

Committee on the Application of Standards

Date: 19 May 2025

Governments appearing on the preliminary list of individual cases have the opportunity, if they so wish, to supply on a purely voluntary basis, written information before 19 May 2025.

► Information on the application of ratified Conventions supplied by governments on the preliminary list of individual cases

Libya (ratification: 1961)

Forced Labour Convention, 1930 (No. 29)

The Government has provided the following written information as well as copies of the Council of Ministers Decision No. 227 of 2025 modifying the structure of the Ministry of Internal Affairs and approving certain provisions, Libyan Criminal Code of 28 November 1953 (extract), Act No. 5 of 27 September 2022 on combating cybercrime (extract), Decision No. 439 of 2023 establishing and delineating the functions of a committee to study the legal status of expatriate workers (extract), Act No. 19 of 28 January 2010 on combating illegal migration, Council of Ministers issued Decision No. 16 of 2024 establishing the functions of the Supreme Committee to follow up on illegal migration and borders, and the Bill of 2013 on combating human trafficking.

Libya joined the ILO in 1952 and ratified ILO Conventions, starting with Convention No. 29, with a view to incorporating international provisions in its national system and overcoming any obstacles to the achievement of a decent and secure working environment for workers, free from violence and stress.

It should be noted that in 2024, Libya was elected as a regular member of the Governing Body of the ILO, representing the African continent for the period 2024–2027, at the 112th Session of the International Labour Conference. Libya received 195 votes, which is indicative of the trust that it enjoys among the Members of the ILO and the extent of its commitment to the ILO Constitution and its Conventions and Recommendations.

In addition, its membership in the ILO Governing Body will allow Libya greater opportunity to participate in the formulation of international policies relating to labour and workers and strengthen cooperation with other countries in this field.

With regard to the observations made by the Committee of Experts, including that the United Nations Independent Fact-Finding Mission on Libya expressed deep concern in its final report of 3 March 2023 over the deteriorating human rights situation, and that illegal migrants were victims of violence in Libya, the report did not include the suffering endured by Libya in

the context of the current instability and exceptional circumstances in the country. There can be no doubt that the situation has affected national, regional and, also, economic security, since the Libyan authorities have recorded some 5,187 offences committed by migrants over the past five years.

We are therefore unable to confirm or deny any figures, national or international, monitored through reports as they are not based on optimal reporting mechanisms. Any organization must base the reports that it prepares on facts and evidence and indicate the sources of the information contained therein, which the aforementioned report fails to do. The report should not be built on tales told by migrants, who failed to reach Europe and have been targeted for repatriation, in order to evade deportation or the enforcement of national laws.

In this context, it should be noted that the employment of irregular migrants inside Libya constitutes an offence under the provisions of the Labour Relations Act No. 12 of 28 October 2010, which provides for specific conditions of employment including the proper legal status of foreign workers. This is not the case for irregular migrants present on Libyan territory. In addition, they engage in economic activities in violation of the applicable legislation, which sets out clear legal conditions regulating the presence and employment of foreigners. This is what happens in the informal Libyan labour market, where they work in agriculture, construction and blacksmithing and various types of trade in order to make what they need to reach their country of destination. They also seek in the Libyan people the values of humanity imposed by custom, the true Islamic religion and the local legislation.

It should also be noted that the respect of Libya for international Conventions, in the fields of labour, human rights or in other fields, corresponds with the commitment of the organizations from which these Conventions emanate to take into consideration the spirit of Member States' national laws in terms of customs, traditions and religions. In any event, it is unacceptable to request any State to alter its national legislation in a manner incompatible with its sovereignty or national security.

Human trafficking organizations are international organizations that have turned Libya into a country of transit for migration to Europe, not a country of destination. Therefore, responsibility for action against this phenomenon does not fall to one party but must be assumed through joint action and genuine collective efforts, through which positive results in combating human trafficking and protecting victims can be achieved. Effective international cooperation is key to countering this phenomenon and achieving sustainable solutions.

In view of the above, the Government takes this opportunity to request the provision of substantive, technical and material ILO support in order to strengthen its capacities to combat human trafficking, arbitrary detention and forced labour. It recognizes that this assistance will contribute to improving the conditions of migrants and ensure the protection of their rights in application of the provisions of Convention No. 29.

It should be noted that the current political and security crisis in the country, as well as exploitation by international organized criminal gangs in order to commit human trafficking offences and organize illegal migration journeys to Europe, have constituted a major burden on Libya and have had an impact on the national economy, particularly in light of the political divide, the dual executive authorities, and the gap between the legislative and executive authorities, all of which have prevented the adoption of urgent practical and constitutional measures to address the issue.

Nevertheless, the Government adopted substantive measures to combat this offence, protect victims and hold accountable those involved in order to ensure the protection of

migrants' rights. The legislature attached special importance to this issue. Act No. 19 of 28 January 2010 on combating illegal migration provides in article 1 that: "An illegal immigrant is anyone who enters Libyan territory or resides therein without permission or authorization from the competent authorities, for the purpose of settling therein or transiting to another country."

Article 4 of the same Act further provides for a penalty of imprisonment for a period not exceeding one year and a fine not exceeding 10,000 Libyan dinars for anyone who commits any of the offences established for the purpose of obtaining material or non-material benefit, directly or indirectly. The penalty is increased to imprisonment for a period of not less than five years if the perpetrator belongs to an organized criminal gang for the smuggling of migrants.

Article 43 of Act No. 5 of 27 September 2022 on combating cybercrime provides for a penalty of imprisonment for anyone who creates a website or publishes information on the internet or any electronic system for the purpose of human trafficking or its facilitation or handling.

The Libyan Criminal Code of 28 November 1953, in article 418, establishes the trafficking of women as an offence and, in article 419, establishes a penalty for anyone who facilitates the trafficking of women by any means.

Article 426 on dealing and trafficking in slaves further provides as follows:

Anyone who deals in or traffics slaves or disposes in any manner of a person in a situation of slavery or a person in a slavery-like situation shall be liable to a penalty of imprisonment for a period not exceeding ten years.

The penalty shall be imprisonment from three to twelve years for anyone who disposes of an enslaved person or a person in a slavery-like situation, or who delivers, possesses, acquires or keeps a person in that situation.

Article 428 on abduction provides that: "Anyone who abducts, detains, imprisons or deprives someone by any means of his personal freedom by force, threat or deceit shall be liable to a penalty of imprisonment for a period not exceeding five years."

The measures adopted by the authorities include the issuance by the Council of Ministers in the Government of National Unity of Decision No. 439 of 2023 establishing and delineating the functions of a committee to study the legal status of expatriate workers, address the issue of their presence in the country and grant them a period in which to regularize their situation in accordance with the regulations and legislation in force.

In the same vein, the Council of Ministers issued Decision No. 16 of 2024 establishing and delineating the functions of the Supreme Committee to follow up on illegal migration. A national strategy was formulated to address the issue, control borders, merge efforts in this regard in coordination with the relevant authorities to establish a consolidated database and communicate with international and regional bodies to clarify the role of the Libyan Government in fulfilling its obligations with regard to action against illegal migration, border control and combating human trafficking.

In addition, the Council of Ministers of the Government of National Unity issued Decision No. 227 of 2025 modifying the structure of the Ministry of Internal Affairs and approving certain provisions. Article 2 of the decision provides for "the dissolution of the Directorate for Combating Illegal Migration and the transfer of its powers to the Ministry of Internal Affairs". The decision came in response to international and national observations concerning abuses committed in some shelters under the authority of the Directorate and as a result of the Libyan Government's desire to strengthen institutional oversight, instil the principles of transparency

and accountability, strengthen governance, improve the situation of migrants and reorganize and strengthen the institutional framework concerned with migration management, in order to ensure that all shelters and measures taken regarding migrants comply with national and international human rights standards, under the direct supervision of the Ministry of Internal Affairs, which is the authority responsible for security and law enforcement.

This step forms part of the Government's efforts to curb violations, encourage the humane treatment of migrants and ensure that migration policies are subject to continuous review and evaluation, which reflects the practical commitment of Libya to improving the situation of migrants and protecting them from exploitation and potential violations.

In accordance with the recommended measures, the Government drafted a Bill on human trafficking with the aim of strengthening the legal framework to combat this offence and making available adequate preventive and protective measures. The provisions of the Bill are based on the League of Arab States' model law on combating human trafficking, which, in turn, is derived from the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Trafficking in Persons Protocol), to which it acceded in 2004 and which outlines optimal standards for the protection of human rights.

In this connection, the authorities confirm their awareness of the importance of this instrument for the protection of migrants' rights and that the provisions thereof are fully implemented and incorporated into national legislation. Furthermore, slavery in all its forms has been criminalized in law since 1953 through the provisions of the Criminal Code, which criminalize slavery and servitude.

Having acceded to the Organized Crime Convention in 2000, Libya is working towards the establishment of mechanisms for its application at the national level and to deliver those involved in organized crime to justice. This endeavour is reflected in the concerted efforts and support of the security services to counter human trafficking. In this respect, persons involved in human trafficking offences have been sentenced by the courts, which demonstrates that the Criminal Code is enforced regarding this matter and that the Government is serious about holding accountable those responsible for these offences. The security services and the judiciary continue to work to hold perpetrators accountable and ensure that they do not go unpunished.

In addition, the Libyan security services and the judiciary conduct thorough investigations into cases of human trafficking, arbitrary detention and forced labour, prosecute alleged perpetrators and bring them to justice. In this context, the Criminal Court of Tripoli completed investigation procedures into the activities of three persons accused of intentionally committing human trafficking. The Court convicted the defendants and sentenced the first to life imprisonment and the second and third to 20 years' imprisonment.

Furthermore, the authorities adopted a number of measures aimed at improving the situation of irregular migrants and reducing their vulnerability to exploitation and violations. The most notable of these include the closure of a number of migrant holding centres, including the premises at Ghawt al-Sha'al, Bi'r al-Ghanam, Al-Nasr al-Zawiyah, Al-'Assah and Tariq al-Matar.

The fight against human trafficking is one of the main long- and short-term objectives pursued by the Libyan authorities and security services; every means has been deployed to eliminate terrorism and organized crime and strengthen land and sea border security, from the far north to the far south of the country.

The security services carried out specific operations targeting dens of mercenaries and human smuggling rings and were able to seize many such dens. One of these operations was a raid carried out by the Joint Security Committee targeting dens of human smugglers, alcohol and drug dealers in the Umm al-Aranib region. In view of the positive results achieved by these operations, efforts to pursue persons acting outside the law and enhance the prestige of the State in various regions continue.

From the far south to the far east of the country, Imsa'id Bi'r al-Ashhab Joint Security Operations Room agents raided several illegal migrant smuggling dens, apprehended a number of people smugglers and some 570 illegal migrants of various nationalities and also arrested several of the smugglers running these dens.

In a high-precision security operation, the Libyan security forces successfully dismantled one of the most dangerous migrant smuggling networks in the town of Al-Shuwayrif in south-western Libya and the authorities were able to liberate hundreds of migrants living in appalling conditions in secret detention dens. The Office of the Public Prosecutor initiated judicial proceedings against this network, following information received concerning suspicious activity by a criminal cell. Illegal migration and human trafficking operations are highly organized; through intensive investigations, the security forces were able to identify forced detention sites and delivered a strong blow to this gang by arresting one of the leaders of the cell and ten cell members who were co-perpetrators in these offences.

The Government, recognizing the importance of international cooperation in tackling human trafficking and forced labour, calls upon the ILO to provide substantive and technical support to the Libyan authorities concerned and to strengthen avenues of collaboration with countries of origin, transit and destination, so that it can benefit from ILO expertise and capabilities and continue to work towards the effective implementation of the Convention.

Despite the efforts expended, the lack of political and institutional stability and security hinders the progress of the executive branch in combating human trafficking, procedures for the presentation and ratification of Conventions and the enactment of laws, including the Human Trafficking Bill, and the promulgation thereof by the competent legislative authority, which constitutes a real challenge to the efforts of the Government in this field. We therefore hope for and look forward to the support of the ILO to overcome these obstacles, produced by the political crisis, in order to update the legal framework necessary to eliminate this phenomenon.

In conclusion, we trust that the Committee will understand the prevailing situation in Libya and reaffirm once again our commitment to international standards and our desire to cooperate with the ILO and our international partners to combat these serious phenomena, achieve justice and preserve human dignity.