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2023 Trafficking in Persons Report: Libya

LIBYA (Special Case)

Libya is a Special Case for the eighth consecutive year. The Libyan Government of National Unity (GNU), established through a UN-facilitated process in March 2021, did not effectively govern large swaths of Libyan territory, as it did not exercise control in several parts of the country. The judicial system was not fully functioning, as courts in major cities throughout the country have not been operational since 2014. Although the government and non-state actors largely upheld the October 2020 ceasefire agreement, isolated violence throughout the country and political strife between militias aligned with the Tripoli-based GNU and rival eastern institutions, including the self-styled Libyan National Army (LNA) and the House of Representatives-appointed Government of National Stability, complicated efforts to bring about unified institutions and national stability during the reporting period. Financial or military contributions from other states in the region and beyond continued to destabilize the country, although some military support abated following the ceasefire. Extra-legal armed groups, including foreign mercenaries, continued to fill a security vacuum across the country; such groups varied widely in their make-up and the extent to which they were under the direction of state authorities. These disparate armed groups committed various human rights abuses, including unlawful killings, abuse of migrants and refugees, forcible recruitment, forced labor, and sex trafficking. Impunity by those committing abuses against civilians was a pervasive problem. There were continued reports that criminal networks, militia groups, government officials, and private employers exploited migrants, refugees, and asylum-seekers in sex and labor trafficking. Endemic corruption and militias' influence over government ministries contributed to the GNU's inability to effectively address human trafficking.

GOVERNMENT EFFORTS

Lack of institutional capacity, as well as lack of Libyan law enforcement, customs, and military personnel, especially along the country's borders, hindered authorities' efforts to combat human trafficking crimes. Libyan law criminalized some forms of sex trafficking but did not criminalize labor trafficking. Articles 418, 419, and 420 of the penal code criminalized some forms of sex trafficking involving women and prescribed penalties of up to 10 years' imprisonment and a fine, which were sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. However, inconsistent with international law, the definition of trafficking within these provisions required transnational movement of the victim and did not criminalize sex trafficking acts that were induced through fraudulent or coercive means. The law did not criminalize sex trafficking involving adult male victims. Article 425 criminalized slavery and prescribed penalties of five to 15 years' imprisonment. Article 426 criminalized the buying and selling of slaves and prescribed penalties of up to 10 years' imprisonment. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape.

Libya's criminal judicial system was not fully functioning in the reporting period, nor were there administrative units and courts specifically dedicated to overseeing human trafficking cases. Law enforcement and judicial authorities often lacked understanding of human trafficking crimes. The Ministry of Interior (MOI), nominally responsible for anti-trafficking law enforcement efforts, was limited in its ability to carry out anti-trafficking operations. Although entities such as the Ministry of Justice (MOJ) and the Office of the Attorney General (OAG) issued arrest warrants for alleged perpetrators of various crimes including trafficking, limited policing capacity hindered the government's ability to pursue these trafficking cases. During the reporting period, an international organization reported the government arrested 67 individuals in 2022; however, it is not clear whether those arrests were for trafficking or smuggling crimes. In 2021, the OAG announced the

arrest of two suspects for trafficking, migrant smuggling, and related crimes including the torture, extortion, and killing of migrants; the government did not provide an update on these cases. Law enforcement functions sometimes fell to disparate armed groups, which received salaries from the government and performed their activities without formal training and with varying degrees of accountability. The MOI and MOJ's human rights offices, which continued to function throughout the reporting period, were mandated to raise awareness of human rights violations including human trafficking crimes; however, international NGOs reported the offices lacked the capacity to carry out their mandates. Perpetrators committing human rights abuses, including human trafficking crimes, generally operated with impunity due to inadequate legal framework and weak capacity for criminal investigations and prosecutions. The government did not publicly report statistics on prosecutions or convictions of trafficking offenders, including government officials, or government-aligned militias allegedly complicit in trafficking crimes; the government has never reported prosecuting or convicting anyone for labor or sex trafficking crimes. As in previous years, international organizations and foreign governments facilitated anti-trafficking training for some legislators and government officials.

International observers continued to report systemic and prevalent official complicity in, and at times perpetration of, human trafficking crimes, including Libyan Coast Guard (LCG) officials, immigration officers, security officials, Ministry of Defense (MOD) officials, members of armed groups formally integrated into state institutions, and officials from the MOI and MOI's Department to Combat Illegal Migration (DCIM). Various armed groups, militias, and criminal networks infiltrated the administrative ranks of the government and engaged in illicit activities, including human trafficking. Several credible sources continued to report DCIM detention center guards and administrative staff forced detained migrants, including unaccompanied children, to work at detention centers and third locations, such as farms and construction sites. There were reports that DCIM staff at detention centers contracted armed groups and militias – some of whom likely had ties to human trafficking networks – to provide security services at individual detention centers. In addition, DCIM guards and staff systematically subjected migrants detained in DCIM detention centers to sex trafficking and other forms of sexual exploitation; guards and staff coerced women, girls, men, and boys to perform sexual favors in exchange for essentials such as food, clean water, and, at times, their freedom. NGOs and international organizations continued to report DCIM guards and military officials also “sold” female detainees to outside individuals who then exploited the women in sex trafficking. During the reporting period, an NGO reported armed groups that operated under the government provided support to and coordinated with factions of the Syrian National Army, a non-state armed group that recruited and used Syrian children as child soldiers in Libya.

The government did not have any policy structures, institutional capacity, widespread political will, or resources to proactively identify and protect trafficking victims among vulnerable groups, such as migrants, refugees, and asylum-seekers; women in commercial sex; and children recruited or used by armed groups in the past. The government did not report identifying any victims nor providing foreign trafficking victims with legal alternatives to their removal to countries where they could face hardship or retribution. Libyan authorities cooperated on a limited basis with international organizations to repatriate, resettle, or evacuate some migrants, which likely included unidentified trafficking victims. The government allowed international organizations to be present at some of the official disembarkation points along the western coastline where migrants arrived after the LCG intercepted or rescued them at sea; however, the government's procedures for disembarked migrants remained unclear and put migrants further at risk of exploitation. In addition, an NGO reported the quick and chaotic nature of disembarkation hampered the ability of international organizations to assess specific needs and vulnerabilities, monitor violations, or record claims for protection before refugees and migrants were funneled into detention; the NGO also reported refugees and migrants were unable to confidentially raise concerns, report abuse, or seek protection. The government continued to operate a limited number of social rehabilitation centers for women in commercial sex and victims of sex trafficking and other forms of sexual abuse; however, these centers reportedly operated as de facto prisons, and international observers continued to document incidents of abuse in these centers.

Due to a lack of formal identification procedures, authorities likely arrested, detained, deported, or otherwise punished unidentified victims for unlawful acts traffickers committed as a direct result of being trafficked, such as immigration and prostitution violations and alleged affiliation to armed groups. Furthermore, the government's criminalization of all forms of irregular entry, stay in, and exit from Libya did not distinguish between migrants, refugees, asylum-seekers, trafficking victims, and other groups in need of human rights protections, thereby further penalizing potential trafficking victims. During the reporting period, the government, at times working with local militias, forcibly expelled and deported Sub-Saharan African migrants – a population highly vulnerable to trafficking – without screening for trafficking indicators. Reports continued to indicate authorities sometimes expelled and deported migrants outside of official deportation procedures, including at times leaving migrants in the desert at the Niger border without alerting humanitarian actors.

In January 2023, an international organization estimated between 8,500-11,500 migrants and refugees – many of whom were likely unidentified trafficking victims – were held in 14 DCIM detention centers and an unknown number of unofficial detention centers under the control of GNU-aligned armed groups where armed groups and government officials subjected them to a wide range of abuses including sex and labor trafficking; the international organization estimates thousands more were held illegally in facilities controlled by armed groups or in secret facilities. Despite previous announcements the government would close detention centers rife with abuse, international organizations and NGOs reported the government opened new detention centers with repeated patterns of abuse or re-opened centers after having been closed because of past human rights violations; DCIM also continued to legitimize and integrate informal sites previously run by affiliated militias without holding any individuals accountable for abuses committed while operating detention centers. DCIM-run detention facilities suffered from massive overcrowding, lack of basic infrastructure, dire sanitation problems, and food shortages. Detainees, who may have included unidentified trafficking victims, had limited access to medical care, legal aid, and other forms of protective services. During the reporting period, DCIM allowed international organizations and NGOs to conduct very limited protection monitoring and medical visits to DCIM detention centers; however, authorities frequently denied humanitarian actors access to extra-legal detention centers managed by non-state armed groups and militias or otherwise significantly constrained their ability to provide regular protection services. Humanitarian actors did not have access to detention centers run by militias or the Stability Support Apparatus. Detainees did not have access to immigration courts or other forms of due process. One detention center held only women and was staffed by female guards; the lack of female personnel at the majority of detention centers and the environment of impunity for sexual violence contributed to the increased vulnerability of female detainees to abuse and exploitation. Throughout the reporting period, security forces and affiliated militias conducted mass raids to round up undocumented and documented migrants and asylum-seekers – likely including unidentified trafficking victims – in Libya, using excessive and lethal force and causing casualties resulting in the arrest and detention of an unknown number of individuals; international organizations reported these raids pushed already vulnerable individuals to unwittingly seek aid from traffickers to avoid arrest and detention.

Libya is a party to the 2000 UN TIP Protocol, but the government lacked the institutional capacity and resources to prevent human trafficking. The GNU did not have a national coordinating body responsible for combating human trafficking. The government did not conduct any public anti-trafficking awareness campaigns, nor did it take actions to reduce the demand for commercial sex acts or child sex tourism. The government did not report steps to prevent the recruitment and use of children by militia groups, armed groups affiliated or aligned with the government, or other armed groups operating throughout the country. As in previous reporting periods, the GNU continued to partner with some European countries to disrupt human trafficking and migrant smuggling operations to reduce irregular migration flows across the Mediterranean. However, some European and international NGOs criticized this cooperation, citing severe security and human rights conditions and an increased risk of trafficking for migrants forced to remain in Libya. The government did not provide anti-trafficking training for its diplomatic personnel.

TRAFFICKING PROFILE:

As reported over the past five years, human traffickers exploit domestic and foreign victims in Libya. Instability, conflict, and lack of government oversight and capacity in Libya continued to allow for human trafficking crimes to persist and be highly profitable for traffickers. Trafficking victims – both adults and children – are highly vulnerable to extreme violence and human rights abuses in Libya by governmental and non-state armed groups, including physical, sexual, and verbal assault; abduction for ransom; extortion; arbitrary killings; inhumane detention; and child soldiering. During the reporting period, an NGO reported armed groups that operated under the government provided support to and coordinated with factions of the Syrian National Army, a non-state armed group that recruited and used Syrian children as child soldiers in Libya. Observers also reported the LNA also recruited or used child soldiers during the reporting period. Credible reports since 2013 indicate some armed groups and militias, some of which are used as combat forces or security enforcement by the government, recruited and used children. During previous reporting periods, an international organization verified former Government of National Accord (GNA), LNA, GNA-affiliated armed groups, and LNA-affiliated armed groups all recruited and used child soldiers. In 2018, an international organization documented incidents in which local armed groups forcibly recruited boys 13-15 years old. Sources reported Chadian mercenary groups recruited children as young as 13 years old as combatants in 2019. Uncorroborated media reports in 2018 also claimed that ISIS trained and used children to carry out suicide attacks, to fire weapons, and to make improvised explosive devices. Children associated with armed groups in Libya are also reportedly exposed to sexual violence. IDPs, including both Libyans and foreigners, are vulnerable to both labor and sex trafficking. As of August 2022, there were an estimated 134,787 IDPs in Libya, of whom 94 percent were displaced due to the deterioration of security conditions in the country in 2019.

Migrants in Libya are extremely vulnerable to sex and labor trafficking, including those seeking employment in Libya or transiting Libya en route to Europe. An international organization reported indicators of exploitation and abuse amounting to trafficking are experienced by 76 percent of men, 67 percent of women, and 77 percent of children and youth transiting Libya. Migrants living in Libya are vulnerable to exploitation by state and non-state actors, including employers who refuse to pay laborers' wages. As of October 2022, international organizations estimated there were at least 667,440 migrants, of whom 43,000 are registered refugees and asylum-seekers, in Libya. Migrant workers in Libya predominately come from Sub-Saharan and Sahel states. Informal recruitment agencies recruit undocumented migrants to work in the agriculture, construction, and domestic work sectors; the lack of government oversight and workers' undocumented status increases migrants' vulnerability to trafficking. The country continues to serve as a departure point for migrants, including unaccompanied children, crossing the Mediterranean to Europe from North Africa; the number of sea departures from Libya to Europe increased in 2022 by over 13 percent from 2021, in part due to decreased economic opportunities in Libya and the region. Elements of the LCG reportedly work with armed groups and other criminals, including traffickers, to exploit migrants for profit. There are financial incentives for smugglers and traffickers to prevent the disembarkation of migrants transiting the Mediterranean and to return migrants to Libya for detention and further exploitation. In 2022, an international organization reported cases of traffickers compelling migrant boys to drive boats to Europe who were then detained in Italy on the grounds of facilitating migrant smuggling. An international organization reports the LCG intercepted and returned 24,684 refugees and migrants to Libya in 2021, a decrease of 24 percent compared to 32,425 in 2021. Since 2017, due to violence and localized conflict, as well as pandemic-related border closures and movement restrictions, traditional smuggling and trafficking routes became more clandestine, creating greater risks and dangers for migrants; an international organization reported increased incidences of forced labor in smuggling hubs of Sebha, Brak al-Shati, Shwayrif, and Bani Walid since 2017.

Various armed groups, criminal gangs and networks, tribal groups, smugglers, and traffickers, cooperate and compete in the smuggling and trafficking of migrants to and through Libya, while

carrying out serious human rights abuses and violations against migrants, including torture, sexual abuse and exploitation, rape, extortion, ransom, theft, and forced labor. International organizations report smugglers and traffickers trade migrants and refugees within illicit networks, while holding them in inhumane conditions. Highly organized trafficking networks subject migrants to forced labor and sex trafficking through fraudulent recruitment, confiscation of identity and travel documents, withholding or non-payment of wages, debt-based coercion, and verbal, physical, and sexual abuse. In some cases, migrants reportedly pay smuggling fees to reach Tripoli, but once they cross the Libyan border they are sometimes abandoned in southern cities or the desert where they are susceptible to severe forms of abuse, including human trafficking.

Several credible sources continue to report that migrants held in detention centers controlled by both the DCIM and non-state armed groups and militias were subject to severe abuse, rampant sexual violence, and forced labor. An unknown number of migrants are also held in criminal prisons affiliated with the MOJ, MOI, and MOD. Private employers and DCIM officials use detained migrants for forced labor in domestic work, garbage collection, construction, road paving, and agriculture. According to international observers, detention center operators also force migrants to provide ancillary services to armed groups, such as offloading and transporting weapons, cooking food, cleaning, and clearing unexploded ordnance; armed groups also forcibly recruit detained migrants. Once the work is completed, employers and detention center officials return the migrants to detention. In some cases, detained migrants are forced to work or exploited in sex trafficking in exchange for basic necessities or their release from prison. An international organization reported most detained migrants are Sub-Saharan Africans and that they are treated in a harsher manner than other nationalities, suggesting discriminatory treatment. In 2021, there were reports Chadian mercenary groups in Libya fraudulently recruited and “sold” newly recruited fighters between Chadian and Libyan armed groups, mostly affiliated with the LNA; some recruits reported being forced to engage in criminal activities. In November 2020, an NGO reported a UAE-based private security firm fraudulently recruited more than 390 Sudanese nationals to fight in Libya for the LNA and guard oil facilities in Ras Lanuf; the Sudanese recruits believed they would be working as security guards in the UAE.

There is reportedly a high prevalence of sexual assault and other forms of sexual violence and exploitation of female migrants along the migration routes to Libya and in DCIM-run and militia-run detention facilities in Libya; perpetrators of sexual violence against female migrants include various armed groups, smugglers, traffickers, and MOI officials. International NGOs also report migrant men and boys are increasingly vulnerable to rape and other forms of sexual abuse. Commercial sex rings reportedly subject Sub-Saharan women and girls to sex trafficking in brothels, particularly in the towns of Ubari, Sebha, and Murzuq in southern Libya; Nigerian women and girls are at increased risk of sex trafficking in Libya. According to a European NGO, Nigerian gangs recruit Nigerian girls from rural regions of the country and facilitate the transportation of the girls through Libya for sex trafficking in Italy and other European countries.