

Call for input: Trafficking in persons and protection of refugees, stateless persons, and internally displaced persons (IDPs)

Purpose Report to be presented to the Human Rights Council in June 2023

Contribution of the World Organization against Torture and the Libyan Anti-Torture Network

The following input is to answer the Special Rapporteur's questions about the trafficking and protection of migrants, IDPs, refugees, asylum seekers, stateless persons, members of the LGBTIQ++ community and other minority groups in Libya. The information is based on documentation and observations of Libyan civil society organizations known as the Libyan Anti-torture Network (LAN) partnering in a project coordinated by the World Organization Against Torture (OMCT).

Access to international protection for victims of trafficking or persons at risk of trafficking for all purposes of exploitation: conceptual and procedural issues

1. Rooted racism and discrimination against black communities and minority groups

Although there is a considerable population of black Libyans, racism and discrimination against people of colour has always been and remains, to this day, a deeply rooted issue in Libya. This can be attributed to several reasons.

First, the ruling of Muamar Gaddafi and its Al-Jamahiriya system that lasted for more than 40 years which enforced ideologies of social discrimination between white and black communities for decades.

Second, Libyan black communities have long been presented in Libya as "enslaved communities that migrated from Southern Africa to Northern Africa looking for better life". The implications of spreading – for decades – ideas about the state of poverty of black communities, them being *enslaved* and wanting to *improve* their status by engaging in *service* of the "white" communities, heavily influenced the majority of the Libyan population's mentality that continue to perceive black people as "low class servants". The racial divide became even more complicated after the Libyan conflict in 2011, as members of the black communities fought on the side of the ex-regime against the rebelling groups in Libya, some as volunteers others for money. For example, the Tawerghan (تاورغان) black community in Misrata fought against the so-called 17th February Revolutionaries¹ in 2011, and similar trends of support to the ex-regime appeared in the South of Libya where the majority of the population is black. As a result, the gap between the two communities grew bigger and is marked by racist behaviour. This became especially apparent when the fighters of the "white" population in Misrata forcibly displaced the Tawerghan community and later on stated that it was in self-defence of the "black betrayers". The two communities met as enemies in the political and humanitarian dialogues in Northern coast cities. Similarly, in early 2019, tensions between the Alahali and Tebu minorities in the Libyan city of Murzuq escalated to numerous incidents of violence of unprecedented levels, most notably when a series of airstrikes sparked heavy urban fighting and mass displacement of the black Tebu population. The action was heavily motivated by racism.

Third, racial discrimination extends and is amplified against "black African" migrants from sub-Saharan origin. The combination of the aforementioned factors puts any black person at risk of becoming primary targets and victims of human trafficking in Libya. Libyan commonplace perceives black migrants as vulnerable and poor coming from impoverished countries. Hence, the Libyan public accepts trafficking and other crimes, arguing that black African migrants improve their overall living situation in Libya. Imperial thinking patterns persist, demeaning the African migrant community in Libya.

¹ 17-Feb Revolutionaries are armed groups who fought against Gaddafi's regime in 2011 named after the 1st day of the revolution.

2. Discrimination for political reasons:

Similar discriminative tendencies have been directed towards other vulnerable groups like Libyan IDPs. A good example of this are displaced Libyans from Benghazi and the Eastern parts of Libya, who had to flee due to the armed conflict and the political division of Libya into East and West, each being controlled by rival political fronts. Displaced Benghazi civilians in the West are no longer able to return to the East because they are perceived as supporters of the “Islamist” government in Tripoli. In addition, the stateless Al-Twareq (الطوارق), a minority population of Berber origin from Libya’s South displaced in other cities in the North, are perceived as “non-Libyans” because they do not carry ID cards and other legal documents proving their Libyan nationality, hence remaining isolated from society. Libyan IDPs’ access to education, health care, and administrative documentation remains extremely challenging also due to racial discrimination.

3. Human trafficking is illegal but an accepted “business” model

The conceptual understanding of the universality of human rights remains unresolved in Libya. The vast majority of the Libyan population are convinced that human rights principles are derived from western ideology intended to “brainwash” and deviate the population from religion. This has a great impact on public perceptions of protected vulnerable persons such as migrants. While many Libyans believe that trafficking “helps” migrants earning money to support their “starving” families in their countries of origin, human traffickers use this lack of understanding in manipulating the Libyan public opinion by portraying the exploitation of migrants as an “acceptable business” of two agreeing parties and twisting the narrative behind their activities in a deceiving way: the consent to being smuggled is presented as a consent to being trafficked. This led to terrible consequences and outcomes to the migrants who find themselves exploited at many different levels ranging from enforced labour to slavery.

[In Libya, the status of victims of human trafficking, refugees, stateless persons, and asylum seekers is highly influenced by institutional, judicial, and procedural issues](#)

- The Directorate for Combating Illegal Migration (DCIM) under the Libyan Ministry of Interior - according to testimonies of migrants - is directly and indirectly involved in human trafficking operations in Libya. The directors and the staff working in the DCIM controlled facilities are involved in “selling” detained migrants including asylum seekers to human smugglers and traffickers outside detention. They also use migrants in forced labour either inside the facilities where they have to perform personal services for the guards or outside of the detention facility to work on private farms and in private houses free of charge. Like all migrants, asylum seekers and refugees arrested by the DCIM, and security agents in Libya often fall also victim to torture, ill-treatment, rape, enslavement, enforced disappearance, and inhumane punishments.
- According to the Libyan Anti-torture Network’s (LAN) documentation and detention monitoring reports, most of the migrants detained by the Libyan authorities in DCIM centres are registered as asylum seekers with the UNHCR. For example, in October 2021, government forces in Libya stormed the Gargaresh neighbourhood of Tripoli, arrested more than 4.000 Sudanese, Somalian and Eritrean migrants, all registered with the UNHCR. They were arrested for one day. All 4.000 asylum seekers escaped when guards mistakenly opened the DCIM centre gate. The 4.000 victims protested peacefully in front of the UNHCR headquarters in Tripoli for months. In January 2022, the government rounded up the peaceful protestors sleeping in front of the UNHCR, arresting again more than 1.000 asylum seekers and transferred them to the Ain Zara detention centre. Moreover, from January to December 2022, the Ain Zara detention centre hosted approximately 1.000 to 2.500 detained migrants of whom more than 90% are asylum seekers (those numbers include holders of finalized asylum seeker papers and those who have an appointment for a registration interview with the UNHCR in Libya). Since January 2023, 280 Sudanese asylum seekers with official asylum papers from the UNHCR have been detained in Ain Zara. In Tariq al-Sikka detention centre, most of the detainees are from Syria, Somalia and Sudan. From January 2023, the total number of migrants detained there is between 300 and 800 persons as the flow of migrants’ changes on a daily

basis due to the high number of arrested migrants and the rapid transfer to other detention centres or because of trafficking. Many Syrian detainees in Tariq al-Sikka hold valid passports but were arrested because they entered Libya through Brina Benghazi airport. These Syrians are considered irregular migrants in Tripoli because they carry a visa issued by the Eastern authorities (not recognized by the Libyan government in the West due to political division). In Abou Slim detention centre, only female migrants are detained, the total number is 300 migrant detainees including more than 200 asylum seekers registered at the UNHCR.

Promising practices at a country or regional level to ensure effective access to protection for victims of trafficking, who are refugees, asylum seekers or stateless persons > our testimony:

- In Libya, the Government only makes promises of “planning” to improve living conditions in DCIM centres and other detention facilities that are ordinarily announced in [presidential public statements](#). No legal reform has been proposed yet particularly with regard to improving the legal situation of asylum seekers, refugees, and stateless persons. In fact, [UNHCR has been asked by the Libyan Government](#) in Tripoli to leave the country or suspend activities on several occasions between 2020 and 2021. Asylum seekers and refugees claim that UNHCR is also closing its doors to victims whenever the government conducts group arrests of migrants including asylum seekers carrying UNHCR identification and documentation.
- In January 2021, Libyan prosecution and courts have timidly started to investigate asylum cases in detention and complaints raised by representatives of detained migrants, refugees and asylum seekers demanding their release. Detained migrants are in many instances arrested and referred to small prosecution offices in order to enforce deportation or to penalize them with a fine. The LAN follows up on a few of these cases. LAN members have not heard of any court ruling or criminal investigation into human trafficking cases, with the exception of three cases of trafficking victims found in Bani Walid and the Tazerbou secret farms and warehouses (still under investigation).

Trafficking in persons for all purposes of exploitation as a form of persecution

While the Libyan General Attorney’s office announced on several occasions that his office opened investigations into allegations of human trafficking made by victims, his office has never shared any updates neither on the opening of investigations nor on the arrest of alleged Libyan traffickers. For example, in 2022, the Libyan authorities identified a human trafficking hub that was reportedly operational since 2017 according to one of the LAN members, who was able to verify videos of extreme violence sent from the traffickers to the families of Somalian detainees demanding ransom. Also in 2022, the authorities dismantled a secret farm in Alkufra with more than 250 migrants having been stacked in a room of 10mx10m. The victims were exposed to all forms of abuse and crimes including torture, unlawful killings (a mass grave of 20 dead bodies was found near the farm), rape (women and children), and other forms of ill-treatment. The prosecutor announced the arrest of the Sudanese guards at the farm as “the main human traffickers” while the Libyan owner of the farm, who – according to the witnesses and survivors – was responsible for the trafficking operations, is still free.

Hundreds of testimonies collected by civil actors from migrant victims of trafficking allege that many human trafficking hubs remain presently active (reportedly since 2014) in cities like Almaya, Bani Walid, Algaterooun, Alkufra, Tazerbou, Ajdabiya, Alshwerif, and other locations. Libyan authorities so far have not addressed the issue of human trafficking in these well-known locations.

Trafficking in persons and the nexus with the definition of a refugee in international law

- Asylum seekers, refugees, stateless persons are treated as irregular migrants in Libya. Libya has no asylum law and no humanitarian stay for persons fearing prosecution in their countries of origin. There is no legislation concerned with the protection of refugees and stateless persons. Although the constitutional declaration of 2011, which remains in effect to this day, recognizes the right of any human being to asylum in Article 10 and criminalizes the extradition of politically prosecuted persons, it is in contradiction with the [immigration law](#) criminalizing illegal entrance of foreigners to Libya and allowing authorities to combat irregular migration by imposing harsh penalties for

migrants going from payment of a fine to imprisonment and forced "involuntary" return/repatriation. The same law imposes penalties against the hosting community which include imprisonment and fines too. These legal obligations add another level of danger to foreigners in detention seeking recourse from the Libyan judiciary. Refugees and asylum seekers are in practice not distinguished from irregular migrants; therefore, the same risks apply to all migrants including holders of UNHCR's status of asylum seekers.

- Libyan migration law refers to migrant detention facilities as "rehabilitation" centres while in reality these centres are used for the purpose of imprisonment and to penalise migrants. These facilities do not provide a sheltering environment as they are rather known for their inhumane detention conditions, such as overcrowded small rooms, with limited access to toilets and water, in addition to the low quality and small quantities of food served. These miserable detention conditions are combined with systematic abuses and violations such as torture, humiliating treatment, starvation, harsh punishments like solitary confinement, and the exposure of migrants to human trafficking and forced labour by the guards and the detaining authorities may constitute crimes against humanity.
- Libya has yet to ratify the UN Refugee Convention of 1951. On the other hand, it has ratified several International Human Rights Conventions as well as the Geneva Conventions. Bearing in mind that migrants, refugees, and asylum seekers must be treated with total respect to their human dignity and their specificity, asylum seekers and refugees in Libya are continuously arrested and detained in DCIM centres and are usually gathered in raids and arresting campaigns in large numbers with irregular migrants (arbitrary random group arrests). Following detention, follow up is at best extremely challenging and in most cases impossible due to the lack of access to detention facilities. There are hundreds of asylum seekers carrying UNHCR cards and official documentation, but these persons are not exempted from arrests. Therefore, refugees and asylum seekers are as vulnerable to these violations as irregular migrants.

Gendered inequalities in access to international protection for victims of trafficking

The Libyan government and the Directorate for Combatting Illegal Migration (DCIM) under the Libyan Ministry of Interior do not provide any special protection for vulnerable groups including children, women, the elderly, people with special needs and the sick, and victims suffering trauma due to torture and other forms of ill-treatment.

In these facilities there is limited gender separation as they are separated in cells and rooms during sleeping hours only. Generally, women and children are residents of the same rooms, while men sleep in separate sections. However, due to overcrowding and difficulties to maintain an orderly environment inside the facility, women are allegedly raped or sexually abused by guards in administrative buildings and/or by male inmates during the day or late at night.

LAN members reported that women and men are mixed for the whole day in only one detention facility, the Sabratha detention facility, exposing children and women more easily to rape and sexual abuse. Libyan authorities put in place a few measures to enhance the protection of female migrants including the so-called "Al-Zaweya Shelter for women and children". However, numerous violations including sexual abuse, sex trafficking, and rape were reported by victims hosted in this "shelter". Some policies aim at addressing the issue of sexual abuse due to mixing female and male detainees in an uncontrollable environment, one of them being that the Libyan Government opened the Abou Slim centre for female migrants only, in 2022. The LAN confirmed that in February 2023, about 300 women migrants are detained in this facility. LAN members also observe that no medical or psycho-social care is provided to women and children in any DCIM facilities, and that the living standards and conditions are extremely difficult resulting in malnutrition of infants and new-borns, the spreading of contagious diseases including scabies, lice, fungus, HIV and AIDS, and no medical emergency response is provided. Female migrants are hardly given access to emergency units in Libya even if they were giving birth or were on the verge of dying. This is also valid for children or migrants with mental disabilities, who are

placed with other migrants in the same detention and have extremely limited access to medical care (mostly only given pain killers).

Identification and protection of refugees, asylum seekers and stateless persons who are victims of trafficking: challenges and gaps

Already mentioned in previous answers.

Externalisation policies and the impact on trafficked persons or persons at risk of trafficking for all purposes of exploitation

From the perspective of the principle of non-refoulement to Libya, it has been documented how EU (Frontex and member states) air assets are being used to detect migrant boats in distress and to direct the Libyan Coast guard to apprehend them and bring them back to Libya, often violently. These so-called pullbacks often occur in international waters and affect all kinds of migrants, including asylum-seekers and victims of human trafficking. The LAN has documented how migrants in Libya experience torture and other forms of cruel, inhumane and degrading treatment, gender-based violence, and starvation in arbitrary detention centres.² Therefore, through their collaboration with Libyan authorities, the EU and specifically Italy are violating the principle of non-refoulement for all migrants, including victims of human trafficking. The EU thereby exacerbated dangers on “The Torture Roads”³ contravening the rights protected by international human rights law. From the perspective of non-refoulement, Libyan practices are in clear violation of Libya’s non-refoulement obligations. According to international customary law, Libya is bound by the principle of non-refoulement. Yet, as mentioned, deportation of all kinds of migrants -including asylum-seekers and human trafficking victims- is common. These pushbacks of migrants are EU sponsored operations and constitute what is internationally recognized as “arbitrary” border control and surveillance. These policies perpetuate massive humanitarian crises as the EU externalises its border management to other state parties like Libya. The Libyan case illustrates the EU’s failure to recognise its humanitarian responsibility to protect the right to asylum and to stop non-refoulement practices. In February 2023, the Italian government [delivered a new boat](#) claiming to help “the search and rescue” operations in the sea, however such boats have always been used to intercept migrants in the Mediterranean. Beyond Italy, the role of the European Border and Coast Guards Agency Frontex contributed to the externalisation of aerial surveillance for interceptions rather than rescues. Without the information from EU aircrafts, the Libyan Coast Guard would not have the technical and operational means to intercept migrants to that scale. Specifically, “Frontex has established contracts with private companies to operate a remote-piloted Heron drone—a relatively large, unarmed drone designed for intelligence gathering and surveillance—and several piloted planes out of airports in Malta and Italy. Each of these aircrafts monitors a specific area of the central Mediterranean. Together, their daily movements constitute a tightly knit, extensive web of aerial patrol.”⁴

Non-refoulement obligations: application to risks of trafficking in persons

Through their collaboration with Libya, EU states and specifically Italy allow Libyan coast guards and authorities to intercept refugees and asylum seekers along with irregular migrants knowing that the latter will send them back to inhumane detention in Libya. The EU thereby exacerbated dangers on

² “ [That was the last time I saw my brother: extrajudicial and unlawful killing in Libya](#)”. Organisation Mondiale Contre La Torture. September 2022

³ “ [The Torture Roads: The Cycle of Abuse against People on the Move in Africa](#)”. Organisation Mondiale Contre La Torture. September 2021

⁴ “ [Airborne Complicity Frontex Aerial Surveillance Enables Abuse](#)” Judith Surdenland and Lorenzo Pezzani, Human Rights Watch.

“[The Torture Roads](#)” contravening rights protected by international law. [Several reports](#) mention that detainees experience torture and other forms of cruel, inhumane and degrading treatment, gender-based violence, and starvation in Libyan detention centres.

Based on international customary law, Libya is bound by the principle of non-refoulement. Therefore, Libyan practices are in clear violation of Libya’s non-refoulement obligation. However, the current EU sponsored operations aiming to push back migrants including victims of trafficking and asylum seekers, through what is internationally recognized as “arbitrary” border control and surveillance, perpetuate massive humanitarian crises as the EU reassigns its governing power to other state parties like Libya. The Libyan case illustrates the EU’s failure to recognise its [humanitarian responsibility](#) to protect the right to asylum and to stop non-refoulement practices.

Statelessness and the nexus with trafficking in persons for all purposes of exploitation

Generally, statelessness is not perceived as a “humanitarian exemption” condition in Libya. Stateless persons are more vulnerable when detained in Libya because there is no place to be repatriated to while the government intends to enforce repatriation. Therefore, stateless persons are largely exposed to long term detention under inhumane conditions in DCIM centres. LAN members observe that it is rare to find a stateless person in Libyan DCIM facilities, because the victims tend to forcibly chose or resort to be trafficked or smuggled instead of long staying in these detention facilities.

Refugee and IDP camp management practices and policies to prevent trafficking in persons, identify, assist and protect trafficked persons

- Although a lot of efforts have been made by [several INGOs working](#) to address the Libyan migration issue mainly by encouraging the Libyan state to include refugees and IDP camps in management and policies to help protect them, the Libyan Government is slowing down such efforts. In addition, such dialogues are not particularly focused on the protection of migrants from trafficking but an integration in the planning of boarder management for the benefit of the state rather than for the benefit of the effected population.
- The DCIM stated that they are improving the situation through some prevention activities. For example, the DCIM announced in 2022 that three groups of DCIM guards graduated from in-depth human rights courses.
- As for civil society, there are continuous initiatives to disseminate, educate, and raise awareness through training sessions on human rights and migrants rights in detention targeting Libyan guards working in detention facilities. However, the number of violations and trafficking appear to increase. As a matter of fact, civil society is not apt to provide enough training and working sessions due to the security situation, the draconian restraints on civil society actors by the Libyan Government, and due to the lack of enough human resources and capacities to do so.

Prevention of trafficking among refugees, IDPs and stateless persons in conflict situations

Libya probably represents the best example of the impact of lawlessness -due to the unending armed conflict- over increased human trafficking. The Libyan law and practice does not foresee prevention measures for trafficking of refugees, asylum seekers, and IDPs, or the protection of migrants in more general terms. There does not seem to be a clear strategy of INGOs and other international stakeholders to address trafficking of these particular groups in Libya. Prevention is not a priority, possibly because violations and abuses are increasing, leading to the prioritization of an emergency response, humanitarian relief and assistance programs to aid urgent horrendous consequences instead of addressing root causes and awareness-raising.

Child protection and child trafficking among refugee, stateless persons and IDPs

Answered in previous questions.

Detention and non-penalisation of refugee, asylum-seeker and stateless victims of trafficking

Article 3 of [Decree No. 472 of 1985 on the Executive Regulation of Law No. 4 of 1985](#) on travel states that it is possible to issue temporary travel documents in Libya for individuals officially recognized as refugees and stateless persons or those with no permanent nationality, and Arab nationality, or wives and minor children (under eighteen years of age) of stateless persons and refugees. However, in practice there seems to be very limited issuing of such documentation to facilitate travel of asylum seekers, refugees and stateless persons, if any.

Refugees, asylum seekers, IDPs or stateless persons with disabilities victims of trafficking or at risk of trafficking: prevention and protection gaps.

The LAN members observed that pregnant women, sick and disabled persons, refugees, and asylum seekers in detention are all exposed to the same risks, considering that these groups are more vulnerable. However, this is not only due to the previously mentioned variables, but also due to the rapid change of migrants in official detention. The LAN observes that due to the change of migrants' locations from one centre to another, and due to the large number of trafficked and smuggled persons, who are taken out of the detention facility, it is extremely challenging to find many migrants when civil actors or international organizations re-visit DCs. Overcrowding leads detention facility directors tend to transfer migrants rapidly from one detention centre to another in order to make room for new arrivals. This rapid flow and change of arrested migrants' waves in addition to overcrowding results in ignoring the specification of each case.

The rights of trafficked persons with disabilities in asylum and international protection procedures.

Already answered in previous questions.

Specific protection gaps: access to international protection for LGBTQI+ victims of trafficking, minorities, indigenous peoples or stateless persons who are victims of trafficking

1. The LGBTQI++ community is particularly vulnerable to discrimination and penalisation with a total absence of protection in Libya. Under Libyan law, any acts contradicting Sharia law are prohibited and punishable. Sharia is a source of jurisprudence under the Libyan constitutional declaration. Sanctions imposed by judges in Libya against members of the LGBTQ+ community could go from 5 years in prison to the death penalty. However, the LAN has not documented death sentences against members of the LGBTQI++ community but was able to document cases of torture and ill-treatment. Social and cultural shaming within Libyan community also limits possibilities for litigation. This resulted in members of the LGBTQI++ community to avoid the disclosure of their sexual orientation even when seeking international protection or asylum as long as they are on Libyan territory. Usually, members of the LGBTQI++ community would only apply for protection (seeking asylum, seeking relocation due to torture, seeking psychological assistance) once outside of Libya. Civil society documentation of such cases (conducted in total secrecy) suggests that members of the LGBTQI++ community of non-Libyan origin be they asylum seekers, stateless persons, or refugees are highly exposed to rape and enforced disappearance in detention facilities or at trafficking hubs in Libya. Perpetrators are aware of the absence of protection and the silence of the victims due to social risks and stigmatization – even if exposed to such violations. The LAN interviewed a member of the LGBTQI++ community, respectively in Misurata and in Tripoli. They were both male migrants whose phones carried videos of sexual interactions with other men. One of the victims was, according to his statement “raped frequently by the guards.

Regarding the sexual exploitation of migrants and refugees from the LGBTQI++ community, the LAN reported the targeting of Syrian teenagers for sexual abuse, rape, and sexual exploitation. Allegations about such trends increased in 2022 and the LAN confirms that Syrian minors were detained and sexually exploited in Daraj, Zintan, the Nafusa Mountains, and Almaya regions in Libya.

The phenomenon of trafficking of members of the LGBTQI++ community is not addressed by any particular program or policy so far.

2. There are many Libyan minorities within the Libyan society structure: Tawerghans (تاورغاء), Amazigh (الأمازيغ), Twareq (طوارق) and Tebu (التبو) are Libyan minorities. All these minorities struggle to integrate within Libyan society. Many of them are socially isolated and cannot, for example, speak their native language in public, marry other Libyans outside of the minority, and participate in cultural events. These minorities are perceived similarly to migrants. Only the Libyan Amazigh minority has succeeded in getting NGOs to fight for their rights to use their language and to be included in political dialogues in Libya.

Prevention of trafficking in persons among IDP, refugees, asylum seekers and stateless persons including, in particular:

Practical limitations in access to socio-economic rights (e.g., to education, labour market and decent work) and restrictions to freedom of movement for refugees, asylum seekers, and stateless persons, as factors exacerbating vulnerability to trafficking.

1. Refugees and asylum seekers, except for a few of Arabic origins, are not allowed to access public schools in Libya. Children of refugees have to study in private schools, which are extremely expensive. They are allowed limited access to public health and the labour market. Only few nationalities are allowed to work in the private sector such as Syrians working in restaurants and in painting or building houses, Egyptians working in infrastructure and construction jobs, and Bangladeshis working in cleaning and supermarkets.
2. Palestinian refugees “perceived as stateless within many states”, including those without any documentation, are allowed by Libyan law to access public education but are exposed to social bullying resulting in preference in putting their children in private schools to avoid risks, if they can afford it, of course. Palestinian refugees have limited access to public health care as they would be received in emergency units but will not be given medication for free like Libyans. However, since 2011, access to public health care and free medication became challenging even for Libyans. Libyans themselves are mostly admitted to private hospitals to ensure average quality medical care. Working in the private sector is usually open to Palestinians only for low-income jobs like driving trucks, construction, and gastronomy.
3. Asylum seekers are treated like irregular migrants. Within Libya, they are denied access to public schools, private schools, public medical services including emergency units. The labour market is open for those groups only for extremely low-income jobs such as cleaning public areas and in private shops, carrying heavy items in warehouses and markets, in houses or farms cleaning and gardening. Like irregular migrants, asylum seekers are exposed to high risks if they are of good financial status. The LAN documentation shows that Sudanese, Syrians, Egyptians, Bangladeshi, Yemenis, and other African migrants and asylum seekers are prime targets of ransom collecting gangs and human traffickers, who tend to take all personal possessions and money from them as soon as they cross the Libyan borders.

The LAN documented cases of traffickers and ransom collectors at Qanfouda Detention Centre in Benghazi, where more than 2000 migrant detainees were later forcibly deported or released in return for ransom money. These include nationals from Syria, Sudan, and Bangladesh. Most of them carried valid passports when arrested. The guards and the detaining authorities also take their money, their possessions and would tend to damage asylum seekers documentation including UNHCR cards on purpose. When victims of ransom gangs are kidnapped, they are tortured and videotaped in order to threaten their families, who would be asked for money. Kidnapped asylum seekers and refugees have been reportedly killed in the South of Libya by state armed groups under torture. Perpetrators rack their victims to death trying to extract as much money as possible. Several cases documented by the LAN mention eye-witnessing such unlawful killings in Qatrun, Sabha, Aljufra, Kufra, and Beni Walid trafficking hubs.

a. Risk factors and vulnerabilities emerging when people flee to seek safety (including issues related to lack of protection services along the routes, challenges in provision of support to meet basic/essential needs

Migration routes across Libya are described as “routes of torture”. Migrants, including refugees and asylum seekers, are targeted by armed groups controlling the trafficking business along fixed roads and check points. The routes include checkpoints where armed traffickers are present in different locations as well as migrant detention centres (DCIM) where many victims were arrested by state agents and arbitrarily detained without any follow-up. Security forces are considered a threat to migrants, therefore it is impossible for the migrants to approach police for example for help in case they are being robbed or beaten even in public space. The migration routes are extremely dangerous due to the desert’s hard conditions, presence of abusive armed groups, ransom gangs, mercenaries, and human traffickers.

LAN documentation shows that Sudan-Alkufra route is the most dangerous where hundreds of migrants either lose track of the road, starve to death in the desert, or get easily kidnapped by ransom gangs and will most likely be tortured, raped, and/or killed. In January 2023, 600 migrants detained in Alkufra DCIM facility were expelled by the Libyan Arab Armed Forces (LAAF). These included Sudanese asylum seekers registered at the UNHCR. Many are believed to have died and most of the victims went missing.

b. Practices in engaging host communities in preventing trafficking in persons

Based on observations made by the LAN members through their many years of work on the ground in Libya on the migration issue, the following give testimony of the public opinion rather. Public awareness raising and capacity-building of civil society service providers and advocacy are imperative for engaging Libyans in the prevention of trafficking in persons and the protection of survivors.

- Many Libyans believe that the migrants give their consent from the outset of the trafficking process. Libyans also believe that migrants are aware of how dangerous the situation is in Libya, and that the recruiters/traffickers in their country of origin have supposedly already informed the persons seeking to migrate that they will work for Libyan households or in other ad-hoc jobs in return for a ride on the next boat to Europe. Based on these deep-rooted beliefs, it is difficult to change the public opinion of Libyans about migrants’ being victims of human trafficking rather than being “opportunity hunters”. While the issue of consent is irrelevant when constituting the crime of trafficking, Libyan public opinion blames migrant victims of trafficking for their status and situation since they were aware of the dangers and risks, they put themselves into when leaving their home country. On the other hand, human traffickers and ordinary Libyans think that migrants in Libya are so much better off than back in their countries of origin. Torture and humiliation during transport and in trafficking hubs is usually perceived as “unacceptable and unfair”.
- Allowing internally displaced Libyans from the East of the country access health care and education in places like Misrata, Tripoli, and the South is not perceived as their right, but rather as a “gift” from the hosting community, which allows them to fill in for “vacancies in the health, education, employment sectors”. This type of discrimination exposes internally displaced persons to social isolation, social bullying and major challenges in terms of protection.