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Trafficking in Persons Report 2016 - Special Case: LIBYA

Libya is a Special Case. The Presidency Council of the Libyan Government of National Accord (GNA)—created through the Libyan Political Agreement signed in December 2015 and endorsed by the legislature in January 2016—did not arrive in the capital Tripoli until late March 2016. Before the GNA Presidency Council entered Tripoli, the Libyan government that had been in place since April 2015 and was appointed by the House of Representatives had been based in the eastern city of Bayda and operated without access to or control over Tripoli. During that period, competing factions, none of which had been elected or appointed by a legislature, operated in Tripoli under the self-convened “National Salvation Government.” Extralegal armed groups continued to fill a security vacuum across the country; such groups varied widely in their makeup and the extent to which they were under the direction of state authorities, and they committed human rights abuses, including unlawful killings. Before the formation of the GNA Presidency Council, the Bayda-based government that had been in place had failed to control such groups, including those groups nominally under state control. At the close of the reporting period, the GNA Presidency Council was only beginning to establish effective control over armed groups.

SCOPE AND MAGNITUDE

Libya is a destination and transit country for men and women from sub-Saharan Africa and Asia subjected to forced labor and sex trafficking, and there are reports of children being subjected to recruitment and use by armed groups within the country. Due to widespread insecurity driven by militias, civil unrest, and increased lawlessness in Libya that continued to worsen in 2015, accurate information on human trafficking became increasingly difficult to obtain—in part due to the withdrawal of most diplomatic missions, international organizations, and NGOs in 2014. Since 2013, numerous reports indicate militias, some of which are used as combat forces or security enforcement by the government, recruit and use Libyan children younger than the age of 18. Trafficking victims or those vulnerable to trafficking, such as foreign migrants, are also vulnerable to increased violence in Libya, including torture, abduction for ransom, physical and sexual assaults, arbitrary killings, and inhumane detention. For example, there were multiple reports of migrants—some of whom may be trafficking victims—being held in detention centers, including those controlled by government-aligned authorities as well as non-state armed groups, where they were subject to overcrowding, torture, and denial of medical care.

Migrants seeking employment in Libya as laborers or domestic workers or who transit Libya en route to Europe are highly vulnerable to trafficking. Trafficking networks reaching into Libya from Niger, Nigeria, Chad, Eritrea, Ethiopia, Somalia, Sudan, and other sub-Saharan states subject migrants to forced labor and forced prostitution through fraudulent recruitment, confiscation of identity and travel documents, withholding or non-payment of wages, and debt bondage. One 2014 account indicated criminal groups recruited Sudanese migrants to Libya

through false job offers and forced them to work in agriculture with little or no pay. In previous years, migrants paid smuggling fees to reach Tripoli, often under false promises of employment or eventual transit to Europe. Once these victims crossed the Libyan border, they were sometimes abandoned in southern cities or the desert, where they were susceptible to severe forms of abuse and human trafficking. In 2014, an international organization reported Syrian nationals temporarily residing in Sudan preferred to travel through Libya en route to Italy with the use of smugglers; these Syrians are at risk of trafficking. Prostitution rings reportedly subject sub-Saharan women to sex trafficking in brothels, particularly in southern Libya. Nigerian women are at heightened risk of being forced into prostitution, while Eritreans, Sudanese, and Somalis are at risk of being subjected to forced labor in Libya. In February 2015, the media reported a Russian trafficking network brought hundreds of Bangladeshi nationals via Libya to Italy, where they subsequently endured forced labor. Private employers in Libya mobilize detained migrants—from prisons and detention centers, including those ostensibly under the control of the Bayda-based government—for forced labor on farms or construction sites; when the work is completed or the employers no longer require the migrants' labor, employers return them to detention.

GOVERNMENT EFFORTS

The Bayda-based government, which was formed in September 2014 and recognized by much of the international community until its mandate expired in October 2015, demonstrated limited political will and limited capacity to address basic security challenges, including human trafficking, as it struggled to control a significant amount of Libya's territory. The lack of rule of law hindered police and judicial officials' efforts to addressing trafficking crimes; the Bayda-based government also did not exercise control over many migrant prisons and detention facilities where human trafficking crimes continued to take place. Libyan law does not prohibit all forms of human trafficking. Articles in the penal code prohibit trafficking of women for the purposes of prostitution, sexual exploitation, slavery, and child sex trafficking; however, the articles do not directly address forced labor. Sex trafficking offenses carry penalties of one to 10 years' imprisonment, which are sufficiently stringent but not commensurate with other serious crimes, such as rape; penalties for rape range from five to 15 years' imprisonment. Penalties for slavery offenses are five to 15 years' imprisonment, which are sufficiently stringent and commensurate with other serious crimes. As the criminal judicial system was not functioning throughout the reporting period, the government did not investigate, prosecute, or convict any trafficking offenders in 2015. It also did not report any investigations, prosecutions, or convictions of government officials complicit in trafficking crimes, despite allegations of complicity. For example, the government did not investigate or punish officials in state prisons and migrant detention centers where trafficking crimes allegedly occurred; however, it was unclear if these facilities were under the control of a legitimate central authority. Furthermore, the government did not make efforts to investigate or punish government-aligned militias or other armed groups that recruited and used child soldiers. The government did not provide anti-trafficking training for officials.

The Bayda-based government did not have any policy structures, capacity, or resources to proactively identify and protect trafficking victims among vulnerable groups, such as foreign migrants and women and girls in prostitution. It also did not have measures in place to protect children recruited and used by militia groups, including those aligned with the government, and other armed groups. The government did not protect victims from punishment for unlawful acts committed as a direct result of being subjected to human trafficking, such as immigration and prostitution violations; victims were treated as illegal migrants and therefore subjected to detention and fines. Furthermore, authorities made no effort to protect detained foreign migrants, who continued to be sold into forced labor. As Libya's criminal courts largely ceased to function during the reporting period, the government did not encourage victims to participate in the investigation and prosecution of traffickers. It did not provide foreign trafficking victims with legal alternatives to their removal to countries where they faced hardship or retribution.

The Bayda-based government lacked the institutional capacity, resources, and political will to prevent human trafficking. The government 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 forced labor. The government did not provide anti-trafficking training for its diplomatic personnel. While regulations prohibited the recruitment and use of child soldiers, the government took no steps to prevent the recruitment and use of children by militia groups, groups affiliated to or aligned with the government, and other armed groups operating throughout the country.