

# LIBYA 2018 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Libya is a parliamentary democracy with a temporary Constitutional Declaration that allows for the exercise of a full range of political, civil, and judicial rights. Citizens elected the interim legislature, the House of Representatives (HoR), in free and fair elections in 2014. The Libyan Political Agreement, which members of the UN-facilitated Libyan political dialogue signed in 2015, created the internationally recognized Government of National Accord (GNA), headed by Prime Minister Fayez al-Sarraj. Political mediation efforts led by the United Nations aim to support passing a constitution and holding new elections to replace interim bodies that have governed Libya since the 2011 revolution with permanent state institutions.

The government had limited effective control over security forces.

Human rights issues included arbitrary and unlawful killings, including of politicians and members of civil society, by extralegal armed groups, ISIS, criminal gangs, and militias, including those affiliated with the government; forced disappearances; torture perpetrated by armed groups on all sides; arbitrary arrest and detention; harsh and life threatening conditions in prison and detention facilities, some of which were outside government control; political prisoners held by nonstate actors; unlawful interference with privacy, often by nonstate actors; undue restrictions on free expression and the press, including violence against journalists and criminalization of political expression ; widespread corruption; trafficking in persons; criminalization of sexual orientation; and use of forced labor.

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

Conflict continued during the year in the west between GNA-aligned armed groups and various nonstate actors. The Libyan National Army (LNA), under its commander Khalifa Haftar, is not under the authority of the internationally recognized GNA. Haftar controlled territory in the east and parts of south. Extralegal armed groups filled security vacuums across the country, although several in the west aligned with the GNA as a means of accessing state resources. The GNA formally integrated some of the armed groups into the Ministry of Interior during the year. ISIS maintained a limited presence, primarily in the central desert region, areas south of Sirte and in Bani Walid, and in urban areas along the western coast. Al-Qaida and other terrorist groups also operated in the country, particularly in and around Derna and in the southwest.

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

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

There were numerous reports that GNA-aligned armed groups, nonstate actors, LNA units, Chadian and Sudanese rebel groups, tribal groups, ISIS fighters, and other terrorist groups committed arbitrary or unlawful killings (see section 1.g.). Alliances, sometimes temporary, among elements of the government, non-state actors, and former or active officers in the armed forces participating in extralegal campaigns made it difficult to ascertain the role of the government in attacks by armed groups.

Reports indicated terrorist organizations, criminal gangs, and militias played a prominent role in targeted killings and suicide bombings perpetrated against both government officials and civilians. Criminal groups or armed elements affiliated with both the government and its opponents may have carried out other such attacks. Shelling, gunfire, airstrikes, and unexploded ordinances killed scores of persons during the year, including in the capital, Tripoli. In the absence of an effective judicial and security apparatus, perpetrators remained unidentified, and most of these crimes remained unpunished.

Between January and October, the UN Support Mission in Libya (UNSMIL) documented the deaths of more than 177,000 civilians. Shelling injured or killed the largest number of victims.

### **b. Disappearance**

GNA-aligned forces and armed groups acting outside GNA control committed an unknown number of forced disappearances (see section 1.g.). The GNA made few effective efforts to prevent, investigate, or penalize forced disappearances.

Kidnappings were common throughout the year, typically carried out by criminal gangs or trafficking groups that exploited the country's ungoverned spaces and ransomed victims for money.

On April 20, Salem Mohamed Beitelmal, a professor at the University of Tripoli, was driving to work when local militias abducted him on the outskirts of western Tripoli. On June 6, his captors released him.

Many disappearances that occurred during the Qadhafi regime, the 2011 revolution, and the post-revolutionary period remained unresolved. Due to the continuing conflict, weak judicial system, legal ambiguity regarding amnesty for revolutionary forces, and the slow progress of the National Fact-finding and Reconciliation Commission, law enforcement authorities and the judiciary made no appreciable progress in resolving high-profile cases.

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

While the Constitutional Declaration and post-revolutionary legislation prohibit such practices, credible sources indicated personnel operating both government and extralegal detention centers tortured prisoners (see section 1.g.). While judicial police controlled many facilities, the GNA continued to rely primarily on armed groups to manage prisons and detention facilities. Furthermore, armed groups, not police, initiated arrests in most instances. According to Human Rights Watch (HRW), armed groups held detainees at their discretion prior to placing them in official detention facilities. Treatment varied from facility to facility and typically was worst at the time of arrest. National Committee for Human Rights in Libya (NCHRL) reported abuses included beatings with belts, sticks, hoses, and rifles; administration of electric shocks; burns inflicted by boiling water, heated metal, or cigarettes; mock executions; suspension from metal bars; and rape.

On November 14, Director of the Patrol Department of the Public Security Service under the Qadhafi regime, Brigadier General Nuri al-Jalawawi, died after being tortured in Al-Hadhba prison in Tripoli, according to human rights activists and press reports. Nuri was arrested after the 2011 revolution and held in Al-Hadhba prison, which is under the control of the Tripoli Revolutionary Brigades (TRB). In

2015 the Tripoli Appellate Court suspended the case against him and ordered his transfer to Al-Razi Psychiatric Hospital in Gargaresh; however, he was never transferred or released.

According to the testimony of former detainees held in Mitiga Prison, Special Deterrence Force (SDF) prison administrators subjected detainees to torture. Former Mitiga detainees reported suspension from their shoulders for many hours leading to dislocations; beatings that lasted up to five hours; beatings with PPV tubes; beatings of their feet in a torture device called the “al-Falqa” cage; and broken noses and teeth. SDF leaders Khalid al-Hishri Abuti, Moadh Eshabat, Hamza al-Bouti Edhaoui, Ziad Najim, Nazih Ahmed Tabtaba, as well as SDF head Abdulrauf Kara and prison directors Usama Najim and Mahmoud Hamza supervised the prison according to a former detainee in the facility.

### **Prison and Detention Center Conditions**

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

According to the International Organization for Migration (IOM) and the Office of the UN High Commissioner for Refugees (UNHCR), migrant detention centers, operated by the GNA Ministry of Interior’s Department to Combat Irregular Migration, also suffered from massive overcrowding, extremely poor sanitation conditions, lack of access to medical care, and significant disregard for the protection of the detainees. According to press reports, detainees experienced discrimination on the basis of their religion. IOM did not, however, receive complaints during the year about migrants prevented from engaging in religious observances while detained.

Physical Conditions: In the absence of an effective judicial system or release of prisoners, overcrowding and limited access to health care reportedly continued during the year. Many prison facilities need infrastructural repairs. Accurate numbers of those incarcerated, including a breakdown by holding agency, were not available.

Detention conditions were sometimes substantially different for types of detainees; according to reports by the NCHRL, ISIS detainees and other terrorist suspects were detained in less crowded conditions due to security concerns.

A large number of detainees were foreigners, mostly migrants. Facilities that held irregular migrants generally were of poorer quality than other facilities. The Libyan Young Lawyer's Association (LYLA) reported poor conditions at the government detention center in Zawiya. According to UNHCR, as of September, there were between 8,000 and 9,000 migrants and refugees housed in the 20 active official detention center's run by the GNA's Department for Combatting Irregular Migration (Ministry of Interior), down from 20,000 in late 2017. A large number of additional migrant detainees were reportedly held in nongovernment centers, although numbers were unknown. Officials, local militias, and criminal gangs moved migrants through a network of detention centers with little monitoring by the government or international organizations.

There were reportedly no functioning juvenile facilities in the country, and authorities held juveniles in adult prisons, although sometimes in separate sections. There were separate facilities for men and women.

There were reports of killings and deaths in detention centers. Due to security conditions that limited monitoring, the exact number of those killed in prisons, jails, pretrial detention, or other detention centers was unknown.

Makeshift detention facilities existed throughout the country. Conditions at these facilities varied widely, but reports indicated the conditions in most were below international standards. Consistent problems included overcrowding, poor ventilation, and the lack of basic necessities.

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

Independent Monitoring: The GNA permitted some independent monitoring and permitted IOM and UNHCR increased access to transit facilities. Nevertheless, the lack of clarity regarding who ran each facility and the sheer number of facilities made it impossible to gain a comprehensive view of the system.

Reports also questioned the capability and professionalism of local human rights organizations charged with overseeing prisons and detention centers.

Due to the volatile security situation, few international organizations were present in the country monitoring human rights. UNSMIL monitored the situation through local human rights defenders, members of the judiciary, and judicial police. The absence of a sustained international presence on the ground made oversight problematic; however, UNSMIL relocated most of its staff to Tripoli by the end of the year to engage in more effective monitoring of Libyan human rights developments. The International Committee for the Red Cross (ICRC) did undertake efforts to monitor conditions of detention facilities.

#### **d. Arbitrary Arrest or Detention**

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

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

#### **Role of the Police and Security Apparatus**

Government agencies had limited control over the national police and other elements of the security apparatus. The national police force, which reports to the GNA Ministry of Interior, has official responsibility for internal security. The military under the GNA Ministry of Defense, led by Prime Minister al-Sarraj in an acting capacity since July, has as its primary mission the defense of the country from external threats, but it also supported Ministry of Interior forces on internal security matters. The situation varied widely from municipality to municipality contingent upon whether police organizational structures from Qadhafi-era Libya remained intact. In some areas, such as Tobruk, police functioned, but in others, such as Sebha, they existed in name only. Civilian authorities had only nominal control of police and the security apparatus, and security-related police work generally fell to disparate armed groups, which received salaries from the Libyan

government and exercised law enforcement functions without formal training or supervision and with varying degrees of accountability.

Impunity was a serious problem. The government's lack of control led to impunity for armed groups on all sides of the conflict. There were no known mechanisms to investigate effectively and punish abuses of authority, abuses of human rights, and corruption by police and security forces. Unclear chains of command led to confusion regarding responsibility for the actions of armed groups, including those nominally under GNA control. In these circumstances police and other security forces were usually ineffective in preventing or responding to violence perpetrated by armed groups.

### **Arrest Procedures and Treatment of Detainees**

The law stipulates an arrest warrant is required, but authorities may detain persons without charge for as long as six days and may renew detention for up to three months, provided there is "reasonable evidence." The law also specifies authorities must inform detainees of the charges against them and have a detainee appear before a judicial authority every 30 days to renew a detention order. The law gives the government power to detain persons for up to two months if considered a "threat to public security or stability" based on their "previous actions or affiliation with an official or unofficial apparatus or tool of the former regime."

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

Arbitrary Arrest: Authorities frequently ignored or were unable to enforce the provisions of the criminal code prohibiting arbitrary arrest and detention. Various armed groups arbitrarily arrested and detained persons throughout the year. According to HRW and local human rights organizations, including the Arab Organization for Human Rights (AOHR), prison authorities and militias held thousands of detainees without charges or due process.

Pretrial Detention: While authorities must order detention for a specific period not exceeding 90 days, the law in practice results in extended pretrial detention. An ambiguity in the language of the law allows judges to renew the detention period if the suspect is of "interest to the investigation." Additionally, limited resources and court capacity resulted in a severe backlog of cases. According to international

nongovernmental organizations (NGOs), there were numerous inmates held in GNA-controlled prisons in pretrial detention for periods longer than the sentences for the minor crimes they allegedly committed; however, the GNA Ministry of Justice is working to improve practices by training the judicial police on international standards for pretrial detention. Some individuals detained during the 2011 revolution remained in custody, mostly in facilities in the west.

Armed groups held most of their detainees without charge and outside the government's authority. With control of the security environment diffused among various armed groups and a largely nonfunctioning judiciary, circumstances prevented most detainees from accessing a review process. According to AOHR and NCHRL, individuals affiliated with armed groups were routinely able to avoid detention or judicial penalty.

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

Amnesty: The GNA did not clarify whether it believed there was a blanket legal amnesty for revolutionaries' actions performed to promote or protect the 2011 revolution.

#### **e. Denial of Fair Public Trial**

The Constitutional Declaration provides for an independent judiciary and stipulates every person has a right of recourse to the judicial system. Nonetheless, thousands of detainees lacked access to lawyers and information concerning the charges against them. Judges and prosecutors contended with threats, intimidation, violence, and under-resourced courts and thus struggled to deal with complex cases. Judges and prosecutors in various parts of the country cited concerns regarding the overall lack of security in and around the courts, further hindering the rule of law. Some courts, including in Tripoli and in the east, continued to operate during the year. Throughout the rest of the country, however, courts operated sporadically depending on local security conditions.

## **Trial Procedures**

The Constitutional Declaration provides for the presumption of innocence and the right to legal counsel, provided at public expense for the indigent. During the year GNA-affiliated and nonstate actors did not respect these standards, according to LYLA. There were multiple reports of individuals denied fair and public trials, choice of attorney, language interpretation, the ability to confront plaintiff witnesses, protection against forced testimony or confessions, and the right to appeal.

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

Amid threats, intimidation, and violence against the judiciary, the GNA did not take steps to screen detainees systematically for prosecution or release; however, the GNA made efforts during the year to release individuals convicted of petty crimes due to lack of prison capacity. In September the GNA announced the release of 83 nonsecurity inmates from the over-crowded Mitiga prison facility in Tripoli. The courts were more prone to process civil cases, which were less likely to invite retaliation, although capacity was limited due to a lack of judges and administrators.

## **Political Prisoners and Detainees**

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

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

## **Civil Judicial Procedures and Remedies**

The Constitutional Declaration provides for the right of citizens to have recourse to the judiciary. The judicial system did not have the capacity to provide citizens with access to civil remedies for human rights violations. The Law of Transitional Justice provided for fact-finding, accountability, and reparations for victims, but

the judicial system has not implemented it in practice. Courts did process civil, administrative, family, commercial, and land and property law matters. Lack of security, intimidation of armed groups, and intimidation from outside sources challenged the ability of authorities to enforce judgements.

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

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

The Constitutional Declaration considers correspondence, telephone conversations, and other forms of communication inviolable unless authorized by a court order. Reports in the news and on social media indicated armed groups, terrorist groups, and GNA-affiliated actors violated these prohibitions by entering homes without judicial authorization, monitoring communications and private movements, and using informants.

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

#### **g. Abuses in Internal Conflicts**

Civil society and media reports documented abuses by GNA forces, GNA-aligned armed groups, as well as nonstate actors not aligned with the GNA, including terrorist groups. Human rights abuses committed by all categories of armed groups included indiscriminate attacks on civilians, kidnapping, torture, burning houses, and forced expulsions based on political belief or tribal affiliation. Forces involved included GNA-aligned forces including TRB, SDF, the al-Nawasi Brigade, armed groups in the west not aligned with the GNA including the al-Samoud militias, LNA units, Salafist armed groups, salafist militias as well as terrorist groups, including ISIS and Al-Qaeda in the Islamic Maghreb.

**Killings:** There were numerous reports that GNA-aligned armed groups and nonstate actors committed arbitrary and unlawful killings of civilians (see section 1.a.). Primary targets of killings included political opponents; members of police,

internal security apparatus, and military intelligence; and judges, political activists, members of civil society, journalists, religious leaders, tribal leaders, and former Qadhafi-era officials and soldiers.

On June 14, the SDF attacked the house of Mahmoud al-Awili, located in Al-Farnaj area in Tripoli, during a late-night raid, killing Al-Awili and his pregnant wife, Najah al-Nuaimi.

UNSMIL reported that fighting parties to the conflict in Tripoli in late August between the Seventh Brigade (also known as the al-Kaniyat Militia) and the TRB resulted in at least 19 civilian deaths and injuries. These groups endangered civilians through their use of rockets, tanks, and other artillery in densely populated residential areas. A mother, her four-year-old daughter, and two-year-old son sustained fatal shrapnel injuries when their home was indiscriminately shelled by artillery fire on August 28.

UNSMIL reported that late September fighting in Tripoli between the TRB, Seventh Brigade (also known as al-Kaniyat Brigade), and al-Soumoud militia led to the deaths of 15 civilians. Parties to the conflict used weapons with a wide area of impact and engaged in indiscriminate firing tactics.

On November 26, two prominent commanders of the GNA-aligned TRB, Abdulhadi Awinat and Osama Awdetch, were killed after passing through immigration upon arrival at Mitiga International Airport. Their deaths followed a failed, extralegal arrest attempt from which two additional militiamen escaped. The killing was allegedly carried out by the SDF, a GNA-aligned armed group nominally under the leadership of the Ministry of Interior and functionally under the leadership of Abdulrauf Kara (see section 1.c.), allegedly in coordination with TRB leader Haitham Tajouri, who also was also present at Mitiga Airport during the killing.

The LNA, under Khalifa Haftar, continued attacks by ground and air forces against opponents in Derna, including terrorists belonging to or affiliated with ISIS. While casualty numbers were uncertain, reports from media and NGOs estimated that the LNA's campaigns resulted in hundreds of dead and thousands injured, including civilians, since it began in 2014.

On January 24, the commander of LNA Special Forces, Major Mahmoud Werfalli, carried out extrajudicial executions of 10 individuals suspected to be responsible for a terrorist attack on a Benghazi mosque. The executed individuals were in the

custody of the LNA General Command's Saiqa Battalion and the execution was recorded and circulated online. The LNA did not reveal the identity of the executed prisoners. In 2017 the ICC issued a warrant for Werfalli's arrest. Werfalli continued to serve with LNA forces and reportedly committed another extrajudicial killing in January.

In May UNSMIL reported that clashes in Sabha between forces affiliated with the Awlad Suleiman tribe, including the LNA's 6th Brigade, and forces affiliated with the Tebu tribe resulted in the deaths of five civilians.

In October 2017 36 bodies with signs of torture were discovered in al-Abyar in an area controlled by the LNA. The LNA reportedly initiated an investigation, but no charges were filed at year's end.

Although exact figures were impossible to obtain, bombings and killings carried out by terrorist organizations, such as ISIS, Ansar al-Sharia, al-Qaida in the Islamic Maghreb (AQIM), and their affiliates, resulted in civilian casualties.

On December 25, three terrorists attacked the Ministry of Foreign Affairs, killing three. ISIS later claimed responsibility for the attack.

On September 10, six terrorists carried out an attack on the National Oil Corporation, killing at least two staff members and injuring 25. ISIS claimed responsibility for both attacks.

On January 23, ISIS-affiliates detonated two car bombs in front of the Bayat al-Radwan Mosque in the Salmani neighborhood of Benghazi, killing 34 persons and injuring 90. According to a hospital spokesman, the majority of the casualties were civilians, including three children.

There were reports of killings by unexploded ordinance. In separate incidents in June, unexploded ordinance killed two men in Benghazi in the area of Qawarsha.

Abductions: Forces aligned with both the GNA and its opponents were responsible for the disappearance of civilians in conflict areas, although few details were known (see section 1.b.). Campaigns of killings, kidnappings, and intimidation targeted activists, journalists, former government officials, and the security forces. Kidnappings-for-ransom remained a daily occurrence in many cities.

On January 1, elements of the LNA's Operations Room in Benghazi, a military command center led by Ali al-Amrouni, allegedly kidnapped human rights activist Jamal al-Falah. The LNA provided no legal basis for his arbitrary detention. Al-Falah was held for one month before being released.

On May 30, the GNA-aligned TRB kidnapped activist Mohammad al-Boa in front of his home in the Ras Hassan district in the center of Tripoli. Al-Boa is a Tripoli-based leader of the Libyan Movement for the Voice of the People, a political action group (see section 2.b.). TRB deputy Mohammed Bakbakhad--later reportedly killed in intramilitia violence in Tripoli in October--had threatened al-Boa's life in May because of his political activism, but al-Boa was released in June.

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

Terrorist groups and armed groups reportedly physically abused detainees. Individuals who expressed controversial opinions, such as journalists, suffered from violence. L, NCHR and AOHR reported that the "Awlia el-Dam" (Blood Heirs) Battalion, a Salafist armed group, reportedly kidnapped individuals in the east for violating their interpretation of Islamic law (sharia) and subjected them to torture. Activists described an incident in which the battalion brought an individual to a beach outside Benghazi and threatened to kill the victim unless he promised to adopt a publicly religious lifestyle.

Child Soldiers: There were reports of minors joining armed groups. Although government policy required proof recruits were at least age 18, nonstate armed groups did not have formal policies prohibiting the practice. There were multiple reports of under-age militia enlistees; these included reports by NCHRL that the TRB, the Kikli Battalion, and the Seventh Brigade were recruiting children as young as 14. The GNA did not make efforts to investigate or punish recruitment or use of child soldiers.

According to unconfirmed media reports, ISIS claimed to have trained children in the country for operations including suicide attacks, firing weapons, and making improvised explosive devices.

Also see the Department of State's annual *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

Other Conflict-related Abuse: Additional abuses stemming from conflict included restrictions on travel, deliberate attacks on health-care facilities, and the forceful displacement of civilians.

Media reported that LNA targeted members of the Awagir tribe in Benghazi to retaliate against criticism by tribe members of the lack of media freedom areas under LNA control. The tribe also reported threats and acts of verbal and physical intimidation against its members following the decision of LNA officer, Faraj al-Qa'im, to defect from the LNA to accept the GNA's offer of the position of deputy interior minister.

During the year the LNA continued its siege of the city of Derna in an effort to defeat ISIS terrorists based there. Some observers alleged the blockade limited medical and humanitarian organizations' access to civilians in the city.

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

### **a. Freedom of Expression, Including for the Press**

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

Freedom of Expression: Freedom of speech was limited in law and practice. The law criminalizes acts that "harm the February 17 revolution of 2011." The HoR, since its election in 2014, and the GNA, since taking its seat in Tripoli in 2016, did little to change restrictions on freedom of speech. Observers noted civil society practiced self-censorship because Salafist-leaning armed groups, among others, threatened and killed activists. Widespread conflict in major urban areas deepened the climate of fear and provided cover for armed groups to target vocal opponents with impunity.

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

Observers reported that individuals censored themselves in everyday speech, particularly in locations such as Tripoli.

Press and Media Freedom: Press freedoms, in all forms of media, were limited. Additional restrictions on press freedom were promulgated during the year. Beginning in January the GNA's Foreign Media Department (FMD) of the Ministry of Foreign Affairs directed its staff to monitor and track the movements of foreign journalists and severely restricted approvals of journalist visas. On April 2, the GNA issued a decree imposing additional licensing restrictions on foreign press organizations. Authorities associated with the FMD revoked valid foreign press credentials and required foreign media organizations to apply for authorization from the Libyan Embassy in the country where the organization was headquartered. The FMD also required foreign media organizations to provide the names of the agency's foreign and local staff. Journalists said the regulations were designed to increase the costs of operating in the country, as well as to provide a legal justification for shutting organizations that did not meet the requirements.

Violence and Harassment: The international NGO Reporters Without Borders reported that all sides used threats and violence to intimidate journalists to prevent publication of information. Harassment, threats, abductions, violence, and killings made it nearly impossible for media to operate in any meaningful capacity in areas of conflict.

Impunity for attacks on media exacerbated the problem, with no monitoring organizations, security forces, or a functioning judicial system to constrain or record these attacks. In some exceptional cases, however, GNA authorities such as the Attorney General's Office were able to intervene to see journalists released.

On March 20, armed men from the GNA-aligned TRB abducted and arbitrarily detained Juma al-Asi, director of the Al-Asima Television Channel, from his home in the Andalusia neighborhood of Tripoli. The TRB gave no reason for his arrest, nor the legal basis for his detention. On March 27, the Attorney General's Office intervened and referred al-Asi's case to the Public Prosecutor's Office. In the absence of any legal case against him, he was released. None of the TRB members involved in his kidnapping was charged in connection with his illegal detention.

On July 30, forces in Abu Sitta Abusetta Naval Base, which falls under the control of the GNA-aligned al-Nawasi Brigade, detained four journalists during a rescue

operation for migrants in Tripoli. The Reuters and Agence-France Presse journalists were released after 10 hours of interrogations.

In March 2017 Annabaa TV stopped broadcasting after its Tripoli headquarters were set on fire by an unidentified Tripoli-based militia. This crime remained unsolved as of year's end.

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

According to social media reports, the LNA confiscated books it claimed promoted Shi'ism, secularism, or moral perversion.

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

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

Nongovernmental Impact: Armed groups, terrorist groups, and individual civilians regularly harassed, intimidated, or assaulted journalists. While media coverage focused on the actions of Salafist or Islamist-affiliated armed groups, other armed groups also limited freedom of expression.

On July 31, the body of Musa Abdulkareem, a journalist and photographer working for *Fasanea*, a Sabha-based newspaper, was found in the al-Thanawia neighborhood of Sabha. Abdulkareem's body showed signs of torture, including burns, and 13 gunshot wounds. His murder remained unsolved.

## **Internet Freedom**

The GNA generally did not restrict or disrupt access to the internet or widely censor online content. Selective filtering or blocking of access did exist, despite

the fact that no reliable public information identified those responsible for censorship. There were no credible reports that the GNA restricted or disrupted internet access or monitored private online communications without appropriate legal authority during the year.

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

Social media, such as YouTube, Facebook, and Twitter, played a critical role in official and unofficial government and nongovernmental communications. Facebook remained the main platform government officials, ministries, and armed groups used to transmit information to the public. In September unknown entities blocked access to Facebook for several days in Tripoli during clashes between rival armed groups in the capital, hampering the ability of government officials to transmit information. A large number of bloggers, online journalists, and citizens reported practicing self-censorship due to instability, intimidation by armed groups, and the uncertain political situation.

Internet penetration outside urban centers remained low and frequent electrical outages resulted in limited internet availability in the capital and elsewhere.

According to the International Telecommunication Union, 21.8 percent of the population used the internet in 2017.

### **Academic Freedom and Cultural Events**

There were no reported government restrictions on academic freedom or cultural events. Security conditions in the country, however, restricted the ability to practice academic freedom and made cultural events rare; of the 20 universities active in 2011, only 12 were still operational in during the year.

In 2017 Al-Fanar Media reported the case of a professor, Ahmed bin Suwaid of Tripoli University Medical School, who resigned his position and left the country after students affiliated with armed groups beat him; they attacked bin Suwaid after he refused to provide the students questions for a qualifying examination in advance of the test.

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

### **Freedom of Peaceful Assembly**

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

Throughout the year the Libyan Movement for the Voice of the People, led by Mohammed al-Boa, held several protests in Tripoli opposing the role militia groups played in the capital (see section 1.g.). Police authorities generally cooperated with the group's requests, coordinating with the group to issue permits and provide security at protest sites.

### **Freedom of Association**

The Constitutional Declaration includes freedom of association for political and civil society groups. The government lacked capacity, however, to protect freedom of association, and targeted attacks on journalists, activists, and religious figures severely undermined freedom of association. Civil society organizations also complained about a lack of a legal framework for organizing and implementing their activities. The FMD (see FMDs section 2.a.) and the Ministry of Culture Civil Society Commission took steps to regulate the activity of civil society organizations. Other organizations, including the NCHRL and the AOHRL, were able to register and to interact freely with GNA officials.

#### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

#### **d. Freedom of Movement**

The Constitutional Declaration recognizes freedom of movement, including foreign travel, emigration, and repatriation, although the government has the ability to restrict freedom of movement. The law provides the government with the power to restrict a person's movement if it views that person as a "threat to public security or stability," based on the person's "previous actions or affiliation with an official or unofficial apparatus or tool of the former regime."

Abuse of Migrants, Refugees, and Stateless Persons: According to UNHCR migrants were subjected to unlawful killings, arbitrary detention, including in nongovernmental detention centers (see section 1.d.), torture, sexual exploitation, and other abuses. Conditions in detention included severe overcrowding, insufficient access to toilets and washing facilities, malnourishment, and lack of potable water.

Women migrants faced especially difficult conditions, and international organizations received consistent reports of rape and other sexual violence.

Instability in the country and lack of government oversight made human trafficking profitable. Armed groups, criminal gangs, and terrorist organizations were involved in human smuggling activities.

Numerous media reports during the year suggested that traffickers had caused the death of migrants. In July *Al-Jazeera* reported that eight migrants, including six children, were found dead after suffocating from gas exhaust while packed into a truck container on the western coast near Zuwara. Another 90 migrants were injured and taken to a hospital for treatment.

Migrants were also exploited for forced labor and suffered extortion at the hands of smugglers, traffickers, and the personnel of GNA institutions and GNA-aligned armed groups running GNA facilities. International organizations reported many cases of migrants' disappearance due in part to the practice of selling migrants to human traffickers.

In November 2017 the government set up an ad hoc investigative committee, under the auspices of the Anti-Illegal Immigration Authority, to investigate reports of migrants sold into slavery; however, as of year's end, the committee had made no indictments.

In June the UN Security Council and a western government imposed international and domestic sanctions against six persons, four Libyans and two Eritreans; Fitiwi Abdelrazak, Ahmad Oumar al-Dabbashi, Ermias Ghermay, Mohammed Kachlaf, Abd al-Rahman al-Milad, and Mus'ab Abu Qarin, for involvement in the trafficking and smuggling of migrants in Libya. The GNA was supportive of the sanctions and took independent action in response to the levying of these sanctions during the year, including public statements of condemnation against the trafficking and smuggling of migrants and in support of human rights.

In January the GNA launched an investigation into trafficking in persons and the abuse of migrants and refugees and vowed to bring the perpetrators to justice. During the year the GNA authorized UNHCR, the IOM, and other international agencies to open offices in the country, assist refugees and migrants, repatriate those who wished to return to their home countries, and access detention centers in areas controlled by the GNA. These international organizations encouraged the GNA to adopt a system for registering the arrivals of migrants in Libya; of the hundreds of thousands of illegal migrants in Libya, only a few thousand have been registered.

There were approximately 20 official detention centers operational during the year. At year's end 6-8,000 refugees and migrants were housed in centers under the auspices of the GNA Ministry of Interior's Department for Combatting Irregular Migration.

According to IOM the number of migrants who arrived in Europe via Libya during the first half of the year decreased significantly from the equivalent period in 2017, from approximately 85,000 to 16,700 individuals. Over 1,000 migrants died attempting to make the crossing via the central Mediterranean route during this period. Conditions on vessels departing for Europe were poor, and human smugglers abandoned many migrants in international waters with insufficient food and water. Boats were heavily over-loaded, and there was a high risk of sinking. The number of migrants rescued or intercepted by the Libyan Coast Guard, while still in the country's territorial waters, greatly increased during the year. There were reports of physical abuse of refugees by the Coast Guard, including beatings with whips and chains.

In-country Movement: The GNA did not exercise control over internal movement in western Libya, although GNA-aligned armed groups set up some checkpoints. The LNA established checkpoints around Benghazi and Derna and in the south to intercept members of extremist organizations. These checkpoints were occasional targets of attacks by terrorist organizations. There were reports that armed groups controlling airports within the country conducted checks on citizens wanting to travel to other areas within the country or abroad since Libya lacked a unified customs and immigration system.

Armed groups controlled movement within their territories through checkpoints. These checkpoints and those imposed by ISIS, AQIM, and other terrorist

organizations impeded internal movement and, in some areas, prohibited women from moving freely without a male escort.

There were multiple reports of women who could not depart from the country's western airports controlled by GNA-aligned militias because they did not have "male guardians," which is not a legal requirement in the country.

Citizenship: The Qadhafi regime revoked the citizenship of some inhabitants of the Saharan interior of the country, including many Tebu and some Tuareg minorities, after the regime returned the Aouzou strip to Chad. As a result many nomadic and settled stateless persons lived in the country. Additionally, due to a lack of state control of the southern borders, a large number of irregular migrants of Tebu background entered the country, some of whom reportedly applied for and obtained documents attesting to nationality, including national identification numbers.

The Nationality Law states that citizens may lose citizenship if they obtain a foreign citizenship without receiving permission beforehand from authorities. Authorities have not established processes for obtaining permission, however. Authorities may revoke citizenship if obtained based on false information, forged documents, and withheld relevant information concerning one's nationality. The state lacked the capacity, however, to investigate the authenticity of citizenship applications.

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

### **Internally Displaced Persons (IDPs)**

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

In September IOM and UNHCR estimated there were 192,000 IDPs in the country. Most of the citizens displaced were from Sirte or Benghazi; however, due to tribal violence in the south, displacement in Sabha and neighboring southern towns increased during the year. More than 30,000 members of the Tawerghan

community remained displaced, the largest single IDP population; however, in August the GNA provided support that allowed several hundred Tawerghan families to return to their hometown. These efforts followed a reconciliation agreement between representatives of Tawergha and the city of Misrata that aimed to end ongoing violence between the two communities dating to 2011; however, delays in implementation of the agreement, which provided for safe return for all Tawerghan IDPs to the town of Tawergha, have prevented some members of the community from returning.

IOM identified more than 19,000 persons who were internally displaced during clashes in Tripoli in late August and early September.

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

### **Protection of Refugees**

Access to Asylum: The country is not party to the 1951 Refugee Convention or its 1967 protocol, although the Constitutional Declaration recognizes the right of asylum and forbids forcible repatriation of asylum seekers. The GNA did not establish a system for protecting refugees or asylum seekers. Absent an asylum system, authorities could detain and deport asylum seekers without their having the opportunity to request asylum. UNHCR, IOM, and other international agencies operated within the country and were allowed to assist refugees and immigrants and repatriate those who wish to return to their countries. UNHCR monitored and publicly reported on the situation of refugees and migrants in the country, including those detained in GNA detention centers. On December 4, UNHCR, in coordination with Libyan authorities, evacuated 133 refugees from Libya to Niger. The GNA allowed only seven nationalities to register as refugees with UNHCR: Syrians, Palestinians, Iraqis, Somalis, Sudanese (Darfuris), Ethiopians (Oromo), Eritreans, Yemenis, and South Sudanese. The GNA did not legally recognize asylum seekers without documentation as a class distinct from migrants without residency permits. The GNA cooperated with the refugee task force formed by the African Union, EU, and the United Nations.

In July 2017 Libyan authorities proposed that UNHCR rehabilitate an abandoned facility in the Tarek Al Sika area in Tripoli to accommodate persons of concern

temporarily. UNHCR completed rehabilitation on July 19, and the center has a capacity of 1,000 persons. Although UNHCR planned to begin receiving refugees at this Gathering and Departure Facility in August, armed clashes in Tripoli postponed its opening until December.

Safe Country of Origin/Transit: IOM estimated that the overall number of migrants in Libya grew 70 percent from an estimated 400,000 in August 2017 to approximately 680,000 by September. The majority of migrants came from Niger, Egypt, Chad, Ghana, and Sudan. UNHCR has registered approximately 55,600 refugees and asylum seekers in the country since 2011.

During the year UNHCR, ICRC, and IOM provided basic services directly and through local implementing partners to refugees and asylum seekers. Despite security challenges humanitarian organizations enjoyed relatively good access, with the exception of the coastal city of Derna and the Fezzan region in the south.

Sub-Saharan Africans reportedly entered the country illegally through unguarded southern borders. Treatment of detained migrants depended upon their country of origin and the offense for which authorities held them. Migrants and refugees faced abduction, extortion, violent crime, and other abuses, exacerbated by entrenched racism and xenophobia. GNA-aligned and nonstate armed groups held refugees and asylum seekers in detention centers alongside criminals or in separate detention centers under conditions that did not meet international standards.

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

### **Stateless Persons**

By law children derive citizenship only from a citizen father. Children born to a citizen father and a noncitizen mother are automatically considered citizens even if they were born abroad. Citizen mothers alone were unable to transmit citizenship to their children, but there are naturalization provisions for noncitizens. The law permits female nationals to confer nationality to their children in certain circumstances, such as when fathers are unknown, stateless, of unknown nationality, or do not establish paternity. In instances where the father is a noncitizen, the children produced from that union are effectively stateless and

banned from travel abroad and certain educational opportunities. Without citizenship stateless persons are unable to obtain legal employment.

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

### **Section 3. Freedom to Participate in the Political Process**

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

#### **Elections and Political Participation**

Recent Elections: In 2014 the High National Electoral Commission (HNEC) successfully administered the election of members to the HoR, an interim parliament that replaced the General National Congress, whose mandate expired that year. An estimated 42 percent of registered voters went to the polls to choose 200 members from among 1,714 candidates. International and domestic observers, representatives of media, and accredited guests mostly commended the performance of the electoral authorities. The Libyan Association for Democracy, the largest national observation umbrella group, cited minor technical problems and inconsistencies, but stated polling was generally well organized. Violence and widespread threats to candidates, voters, and electoral officials on election day affected 24 polling centers, most notably in Sabha, Zawiya, Awbari, Sirte, Benghazi, and Derna. Eleven seats remained vacant due to a boycott of candidate registration and voting by the Amazigh community, and violence at a number of polling centers that precluded a final vote. The term of the HoR has expired; however, the legislative body was recognized by the Libyan Political Agreement signed in 2015.

On December 6, HNEC Chairman Emad Sayegh announced his agency would begin voter registration for a constitutional referendum, the date of which has not yet been fixed. On May 2, two ISIS militants carried out a suicide bombing attack against the HNEC headquarters in Tripoli, killing 11.

In May the Central Committee for Municipal Council Elections announced the results of the municipal elections in Zawiya, in northwestern Libya in which 63 percent of the individuals who were registered to vote participated. Municipal

elections also took place in Bani Walid and Darj in September, despite an arson attack against an elections headquarters in Bani Walid by individuals protesting the initial results and an armed attack on one of the polling stations in Darj.

The LNA appointed military figures as municipal mayors in many areas it controlled.

Political Parties and Political Participation: Political parties proliferated following the revolution, although political infighting among party leaders impeded the government's progress on legislative and electoral priorities. Amid rising insecurity public ire fell on political parties perceived to contribute to instability. The Political Isolation Law (PIL) prohibits those who held certain positions under Qadhafi between 1969 and 2011 from holding government office. Observers widely criticized the law for its overly broad scope and the wide discretion given to the PIL Committee to determine who to exclude from office.

The HoR voted to suspend the PIL in 2015, and individuals who served in political and military positions during the Qadhafi era are no longer categorically ineligible from serving in governmental office.

Participation of Women and Minorities: The Constitutional Declaration allows for full participation of women and minorities in elections and the political process, but significant social and cultural barriers--in addition to security challenges--prevented their proportionate political participation.

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

#### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for conviction of corruption by officials. The government did not implement the law effectively, and officials reportedly engaged in corrupt practices with impunity. There were numerous reports of government corruption during the year but, as in 2017, no significant investigations or prosecutions occurred. In October the GNA endorsed a UN initiative to conduct a fiscal transparency review of public finances.

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

Corruption: Slow progress in implementing decentralization legislation, particularly with regard to management of natural resources and distribution of government funds, led to accusations of corruption and calls for greater transparency. There were no reports of meetings of or actions taken by the Oil Corruption Committee, formed in 2014 to investigate both financial and administrative means of corruption in the oil industry.

The Central Bank of Libya failed to cooperate with an investigation during the year by the Libyan Audit Bureau, which alleged that state funds had been used to finance fraudulent letters of credit for goods imported on behalf of the GNA. According to the report issued by the Audit Bureau, between 2012-17, 277 billion Libyan dinars (\$200,550,000) were laundered in violation of the law. NCHRL and AOHR alleged that militia groups extorted many of these funds from sovereign state institutions, including the Central Bank.

According to press reports, the Nawasi Brigade, a GNA-aligned Salafist armed group that operates in the Souq al-Jumaa area of Tripoli, intimidated governmental employees of the Libyan Investment Authority (LIA) during the year, threatening members of the administration and demanding that the LIA recruit Nawasi Brigade members into the government agency. As a result of these threats, intimidation, and violations of the physical security of the LIA's headquarters in Tripoli Tower, in August the LIA moved its headquarters to another location in Tripoli.

The UN Libya Sanctions Committee Panel of Experts, a committee established pursuant to UNSC Resolution 1970 (2011), continued to make recommendations on Libya, including on corruption and human rights issues. The Panel of Experts issued statements during the year implicating Libyan militia members in corruption. On September 5, the Panel of Experts named Imad Trabelsi, the commander of the Zintan Special Operations Force whom the GNA appointed President of the General Security Directorate on July 7, as a recipient of unlawfully obtained funds. According to the Panel of Experts report, Trabelsi received 5,000

Libyan dinars (\$3,600) for every fuel tanker containing petroleum products smuggled through checkpoints under his control in northwest Libya, before the products were smuggled into Tunisia.

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

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

The GNA and affiliated militia groups used legal and nonlegal means to restrict some human rights organizations from operating, particularly organizations with an international affiliation. Presidency Council member Ahmed Hamza circulated a directive to GNA government ministries and executive agencies authorities warning them against registering any NGOs and directing government ministries to forward the files of organizations and their membership to intelligence agencies. The GNA was unable to protect organizations from violence that often specifically targeted activists, and human rights organizations struggled to operate.

The GNA publicly condemned human rights abuses, including allegations of the abuse of migrants and human trafficking (see section 2.d.).

#### The United Nations or Other International Bodies:

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

Government Human Rights Bodies: The National Council for Civil Liberties and Human Rights, the UN-recognized national human rights institution, was not able to operate in the country due to security concerns. The council maintained limited international activity with other human rights organizations in Tunis and the UN Human Rights Council. It had a minimal presence in Tripoli. Its ability to advocate for human rights and investigate alleged abuses during the reporting period was unclear. During the year the GNA Ministry of Justice announced the appointment of a new undersecretary for human rights; however, domestic human rights organizations criticized the body for inactivity.

The former government passed the Transitional Justice Law in 2013 (see section 1.e.), establishing a legal framework to promote civil peace, implement justice,

compensate victims, and facilitate national reconciliation. The law further establishes a Fact-finding and Reconciliation Commission charged with investigating and reporting on alleged human rights abuses, whether suffered during the Qadhafi regime or during the revolution. There was no known activity by the commission during the year. International organizations including the UN Development Program have established transitional justice programs throughout the country at the national and subnational levels.

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

### **Women**

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

By law a convicted rapist may avoid a 25-year prison sentence by marrying the survivor, regardless of her wishes, provided her family consents. According to UNSMIL the forced marriage of rape survivors to their perpetrators as a way to avoid criminal proceedings remained rare. Rape survivors who could not meet high evidentiary standards could face charges of adultery.

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

International organizations received consistent reports of rape and other sexual violence towards women migrants (see section 2.d. Protection of Refugees).

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

Sexual Harassment: The law criminalizes sexual harassment, but there were no reports on how or whether it was enforced. According to civil society organizations, there was widespread harassment and intimidation of women by

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

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

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

Women faced social forms of discrimination that affected their ability to access employment, their workplaces, and their mobility and personal freedom. Although the law prohibits discrimination based on gender, there was widespread cultural, economic, and societal discrimination against women. Sharia governs family matters, including inheritance, divorce, and the right to own property. While civil law mandates equal rights in inheritance, women often received less due to interpretations of sharia that favor men.

## **Children**

Birth Registration: By law children derive citizenship only from a citizen father (see section 1.d. Citizens). Citizen women alone were unable to transmit citizenship to offspring. The country’s nationality laws do not allow female nationals married to foreign nationals to transmit their nationality to their children. The law, however, permits female nationals to transmit their nationality to their children in certain circumstances, such as when fathers are unknown, stateless, of unknown nationality, or do not establish paternity. There are also naturalization provisions for noncitizens.

Education: The conflict, teacher strikes, and a lack of security disrupted the school year for thousands of students across the country; many schools remained empty due to lack of materials, damage, or security concerns.

Early and Forced Marriage: The minimum age for marriage is 18 for both men and women, although judges may provide permission for those under age 18 to marry. In November a study was published that documented an increase in cases of child marriage, according to sources in the Tripoli judiciary. Legal authorities quoted in the study indicated that legal fraud exists in rural and Bedouin areas to register

marriages of underage girls in a fraudulent manner by changing the girl's birthdate. A judge can make a ruling authorizing a marriage if the girl displays features of puberty. A controversy occurred during the year when a copy of a health certificate of a 13-year-old girl in the area of Sorman west of Tripoli was published on social media. The leaked document, accompanied by an image of the girl, aimed to substantiate her marriageability on the basis of the emergence of physical characteristics related to the onset of puberty. Human rights activists voiced concern that governmental and health bodies were engaged in the issuance of documentation aiming to justify child marriage.

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

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

### **Anti-Semitism**

Most of the Jewish population left the country between 1948-67. Some Jewish families reportedly remained, but no estimate of the population was available. There were no known reports of anti-Semitic acts during the year.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **Persons with Disabilities**

The Constitutional Declaration addresses the rights of persons with disabilities by providing for monetary and other types of social assistance for the "protection" of persons with "special needs" with respect to employment, education, access to health care, and the provision of other government services, but it does not explicitly prohibit discrimination. The government did not effectively enforce these provisions.

## **National/Racial/Ethnic Minorities**

Arabic-speaking Muslims of Arab, Amazigh, or mixed Arab-Amazigh ancestry constitute 97 percent of the citizenry. The principal linguistic-based minorities are the Amazigh, Tuareg, and Tebu. These minority groups are predominantly Sunni Muslim but identified with their respective cultural and linguistic heritages over Arab traditions.

The government officially recognizes the Amazigh, Tuareg, and Tebu languages and provides for their teaching in schools. Language remained a point of contention, however, and the extent to which the government enforced official recognition was unclear.

Ethnic minorities faced instances of societal discrimination and violence. Racial discrimination existed against dark-skinned citizens, including those of sub-Saharan African heritage. Government officials and journalists often distinguished between “loyal” and “foreign” populations of Tebu and Tuareg in the south and advocated expulsion of minority groups affiliated with political rivals on the basis they were not truly “Libyan.” Some representatives of minority groups, including representatives of Tebu and Tuareg communities, rejected the 2017 draft constitution on the basis of a perceived lack of recognition of the status of these communities, although the document explicitly protects the legal rights of minority groups. A number of Tebu and Tuareg communities received substandard or no services from municipalities, lacked national identity numbers (and thus access to employment), and faced widespread social discrimination.

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

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

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

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

### **HIV and AIDS Social Stigma**

There was no available information on societal violence toward persons with HIV/AIDS. There were reports the government denied persons with HIV/AIDS permission to marry. There were reports the GNA segregated detainees suspected of having HIV/AIDS from the rest of the detainee population, often in overcrowded spaces, and that they were the last to receive medical treatment.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law does not provide for the right of workers to form and join independent unions. It provides for the right of workers to bargain collectively and conduct legal strikes, with significant restrictions. The law neither prohibits antiunion discrimination nor requires the reinstatement of workers for union activity. By law workers in the formal sector are automatically members of the General Trade Union Federation of Workers, although they may elect to withdraw from the union. Only citizens may be union members, and regulations do not permit foreign workers to organize.

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

Employees organized spontaneous strikes, boycotts, and sit-ins in a number of workplaces. No GNA action prevented or hindered labor strikes, and GNA payments to leaders of the strike actions customarily ended these actions.

## **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced or compulsory labor. The GNA, however, did not fully enforce the applicable laws due to its limited capacity. The resources, inspections, and penalties for violations were insufficient to deter violators. While many foreign workers fled the country due to the continuing conflict, there were reports of foreign workers, especially foreign migrants passing through the country to reach Europe, subjected to forced labor. According to the IOM, armed groups subjected migrants to forced labor in IDP camps and transit centers that they controlled (see section 2.d. Protection of Refugees).

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

Armed groups prevented foreign health-care workers from departing conflict areas such as Benghazi and compelled these workers to perform unpaid work in dangerous conditions.

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

## **c. Prohibition of Child Labor and Minimum Age for Employment**

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

## **d. Discrimination with Respect to Employment and Occupation**

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

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

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

#### **e. Acceptable Conditions of Work**

The law stipulates a workweek of 40 hours, standard working hours, night shift regulations, dismissal procedures, and training requirements. The law does not specifically prohibit excessive compulsory overtime. The national minimum wage was 450 dinars per month (\$330). There is not an official poverty income level.

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

Certain industries, such as the petroleum sector, attempted to maintain standards set by foreign companies. There was no information available on whether inspections continued during the year. The Ministry of Labor is responsible for occupational safety and health concerns; however, no information was available on enforcement and compliance.

No accurate data on foreign workers were available. Many foreign workers, especially in the health sector, departed the country due to continuing instability and security concerns.