

Libya



Population: 6,324,357

Population Growth Rate: 2.17%

Birth Rate: 25.13 births/1,000 population

Life Expectancy: total population: 77.26 years; male: 74.78 years; female: 79.65 years

Literacy Rate: total population: 82.6%; male: 92.4%; female: 72%

Net Migration Rate: NA

Unemployment Rate: 30%

Gross Domestic Product per Capita: \$14,600

Religions: Sunni Muslim 97%, other 3%

Languages: Arabic, Italian, and English are all widely understood in the major cities

Ethnic Groups: Berber and Arab 97%, other 3% (includes Greeks, Maltese, Italians, Egyptians, Pakistanis, Turks, Indians, and Tunisians)

Capital: Tripoli¹

Trafficking Routes

Libya is considered a transit and destination country for many victims of trafficking.² The majority of human trafficking cases in Libya have involved labour or sexual exploitation of migrants from Sub-Saharan African countries who are en route to Europe.³ However, recent reports have shown that many trafficking victims in Libya are brought in from Bangladesh, Pakistan, and Sri Lanka.⁴

Factors That Contribute to the Trafficking Infrastructure

The number of illegal immigrants in Libya ranges from seven hundred and fifty thousand to about two million; the official population is around six million in Libya. The illegal immigrants do not receive any benefits and live with barely enough money to support their immediate needs. They are often found sitting by roadsides or in underpasses looking to find work for a day or two.⁵ Libya's location on the southern Mediterranean coast makes it an ideal transit country for traffickers and smugglers on their way to Europe. Although diverse points of embarkation are utilized by the smugglers, dissuasive measures that have been put in place by

¹ CIA, WORLD FACTBOOK, <https://www.cia.gov/library/publications/the-world-factbook/geos/ly.html> (last visited Feb. 1, 2010)

² Press Briefing, International Organization for Migration (IOM), Training Libya's Judges and Prosecutors in Countering Human Trafficking (Jan. 5, 2009), available at: <http://www.iom.int/jahia/Jahia/media/press-briefing-notes/pbnAF/cache/offonce?entryId=24668>.

³ *Id.*

⁴ *Id.*

⁵ Michael Buchanan, *Migrants Risk All from Libyan Port*, BBC, Sept. 29 2008, available at: <http://news.bbc.co.uk/2/hi/africa/7632429.stm>.

A Human Rights Report on Trafficking in Persons, Especially Women and Children

Spain, Morocco, Mauritania, and the European Union have restricted the number of migrants crossing into Spanish territory illegally. This has unfortunately encouraged the migrants to undertake a longer land journey to Libya. Migrants from Sub-Saharan Africa are reportedly preferred by the larger smuggling groups because they are willing to pay more and put up with longer periods of waiting and harsher conditions.⁶

Forms of Trafficking

Women, mainly from Sub-Saharan Africa, are sometimes trafficked across Libya into Western Europe. Women from Egypt, Ethiopia, and Eritrea are also trafficked to or through Libya for the purposes of forced labor and domestic work.⁷ In 2008, Libya deported at least 163 Nigerian females, many of whom were girls or pregnant women.⁸

Italian anti-mafia police in March 2008 arrested 13 people suspected of trafficking illegal immigrants between Libya and the southern Italian coast. They were accused of criminal association aimed at kidnapping and extortion, and of abetting illegal immigration and falsifying documents.⁹

Expatriates from Sub-Saharan Africa come to Libya mainly to find work. They tend to take low-paying menial jobs that Libyans find to be “beneath them.”¹⁰

Government Responses

Law No. 70 of 1973, regarding the establishment of the Hadd Penalty for Zina and Modifying Some of the Provisions of the Penal Law, criminalizes *zina*, or adultery, which is defined as sexual intercourse between a man and a woman who are not bound to each other by marriage.¹¹ The law provides for the Qur’anic flogging penalty of 100 lashes.¹² However, the law deviates from the established Islamic criminal law, which requires that a married offender be stoned to death. The law also departs from the rule that requires four witnesses to the actual act of penetration for conviction of the crime of adultery. Under the Code of Criminal Procedure, confession of the accused or testimony of two male Muslim eyewitnesses would suffice to prove

⁶ Salvatore Coluccello and Simon Massey, *Out of Africa: The Human Trade between Libya and Lampedusa*, 10 TRENDS IN ORGANIZED CRIME 77 (2007) (the nature of criminality involved in people smuggling and trafficking with specific reference to the sea route between Libya and the Italian island of Lampedusa), available at: <http://www.springerlink.com/content/v774j854r6n18438/fulltext.pdf>.

⁷ ANTI-SLAVERY INTERNATIONAL, *TRAFFICKING IN WOMEN, FORCED LABOUR AND DOMESTIC WORK: IN THE CONTEXT OF THE MIDDLE EAST AND GULF REGION* (2006) available at: http://www.antislavery.org/includes/documents/cm_docs/2009/t/traffic_women_forced_labour_domestic_2006.pdf.

⁸ Chinedu Eze, *Again, Libya Departs more Nigerians*, THIS DAY, May 15, 2008, available at: <http://allafrica.com/stories/200805150147.html>.

⁹ *Italy: Anti-Mafia Police Smash People Trafficking Gang*, Mar. 5, 2009, available at: <http://www.adnkronos.com/AKI/English/Security/?id=3.0.3074653879>.

¹⁰ Jamel Arfaoui, *Strong Libya Job Market Lures Maghreb Workers*, MAGHAREBIA, Mar. 27, 2009, available at: http://www.magharebia.com/cocoon/awi/xhtml1/en_GB/features/awi/reportage/2009/03/27/reportage-01.

¹¹ Law No. 70 of 1973 (Article 1). Libyan Arab Jamahiriya: Lawfulness of Corporal Punishment, available at: <http://www.endcorporalpunishment.org/pages/progress/reports/libya.html>.

¹² Law No. 70 of 1973. (Article 2). Libyan Arab Jamahiriya: Lawfulness of Corporal Punishment, available at: <http://www.endcorporalpunishment.org/pages/progress/reports/libya.html>.

an act of zina. The penal code also criminalizes the offenses of prostitution and prostitution-related activities, including sexual trafficking.¹³

The penal code criminalizes bribery. In addition, a number of specific laws criminalize economic offenses, including corruption¹⁴ and favoritism,¹⁵ and require the reporting of illegal gains¹⁶ as well as the submission of financial declarations to the proper authorities.¹⁷

The International Organization for Migration (IOM) provides training for Libyan judges and prosecutors to educate them on the issues involved in human trafficking, such as labor and sexual exploitation of migrants. The government is also working on legal provisions that would “punish traffickers and assist their victims.”¹⁸

Nongovernmental and International Organizations Responses

The IOM has also set up a scheme that caters to migrants from other countries that are trafficked into Libya. In return for repatriation, the IOM will help migrants set up a business in their local community. The IOM’s Programme for the Enhancement of Transit and Irregular Migration Management (TRIM) in Libya aims at assisting 1,500 voluntary return cases from Libya to their countries of origin, and the project also facilitates dignified return and reintegration as a durable solution. In regulating migration, the IOM focuses on border management and counter-trafficking.

The Across Sahara project aims at improving border control capacities between Libya and Niger. Across Sahara, through several seminars targeting high- and mid-ranking officers, raises awareness on human rights, false document detection techniques, and search and rescue activities in the desert. The delivery of counter-trafficking modules aims at strengthening the capacities and understanding on crucial counter-trafficking aspects of government officials, including law enforcers, as well as representatives of charitable institutions.

Several research activities conducted by the IOM are being finalized as part of the TRIM project. The projects deal with Libyan migration law, new migration trends in West Africa, and other possible strategies. Related activities include information campaigns about the risk of irregular migration and the opportunities of regulating migration through the distribution of leaflets, and a seven-day study tour to concerned European countries. In addition, the IOM is developing a training course for government officials of Libya. The course provides an overview of international migration law, and focuses on the specific migration issues of Northern Africa, such as irregular transit migration, displaced and often uprooted persons, labor migrants, trafficking and smuggling in human beings, and migration and security.¹⁹

¹³ United Nations, Committee on the Elimination of Discrimination against Women, *Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women, Combined second, third, fourth, and fifth periodic reports of States parties, Libyan Arab Jamahiriya*, U.N. Doc. CEDAW/C/LBY/5, available at:

<http://www2.ohchr.org/english/bodies/cedaw/docs/AdvanceVersions/CEDAW.C.LBY.5.pdf>.

¹⁴ Law No. 2 of 1979.

¹⁵ Law No. 6 of 1985.

¹⁶ Law No. 3 of 1986.

¹⁷ Law No. 10 of 1994.

¹⁸ Press Briefing, International Organization for Migration, Training Libya’s Judges and Prosecutors in Countering Human Trafficking (Jan. 5, 200), available at: <http://www.iom.int/jahia/Jahia/media/press-briefing-notes/pbnAF/cache/offonce?entryId=24668>.

¹⁹ IOM, <http://www.iom.int/jahia/Jahia/pid/404#mepmm> (last visited Feb. 2, 2010).

Multilateral Initiatives

In December 2007, an agreement between Libya and Italy called for joint sea patrols to curb human traffickers. The agreement enables officials from both countries to survey ports and beaches used as departure points by illegal immigrants, and will help confront human trafficking, save lives, and defeat criminal gangs.²⁰ The patrols started in mid-February 2009.²¹

On January 22, 2009, the Italian Parliament ratified the Friendship Accord between Italy and Libya, it was agreed to by Italian Prime Minister Silvio Berlusconi and Libyan leader Muammar al-Gaddafi on August 30, 2008, in Benghazi, Libya. Although the accord does not address trafficking in persons specifically, article 19 of the accord calls for stronger cooperation between the two countries in combating organized crime, terrorism, and illegal immigration. The Italian minister pledged to assist the Libyan government, both financially and through the process of technical assistance, in creating a system to combat the Libyan borders. Up to 50 percent of the cost of the program will be covered by the European Union.²²

²⁰ NATALINO RONZITTI, ISTITUTO AFFARI INTERNAZIONALI, THE TREATY ON FRIENDSHIP, PARTNERSHIP AND COOPERATION BETWEEN ITALY AND LIBYA: NEW PROSPECTS FOR COOPERATION IN THE MEDITERRANEAN?, (May 2009), available at: <http://www.iai.it/pdf/DocIAI/iai0909.pdf>.

²¹ Ivan Camilleri, *Italy, Libya Expected to Start Patrols This Week*, TIMES OF MALTA, Feb. 10 2009, available at: <http://www.timesofmalta.com/articles/view/20090210/local/italy-libya-expected-to-start-patrols-this-week>.

²² *Ratifica Trattato Italo-Libico - la Camera dà il via libera, ma con forti dissensi*, CONSIGLIO ITALIANO PER I RIFUGIATI, (Jan. 22, 2009), available at: <http://www.cir-onlus.org/Ratifica%20trattato%20Italo%20libico.htm>.