**The Human Rights Situation of Child Migrants in Libya**

**UNICEF Libya’s inputs covering all aspects of the General Assembly Resolution on the Protection of Migrants A/RES/76/172**

**Background**

Child migrants in Libya continue to be subjected to multiple child rights violations. Their enjoyment of human rights, including rights to education, sanitation, health and adequate housing is often challenged. Child immigration detention continues to take place in Libya despite the numerous advocacy efforts undertaken by the humanitarian leadership. As of April 2023, there are 7official Detention Centers managed by Department of Combatting Illegal Migration (DCIM) of Ministry of Interior), of which at least 4275 persons were detained (88 per cent men/boys, 12 per cent women/girls and 10% are children and minors). Approximately 526 women and children were detained in Abu Selim and 29 boys, predominantly unaccompanied, were detained in Shara Zawya. The UN in Libya is concerned by the inconsistency of data on children held in detention centers, raising questions of accountability. The number of children reported being held in the different detention facilities constantly changes in every monthly detention center report provided by government agencies.[[1]](#footnote-2) These changes often raise issues of accountability, especially when there are no known cases of releases, voluntary humanitarian return, evacuation or resettlement flights. Furthermore, sustained and access is not always granted to the Detention Centers and other sites such as disembarkation points. At disembarkation specifically more time to carry out basic registration, including for unaccompanied and separated children, is required.

The UN acknowledges the efforts of the DCIM in assigning female guards to the reopened Detention Centres of *Abu Selim* and *Shara Zawiya*. The UN also acknowledges the efforts of the Ministry of Social Affairs, deploying at least ten social workers to visit and assess the children and women especially in the two Detention Center of Abu Salim and Shara Zawiya. However, at times the earmarking of these Detention Centres (DC) exclusively for children and women has facilitated the separation of children from their caregivers. We also note that family separation is not only limited to these two DCs, as children continue to be detained and separated from their caregivers in other DCs such as *Tariq al Sikka*, *Tariq al Matar* and *Zliten*.

In some cases, caregivers have been separated from their children when they were arrested/detained, leaving their children unaccompanied and at risk with no ability to contact/communicate with them. In other instances, children have been detained and separated from their caregivers.

**Key advocacy points**

* **Unconditional release of children and their caregivers from Detention Centers**

In line with the 2017 joint General Comment by the UN Committee on the Rights of the Child, (CRC) and the Committee on Migrant Workers (CMW) which states that detaining children for migration control purposes can never be in their best interests. ‘Offences concerning irregular entry or stay cannot under any circumstances have consequences similar to those derived from the commission of a crime’ the UN urges the Government to release non-Libyan children and their families from the DCs to facilitate the provision of assistance alongside the ongoing pursuit of durable solutions. Humanitarian organizations remain committed to pursuing durable solutions for migrant and refugee children and their families and will continue doing all they can in this regard, advocating for alternative housing solutions that could support the normal, free growth of all children, providing education opportunities and health access to all, without any discrimination based on race, religion or ethnic affiliations.

In particular the UN advocates for the scaling up and regular undertaking of Best Interest Determination Panels to determine those durable solutions, being repatriation, resettlement or alternative care.

* **Humanitarian corridors, alternative solutions for the most vulnerable children**

While working on the modalities for a phased release of detained migrants and refugees in Libya, the UN calls upon States and parties, international organizations, to explore humanitarian corridors to Third States as well as alternative solutions, such as independent foster, family based care for highly vulnerable cases of children that are not covered by durable solutions, such as in specific SGBV, trafficked cases or unaccompanied minors without proxy-family members neither in Libya, nor in their country of origin.

* **Government measures on anti-discriminatory, anti-xenophobic practices**

The government of Libya has the primary responsibility to encourage a positive approach around migration. The UN encourages the elimination and prevention of discriminatory practices to protect the human rights of migrant children, ensuring the best interest of the child as a primary consideration. Enhancing the awareness raising of Libyan institutions, supporting opportunities for migration in a dignified manner, as well as strengthening laws-policies against xenophobia and anti-discrimination episodes will facilitate the work of national civil society organizations in advocating for the rights of the migrants. These measures will ultimately lead to safer and peaceful communities.

* **Ensure access to education for all in Libya**

The Ministry of education in Libya issued a degree in 2021 stating that all children including non-Libyans have the right to access school, allowing all children residing in Libya access to education regardless of their nationality. The policy was good to start paving the way in promoting inclusive education for all children in Libya. However, in reality and in the operationalize of the degree, barriers to enrollment for migrant children remains a major issue because of lack of documentation, their legal status and the lack of acceptance from the community. Given this backdrop, the UN continues to support Ministry of Education for the implementation of this education policy including through support to catch up classes and other forms of remedial education.

1. [↑](#footnote-ref-2)