

# LIBYA 2017 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Libya is a parliamentary democracy with a temporary Constitutional Declaration, which allows for the exercise of a full range of political, civil, and judicial rights. Citizens elected the Tobruk-based House of Representatives (HoR) in free and fair elections in June 2014. The Libyan Political Agreement, which members of the UN-facilitated Libyan political dialogue signed in 2015 and the HoR approved in January 2016, created the internationally recognized Government of National Accord (GNA) Presidency Council (PC), headed by Prime Minister Fayez al-Sarraj. In March 2016 the GNA PC took its seat in Tripoli. In August 2016 a quorum of HoR members voted against the proposed cabinet, limiting the government's effectiveness. The proposed ministers, however, led their ministries in an acting capacity. The elected Constitutional Drafting Assembly completed a draft constitution that remains contested.

The government had limited effective control over security forces.

Conflict continued during the year between government-aligned forces and various nonstate actors. The "Libyan National Army" (LNA) under its commander Khalifa Haftar continued operations in the east. Extralegal armed groups filled security vacuums across the country, although several in the West nominally aligned with the government. ISIS maintained a limited presence primarily in the central desert region, areas south of Sirte, and urban areas along the Western coast. Other extremist groups also operate in the country, particularly in the and around Benghazi, Derna, and in the southwest.

The most significant human rights issues included arbitrary and unlawful killings, including of politicians and members of civil society, by extralegal armed groups as well as militias affiliated with the government; lethal terrorist attacks by ISIS that led to civilian casualties; forced disappearances; torture perpetrated by armed actors on all sides; harsh and life-threatening conditions in prison and detention facilities, some of which were outside of government control; arbitrary arrest and detention; political prisoners held by nonstate actors; unlawful interference with privacy, again often by non-state actors; limits on the freedoms of speech and press, including violence against journalists and authors and criminalization of political expression; corruption; trafficking in persons; criminalization of sexual orientation; and violations of labor rights including forced labor.

Impunity from prosecution was a severe and pervasive problem. The government took limited steps to investigate abuses, but constraints on its reach and resources reduced its ability to prosecute and punish those who committed abuses. Security forces outside government control--to include armed groups in the West and LNA forces in the East--also did not adequately investigate credible allegations of killings and other misconduct by their personnel. Intimidation by armed actors resulted in paralysis of the judicial system, impeding the investigation and prosecution of those believed to have committed human rights abuses, including against public figures and human rights defenders.

## **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 pro-GNA militias, anti-GNA militias, LNA units, ISIS fighters, and other extremist groups committed arbitrary or unlawful killings. Alliances, sometimes temporary, among elements of the government, nonstate militias, and former or active officers in the armed forces participating in extralegal campaigns made it difficult to ascertain the role of the government in attacks by armed groups. In the absence of an effective judicial and security apparatus, perpetrators remained unidentified, and most of these crimes remained unpunished.

Reports indicated extremist and terrorist organizations, criminal gangs, and militias played a prominent role in targeted killings, kidnappings, 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 others. Shelling, gunfire, airstrikes, and unexploded ordinances killed scores of persons during the year.

Through November the UN Support Mission in Libya (UNSMIL) documented 287 civilian casualties. Airstrikes caused the largest number of deaths, while shelling injured the most victims. For example, on July 4, UNSMIL reported that the shelling of a beach in Tripoli killed five persons and injured six persons, all from the same family.

ISIS fighters committed extrajudicial killings and attacks against the military. On October 4, an ISIS suicide bomber attacked a court complex in Misrata, killing four persons.

Civil society and media reports claimed both pro-GNA, anti-GNA, and nonaligned militia groups committed human rights abuses, including indiscriminate attacks on civilians, kidnapping, torture, burning houses, and forced expulsions based on political belief or tribal affiliation. In February UNSMIL reported that a boy was fatally shot by members of an armed group when the car he was riding in reportedly failed to stop and was fired upon at a checkpoint in Zuwarah.

There were reports of killings of detainees by multiple actors. On April 1, the body of a man arrested by the al-Uruba Police Station in Benghazi the previous day was brought into the Benghazi Medical Center with a gunshot wound, broken ribs, and contusions. On September 4, a 26-year-old detainee of the Derna Mujahedeen Shura Council was killed in custody.

### **b. Disappearance**

Government-aligned forces and armed groups acting outside government control committed an unknown number of forced disappearances. The government made few effective efforts to prevent, investigate, or penalize forced disappearances.

Kidnappings were common throughout the year. In November the World Health Organization condemned an attack on health facilities and health-care workers in Sabha and the reported kidnapping of a doctor from one medical center. Also in November, four Turkish nationals from the Ubari power plant were kidnapped by an unidentified armed group.

A Tripoli based activist, Jabir Zain, remained in captivity after an armed group linked to the Interior Ministry of the GNA abducted him in September 2016. Many disappearances that occurred during the Qadhafi regime, as well as many during the 2011 revolution, 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 reported between 2013 and the end of the year.

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

While the Constitutional Declaration and postrevolutionary legislation prohibit such practices, according to credible accounts, personnel operating both government and extralegal detention centers tortured prisoners. At times during the year, due to its lack of resources and capability, the government relied on militias to manage its incarceration facilities. Furthermore, militias, not police, initiated arrests in most instances. According to Human Rights Watch (HRW), militias held detainees at their discretion prior to placing them in official detention facilities. While judicial police controlled many facilities, management of a number of other prisons and detention facilities was under the partial or complete control of extralegal armed groups. Treatment varied from facility to facility and typically was worst at the time of arrest. Reported forms of 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. The full extent of abuse at the hands of extremists or militias remained unknown.

A November 3 article by *Le Monde* alleged that male detainees were raped systematically as an instrument of war by multiple factions.

UNSMIL documented cases involving deprivation of liberty and torture across the country. On May 20, the body of a man killed by a gunshot wound was brought to a Tripoli hospital. The victim's hands and legs were bound with metal chains. An armed group reportedly abducted him approximately 40 days earlier in Wershfana. On September 13, the body of a boy age 17 showing signs of torture and bullet wounds was found in Benghazi.

### **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.

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 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.

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 reportedly need infrastructural repairs. Accurate numbers of those incarcerated, including a breakdown by holding agency, were not available. A large number of detainees were foreigners, of whom migrants reportedly comprised the majority. Facilities that held irregular migrants generally were of poorer quality than other facilities.

Additionally, detention centers held minors with adults. There were reportedly separate facilities for men and women. Female judicial police staff reportedly guards female detainees in al-Quafiya prison. UNHCR and the IOM reported an estimated 14,000 migrant detainees in the country's government-run centers alone as of December, with an unknown, large number of additional migrant detainees held in nongovernment centers.

There were reportedly no functioning juvenile facilities in the country, and authorities held juveniles in adult prisons.

In June unidentified armed groups killed 12 detainees upon their conditional release from al-Baraka prison in Tripoli. All 12 were members of the former Qadhafi government and accused of taking part in the violence against antigovernment protesters in 2011.

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 consistent problems included overcrowding, poor ventilation, and the lack of basic necessities. Officials, local militias, and criminal gangs moved migrants through a network of detention centers with little monitoring by the government or international organizations. Reports indicated the conditions in most of these detention facilities were below international standards.

Administration: The Judicial Police Authority, tasked by the 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 near the HoR, reporting to a separate Eastern Ministry of Justice and providing oversight to prisons in eastern Libya and Zintan. During the year the ratio of detainees and

prisoners to the generally poorly trained guards varied significantly. Monitoring and training of prison staff by international organizations remained largely suspended, although some training of judicial police resumed during the year.

Independent Monitoring: The government permitted some independent monitoring, and, as of November 29, permitted increased access to transit facilities by the IOM and UNHCR. 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 raised questions concerning the capability and professional training 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. While 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.

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

Nonstate armed groups 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 other state and local 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**

The government had limited control over the national police and other elements of the security apparatus. The national police force, which reports to the Ministry of Interior, has official responsibility for internal security. The military under the Ministry of Defense 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 remained intact. In some areas, such as Tobruk, police functioned, but in others, such as Sebha, they existed in name only. Civilian authorities had nominal control of police and the security apparatus, and security-related police work generally fell to disparate militias--sometimes paid by government ministries--that exercised law enforcement functions without training or supervision and with varying degrees of accountability.

Impunity from prosecution was a serious problem. The government's lack of control led to impunity for armed groups on all sides of the conflict. The killings of Sheikh Mansour Abdelkarim al-Barassi; International Committee of the Red Cross staff member Michael Greub; and human rights activist Salwa Bughaighis, all of which occurred in 2014, remained unresolved. At year's end authorities had not investigated these attacks, and there had been no arrests, prosecutions, or trials of any alleged perpetrators of these killings.

There were no known mechanisms to investigate effectively and punish abuses of authority, abuses of human rights, and corruption by police and security forces. In the militia-dominated security environment, a blurred chain of command led to confusion regarding responsibility for the actions of armed groups, including those nominally under government control. In these circumstances police and other security forces were usually ineffective in preventing or responding to violence incited by militias. Amid the confusion regarding chain of command and absent effective legal institutions, a culture of impunity prevailed.

### **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 militias 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. Quasi-state or nonstate militias arbitrarily arrested and detained persons throughout the year. On August 12, an armed group detained former prime minister Ali Zeidan in Tripoli. On August 22, he was released after international pressure. No information was available on why or under whose authority Zeidan was detained. According to HRW, 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.” In addition, limited resources and capacity of the courts resulted in a severe backlog of cases. According to international NGOs, there were numerous inmates held in government-controlled prisons in pretrial detention for periods longer than the sentences for the minor crimes they allegedly committed. Some individuals detained during the 2011 revolution detainees remained in custody, mostly in facilities in the west.

Militias held most of those they detained without charge and frequently outside the government’s authority. With control of the security environment diffused among various militia groups and a largely nonfunctioning judiciary, circumstances prevented most detainees from accessing a review process.

Detainee’s Ability to Challenge Lawfulness of Detention before a Court: Affected individuals may challenge the measures before a judge. 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 court system functions and security challenges transporting prisoners to the courts limited detainee access to the courts.

Amnesty: The government 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, as well as under-resourced courts, and 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 establishment of 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, state-affiliated and nonstate actors did not respect these standards. There were multiple reports of individuals denied fair and public trials, choice of attorney, language interpretation, the ability to confront plaintiff witnesses, protection against forced testimony or confessions, and the right to appeal.

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

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

### **Political Prisoners and Detainees**

Armed groups, some of which were nominally under government authority, held persons, particularly former Qadhafi regime officials, internal security organization

members, and others accused of subverting the 2011 revolution, in a variety of temporary facilities on political grounds.

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 2013 Law of Transitional Justice provided for fact-finding, accountability, and reparations for victims, but the judicial system had not implemented it in practice. In civil, administrative, family, commercial, and land and property law matters, cases were heard and proceeded through the courts, but authorities were challenged in enforcing judgements due to lack of security, intimidation of armed groups, and intimidation from outside sources.

Impunity for the state and for militias also exists in law. Even if a court acquits a person detained by a militia, that person has no right to initiate a criminal or civil complaint against the state or the militia 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 militias, gangs, extremist groups, and government-affiliated actors violated these prohibitions by entering homes without judicial authorization, monitoring communications and private movements, and using of 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**

Killings: There were numerous reports that government-aligned militias, antigovernment militias, and some tribes committed arbitrary and unlawful killings of civilians. 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, and Qadhafi-affiliated former officials and soldiers.

On May 18, HRW reported government aligned forces attacked an LNA base and allegedly executed at least 30 captured individuals. According to HRW, on May 18, soldiers from the 13th Battalion aligned with the government attacked the base in Brak al-Shati, in the south, and executed troops from the 12th Battalion of the LNA. The prime minister ordered an investigation and the suspension of his defense minister and the commander of the battalion responsible for the attack. In November militias nominally aligned with the government were implicated in the deaths of 28 individuals during clashes between rival factions in Warshefana, an area in the west. UNSMIL expressed concern that some of these individuals may have been killed in a manner that violated international law.

The LNA, under Khalifa Haftar, continued attacks by ground and air forces against opponents in Benghazi, including terrorists belonging to or affiliated with ISIS or Ansar al-Sharia. While casualty numbers were uncertain, reports from media and NGOs estimated that Haftar's campaign resulted in hundreds of dead and thousands injured, including civilians, since it began in 2014. On October 26, 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 had been filed at year's end.

In June two videos emerged on social media depicting the apparent summary executions of six men in the east. On July 24, a subsequent video emerged appearing to show the execution of 20 individuals. In all the videos, Mahmoud al-Warfalli, an LNA field commander from Benghazi, was clearly identifiable. The same commander appeared in earlier videos of summary executions. The LNA announced it was investigating the allegations and suspending Warfalli, but LNA leadership publicly questioned the validity of the accusations and Warfalli continued to participate in LNA operations. There was no progress on the investigation at year's end.

There were many reports on civilians killed during fighting in the country. In April UNSMIL and Amnesty International (AI) also reported indiscriminant and

disproportionate shelling of the densely populated Benghazi neighborhood of Juliyana.

On October 30, air strikes killed at least 15 individuals, including at least 12 women and children, and injuring more than 23, in Derna.

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

Although exact figures were impossible to obtain, bombings and killings likely carried out by terrorist organizations, such as ISIS, Ansar al-Sharia, al-Qaida in the Islamic Maghreb, and their affiliates, resulted in civilian casualties. For example, on August 23, ISIS fighters shot and killed two civilians in an attack at an LNA checkpoint in Fuqaha, located in the Jufra province.

Abductions: Forces aligned with both the government and its opponents were responsible for the disappearance of civilians in conflict areas, although in most cases, the details remained obscure. In the eastern region, a campaign of killings, kidnappings, and intimidation targeted activists, journalists, former government officials, and the security forces. Kidnappings remained a daily occurrence in many cities. For example, 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.

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 obscured understanding of the situation.

The extent of torture by members of terrorist groups and militias remained unknown, although some militias reportedly physically abused detainees. Individuals who expressed controversial opinions, such as journalists, suffered from violence. There were no developments in the case of Naseeb Miloud Karfana, a television journalist based in Sabha, killed in 2014 along with her fiance.

On October 26, the bodies of 36 citizens were discovered in al-Abyar in an area controlled by the LNA with signs of torture. The LNA reportedly initiated an investigation, but no charges had been filed at year's end.

Child Soldiers: There were reports of minors joining militias, although government policy required proof recruits were at least age 18. There were multiple reports of underage militia enlistees; however, there was no verifiable information regarding any age-related requirements for joining. The government did not make efforts to investigate or punish recruitment or use of child soldiers. According to media reports, ISIS claimed to have been training children in the country for its operations, such as suicide attacks, firing weapons, and making improvised explosive devices. In 2016 the LNA claimed ISIS forced child soldiers from Libya and other Arab countries into a training camp in Sirte.

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 increased conflict included restrictions on travel, deliberate attacks on health-care facilities, and the forceful displacement of civilians. On July 4, the bodies of 19 Egyptian migrants, including one boy age 17, were found south of Tobruk, apparently having died after suffering from dehydration.

The LNA continued its siege of Derna in the east. The LNA launched airstrikes against Derna, established a total blockade of the city, and limited access to the city by medical and humanitarian organizations. The LNA justified its action because of the presence of ISIS militants within the city.

On March 22, AI stated that as LNA forces ended a multi-year military blockade of the Ganfouda neighborhood of southwest Benghazi, LNA forces killed and beat civilians and summarily executed and desecrated bodies of opposition fighters.

## **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 militias, 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 armed groups 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.

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

In early November the Special Deterrence Force shut down the government-secured Comic Con in Tripoli and arrested the organizers, who were held without charges for almost two months.

Press and Media Freedom: Press freedoms, in all forms of media, are limited. Increased threats by various assailants forced many journalists to practice self-censorship.

There were numerous reports of the closing of media outlets and reports of raids by unidentified actors on organizations working on press freedom. Indirect restrictions on press freedom imposed by both foreign and domestic actors further polarized the media environment. In April Agence France-Presse (AFP) reported that security forces had detained photographer Abdullah Doma multiple times while reporting on various events in LNA-controlled Benghazi.

Violence and Harassment: Attacks on media, including harassment, threats, abductions, violence, and killings reached the point where it was 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.

On October 11, media reports stated LNA-affiliated forces arrested six journalists while covering a cultural event in Hun in the southwest.

In August the publication of an anthology containing a small amount of material deemed “obscene” by conservative members of the local community resulted in death threats against several authors.

Censorship or Content Restrictions: The international NGO Reporters Without Borders reported that all sides used threats and violence to intimidate journalists to prevent publication of information. The unstable security situation created hostility towards civilians and journalists associated with opposing militias or political factions. In addition, journalists practiced self-censorship due to lack of security and intimidation. According to social media reports, the LNA confiscated books they claimed promoted Shi'ism, secularism, and 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 provide criminal penalties for conviction of defamation and insults to religion. Most reports attributed infringement of free speech to intimidation, harassment, and violence.

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

Nongovernmental Impact: Militias, terrorist and extremist groups, and individual civilians regularly harassed, intimidated, or assaulted journalists. For example, the control of Derna by violent extremist organizations restricted freedom of expression. While media coverage focused on the actions of Islamist-affiliated violent extremists, other armed actors also limited freedom of expression.

## **Internet Freedom**

There were no credible reports that the government restricted or disrupted internet access or monitored private online communications without appropriate legal authority during the year. Nor were there credible reports that the government censored online content.

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

The government did not exercise effective control over communications infrastructure for most of the year. Social media, such as YouTube, Facebook, and Twitter, played a critical role in official and unofficial communications. A large number of bloggers, online journalists, and citizens reported practicing self-

ensorship due to instability, militia intimidation, 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, 20.3 percent of the population used the internet in 2016.

### **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.

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

#### **Freedom of Peaceful Assembly**

The Constitutional Declaration provides for a general right to peaceful assembly; and the government generally respected these rights. 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.

On September 25, political activist Basit Igtet held a demonstration against the leadership in Tripoli. Although the Ministry of Interior denied Igtet a permit to hold demonstrations, it provided security for the demonstrators and counter demonstrators, while enforcing checkpoints to keep armed groups from participating in the demonstration.

#### **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 the proliferation of targeted attacks on journalists, activists, and religious figures severely undermined freedom of association.

### **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: Refugees and migrants faced abuse, principally arbitrary detention, but also killings and gender-based violence. Instability in the country and lack of government oversight made human trafficking profitable. Migrants reported some human smugglers were Libyan nationals.

There were allegations of sexual violence, abuse, and exploitation of migrants and refugees by traffickers, and criminal gangs at unofficial and official detention centers. There were also reports of physical abuse of refugees by the Coast Guard, including beatings with whips and chains. A November media report showed videos where migrants unable to pay smugglers were sold into slavery, including being forced to work as prostitutes or manual laborers, at auctions. There were also numerous media reports during the year suggesting that traffickers had caused the death of migrants. For example, in February traffickers reportedly caused the death of 74 individuals off a beach in Zawiya.

To address the abuse of migrants and refugees and combat trafficking in persons, the government launched an investigation and vowed to bring perpetrators to justice. Starting on November 29, the government also authorized UNHCR, the IOM, and other international agencies to open offices in the country and to provide assistance to refugees and migrants, repatriate those who wished to return to their home countries, and access detention centers in areas controlled by the GNA. At the November African Union-EU Summit on Migration and a November 28 UN Security Council session, the government strongly condemned allegations of slavery in the country. In December the government committed to setting up a joint commission with Italy to counter human trafficking.

The country was the primary departure point for migrants crossing the Mediterranean from North Africa, with more than 90 percent leaving from the country. As of July 22, more than 114,000 migrants arrived in Europe according to the IOM, with 2,471 migrants dying at sea. 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 overloaded, and there was a high risk of sinking.

In-country Movement: The government did not exercise control over internal movement, although government-aligned groups set up checkpoints in some parts of Western Libya. The LNA established checkpoints targeting extremist movements around Benghazi and Derna. There were reports that militias controlling airports within the country conducted additional checks on citizens wanting to travel to other areas within the country or abroad.

Militias effectively controlled regional movements through armed checkpoints. Militia checkpoints and those imposed by ISIS, Ansar al-Sharia, and other extremist organizations impeded internal movement and, in some areas, prohibited women from moving freely without a male escort.

There were also multiple reports of women who could not depart from the country's western airports controlled by pro-GNA 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. Due to the lack of international monitoring, observers could not verify the number of stateless persons.

Additionally, the country's 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 to obtain permission, however.

Citizenship may also be revoked if obtained based on false information, forged documents, withheld relevant information concerning one's nationality, or all three. These actions may lead to revocation of citizenship by authorities. If a father's citizenship is revoked, the citizenship of his children is also revoked. It is

not specified if only minor children are susceptible to losing their nationality or if loss of nationality applies to adult children as well.

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

Limited access for assistance organizations to towns 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. There are 34 official detention centers across the country, which at year's end housed 6,000 to 8,000 refugees and migrants in centers under the auspices of the Department for Combatting Irregular Migration, under the Ministry of Interior. Due to security concerns in the east, international organizations access was inconsistent.

In September UNHCR estimated there were 500,000 internally displaced persons (IDPs) in the country. Most of the citizens displaced were from Sirte or Benghazi. Approximately 40,000 members of the Tawarghan community remained displaced, the largest single IDP population. Because Tawargha served as a base for Qadhafi forces during the revolution, Misratan militias attacked the town following the fall of the regime in 2011, compelling all inhabitants, largely descendants of former slaves of sub-Saharan African origins, to leave their homes. In December the government announced that families displaced from their homes in Tawargha due to events dating back to 2011 would be able to return home in February 2018. This decision followed a reconciliation deal between representatives of the town and the city of Misrata.

IDPs were vulnerable to abuses. The government struggled to promote adequately the safe, voluntary return or resettlement of IDPs. Due to the lack of adequate laws, policies, or government programs, international organizations and NGOs assisted them to the extent possible in view of the security environment.

### **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 government did not establish a system for providing protection to refugees or asylum seekers. Absent an asylum system, authorities could detain and deport asylum seekers without their having the opportunity to request refugee status. UNHCR, the IOM, and other international agencies operate within the country and are allowed to assist refugees and immigrants and repatriate those who wish to return to their

countries. UNHCR monitors and publicly reports on the situation of all refugees and migrants in the country, including those detained in government detention centers. In November authorities permitted UNHCR to set up a “transit and departure facility” in Tripoli to facilitate the emergency evacuation and resettlement of vulnerable refugees to foreign countries. The government allowed only seven nationalities to register as refugees with UNHCR: Syrians, Palestinians, Iraqis, Somalis, Sudanese (Darfuris), Ethiopians (Oromo), and Eritreans. The government did not legally recognize asylum seekers without documentation as a class distinct from migrants without residency permits. The government cooperated with the refugee task force formed by the African Union, EU and the United Nations.

Safe Country of Origin/Transit: The IOM estimated that approximately 393,000 migrants and refugees traversed the country throughout the year, with the majority of migrants originating from Niger, Egypt, Chad, Ghana, and Sudan. UNHCR has registered approximately 42,000 refugees and asylum seekers in the country.

During the year UNHCR, the International Committee of the Red Cross, and the IOM provided basic services directly and through local implementing partners to refugees and asylum seekers. Despite safety and security vulnerabilities, humanitarian organizations enjoyed relatively good access, with the exception of Derna and Sirte.

There were reports that hundreds to thousands of sub-Saharan Africans entered the country illegally through the unguarded southern borders. Treatment of detained migrants depended upon their country of origin and the offense for which authorities held them (authorities held some for having improper documents and others for having committed crimes). Migrants and refugees faced abduction, extortion, violent crime, and other abuses, exacerbated by entrenched racism and xenophobia. Government-affiliated and nongovernment militias regularly 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 government apparatus, whose health and education infrastructure was limited, did not provide refugees universal access to healthcare, education, or other services.

## **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 are 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 filiation. In instances where the father is a noncitizen, the children produced from that union are effectively stateless and banned from entering higher education, travelling, and certain educational opportunities.

Without citizenship, stateless persons are unable to obtain legal employment.

### **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 Elections Commission (HNEC) successfully administered the election of members to the HoR, an interim parliament that replaced the GNC, 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, Zawiyah, 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 *UN Action Plan for Libya*, announced by the UN special representative of the Secretary-General, Ghassan Salame, on September 20 at the UN General

Assembly, calls for presidential and parliamentary elections in 2018. While the exact timing of elections had not been finalized, in December the HNEC began voter registration and was in the process of expanding the number of registration centers throughout the country to increase voter access.

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

Political Parties and Political Participation: Political parties proliferated following the revolution, although fractious political infighting among party leaders impeded the government's progress on legislative and electoral priorities. Amid rising insecurity, public ire fell on certain political parties perceived to contribute to instability. The 2013 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 whom to exclude from office.

The HoR voted to suspend the law in 2015.

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 significant 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.

#### **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 2016, no significant investigations or prosecutions occurred.

The Constitutional Declaration states that the government shall provide for the fair distribution of national wealth among citizens, cities, and regions. The government struggled to decentralize distribution of oil wealth and delivery of services through regional and local governance structures. There were many

reports and accusations of government corruption due to lack of transparency in the government's management of security forces, oil revenues, and the national economy. There were allegations that officials in the interim government 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.

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**

While the government did not restrict human rights organizations from operating, it was unable to protect organizations from violence that often specifically targeted activists and human rights organizations struggled to operate.

In a July 27 report, HRW claimed that human rights defenders, activists, and social media bloggers faced continuing threats including physical attacks, detention, threats, harassment, and disappearances by armed groups, some of whom were affiliated with the GNA.

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

The United Nations or Other International Bodies: The government did not comply with injunctions by the International Criminal Court (ICC) to transfer suspected war criminal Saif al-Islam Qadhafi to ICC jurisdiction for trial on grounds that it did not have access to him. The government claimed that it was unable to obtain custody of Qadhafi from Zintani militia forces; to obtain evidence, in particular from witnesses who had been tortured during detention by militias; or to appoint defense counsel. In 2014 the ICC announced it had referred the country to the UN Security Council for violating an obligation to transfer Saif al-Islam Qadhafi for trial. In 2015 a Tripoli court sentenced Saif al-Islam to death. Nevertheless, on June 10, the Zintan-based militia holding Qadhafi reportedly

released him from prison. In August the ICC issued a warrant for the arrest of LNA member Mahmoud al-Warfalli (see section 1.g.).

Government Human Rights Bodies: Human rights defenders faced continuing threats and danger. 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.

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 conviction 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. In previous years 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.



Female Genital Mutilation/Cutting (FGM/C): There was no available information about legislation on FGM/C.

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 militias and extremists, including accusations of “un-Islamic” behavior.

Coercion in Population Control: There were no reports of coerced abortion, involuntary sterilization, or other coercive population control methods. Estimates on maternal mortality and contraceptive prevalence are available at: [www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/](http://www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/).

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 government did not effectively enforce these declarations.

Women faced social forms of discrimination, which affected their ability to access employment, their presence in the workplace, 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 law that favor men.

On February 16, LNA commander Khalifa Haftar and the military governor of the region that extends from Derna to Ben Jawwad, Abdelrazeq al-Nadhouri, issued an order requiring women who wished to travel abroad by land, air, or sea to be accompanied by a male guardian. On February 23, al-Nadhouri repealed the order and expanded the travel restriction to all men and women ages 18 to 45. The PC issued a statement in response to condemn the travel bans and to state they were in violation of the rights of Libyan citizens and the rights stipulated by the Libyan Political Agreement, the Libyan Constitutional Declaration, and international conventions and treaties.

## **Children**

Birth Registration: By law children derive citizenship only from a citizen father. 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 filiation. 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.

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. According to UNICEF, 80,000 children were internally displaced and migrant children in the country particularly vulnerable to abuse and exploitation, including in detention centers.

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 [travel.state.gov/content/childabduction/en/legal/compliance.html](http://travel.state.gov/content/childabduction/en/legal/compliance.html).

## **Anti-Semitism**

Most of the Jewish population left the country between 1948 and 1967. Some Jewish families reportedly remained, but no estimate of the population was available. There were no known reports of anti-Semitic acts during the year.

## **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [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 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 rather than with 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.” 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**

Lesbian, gay, bisexual, transgender, and intersex (LGBTI) status remained illegal, and official and societal discrimination against LGBTI persons persisted. 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. Militias often policed communities to enforce compliance with militia 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 government segregated detainees suspected of having HIV/AIDS from the rest of the detainee population, often in overcrowded spaces, and 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, but 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 capacity limitations of the central government 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.

Employees organized spontaneous strikes, boycotts, and sit-ins in a number of workplaces. No government action prevented or hindered labor strikes, and government 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 government, 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 conditions indicative of forced labor. According to the IOM, militias and armed groups subjected migrants to forced labor in IDP camps and transit centers that they controlled.

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 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 concerning employment or occupation.

The capacity limitations of the central government also 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 minimum wage was 450 dinars per month (\$328 per the official exchange rate). 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 capacity limitations of the central government restricted its ability to enforce wage laws and health and safety standards.

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 the continuing instability and security concerns.