Office of the UN High Commissioner for Refugees (UNHCR) was allowed to operate for the majority of the year and provide some services to refugees, the government generally did not cooperate with the UNHCR and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

#### 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 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 held regularly in detention.

During the year authorities reversed a policy of limited refugee resettlement to third countries, and in June the Ministry of Foreign Affairs ordered the UNHCR to close its office in Tripoli. The UNHCR was later allowed to continue processing its existing caseload but was forbidden from opening new cases. The government denied requests for exit visas for some immigrants seeking refugee status.

Until June 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. At the time of its closing, the UNHCR reportedly had registered an estimated 9,000 refugees from the Palestinian territories, Iraq, Sudan, Somalia, and other African countries and identified approximately 3,700 asylum seekers in the country.

In September 2009 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." In June 2009, during his visit to Italy, al-Qadhafi responded to criticism about the country's treatment of asylum seekers by calling the reported situation "a widespread lie." In meetings with embassy officials throughout the reporting period, government officials insisted on referring to illegal immigrants as "guests" rather than refugees.

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 occasional access to asylum seekers registered with the UNHCR and irregular migrants in prisons and detention facilities. The UNHCR staff had limited ability 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 the IOPCR. However, since August 2009, coincidental with an influx of returned migrants due to at-sea interdiction, authorities restricted access to detention centers.

On September 12, Libyan authorities aboard a local patrol boat opened fire on an Italian fishing boat believed to be holding illegal immigrants. Although no one was killed in the incident, HRW criticized what seemed to be a policy that allows shooting at boats carrying migrants from the country to Italy. The government asserted that firing on unarmed migrants would violate the law.

In October Egyptian media reported that a group of 16 Egyptians alleged that authorities shot at their vessel after it had drifted into Libyan waters and that the authorities detained them for nine months, during which time they reportedly were beaten and humiliated.

In 2009 joint sea patrols with Italy began hindering many asylum seekers and refugees from successfully leaving the country. The patrols returned interdicted migrants to the country. Once returned, their numbers swelled migration detention centers beyond capacity. International organizations reported that conditions in the centers worsened significantly and along with rights groups expressed concern that the joint patrols returned 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 2009 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.

In June the government announced the release of more than 3,000 illegal immigrants held in detention and a program to grant illegal immigrants a two- to three-month grace period to obtain legal working permits. The government did not screen the immigrants for potential refugees.

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 on account of their race, religion, nationality, membership in a particular social group, or political opinion. 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 claimed in 2007 to have repatriated 30,940 illegal migrants of the estimated 1.5 million to two million illegal migrants in the country, regardless of their status or claims to asylum.

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, Sudanese, Eritrean, and Somalis, followed by smaller but growing numbers from 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. In May 2009 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 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.

### 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, 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 generally are held every three years. The most recent elections were held in March 2009 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. Al-Qadhafi is considered the "Brotherly Leader and Guide of the Revolution" and is not elected by the citizens. He is structurally outside the political system but in practice retains authority over the government.

Revolutionary committees guard against political dissent and assure 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 a 2009 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.

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 2009 report, and representatives of the organization stated that they were actively lobbying the government to have the court dissolved. There was very little public information on the court, which according to AI was believed to convene within the confines of Abu Salim Prison in some instances. According to HRW no reports of state security court-ordered death penalties were carried out during the year, and there were no reports of any cases being tried in such a court.

#### 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 human rights NGOs. In practice no NGOs functioned in the country. A few foreign organizations have attempted to register but have been refused. The QDF moderately criticized the government's human rights practices on issues ranging from corruption to prolonged detention of political prisoners. Until December the QDF sponsored a human rights society that issued reports on human rights in the country.

Restrictive laws that impose imprisonment for forming or joining international organizations without government authorization forced individuals wishing to carry out human rights work to operate abroad. In May 2009 the QDF facilitated AI's first fact-finding visit to the country since 2004. It also facilitated HRW's visit in April 2009, more than a year after the group's previous visit, but HRW's access to prisons continued to be restricted during the more recent visit.

The QDF facilitated the December 2009 launch of HRW's report, *Libya: Truth and Justice Can't Wait*, from Tripoli, the first such event in the country by an international human rights organization. The report documented human rights practices in the country over the past five years, concluding that there had been "some expansion of the space for free expression despite severe criminal penalties for free speech and association." The report noted the government's attempt to address the 1996 Abu Salim massacre by acknowledging the death of the prisoners for the first time in 13 years and offering compensation, but no investigation or prosecutions. Families of the Abu Salim massacre victims, public citizens, and government officials attended the event.

Associations engaging in unauthorized political activity were illegal. The Libyan Arab Human Rights Committee, a government body, did not release any public reports. Opposition or political organizations were not allowed to operate in the country, including the National Conference of the Libyan Opposition, National Front for the Salvation of Libya, and the Committee for Libyan National Action in Europe.

#### 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. Sharia (Islamic law) 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 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. In January 2009 members of the Committee on the Elimination of Discrimination Against Women criticized the government for not presenting data on violence against women. Courts handed down prison terms of varying length to convicted rapists, according to a 2009 government response to the UN Human Rights Committee. Domestic abuse rarely was discussed publicly; HRW reported that students conducting a study on sexual violence in April 2009 found that victims were reticent to discuss their experiences due to fears of social stigmatization. The quasigovernmental Waatasemu Charity Foundation, headed by Muammar al-Qadhafi's daughter, Aisha al-Qadhafi, partnered with the UN to promote awareness of domestic abuse and sponsored a hotline for domestic abuse victims.

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. Rape victims who failed to meet high evidentiary standards reportedly could face charges of adultery, according to HRW.

The law does not address 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 a court with violent criminals.

The law does not prohibit female genital mutilation.

The law allowed for arbitrary punishments for dishonoring family, and women and girls suspected of violating moral codes such as walking with a man unrelated to them could be 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 existed. 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, where medical providers conducted invasive examinations to determine whether women detained in such facilities had engaged in sexual intercourse. These exams were believed to be devoid of medical accuracy.

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.

In October 2009 HRW and the Geneva-based NGO Human Rights Solidarity reported that a group of women living in a state-run care residence for women and girls organized a demonstration calling for an end to sexual harassment in the residence. The GPO subsequently opened an investigation into the claims and in October 2009 charged the director of the residence with sexual harassment. However, the director reportedly was released.

Couples and individuals have the right to decide freely and responsibly the number, spacing and timing of their children and have the information and means to do so free from discrimination, coercion, and violence. Virtually all births took place in hospitals, and more than 90 percent of mothers received pre- and postnatal care. The lifetime risk of maternal death was low, at one for each 350 live births, and female life expectancy was 77 years and rising. All forms of contraception were available free of charge. Waatasemu, the UN Office on Drugs and Crime, and other groups actively promoted awareness of HIV and sexually transmitted infections and encouraged equal access to medical care for women and men.

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 were often out of date and incomplete. Women occupied significant positions in government and the judiciary.

The General Union of Women's Associations, which the government established as a network of quasi-NGOs, addresses women's employment needs. According to 2008 data from the International Labor Organization, 26 percent of women older than 15 were economically active, compared with 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 women tend to earn less than men for similar work.

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

#### Children

Citizenship is derived from either the mother or the father and registered in a government-issued family book. In July the government made public a law allowing women married to foreign spouses to pass their own nationality to their children.

There were no data on the number of unregistered births.

The government subsidized primary, secondary, and university education. Secondary education was compulsory through grade nine for both boys and girls, and 100 percent of children between the ages of six and 14 were enrolled in basic educational institutions, according to the government's Universal Periodic Review submission to the UN Human Rights Council. The law imposes high fees on noncitizens enrolled in primary and secondary schools. The UN Human Rights Council noted that schools discriminated against children born out of wedlock.

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

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.

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

#### Anti-Semitism

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 continued since 2004.

In December the United Kingdom's *Guardian* reported that in 2008 a Marks and Spencer store in Tripoli had been the target of anti-Semitic accusations by Libya's government. The English-Jewish owned brand's store was closed twice in 2008 for being a "Zionist entity" that supported "the killing of Palestinians." Officials had taken the store's employees in for questioning. Local contacts perceived the attacks as political and aimed at Libyan private business rather than rooted in anti-Semitism. The Marks and Spencer store reopened in 2009 and continued to operate at year's end.

#### Trafficking in Persons

For information on trafficking in persons, please see the Department of State's annual *Trafficking in Persons Report* at [www.state.gov/g/tip](http://www.state.gov/g/tip).

#### Persons with Disabilities

The law provides for the rights of persons with physical, sensory, intellectual and mental disabilities and provides for monetary and other types of social assistance. A number of government-approved organizations cared for persons with disabilities and protected access to employment, education, health care, and other state services. Few public facilities had adequate access for persons with physical disabilities, and there was limited access to information or communications.

#### 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 are in the country as undocumented migrants.

The 1969 Constitutional Declaration defined the country as an Arab nation and acknowledged Arabic as the country's only official language, and the regime officially denies the existence of non-Arab citizens.

According to the Society for Threatened Peoples, Berber (Amazigh) people faced contradictory and at times threatening government policies. During the year the government took steps to alleviate discrimination against the Berber minority. 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 prohibited it in official contexts. In August 2009 the QDF invited leading representatives of the World Amazigh Conference to Tripoli to discuss Berber culture and

status in the country. Local politicians have also visited Berber towns in recent years. In 2007 the government abolished a law prohibiting the use of Amazigh and Tuareg names.

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

According to the Society for Threatened Peoples and a 2008 MEED Business Intelligence report, the Toubou minority in the southeastern part of the country, especially in the town of Kufra, faced massive discrimination. An estimated 4,000 Toubou reportedly resided in Kufra. A government initiative to withdraw their citizenship and designate the Toubou as Chadian reportedly led to five days of fighting between security forces and the Toubou in 2008. As many as 33 persons reportedly died in the fighting. In April 2009, according to AI, armed security personnel used bulldozers to evict Toubou from their homes in Kufra, continuing a policy of forced evictions in place since November 2009. AI reported that Toubou had complained that they were not allowed to attend local schools and were denied treatment at local hospitals because they lacked official identity documents.

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

There was societal and official abuse based on sexual orientation and sexual identity. Citizens tended to hold negative views of homosexual activity, and homosexuality is socially stigmatized. Homosexual acts are a criminal offense punishable by three to five years in prison. The law provides for punishment of both parties. In November a girl who announced on the Internet that she was gay sought asylum in France after she was allegedly arrested, raped, and nearly forced into a marriage.

No public information was available on societal discrimination on the basis of sexual orientation or identity. 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, sex outside marriage, and homosexuality. 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 automatically enrolled in 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.

The law does not give workers the right to strike. Although trade unions have existed officially for more than 25 years, workers historically have seen them as idle organizations under government control.

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

The law circumscribes the conduct of union activities, and collective bargaining was 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. The government has the right to set and cut salaries without consulting the workers.

A free trade zone in Misrata officially opened in 2004, although at year's end it was not operating due to bureaucratic delays. According to local contacts, the delays were both construction and regulatory. Free trade agreements have labor provisions, especially the newer ones; however, the Misrata free trade zone is independent of a free trade agreement.

#### c. Prohibition of Forced or Compulsory Labor

The law prohibits any form of forced or compulsory labor, including child labor. Nevertheless, 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. For information on trafficking in persons, please see the Department of State's annual *Trafficking in Persons Report* at [www.state.gov/g/tip](http://www.state.gov/g/tip).

#### 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 except for migrant workers and includes matters of compensation, pension rights, minimum rest periods, and working hours. Although some public sector categories, such as professors, have received pay increases in recent years, a freeze imposed more than a decade ago continued 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, written in Arabic, exist for migrant workers and are the legal basis for granting visas for temporary workers. Contracts are only for legal immigrants and are a requirement for the hiring business to sponsor the worker; as a result, they are rare and generally only used if the business is closely monitored or regulated.

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.

Labor inspectors were assigned by municipal governments 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 workforce 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, observers and diplomatic missions with large migrant populations in the country estimated during the year that the total number of undocumented workers was between 1.5 million and two 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. Foreign workers 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 members of the informal foreign workforce or remittance flows, relying instead on the threat of deportation and random roundups to exercise authority. Roundups and deportation generally threatened only illegal or undocumented workers.

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