

LIBYA 2020 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Libya's Government of National Accord is a transitional government, created through the 2015 Libyan Political Agreement. The 2011 Constitutional Declaration envisions a parliamentary democracy that allows for the exercise of political, civil, and judicial rights. Citizens elected an interim legislature, the House of Representatives, in free and fair elections in 2014. The country is in a state of civil conflict. The Government of National Accord, headed by Prime Minister Fayez al-Sarraj, governed only a limited portion of the country. Parallel, unrecognized institutions in eastern Libya, especially those aligned with the self-styled "Libyan National Army" led by General Khalifa Haftar, continued to challenge the authority of the Government of National Accord.

During the year the Government of National Accord had limited effective control over security forces, and these forces consisted of a mix of semiregular units, tribal nonstate armed groups, and civilian volunteers. The national police force, which reports to the Ministry of Interior, has official responsibility for internal security. The armed forces under the Ministry of Defense have the primary mission for external defense and also supported Ministry of Interior forces on internal security matters. Civilian authorities had only nominal control of police and the security apparatus, and security-related police work generally fell to disparate informal armed groups, which received salaries from the government and exercised law enforcement functions without formal training or supervision and with varying degrees of accountability. Members of security forces committed numerous abuses.

Conflict continued during the year between armed groups aligned with the Government of National Accord and nonstate actors including the Libyan National Army, with both sides benefiting from foreign military support. The Libyan National Army exercised varying levels of control over the majority of Libyan territory during the year. In June, following months of Turkish military intervention and support to the Government of National Accord as well as intense fighting through the spring, Libyan National Army-aligned forces, including

LIBYA

Russian mercenaries belonging to the Wagner Group, pulled back from their prolonged offensive on the Libyan capital and other western cities, retreating to positions in central Libya. Foreign military forces, foreign fighters, and mercenaries continued to operate in the country, reinforcing units aligned with both the Government of National Accord and the Libyan National Army. Informal nonstate armed groups filled security vacuums across the country. ISIS-Libya attempted to maintain a limited presence in the southwestern desert region. The United Nations and international partners led efforts to broker a cessation of hostilities, including the signing of a nationwide ceasefire in October, and convinced stakeholders to return to a UN-mediated political process. The UN-facilitated Libyan Political Dialogue Forum convened to make preparations for holding national elections in December 2021, including seeking agreement on a constitutional basis for elections and a reformed executive authority to govern the country in the interim.

Significant human rights issues included: arbitrary and unlawful killings by various armed groups, including some aligned with the Government of National Accord and the Libyan National Army; forced disappearances; torture perpetrated by armed groups on all sides; harsh and life-threatening conditions in prison and detention facilities, some of which were outside government control; arbitrary arrest and detention; political prisoners or detainees; unlawful interference with privacy, often by nonstate actors; serious abuses in internal conflict, including killing of civilians and the worst forms of child labor, such as the recruitment or use of children in conflict; serious restrictions on free expression and the press, including violence against journalists and criminalization of political expression; substantial interference with freedom of association; refoulement of refugees and asylum seekers; widespread corruption; lack of accountability for violence against women; trafficking in persons; threats of violence against ethnic minorities and foreigners; criminalization of same-sex sexual orientation; significant restrictions on workers' freedom of association, including limits on collective bargaining and the right to strike; and forced labor.

Impunity from prosecution was a severe and pervasive problem. Divisions between governmental, political, and security apparatuses in the west and east, a security vacuum in the south, the presence of criminal groups throughout the

LIBYA

country, and the government's weakness and limited reach outside of western Libya severely inhibited the government's ability to investigate or prosecute abuses across the country. The government took limited steps to investigate abuses within its area of reach; however, constraints on the government's reach and resources, as well as political considerations, reduced its ability and 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 and opened prosecutions for abuses, limited policing capacity and fears of retribution prevented orders from being carried out. In February the Government of National Accord called for the creation of an international fact-finding mission to investigate abuses perpetrated by all parties to the Libyan conflict. In June the UN Human Rights Council adopted by consensus a resolution to form this mission, and both the Government of National Accord and the Libyan National Army issued statements welcoming the decision.

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 armed groups aligned with both the Government of National Accord (GNA) and the Libyan National Army (LNA) and other nonstate actors, including foreign fighters and mercenaries, committed arbitrary or unlawful killings. The Ministry of Interior, Ministry of Justice, and Office of the Attorney General bore responsibility for investigating such abuses and pursuing prosecutions but were either unable or unwilling to do so in most cases due to severe capacity constraints.

Alliances, sometimes temporary, among elements of the government, nonstate 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.

In July, GNA Coast Guard officials shot and killed three migrants as they

LIBYA

attempted to escape from authorities after being disembarked from a vessel intercepted on the Mediterranean.

In June at least eight mass graves were discovered in the city of Tarhouna and in areas of southern Tripoli, which had been under the territorial control of LNA-aligned forces, including the Kaniyat militia, since April 2019. According to Libya's General Authority for the Search and Identification of Missing Persons (GASIMP), the remains of at least 102 persons, including women and children, had been uncovered as of late October. More than 100 additional bodies were recovered from Tarhouna Hospital, reportedly including many civilians. An additional 270 persons were missing from the area, according to accounts from families. On October 18, GASIMP reported the discovery of an additional five mass graves near Tarhouna containing the remains of at least 12 unidentified persons, six of whom were bound and blindfolded. According to GASIMP officials, their investigation into these mass graves continued.

Eastern authorities reportedly killed one civilian and injured three others during peaceful demonstrations in the city of al-Marj on September 12, according to UN Support Mission in Libya (UNSMIL).

In some cases foreign mercenaries carried out unlawful killings with support from their home governments. The Russia-linked Wagner Group provided command and control support in the LNA's offensive on Tripoli, which resulted in hundreds of civilian casualties.

Nonstate armed groups and criminal gangs committed other unlawful killings. In May a trafficking ring in the northwestern city of Mizda massacred 30 migrants and seriously injured several others. The MOI announced an investigation and arrest warrants for suspects shortly after the incident, which was ongoing at year's end.

Armed groups in Tripoli linked to the GNA used machine guns and vehicle-mounted antiaircraft weapons to disperse largely peaceful anticorruption protests between August 23 and August 29, allegedly killing one protester, according to Human Rights Watch. The armed groups--including the Nawasi Brigade and the Special Deterrence Forces/Rada Group--reportedly arbitrarily detained at least 23

LIBYA

protesters and a journalist covering the event, with additional allegations of torture and disappearances.

In the absence of an effective judicial and security apparatus, most killings were not investigated.

Between January and June, the UN Office of the High Commissioner for Human Rights (OHCHR) documented the deaths of 170 civilians and the injury of 319 others. From June to November, UNSMIL reported at least five civilian deaths and 16 injuries, including to three women and three boys younger than 10.

On June 3, drone strikes in support of the GNA struck the Qasr bin Gashir District of southern Tripoli, resulting in the killing of 17 civilians, according to UNSMIL.

In early June, as LNA units withdrew from Tripoli, Russian Wagner Group mercenaries indiscriminately planted land mines, booby traps, and improvised explosive devices around the outskirts of Tripoli, including in heavily residential areas. UNSMIL subsequently determined these devices were responsible for 43 civilian casualties, including the killing of two mine-clearing experts and the injury or maiming of 41 other civilians, including a number of children.

On November 10, unidentified gunmen shot and killed prominent lawyer and anticorruption activist Hanan al-Barassi in the eastern city of Benghazi. Al-Barassi was an outspoken critic of abuses in areas controlled by the LNA. Amnesty International reported al-Barassi had received death threats and had planned to release video exposing corruption within Haftar's family on social media. The LNA ordered an investigation into the assassination.

b. Disappearance

GNA and LNA-aligned armed groups, other nonstate armed groups, criminal gangs, and tribal groups committed an unknown number of forced disappearances (see section 1.g.). Due to its limited capacity, the GNA made few effective efforts to prevent, investigate, or penalize forced disappearances.

In March, UNSMIL expressed concern over an increase in abductions and enforced disappearances in towns and cities across the country conducted by armed

LIBYA

groups with total impunity. Migrants, refugees, and other foreign nationals were especially vulnerable to kidnapping. UNSMIL received reports that hundreds of migrants and refugees intercepted or rescued at sea by the Libyan Coast Guard went missing after disembarking at Libyan ports, and it was possible they were seized by armed groups engaged in human trafficking or smuggling. The Office of the UN High Commissioner for Refugees (UNHCR) reported that between January and November, 192 migrants and refugees were confirmed missing and 107 bodies were recovered during search and rescue operations.

Following the LNA's capture of Sirte in January, UNSMIL received reports of enforced disappearances perpetrated by armed groups perceived as being loyal to the GNA.

In June following the discovery of mass graves in Tarhouna, UNSMIL reported it had received reports of hundreds of crimes, including a significant number of forced disappearances, perpetrated in Tarhouna in recent years. On February 5, it was widely reported that the Tarhouna-based Kaniyat militia abducted several women whose fates remain unknown.

July 17 marked the one-year anniversary of the high-profile disappearance of member of parliament Siham Sergiwa, who was abducted from her home shortly after criticizing the LNA's Tripoli offensive in a television interview. Her whereabouts remained unknown, and her disappearance reportedly had a chilling effect on women's political participation.

Libyan and international human rights organizations reported that dozens of civil society activists, politicians, judges, and journalists have been forcibly disappeared by both western and eastern security services or armed groups and detained for making comments or pursuing activities perceived as being disloyal to the GNA or LNA. On February 26, unknown individuals abducted Judge Mohamed bin Amer while he was walking with his wife and children in the western city of al-Khoms. Numerous judges, lawyers, and public prosecutors across western Libya protested publicly to demand his release. His whereabouts remained unknown. On March 2, armed men from the "Security Operations Room" of the LNA in Derna arrested the general manager of al-Harish hospital from his home; he was reportedly subsequently released. On October 21, the head of the GNA Media Corporation,

LIBYA

Mohamed Bayou, along with his two sons and the newly appointed head of programs at the Libya al-Wataniya television channel, Hind Ammar, were abducted by the Tripoli Revolutionaries Brigade, a Tripoli-based militia. Bayou's two sons and Ammar were released soon afterwards.

Many disappearances that occurred during the Qadhafi regime, the 2011 revolution, and the postrevolutionary period remained uninvestigated. Due to the continuing conflict, weak judicial system, and legal ambiguity regarding amnesty for revolutionary forces, law enforcement authorities and the judiciary made no appreciable progress in resolving high-profile cases. Authorities engaged in documenting missing persons, recovering human remains, and reunifying families reported being underfunded. The International Commission on Missing Persons estimated there could be up to 15,000 missing persons in the country dating back to the Qadhafi era.

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

While the 2011 Constitutional Declaration and postrevolutionary legislation prohibit such practices, credible sources indicated personnel operating both government and extralegal prisons and detention centers tortured detainees (see section 1.g.). While judicial police controlled some facilities, the GNA continued to rely on armed groups to manage prisons and detention facilities. Furthermore, armed groups, not police, initiated arrests in many instances. An unknown number of individuals were held without judicial authorization in other facilities nominally controlled by the Ministry of Interior, Ministry of Defense, or in extralegal facilities controlled by GNA-affiliated armed groups, LNA-affiliated armed groups, and other nonstate actors. Treatment varied from facility to facility and typically was worst at the time of arrest. There were reports of cruel and degrading treatment in government and extralegal facilities, including beatings, administration of electric shocks, burns, and rape. In many instances this torture was reportedly initiated to extort payments from detainees' families.

International and Libyan human rights organizations noted that the GNA-aligned Special Deterrence Force and Nawasi Brigade conducted summary executions, acts

LIBYA

of torture, and other abuses at official prisons and unofficial interrogation facilities.

In June following the withdrawal of the LNA-aligned Kaniyat militia from the city of Tarhouna, advancing GNA forces found corpses at Tarhouna Hospital that bore wounds indicative of torture. In July a pro-GNA news network broadcast footage of an extralegal detention facility where it claimed the Kaniyat had tortured victims by confining them in metal cell-like containers and lighting fires on top of the containers.

In addition to individuals held in the criminal justice system, the International Organization for Migration (IOM) estimated that 2,565 refugees, asylum seekers, and migrants were held in migrant detention centers nominally controlled by the Ministry of Interior's Department to Combat Illegal Migration (DCIM) as of December. An unknown number of other refugees and migrants were held in extralegal detention facilities, such as smugglers' camps, controlled by criminal and nonstate armed groups. Persons held in these facilities were routinely tortured and abused, including being subjected to arbitrary killings, rape and sexual violence, beatings, forced labor, and deprivation of food and water according to dozens of testimonies shared with international aid agencies and human rights groups. In January, for example, UNSMIL interviewed 32 migrants who had been arbitrarily detained and subjected to torture or rape for ransom by nonstate criminal groups and state officials, including DCIM and Coast Guard employees.

In June and July, migrants who claimed to have escaped from informal human trafficking camps in Bani Walid, southeast of Tripoli, appeared at aid organization offices in Tripoli bearing wounds indicative of torture.

Impunity was a significant problem within the security forces, and the GNA lacked the ability seriously to pursue accountability for abuses due to challenges posed by the ongoing civil conflict, political fragmentation, a lack of territorial control over much of the country, and widespread corruption.

Prison and Detention Center Conditions

Prisons and detention facilities were often overcrowded, and conditions were harsh and life threatening, falling well short of international standards. Many prisons

LIBYA

and detention centers were outside GNA control (see section 1.g.).

Physical Conditions: During the year prisons remained overcrowded, were in need of infrastructural repairs, suffered from poor ventilation, lacked adequate hygiene facilities, and experienced power and water outages. Prisons lacked clean drinking water and served low-quality food. UN agencies reported malnutrition was a risk in some prisons and detention centers, notably at DCIM facilities, which did not receive a food budget.

Communicable diseases, including tuberculosis, scabies, and HIV/AIDS, affected detainees in some prisons and detention centers. There were unconfirmed cases of COVID-19 reported in the LNA-controlled Kweifiyah Prison in Benghazi. Most prisons lacked functioning health units, and inmates depended on family members to bring them medicine. Inmates who needed medical attention were sometimes transferred to public hospitals within the jurisdiction of whichever police unit or militia controlled the prison; these transfers often depended on the availability of private vehicles, as most prisons lack ambulances.

There was no centralized record keeping. There were reportedly no functioning juvenile facilities in the country, and authorities held juveniles in adult prisons, although sometimes in separate sections.

UNSMIL estimated there were approximately 500 women detained in Libyan prisons as of May. Women prisoners faced conditions that fell well short of international minimum standards. Although there were often separate facilities for men and women, women remained almost universally guarded by male prison guards. UNSMIL received numerous reports of women who were subjected to forced prostitution in prisons or detention facilities in conditions that amounted to sexual slavery.

According to international and Libyan migration advocates, migrant detention centers suffered from massive overcrowding, poor sanitation, lack of access to medical care, food shortages, and significant disregard for the protection of detainees, including allegations of unlawful killing, sexual violence, and forced labor. As of July, the IOM estimated 27 percent of migrants and refugees held in DCIM detention centers were minors. A large number of migrant and refugee

LIBYA

detainees were held in extralegal facilities, although numbers were unknown. There were numerous anecdotal reports that officials, nonstate armed groups, and criminal gangs moved migrants through a network of government and extralegal detention facilities with little monitoring by the government or international organizations.

Administration: The Judicial Police Authority, tasked by the GNA-aligned 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 rival, eastern “Ministry of Justice” that provides oversight to prisons in eastern Libya. 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.

Units affiliated with the GNA-aligned Ministries of Interior and Defense and rival eastern security forces operated other prisons and detention centers.

As of April, UNSMIL estimated there were 9,000 persons detained in 28 facilities under Ministry of Justice oversight and up to 10,000 individuals in prisons controlled by the Ministry of Interior, Ministry of Defense, or nonstate armed groups. As of July, the IOM estimated there were 2,400 persons detained in DCIM facilities and potentially thousands of other migrants held in extralegal and informal facilities.

Independent Monitoring: Multiple independent monitoring organizations reported difficulties gaining access to prison and detention facilities, particularly those in eastern Libya. The GNA permitted some independent monitoring by international organizations, including the ICRC, but these movements were tightly controlled. UN and international aid organization sources reported that DCIM officials repeatedly denied access requests. The onset of the COVID-19 pandemic created further barriers to humanitarian access. Although some international organizations received permission to visit migrant detention facilities during the year, the responsiveness of GNA authorities and level of access varied widely from visit to visit. As of November, UNHCR and its partners had conducted 250 visits

LIBYA

to DCIM facilities to administer aid and register refugees and asylum-seekers.

Improvements: As of May, the GNA reported that it had released nearly 2,000 persons from Ministry of Justice prisons to reduce overcrowding and minimize possible vectors for the spread of COVID-19. The ministry reportedly prioritized the release of persons who had already served more than half their sentences. While international watchdogs welcomed the move, they noted that the vast majority of persons in prisons and detention facilities were being held in pretrial detention. These groups called on the GNA to immediately release vulnerable inmates in pretrial detention, including women, children, the elderly, and persons with disabilities. UNSMIL maintained that all migrant detention facilities should be closed and the detainees released.

d. Arbitrary Arrest or Detention

There were continued reports by UNSMIL of prolonged and arbitrary detention for persons held in prisons and detention facilities. Human Rights Watch (HRW) stated that a large but indeterminate number of persons held in such prisons and detention centers were arbitrarily detained for periods exceeding one year.

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. 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 low level of international monitoring meant that there were no reliable statistics on the number of arbitrary detentions.

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

LIBYA

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 2011 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 GNA-aligned and nonstate armed groups arbitrarily arrested and detained persons throughout the year. UNSMIL, along with other local and international organizations, reported that a number of individuals arriving in Tripoli from eastern Libya were arbitrarily arrested by armed groups in early November. At least one person was followed to his destination in Tripoli and then arrested, while others were allegedly arrested at Tripoli’s Mitiga airport upon arrival.

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 court capacity resulted in a severe backlog of cases. UNSMIL estimated that 60-70 percent of persons detained in Ministry of Justice prisons were in pretrial detention. According to international nongovernmental organizations (NGOs), many of these detainees were held for periods longer than the sentences for the minor crimes they allegedly committed. The Ministry of Justice was working to improve practices by training the judicial police on international standards for pretrial detention. The number of persons held in pretrial detention in Ministry of Interior, Ministry of Defense, and extralegal detention facilities was not publicly known.

Some individuals detained during the 2011 revolution remained in custody, mostly in facilities in the west. International NGOs called for the release of detainees held

LIBYA

for petty charges to mitigate overcrowding and COVID-19 transmission risk in prisons. The GNA-affiliated Office of the Attorney General established a committee in late 2018 to review cases of arbitrary detention and process detainees for potential release, but international watchdogs criticized the committee for acting slowly.

Armed groups held most of their detainees without charge and outside the government's authority. With control of the security environment divided among various armed 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: 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, intimidation of judges, and difficulties in securely transporting prisoners to the courts effectively limited detainee access to the courts during the year. For persons held in migrant detention facilities, there was no access to immigration courts or due process.

e. Denial of Fair Public Trial

The 2011 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. In some cases trials were held without public hearings. Judges and prosecutors faced threats, intimidation, violence, and lack of resources. 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. Civilian and military courts operated sporadically depending on local security conditions. Court proceedings were limited in areas affected by continuing hostilities and in the country's south. All judicial sector proceedings in GNA-controlled areas, including court appearances, were suspended in April and May due to COVID-19 concerns. There were reports of some civilian activists tried in

LIBYA

LNA military courts in eastern Libya under dubious charges.

Trial Procedures

The 2011 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. 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. 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 2011 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 this was not implemented in practice. Courts did process civil,

LIBYA

administrative, family, commercial, and land and property law matters. Lack of security and intimidation by armed groups 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 2011 Constitutional Declaration considers correspondence, telephone conversations, and other forms of communication inviolable unless authorized by a court order. Nonetheless, reports in the news and on social media indicated GNA-aligned groups, LNA-aligned groups, criminal groups, and other nonstate actors violated these prohibitions by monitoring communications without judicial authorization, imposing roadside checks, and entering private homes.

In August a number of Libyan human rights organizations protested the practice by Libyan authorities of searching cell phones, tablets, and laptops at roadside checkpoints, airports, and border crossings. These organizations noted the practice was widespread across both western and eastern Libya and was used as a means to target activists, lawyers, media professionals, bloggers, and migrants.

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-aligned groups, LNA-aligned groups, nonstate groups, foreign actors including mercenaries from various countries, and terrorist organizations. Human rights abuses committed by armed groups reportedly included killings, indiscriminate attacks on civilians, kidnapping, torture, appropriation of property, burning of houses and vehicles, and forced

LIBYA

expulsions based on political belief or tribal affiliation.

The largest internal conflict during the year occurred near Tripoli, where LNA-aligned forces fought to take control of the city from GNA-aligned forces. The fighting in Tripoli significantly worsened humanitarian conditions in the area.

Killings: There were numerous reports that GNA-aligned groups, LNA-aligned groups, foreign actors and mercenaries, and nonstate actors committed arbitrary and unlawful killings of civilians (see section 1.a.).

In June as GNA forces advanced on the western city of Tarhouna, UNSMIL received reports that GNA-aligned units captured and summarily killed members of LNA-aligned units, including members of the Kaniyat militia.

In June when LNA forces and Wagner Group mercenaries withdrew from Tripoli's southern suburbs, they planted improvised explosive devices and land mines, which injured and killed civilians seeking to return to their homes as well as humanitarian NGO personnel tasked with clearing these deadly devices.

In May, LNA-aligned units engaged in the torture, summary execution, and desecration of corpses of GNA-aligned fighters who had been captured in or near Tripoli, according to HRW.

Wagner Group personnel were deployed on Tripoli frontlines in support of the LNA as snipers and to direct artillery fire from at least September 2019 to May 2020, UNSMIL reported. Russian-directed shelling caused a number of civilian casualties.

In April, HRW determined, based on missile remnants found onsite, that a November 2019 airstrike on a biscuit factory in Tripoli that killed several civilians was directed by the UAE government on behalf of the LNA. The UAE has flown numerous drone missions in Libya on behalf of the LNA since April 2019.

There were reports of communal violence between ethnic and tribal groups. An indeterminate number of civilians were killed and others injured in clashes between tribal and ethnic groups in southern Libya.

Abductions: GNA-aligned groups, LNA-aligned groups, and other armed groups

LIBYA

were responsible for the disappearance of civilians, although few details were available (see section 1.b.). Kidnappings targeted activists, journalists, former government officials, migrants, and the security forces. Kidnappings for ransom remained a frequent occurrence in many cities.

In January, after LNA-aligned groups captured the central Libyan city of Sirte, there were reports that several civilians were abducted and arbitrarily detained by LNA-aligned persons for their perceived loyalty to the GNA.

In April the LNA-aligned Kaniyat militia kidnapped three women, all sisters, from their home in Tarhouna. This was one high-profile example of numerous disappearances reportedly perpetrated by the Kaniyat between January and June.

There were frequent reports of migrants and other expatriate workers abducted for ransom.

Physical Abuse, Punishment, and Torture: Guards 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.).

The takeover in April of several western Libyan towns by GNA-affiliated groups was accompanied by reports of acts of retribution, including looting, robberies, and torching of public and private properties.

In June, following the advance of GNA-aligned units on Tarhouna, reports emerged--including footage widely circulated on social media--that GNA-aligned units had arbitrarily detained a group of Egyptian laborers and forced them to stand in stress positions.

Prior to their withdrawal from Tarhouna in June, the LNA-aligned Kaniyat militia reportedly tortured numerous civilian victims, notably members of local tribes perceived as opposing the Kaniyat.

Child Soldiers: There were reports of child recruitment and use by armed groups affiliated with both the GNA and LNA, as well as nonstate groups. Although government policy required verification recruits were at least age 18, nonstate

LIBYA

armed groups did not have formal policies prohibiting the practice. The GNA did not make credible efforts to investigate or punish recruitment or use of child soldiers.

In June the United Nations reported that Turkey had engaged in large-scale recruitment of Syrian fighters to take part in hostilities in Libya in support of the GNA, including some boys younger than 18. The United Nations expressed concern at reports that both the GNA and LNA were using child soldiers.

In May unverified reports emerged that 20 Syrian children were among Turkish-backed Syrian fighters killed in hostilities in Libya during the year. The United Nations was working to confirm these reports at year's end.

In the first quarter of the year, UNSMIL verified one instance of child recruitment by LNA-aligned groups.

There were reports that Sudanese and Chadian mercenary groups in southern Libya also engaged in the recruitment or use of children.

Also see the Department of State's annual *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Other Conflict-related Abuse: Additional abuses stemming from conflict included restrictions on travel and deliberate attacks on civilian infrastructure.

From January through late September, LNA-aligned units and tribes orchestrated a shutdown of the country's oil production and exports, effectively shuttering the oil and gas sector and causing an estimated loss of \$9.8 billion in state revenues according to the National Oil Corporation. This resulted in delayed public-sector salary payments and a steep rise in fuel prices across the country, limiting commerce and causing serious humanitarian harm.

Authorities at Tripoli's Mitiga Airport were forced to suspend operations temporarily several times between January and May due to indiscriminate shelling and airstrikes by LNA-aligned groups that killed several civilians in neighborhoods in the vicinity of the airport. On May 9, one airstrike damaged a civilian aircraft that was being used to repatriate Libyan and foreign nationals stranded as a result

LIBYA

of the COVID-19 pandemic. Other civilian infrastructure, including Tripoli Port, was shelled by LNA-aligned forces in the first half of the year.

As of June, the World Health Organization (WHO) reported there had been 21 registered attacks on health facilities and workers, including attacks on hospitals, field clinics, and ambulances. Between January and November, UNSMIL reported 30 attacks on health-care facilities, resulting in eight deaths and 23 injuries. A significant percentage of the health-care infrastructure in the country was inoperable due to damages from conflict, disrepair, or other factors.

In April, Tripoli's Khadra Hospital, which was designated for civilian use as a COVID-19 treatment facility, was targeted in four separate LNA-aligned airstrikes. Tripoli's Royal Hospital was targeted in a separate attack, causing extensive damage to the ICU.

Nonstate armed groups also periodically attacked and shut down power and water stations in western and southern Libya as a pressure tactic in local disputes. In April an armed group in the city of Shweirif shut down a local water pump station, disrupting water flow to up to three million residents on the western seaboard.

Section 2. Respect for Civil Liberties, Including

a. Freedom of Expression, Including for the Press

The 2011 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 Speech: Freedom of speech was limited in law and practice. The law criminalizes acts that “harm the February 17 revolution of 2011.” The House of Representatives, since its election in 2014, and the GNA, since taking its seat in Tripoli in 2016, have done little to reduce restrictions on freedom of speech. Civil society organizations practiced self-censorship because they believed armed groups would threaten or kill activists. Widespread conflict in major urban areas deepened the climate of fear and provided cover for armed groups to target vocal

LIBYA

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 those opposed to the GNA. Many armed groups aligned with the GNA or LNA maintained databases of persons being sought for their alleged opposition activities or due to their identity. Some journalists and human rights activists chose to depart the country during the year rather than remain and endure harassment.

Observers reported that individuals censored themselves in everyday speech. Armed groups reportedly used social media to monitor and target political opponents, incite violence, and engage in hate speech. According to UNSMIL, various news publications and television stations published calls to violence, spread intentionally false news, and permitted ad hominem attacks.

Freedom of Press and Media, Including Online Media: Press freedoms were limited in all forms of media, creating an environment in which virtually no independent media existed. International news agencies reported difficulties obtaining journalist visas, encountered refusals to issue or recognize press cards, and were barred from reporting freely in certain areas, especially eastern cities. UNSMIL documented restrictions imposed by the Foreign Media Department at the Ministry of Foreign Affairs, which seriously affected the operations of journalists in Tripoli.

Violence and Harassment: The international NGO Reporters without Borders reported that all sides used threats and violence to intimidate journalists. 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 members of media exacerbated the problem, with no monitoring organizations, security forces, or functioning judicial system to constrain or record these attacks.

On January 1, a group of youth activists launched the National Initiative for Peace calling for a ceasefire and were immediately attacked by both LNA- and GNA-

LIBYA

affiliated media outlets as “traitors.” Several members received death threats against themselves and their families, and some were arbitrarily detained by LNA forces in Benghazi. Well known blogger and activist Khalid Sakran was among those briefly detained in January. In June he was summoned by LNA military intelligence authorities and held arbitrarily for 11 days before being released after intensive lobbying by UNSMIL and other local and international organizations.

On January 20, the GNA-aligned Special Deterrence Force abducted a Libyan journalist working for *al-Wataniya* from his office in Tripoli, allegedly for sharing information with the LNA. He was tortured then released in late January.

On January 16, LNA-aligned units set fire to a radio station in Sirte.

In July it was reported that journalist Ismail Abuzreiba al-Zwei was sentenced in May in a Benghazi military court to 15 years in prison for his affiliation with a satellite television channel deemed “hostile” to eastern Libyan interests. Human rights activists said he was tried in a closed hearing without access to his lawyer and sentenced under the country’s 2014 counterterrorism law, which provides for the arrest of civilians for perceived terrorist acts. He is one of possibly dozens of such journalists, activists, and other civilians who have been detained and tried in LNA military courts in recent years. Human rights defenders have voiced concern that the LNA unfairly applied the counterterrorism law to silence dissent.

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.

Libel/Slander Laws: The penal code criminalizes 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 criminalizes speech considered to “tarnish the [country’s] reputation or undermine confidence in it abroad,” but the GNA did not

LIBYA

enforce this provision during the year.

Nongovernmental Impact: Nongovernmental armed groups, terrorist groups, and individual civilians regularly harassed, intimidated, or assaulted journalists.

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 reports that GNA-aligned groups monitored private online communications without appropriate legal authority (see section 1.f.).

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. A significant body of evidence suggested that foreign actors sought to influence domestic opinion and incite violence in the country by spreading deliberate misinformation on social media and other platforms.

A large number of bloggers, online journalists, and citizens reported practicing self-censorship due to intimidation by armed groups and the uncertain political situation.

Academic Freedom and Cultural Events

There were no significant government restrictions on academic freedom or cultural events.

Some members of the Tebu minority residing in southern Libya reported their access to higher education was limited as university campuses were located in geographic areas controlled by Arab tribes that routinely harassed or denied freedom of movement to members of the Tebu minority. Universities reportedly

LIBYA

did not provide offsite learning alternatives to these Tebu students.

According to Freedom House, teachers and professors faced intimidation by students aligned with nonstate armed groups.

b. Freedoms of Peaceful Assembly and Association

Freedom of Peaceful Assembly

The 2011 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.

There were reports of several small public protests in Tripoli and other major cities, in which participants expressed frustration with civilian casualties and fatalities caused by the continuing conflict, lack of public utilities such as electricity, and poor service delivery by the national and municipal governments.

Freedom of Association

The 2011 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 (CSOs) are required to register with the GNA-affiliated Civil Society Commission (CSC) in Tripoli if they have activities in the west and with an eastern, parallel “CSC” in Benghazi if they have activities in the east. International and local CSOs report that the Tripoli and Benghazi commissions, along with the Ministry of Foreign Affairs Directorate of International Affairs, are known to sometimes delay or deny their attempts to register or renew registrations, or unduly to scrutinize their activities. Registration obstacles included: 1) ad hoc preapproval processes that required interfacing with formal and informal security

LIBYA

forces, 2) restrictions and approvals for routine meetings, 3) inordinately detailed requests for financial and human resource information, and 4) direct harassment in some cases.

In the west, this type of interference was frequently attributed to Nawasi Brigade affiliates working in the Tripoli-based CSC and the Ministry of Foreign Affairs. For example, in July the CSC in Tripoli directed one international CSO seeking to renew its registration to get “preapproval” from a Nawasi Brigade official. In another example, on September 10, the Tripoli-based CSC released an official letter that warned Libyan organizations not to meet with international organizations absent CSC approval, hampering local CSO operations. Threats, including death threats, were made against numerous CSO staff members because of their human rights activities, and several of them believed they were under surveillance by intelligence services; they also reported being unjustly detained for short periods. Numerous activists have sought sanctuary abroad

c. Freedom of Religion

See the Department of State’s *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement

The 2011 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.”

In-country Movement: The GNA did not exercise control over internal movement in the west, although GNA-aligned armed groups set up some checkpoints. The LNA established checkpoints in the east and south.

There were reports that armed groups controlling airports within the country conducted random checks on departing domestic and international travelers, including of their personal electronic devices. The country lacked a unified

LIBYA

customs and immigration system.

Following the onset of the COVID-19 pandemic, western and eastern authorities as well as local municipalities imposed curfews and restrictions on intercity travel to curb the spread of the virus. International and local aid workers noted that these restrictions had the secondary effect of restricting humanitarian access to communities in need.

Citizenship: The Nationality Law states that citizens may lose citizenship if they obtain a foreign citizenship without receiving permission beforehand from authorities, but there is still no process for obtaining such permission. Authorities may revoke citizenship if it was obtained based on false information, forged documents, or the withholding of relevant information concerning 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 a mother's citizenship is also revoked in this case. 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.

Non-Arab communities were marginalized under the Arab nationalist Qadhafi regime. Qadhafi revoked the citizenship of some inhabitants of the Saharan interior of the country, including minorities, such as the Tebu and Tuareg, after the regime returned the Aouzou strip along the Libya-Chad border to Chad in 1994. As a result there were many nomadic and settled stateless persons in the country. In addition, 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.

e. Status and Treatment of Internally Displaced Persons

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

LIBYA

displaced.

As of September, the IOM estimated there were more than 392,000 internally displaced persons (IDPs) in the country. More than half of these IDPs were displaced from the southern Tripoli area alone since April 2019. Following the end of hostilities in southern Tripoli, a slow return of some displaced households commenced in western Libya in July and August; however, the lack of basic services combined with the presence of explosive remnants of war and unexploded ordnance in previously contested areas hindered IDP returns.

IDPs generally resided in rented accommodations or with relatives and other host families. A smaller portion of IDPs lived in schools or other public buildings, in informal camps, shelter facilities, or abandoned buildings.

Most of the 48,000 former residents of the town of Tawergha, near Misrata, who were forcibly displaced after the 2011 revolution for their perceived affiliation with the former regime, remained displaced.

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, including to those with disabilities.

f. Protection of Refugees

The government cooperated with UNHCR, the IOM, and other international agencies that operated within the country and were allowed to assist refugees and migrants in some geographic areas and facilities across the country. UN agencies monitored and publicly reported on the situation of refugees and migrants in the country, including those in GNA detention centers. During the year international aid organizations provided basic services directly and through local implementing partners to refugees and asylum seekers.

Abuse of Migrants, Refugees, and Stateless Persons: According to UNSMIL and various UN agencies, refugees, asylum seekers, and migrants were routinely subjected to unlawful killings, arbitrary detention, torture, sexual exploitation, and

LIBYA

other abuses. Perpetrators included state officials, armed groups, smugglers, traffickers, and criminal gangs.

Conditions in government and extralegal migrant detention facilities included severe overcrowding, insufficient access to toilets and washing facilities, malnourishment, lack of potable water, and spread of communicable diseases (see section 1.c.). Many press reports indicated refugees and migrants were summarily tortured in official and unofficial detention centers. According to numerous press reports, nonstate actors routinely held migrants for ransom payments.

Armed groups and criminal gangs involved in human smuggling activities targeted migrants. Numerous reports during the year suggested that various human smugglers and traffickers had caused the death of migrants. There were limited arrests and no known prosecutions by the GNA during the year of Libyan nationals engaged in trafficking or human smuggling. The GNA did not seriously pursue accountability for the massacre of 30 migrants in Mizda in May (see section 1.a.).

In 2018 UNHCR and the Ministry of Interior began receiving refugees at a new Gathering and Departure Facility (GDF) in Tripoli, intended to host vulnerable refugees while they awaited resettlement. In September 2019, UNSMIL assessed that GDF conditions were overcrowded, contributing to a deteriorating humanitarian situation. In January the deputy director of the Ministry of Interior's Department to Combat Illegal Migration (DCIM), the state's migration authority, mobilized hundreds of DCIM guards and Tripoli militia personnel at a site adjacent to the GDF. This militarization of the GDF raised concerns that the facility could be targeted in the continuing Tripoli conflict. UNHCR was forced to suspend its activities at the GDF and negotiated for the evacuation of its residents. According to migrant advocates, numerous other DCIM-affiliated migrant facilities were colocated with or in close proximity to weapons depots and other dual-use sites.

Migrants were exploited for forced labor at the hands of smugglers, traffickers, and GNA-aligned armed groups. There were reports that migrants in some official or informal detention locations were forced to engage in forced labor, such as construction and agricultural work, for no wages. According to international observers, some migrants were also forced to provide services for armed groups, such as carrying and transporting weapons, cooking food, cleaning, and clearing

LIBYA

unexploded ordnance. In June reports emerged that some Libyan families had hired migrants to clear debris in mine-contaminated areas of Tripoli, exposing these migrants to potential grave bodily harm.

After the onset of COVID-19, there were numerous reports that migrants, particularly sub-Saharan Africans, were harassed or discriminated against by citizens due to the perception that foreigners were transmitting the virus.

Women refugees and migrants faced especially difficult situations, and international organizations received extensive reports of rape and other sexual violence. Nigerian women and girls were vulnerable to trafficking and were routinely detained in houses in Tripoli and Sebha, a southwestern Libyan city. Migrant women and girls were forced into prostitution in both official and unofficial detention facilities in conditions that sometimes amounted to sexual slavery. Other migrant women reported being harassed when leaving their homes to search for work. Many migrant women who had been abused could not return to their countries of origin for fear of stigmatization. The country lacks legal protections for survivors of sexual violence.

Access to Asylum: The country is not party to the 1951 Refugee Convention or its 1967 Protocol, although the 2011 Constitutional Declaration recognizes the right of asylum and forbids forcible repatriation of asylum seekers. The GNA has not established a system for protecting refugees or asylum seekers. Absent an asylum system, authorities can detain and deport asylum seekers without their having the opportunity to request asylum. The GNA did not legally recognize asylum seekers without documentation as a class distinct from migrants without residency permits.

Authorities continued to expel migrants and asylum seekers across the country southern borders, and in some areas these activities reportedly increased. In May, UNSMIL noted that at least 1,400 migrants and refugees had been expelled from eastern Libya during the year, contrary to the 2011 Constitutional Declaration. These persons were forcibly deported to Sudan, Chad, Niger, and Somalia.

Due to COVID-19 travel restrictions, refugee resettlement, emergency evacuation, and migrant voluntary humanitarian return flights were temporarily suspended in

LIBYA

the second quarter of the year.

Freedom of Movement: Migrants and asylum seekers were generally considered to be illegally present in the country and were subject to fines, detention, and expulsion. Migrants attempting sea crossings on the Mediterranean and who were later intercepted by the Libyan Coast Guard were considered to have violated the law and were often sent to migrant detention facilities in western Libya.

At least 6,000 migrants and asylum seekers were intercepted at sea by the Libyan Coast Guard and returned to the country during the year. UN agencies expressed concern that thousands of these migrants remained unaccounted for after disembarkation and disappeared into informal detention by human-trafficking networks.

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

g. Stateless Persons

Libyan national mothers alone are generally unable to transmit citizenship to their children. The law permits female nationals to confer nationality to their children only in certain exceptional circumstances, such as when fathers are unknown, stateless, or of unknown nationality. In contrast, the law provides for automatic transmission of nationality to children born of a Libyan national father, whether the child is born inside or outside of Libya and regardless of the nationality of the mother. There are naturalization provisions for noncitizens.

According to some reports, up to 30 percent of the population in southern Libya are of undetermined legal status, which has fueled discrimination in employment and services. Noncitizens without national identification numbers cannot access basic services; register births, marriages, or deaths; hold certain jobs; receive state salaries; vote; or run for office.

Due to the lack of international monitoring and governmental capacity, there was

LIBYA

no comprehensive data on the number of stateless persons.

Section 3. Freedom to Participate in the Political Process

The 2011 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. In practice national elections continued to be delayed as a result of the conflict. In November the UN-facilitated Libyan Political Dialogue Forum agreed on the date of December 24, 2021, for national elections and an electoral roadmap on the structure and eligibility requirements for a reformed interim executive authority to govern the country in the run-up to those elections.

Elections and Political Participation

Recent Elections: In 2014 the High National Electoral Commission successfully administered the election of members to the House of Representatives, an interim parliament that replaced the General National Congress, whose mandate expired that year. Observers mostly commended the performance of the electoral authorities, with the largest national observation umbrella group citing minor technical problems and inconsistencies. Violence affected some polling centers. A total of 11 seats remained vacant due to a boycott of candidate registration and voting by the Amazigh community.

The term of the House of Representatives has expired; however, the legislative body was recognized as the nation's legitimate parliament by the Libyan Political Agreement signed in 2015, which created the interim GNA.

In 2018 leaders of the country's rival factions agreed to convene parliamentary and presidential elections that year, but parties eventually delayed the elections to 2019. A UN-facilitated Libyan National Conference planned for April 2019 in Ghadames, a city in northwestern Libya, was intended to create a roadmap for elections, but LNA-aligned forces began their offensive on Tripoli, and the National Conference did not occur.

In March and April 2019, the GNA-aligned Central Committee for Municipal Council Elections (CCMCE) held 22 elections for municipalities in southern and

LIBYA

western Libya. Although voter turnout was not high across the board, domestic observer organizations concluded they were professionally and fairly administered. Due to the conflict, elections did not go forward in 11 municipalities, including Kikla, al-Saabaa, South Zawiya, Sabratha, and Surman.

The CCMCE held municipal elections in Sebha in April 2019, electing a new municipal council. LNA-aligned forces had entered the city earlier in the year, and in May 2019 a local court annulled the municipal election results. Following an appeal, the court's decision to annul the April results was overturned. In January a peaceful transfer of power to the duly elected municipal council occurred. In April the GNA unilaterally appointed a new steering council in Sebha, claiming that the elected council had violated its mandate by aligning with the LNA. In July a Sebha court ruled that the GNA lacked authority to appoint a new steering council. To date the presence of two rival councils in Sebha--a GNA-leaning one and an LNA-leaning one--reportedly complicated local governance. International aid organizations expressed frustration that political divisions in the city stifled COVID-19 mitigation and response efforts in the second quarter of the year.

In August following the initial ceasefire, the CCMCE gradually resumed its municipal elections schedule. Municipal elections were carried out successfully in Ghat (August 18), Kikla (August 25), and Misrata (September 3). A fourth election, in Traghen, was canceled after an armed group took over two polling centers. The CCMCE planned elections for six municipalities of Greater Tripoli in late December 2020 or in January 2021: Tripoli Center, Hay al-Andalous, Tajoura, Swani Beni Adam, Garabouli, and Qaser al-Akhiar.

LNA-aligned authorities in eastern Libya sought to establish a rival counterpart to the CCMCE and appointed several new municipal or steering councils in several eastern cities over the last two years, replacing elected officials with appointed personnel linked to the LNA.

Political Parties and Political Participation: Political parties proliferated following the 2011 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

LIBYA

instability.

The Political Isolation Law (PIL) prohibits persons 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 House of Representatives 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 Members of Minority Groups: The 2011 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 in the House of Representatives; of the 200 seats in parliament, the law reserves 32 for women. There were estimated to be 21 active female members in the House of Representatives. The disparity was due to resignations and parliamentary deputies who refused to take their seats in the House of Representatives.

Women were underrepresented in public health decision making related to COVID-19. The GNA's two COVID-19 response committees--the Supreme Committee for Coronavirus Response and an advisory Scientific Committee--lacked female members.

Ethnic minorities and indigenous groups, including the Amazigh, Tebu, and Tuareg, voiced frustration with what they perceived as their deliberate marginalization from political institutions and processes.

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

LIBYA

engaged in corrupt practices with impunity. There were numerous reports of government corruption during the year, but, as in 2019, no significant investigations or prosecutions occurred.

The 2011 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 the 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. The LNA-orchestrated shutdown of the country's oil sector from January to September further disrupted the distribution of revenues.

Corruption: Internal conflict and the weakness of public institutions undermined implementation of the law. Officials frequently engaged in corrupt practices with impunity, such as graft, bribery, and nepotism. There were numerous reports of government corruption during the year, including reports that officials engaged in money laundering, human smuggling, and other criminal activities. The government lacked significant mechanisms to investigate corruption among police and security forces.

Slow progress in implementing decentralization legislation, particularly with regard to management of revenues from oil and gas exports and distribution of government funds, led to accusations of corruption and calls for greater transparency.

The Audit Bureau, the highest financial regulatory authority in the country, made efforts to improve transparency by publishing annual reports on government revenues and expenditures, national projects, and administrative corruption. The Audit Bureau also investigated mismanagement at the General Electricity Company of Libya that had lowered production and led to acute power cuts.

In a landmark development in July, it was announced that an independent, international audit of the divided branches of the Central Bank of Libya (CBL)

LIBYA

would proceed after a lengthy delay. The audit was underway at year's end and scheduled to conclude in early 2021. The CBL split between parallel western and eastern branches in 2014. In December the unified CBL board met for the first time in five years and agreed on a unified exchange rate and a process for reunifying the institution.

The UN Libya Sanctions Committee Panel of Experts, a committee established pursuant to UN Security Council Resolution 1970 (2011), continued to make recommendations, including on corruption and human rights issues.

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

A number of human rights groups encountered government restrictions when investigating alleged abuses of human rights. The GNA and affiliated nonstate armed groups used legal and nonlegal means to restrict some human rights organizations from operating, particularly organizations with an international affiliation.

The United Nations or Other International Bodies: UNSMIL maintained its headquarters and staff in Tripoli during the year. UN agency representatives were able to visit some areas of the country, contingent on the permission of government and nonstate actors and on local security conditions.

The GNA was unable to assure the safety of UN officials, particularly in 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, a national human rights institution created by legislative authority in 2011, was not able to operate in the country due to security concerns and a lack of a budget. The council maintained limited engagement with other

LIBYA

human rights organizations and the UN Human Rights Council. It had a minimal presence in Tripoli. Its ability to advocate for human rights and investigate alleged abuses was unclear.

The GNA Ministry of Justice chaired an interagency joint committee to investigate human rights abuses in the country. The joint committee reportedly compiled quarterly reports on human rights conditions. These reports were not publicly available. Domestic and international human rights organizations criticized the body for inactivity and noted that it lacked sufficient political influence to effect change.

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 2011 Constitutional Declaration prohibits domestic violence but does not contain reference to penalties for those convicted of violence against women.

There were no reliable statistics on the extent of domestic violence. 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. Some local civil society organizations reported in the second quarter of the year that women were experiencing higher rates of domestic violence due to COVID-19 curfews and extended confinement at home.

By law a convicted rapist may avoid a 25-year prison sentence by marrying the survivor, regardless of her wishes, provided her family consents. Rape survivors who could not meet high evidentiary standards could face charges of adultery.

Migrant women and girls remained particularly vulnerable to rape and sexual violence, including forced prostitution and sexual exploitation in conditions amounting to sexual slavery. There were reports of egregious acts of sexual violence against women and girls in government and extralegal detention facilities

LIBYA

(see section 2.d., Protection of Refugees).

The Supreme Judicial Council established two courts in Tripoli and Benghazi dedicated to addressing violence against women, men, and children. In October authorities appointed five women judges who will serve on these two specialized courts.

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

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, including harassment and arbitrary detention based on accusations of “un-Islamic” behavior.

There were reports armed groups harassed women traveling without a male “guardian” and that men and women socializing in public venues were asked by armed groups to produce marriage certificates to verify their relationship.

Reproductive Rights: By law couples have the right to decide the number, spacing, and timing of their children free from discrimination, coercion, or violence; however, the law limits abortion to cases in which the life of a girl or woman is at risk. The UN Population Fund (UNFPA) noted family planning services were significantly limited due to cultural and social norms favoring large families, as well as the absence of prioritization of the issue by the government. Access to information on reproductive health and contraception was also difficult for women to obtain given social norms surrounding sexuality.

According to UNFPA estimates, the reported contraceptive prevalence rate was approximately 27 percent, and nearly 41 percent of women had unmet needs with respect to family planning using modern methods. Women’s access to maternal health-care services and contraceptive supplies declined during the year due to

LIBYA

continued political instability. Additionally, the UNFPA stated political unrest exacerbated existing social disparities in the provision of health-care services, creating inequities between urban and rural populations. According to the WHO, the large number of IDPs and access restrictions in conflict zones significantly affected the provision of reproductive health services. The WHO also reported lack of access to family planning services, obstetrical care, and treatment of sexually transmitted infections.

According to UNSMIL, incidents of conflict-related sexual violence by armed groups remained severely underreported because of fear, intimidation, and stigma related to underlying discriminatory gender norms. The government generally did not effectively provide access to sexual and reproductive health services for survivors of sexual violence, including survivors of conflict-related sexual abuse. Civil society actors provided limited legal assistance to survivors in the absence of the government. A coalition of NGOs reported to the United Nations in 2019 that survivors and victims of sexual violence often found it difficult to locate information on existing services and resources available for them, particularly among indigenous and rural communities.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Discrimination: The 2011 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. The UN Entity for Gender Equality and the Empowerment of Women (UN Women) noted that survey data indicated a significant disparity in earned incomes between men and women, even when adjusted for educational attainment. There were significant inequalities in

LIBYA

women's access to insurance, loans, and other forms of social protection.

The country lacks a unified family code. Sharia often 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 from a citizen father. The law permits citizen women who marry foreign men to transmit citizenship to their children, although some contradictory provisions may potentially perpetuate discrimination. There are also naturalization provisions for noncitizens.

Education: The continuing conflict disrupted the school year for thousands of students across the country; many schools remained unopened due to lack of materials, damage, or security concerns. Internal displacement further disrupted school attendance as many schools were repurposed as IDP shelters. School and university classes were suspended in March following the onset of the COVID-19 pandemic.

Child, Early, and Forced Marriage: The minimum age for marriage is 18 for both men and women, although judges may permit those younger than 18 to marry. LNA authorities reportedly imposed a minimum age of 20 for both men and women. Early marriages were relatively rare, according to UN Women, although comprehensive statistics were not available due to the lack of a centralized civil registry system and the continuing conflict.

There were anecdotal reports of child marriage occurring in some rural and desert areas where tribal customs are more prominent. There were also unconfirmed reports that civil authorities could be bribed to permit underage marriage.

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

International Child Abductions: The country is not a party to the 1980 Hague

LIBYA

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/reported-cases.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 high-profile reports of anti-Semitic acts during the year.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

The 2011 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. IDPs, migrants, and refugees with disabilities were especially vulnerable to poor treatment in detention facilities.

Some organizations estimated that up to 13 percent of citizens may experience some form of disability, although GNA estimates were much lower. Years of postrevolutionary conflict also led to a greater incidence of persons maimed by shelling or explosive war remnants.

In the second quarter of the year, human rights activists called on health authorities to make their COVID-19 response plans more inclusive of persons with disabilities. These activists reported that COVID-19 curfews and movement restrictions made it more difficult for persons with disabilities to access cash, food,

LIBYA

and medicine.

Members of National/Racial/Ethnic Minority Groups

Arabic-speaking Muslims of Arab, Amazigh, or mixed Arab-Amazigh ancestry constitute a majority of the citizenry. The principal linguistic-based minorities are the Amazigh, Tuareg, and Tebu. With the exception of some Amazigh, who belong to the Ibadi sect of Islam, minority groups are predominantly Sunni Muslim but often identified with their respective cultural and linguistic heritages over Arab traditions.

The law grants the right for “all linguistic and cultural components to have the right to learn their language,” and the government nominally recognizes the right to teach minority languages in schools. Minority and indigenous groups complained that their communities were often allowed to teach their languages only as an elective subject within the curriculum.

The extent to which the government enforced official recognition of minority rights was unclear. There were reports that teachers of minority languages faced discrimination in receiving accreditation and in being eligible for bonuses, training, and exchange opportunities provided by the Ministry of Education.

There were also reports that individuals with non-Arabic names encountered difficulties registering these names in civil documents.

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 “local” 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 from the Amazigh, Tebu, and Tuareg communities, rejected the 2017 draft constitution because of a perceived lack of recognition of the status of these communities, although the draft explicitly

LIBYA

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 (see section 2.d.), faced widespread social discrimination, and suffered from hate speech and identity-based violence. In southern Libya, if a member of one tribe or group attacked a member of another tribe or group, it was not uncommon for the latter tribe to take retribution against multiple members of the former group.

Some members of ethnic minority communities in southern and western Libya reported being unwilling to enter certain courthouses and police stations for fear of intimidation and reprisal.

There were numerous reports throughout the year of ethnic minorities being injured or killed in confrontations with other groups.

Acts of Violence, Criminalization, 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.

In December 2019 an internationally recognized, Tripoli-based journalist, Redha

LIBYA

al-Boum, was arbitrarily detained and tortured by a GNA-aligned group for two weeks for reporting on human rights conditions in the country, including coverage of the LGBTI community. According to international watchdog groups, he was conditionally released while awaiting a potential referral for trial proceedings.

HIV and AIDS Social Stigma

There was no available information on societal violence toward persons with HIV or AIDS.

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. According to Freedom House, some trade unions formed after the 2011 revolution, but they remain in their infancy, and collective-bargaining activity was severely limited due to the continuing hostilities and weak rule of law.

The GNA was limited in 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

LIBYA

workplaces, generally to protest delays in salary payments.

b. Prohibition of Forced or Compulsory Labor

The law did not criminalize all forms of forced or compulsory labor. Article 425 of the penal code criminalizes slavery and prescribes penalties of five to 15 years' imprisonment. Article 426 criminalizes the buying and selling of slaves and prescribed penalties of up to 10 years' imprisonment although other forms of forced labor are not criminalized. The GNA, however, did not fully enforce the applicable laws. In 2018 the UN Security Council imposed sanctions against a commander from the Libyan Coast Guard and three other Libyans with close links to fundamentalist terror groups for their roles in human trafficking and labor exploitation. The resources, inspections, and penalties for violations were insufficient to deter violators.

There were numerous anecdotal reports of migrants and IDPs being subjected to forced labor by human traffickers. According to numerous press reports, individuals were compelled to support the armed groups that enslaved them, including by preparing and transporting weapons. Others were forced to perform manual labor on farms, at industrial and construction facilities, and in homes under threat of violence.

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. In October, in the latest string of violence against migrant workers, three individuals stormed a factory in Tripoli where African migrants were working. During the attack, they poured gasoline on a Nigerian worker and burned him alive. Three other workers suffered burns in the attack, and the perpetrators were arrested.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits children younger than 18 from employment, except in a form of

LIBYA

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.

There were reports of children forced into labor or military service by nonstate armed groups. These accounts were difficult to verify due to the absence of independent monitoring organizations and the ongoing hostilities.

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 based 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 based on 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. The law prohibits women from working in jobs that are deemed morally inappropriate. Regulations issued by the General People's Committee prohibit women from working in roles that are unsuited to their nature as women, and women's work hours may be reduced for certain professions and occupations determined by the General People's Committee that takes into account the requirements of the work and the proportion of male and female workers, as set forth in implementing regulations under the law. Observers reported that authorities precluded hiring women for positions in the civil service. 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.

On October 15, UNHCR resumed charter flights from Libya, ending a seven-

LIBYA

month suspension due to the pandemic. As of October 19, nearly 3,200 migrants trying to reach Europe via Tripoli's rocky coastline (including unaccompanied children younger than 18 and refugees) were still confined in squalid and overcrowded conditions in 11 detention centers that lacked adequate food and water. UNHCR evacuated nationals from primarily the sub-Saharan countries of Eritrea, Somalia, Sudan, and South Sudan. This second UNHCR flight during the year evacuated 501 migrants from Libya, including 221 individuals who were resettled in Europe. As of year's end, more than 200 migrants drowned and more than 280 went missing while trying to cross the Mediterranean to Europe, and more than 9,800 were intercepted and returned to Libya.

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. There is a national monthly minimum wage. 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. Penalties were not sufficient to deter violations.

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, but no information was available on enforcement and compliance.

No accurate data on foreign workers were available. Many foreign workers have departed the country due to continuing instability and security concerns.