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POLICY PAPER LIBYA

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DISCLAIMER

A country-specific policy paper provides the main points regarding the policy rules that are applied by the Commissioner General when assessing requests for asylum from a specific country.

A country-specific policy paper begins with a brief, simplified summary of the complex situation in a country of origin. The situation outline only covers the asylum-related aspects of the situation in that country. A non-exhaustive overview is then provided of the at-risk groups in the country of origin. The focus lies on the at-risk profiles that the CGRS encounters during its day-to-day work. In addition, it only covers the policy themes that are relevant for the country of origin or any special policy rules that apply to that particular country. Subsequently, a country-specific policy paper does not contain a complete overview of all of the possible issues that may be faced by the citizens of the relevant country of origin.

The policy implemented by the Commissioner General is based on a thorough analysis of accurate and up-to-date information on the general situation in the country of origin. This information is collated in a professional manner from various, objective sources, including the EASO, the UNHCR, relevant international human rights organisations, non-governmental organisations, professional literature and coverage in the media. When determining policy, the Commissioner General does not simply examine the COI Focuses, drawn up by Cedoca and published on this website, as these deal with just one aspect of the general situation in the country of origin. The fact that a COI Focus could be out of date, does not necessarily mean that the policy that is being implemented by the Commissioner General is no longer up-to-date.

The policy paper does not reflect the complexity of the asylum application assessment process. When assessing an application for asylum, the Commissioner General not only considers the actual situation in the country of origin, at the moment of decision-making, he also takes into account the individual situation and personal circumstances of the applicant for international protection concerned. Every asylum application is examined individually. An applicant must comprehensively demonstrate that he has a well-founded fear of persecution or that there is a clear personal risk of serious harm. He cannot, therefore, simply refer back to the general conditions in his country, but must also present concrete, credible and personal facts.

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For a better understanding of the policy themes that may be dealt with in a country-specific policy paper, see web page "About the CGRS/Policy".

1. SITUATION OUTLINE

Since the fall of the Libyan dictator Muammar al- Khaddafi in October 2011, an armed conflict has been underway in Libya. Militia, local tribes and Libyan security services are fighting one another at various locations across the country. The current security situation in Libya is largely determined by the lack of a strong, central authority and the presence of local, armed groups. The government has little real power. Significant regions in the country are occupied by militia who are primarily interested in securing local interests. Most of the regions in Libya are beset by instability. The security situation in large parts of the country is extremely volatile.



2. PERSECUTION IN THE CONTEXT OF THE REFUGEE CONVENTION

A high number of at-risk groups can be distinguished in Libya. According to the situation in which he finds himself, the applicant must be able to demonstrate that he belongs to a specific at-risk group or must present additional concrete and individual facts in relation to persecution.

In general, refugee status is granted to an applicant as a result of specific or individual elements or facts. In some cases, the status of refugee is granted as a result of people belonging to a particular group. In this case, the applicant for international protection must only demonstrate that he belongs to this population group. He does not need to demonstrate individual persecution.

Below is a **non-exhaustive** summary of the at-risk groups in Libya:

- persons who are associated with the regime of Khaddafi (e.g. civilians who supported the Khaddafi regime, those who are perceived to be loyal supporters thereof or persons who belong to a specific ethnic minority or community - e.g. Tawerghas);
- political activists, human rights activists or staff employed by NGOs;
- religious minorities (e.g. Ibadi muslims, Sufis and Christians)
- Palestinians;
- journalists or bloggers;
- persons who risk persecution due to their sexual orientation;
- ...

The Commissioner General is aware of the precarious situation in Libya. Every asylum application is examined individually. The investigation takes place with the necessary circumspection.

3. SUBSIDIARY PROTECTION

The extent of indiscriminate violence in Libya is so high that there are genuine reasons for assuming that any civilian who is present in Libya faces a serious threat to his life or person. If there are no elements that refer to persecution due to one of the five criteria in the Refugee Convention, subsidiary protection status will be granted as a result of the war in the country (article 48/4, § 2, c) of the Aliens Act).

4. EXCLUSION

The CGRS will also investigate whether persons are linked to the Khaddafi regime or were members of a militia under article 1F of the Refugee Convention.

If there are serious reasons for assuming that the applicant was directly involved in war crimes and crimes against humanity, or it is clear that they had a commanding role in this type of act, they will be excluded from the Refugee Convention and the status of subsidiary protection.