

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	301
Land:	Libyen
Kilde:	U.S. Department of State
Titel:	Trafficking in Persons Report 2018 - Libya
Udgivet:	28. juni 2018
Optaget på baggrundsmaterialet:	13. august 2018

from Zimbabwean towns bordering South Africa, Mozambique, and Zambia are subjected to forced labor, including domestic servitude, and sex trafficking in brothels catering to long-distance truck drivers on both sides of the borders. Zimbabwean men, women, and children are subjected to forced labor in agriculture and domestic service in the country's rural areas, as well as domestic servitude and sex trafficking in cities and surrounding towns. Family members recruit children and other relatives from rural areas for work in cities where they are often subjected to domestic servitude or other forms of forced labor; some children, particularly orphans, are lured with promises of education or adoption. Reports indicate that adults have recruited girls for child sex trafficking in Victoria Falls. Children are subjected to forced labor in the agricultural and mining sectors and are forced to carry out illegal activities, including drug smuggling. There were increased reports of children from Mozambique being subjected to forced labor in street vending in Zimbabwe, including in Mbare. Additionally, the practice of *ngozi*, giving a family member to another family to avenge the spirits of a murdered relative, creates a vulnerability to trafficking.

Zimbabwean women and men are lured into exploitative labor situations in agriculture, construction, information technology, and hospitality largely in neighboring countries; some subsequently become victims of forced labor, and some women become victims of forced prostitution. Women are exploited in domestic servitude, forced labor, and sex trafficking in Kuwait and Saudi Arabia. There were previous reports of Zimbabwean women lured to China and the Middle East for work, where they are vulnerable to trafficking. There were reports of Zimbabwean students being lured to Cyprus with false promises for education via scholarship schemes where they are exploited in forced labor and sex trafficking. Many Zimbabwean adult and child migrants enter South Africa with the assistance of taxi drivers who transport them to the border at Beitbridge or nearby unofficial crossing locations and are subject to labor and sex trafficking. Some of the migrants are transferred to criminal gangs that subject them to abuse, including forced prostitution in Musina, Pretoria, Johannesburg, or Durban. Some Zimbabwean men, women, and children in South Africa are subjected to months of forced labor without pay, on farms, at construction sites, in factories, mines, and other businesses. Men, women, and children, predominantly from East Africa, are transported through Zimbabwe en route to South Africa; some of these migrants are trafficking victims. Refugees from Somalia and Democratic Republic of the Congo reportedly travel from Zimbabwe's Tongogara Refugee Camp to Harare, where they are exploited and, in some cases, forced into prostitution. Chinese nationals are reportedly forced to labor in restaurants in Zimbabwe. Chinese construction and mining companies in Zimbabwe reportedly employ practices indicative of forced labor, including verbal, physical, and sexual abuse, and various means of coercion to induce work in unsafe or otherwise undesirable conditions.

SPECIAL CASE: LIBYA

Libya is a Special Case for the third consecutive year. The Libyan Government of National Accord (GNA) struggled to gain institutional capacity and the resources to address trafficking, as the government was focused on consolidating control over its territory and countering violent extremism throughout 2017. The judicial system was not fully functioning during

the reporting period, as courts in major cities throughout the country have not been operational since 2014. Violence driven by militias, civil unrest, and increased lawlessness continued to plague Libya throughout the reporting period. Extra-legal armed groups 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 groups also committed human rights abuses, including unlawful killings. During the year, there were continued reports of the sale and trafficking of African migrants for labor or other exploitative purposes by criminal networks, government officials, and private employers. Accurate information on human trafficking continued to be difficult to obtain, in large part due to the withdrawal of many diplomatic missions, international organizations, and NGOs in 2014.

GOVERNMENT EFFORTS

The government appointed an anti-trafficking focal point but lacked institutional capacity to address human trafficking crimes. Libyan law criminalized some forms of sex trafficking but did not criminalize labor trafficking. Articles 418, 419, and 420 criminalized some forms of sex trafficking involving women and children; however, inconsistent with international law, the definition of trafficking did not include trafficking offenses that were not transnational in nature and, with respect to women, 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 and it did not address labor trafficking. Article 418 prescribed penalties of up to 10 years imprisonment and a fine between 100 and 500 Libyan dinars (\$74-\$368), which were sufficiently stringent but not commensurate with penalties prescribed for other serious crimes such as rape. Articles 425 and 426 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.

As the criminal judicial system was not fully functioning in 2017, the government did not report prosecuting or convicting any trafficking offenders. The Ministry of Interior (MOI), which was nominally responsible for anti-trafficking law enforcement efforts, was unable to carry out any anti-trafficking operations during the majority of the reporting period. The MOI's Department to Combat Irregular Migration (DCIM) did not have full control over its approximately 24-33 detention centers where it detained migrants throughout the reporting period. After an international media outlet publicized a video in November 2017 depicting the sale of African migrants in Libya, the GNA initiated an investigation into allegations of trafficking through the formation of an inter-ministerial investigative committee and publicly committed to holding the perpetrators accountable. Libya's Office of the Attorney General publicly announced in March 2018 that it issued arrest warrants for 205 people for human trafficking and other crimes related to this case, noting that security forces and other government officials were allegedly complicit in the case; the case was ongoing at the end of the reporting period.

The government did not report additional investigations, prosecutions, or convictions of government officials who were allegedly complicit in trafficking crimes—including Libyan Coast Guard officials, immigration officers, security officials, as well as DCIM prison officials and detention camp guards

who allowed private employers to force detained migrants to work on farms and construction sites. According to an international organization, the Special Deterrence Force, an armed group affiliated with the MOI, arrested migrants in Tripoli and detained some of them at DCIM-run facilities or released them to various migrant smuggling rings, some of which may have also subjected the migrants to forced labor or sex trafficking. Additionally, during the reporting period, the defense ministry continued to operate an anti-illegal migration unit with strong affiliation to one of the two armed groups involved in migrant smuggling and human trafficking in northern Libya; this allegiance allowed the armed group to continually shift its activities from committing smuggling and trafficking crimes to policing migrants for the government. The government also did not report any efforts to investigate or punish government-aligned militias or other armed groups that recruited and used child soldiers.

The government did not have any policy structures, institutional capacity, or resources to proactively identify and protect trafficking victims among vulnerable groups, such as foreign migrants, street children, women in prostitution, child victims of sexual abuse, and those recruited and used by armed groups. The government regularly arrested, detained, and otherwise punished victims for unlawful acts committed as a direct result of being subjected to human trafficking, such as immigration and prostitution violations. The government continued to operate rehabilitation centers for women in prostitution and victims of sex trafficking and other forms of sexual abuse, which reportedly operated as de facto prisons. Female victims of crimes, including trafficking, faced ridicule, harassment, and humiliation by predominantly male law enforcement and judicial officials in Libya. The government also continued to arbitrarily detain migrants, potentially including trafficking victims, for indefinite periods of time in DCIM-run detention facilities, which suffered from massive overcrowding and dire sanitation problems; those detained had no access to medical care, legal aid, and other forms of protective services. Detained victims were also reportedly subjected to sexual violence and rape, ill-treatment, and unlawful killings. Moreover, authorities made no effort to protect detained foreign migrants, including those already potentially victimized in trafficking situations, in both official and unofficial detention centers from being sold into forced labor. The government did not have formal procedures to safely and humanely transfer identified trafficking victims, who were detained, arrested, or in custody, to protective care. During the reporting period, the government publicly welcomed international organizations to assist refugees and migrants, a population vulnerable to trafficking. For example, it allowed an organization to access DCIM-run detention facilities to administer basic services to migrants, and in November 2017, it finalized an agreement with an organization to open a migrant transit center in Tripoli, which would serve as a safe place for migrants and trafficking victims to register for repatriation or transit to third countries. Libyan authorities waived exit fees and facilitated exit visas for more than 300 refugees whom an international organization evacuated from the country, while it also allowed an international organization to assist in the voluntary repatriation of more than 19,000 third-country nationals, a group particularly vulnerable to trafficking. The government did not, however, provide foreign trafficking victims with legal alternatives to their removal to countries where they faced hardship or retribution. The government did not encourage victims to participate in the investigation and prosecution of traffickers.

Libya is a party to the 2000 UN TIP Protocol, but the government

lacked the institutional capacity and resources to prevent human trafficking. Alleged government complicity further exacerbated the overall human trafficking problem in the country and the region. The government did not implement measures to prevent government officials or armed groups from forcing detained migrants to work; on the contrary, the government's system of detaining migrants facilitated trafficking crimes. During the reporting period, the GNA coordinated with the Italian government to reduce the flow of irregular migrants crossing the Mediterranean. However, some European and international NGOs criticized this coordinated effort of turning migrant boats back to Libya and stopping other migrants from attempting the crossing to Italy, citing poor security and human rights conditions and an increased risk of trafficking for migrants forced to remain in Libya. The GNA and Italian government also maintained agreements on judicial cooperation and extraditions. During the reporting period, the GNA made several public statements condemning the exploitation and inhumane treatment of migrants and affirmed its commitment to investigate allegations of trafficking and to hold traffickers criminally accountable. During the reporting period, the government participated in regional meetings, seminars, and workshops related to human trafficking under the framework of the League of Arab Nations and the UN. The GNA foreign ministry co-chaired two migration working groups with an international organization, which aimed to coordinate strategies and policies on migration. The government did not have a national coordinating body responsible for combating human trafficking, but it named a point of contact for trafficking-related inquiries. The government did not conduct any public anti-trafficking awareness campaigns, nor did it take actions to reduce the demand for commercial sex acts, child sex tourism, or forced labor. 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. The government did not provide anti-trafficking training for its diplomatic personnel.

TRAFFICKING PROFILE

As reported over the past five years, 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 it is a source country for Libyan children subjected to recruitment and use by armed groups within the country. 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 18 years old. Children associated with armed groups are also reportedly exposed to sexual violence. Instability and lack of government oversight in Libya continued to allow for human trafficking crimes to persist and become highly profitable for traffickers. Trafficking victims—including men, women, and children—are highly vulnerable to extreme violence and other human rights violations in Libya by government officials and non-state armed groups, including physical, sexual, and verbal assault; abduction for ransom; arbitrary killings; and inhumane detention.

Migrants in Libya are extremely vulnerable to trafficking, including those seeking employment in Libya or transiting Libya en route to Europe. The country continued to serve as the primary departure point for migrants, including unaccompanied minors, crossing the Mediterranean from North Africa. As of December 2017, 147,600 migrants departed from Libya to cross the central Mediterranean, while more than 3,000 died en route due to heavily overcrowded or capsized boats. A fear of GNA Libyan Coast Guard units, who allegedly return migrants rescued

at sea to detention centers in Libya where they are subjected to forced labor, caused some migrants to refuse the help of these units at sea. Highly organized trafficking and migrants smuggling networks that reach 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, debt bondage, 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 and human trafficking. For example, in January 2018, 94 migrants escaped detention by their smugglers in the border area of Tazerbou Municipality while transiting northward to disembarkation points; these migrants were highly vulnerable to exploitation. Armed groups, criminal gangs and networks, smugglers, and traffickers have cooperated and competed in the smuggling and trafficking of migrants to and through Libya, while carrying out serious human rights abuses and violations against migrants. Elements of the GNA Libyan Coast Guard have reportedly worked 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 re-transit migrants back to Libya for detention and further exploitation. Several credible sources continue to report that migrants—some of whom are trafficking victims—held in detention centers controlled by both the DCIM and non-state armed groups and militias were subjected to severe abuse, rampant sexual violence, denial of medical care, and forced labor. Private employers and prison officials use detained migrants from official and unofficial detention centers for forced labor as domestic workers, garbage collectors, and construction, road paving, and agricultural workers. Once the work is completed, employers return the migrants to detention. In November 2017, an international media outlet released a video depicting unidentified individuals selling African migrants reportedly for labor in an undisclosed location in Libya. Migrant returnees from Libya have also reported being sold by individuals and employers for labor or other exploitative purposes. Additionally, an international organization reported in 2017 that many militias in Libya fill their ranks with migrants from Niger, Nigeria, and Chad to perform labor or serve in other non-combat roles.

Female migrants, in particular, are highly vulnerable to sexual assault by various armed groups and smugglers along the migration routes to Libya. Prostitution rings reportedly subject sub-Saharan women and some girls to sex trafficking in brothels, particularly in southern Libya. Nigerian women and girls, in particular, seem to be at increased risk of being forced into prostitution. 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. For example, in 2016 a trafficking network that spanned from Nigeria to Italy via Libya involved a group of Nigerian and Libyan traffickers that forced Nigerian women into prostitution in both Libya and Italy; the network held the victims in warehouses in Sebha and Tripoli until it transported them to Sicily for further sexual exploitation. In 2015 and 2016, ISIS in Libya abducted and took into captivity at least 540 migrants and refugees, including at least 63 women whom ISIS forced into sexual slavery for its

fighters. However, since the defeat of ISIS across most of eastern Libya, there were limited reports of such incidents in 2017.

SPECIAL CASE: ST. MAARTEN[‡]

St. Maarten is a Special Case. In September 2017, the island experienced massive devastation by Hurricane Irma, the worst Atlantic hurricane ever recorded. The hurricane greatly impeded the government's ability to report on efforts made prior to September and the prospects for additional progress in the remainder of the reporting period. The hurricane destroyed government buildings, hospitalized public officials, and diminished critical resources to the justice system.

GOVERNMENT EFFORTS

St. Maarten recognized that human trafficking, including the exploitation of women in prostitution and migrants, was a problem in the country. The penal code criminalized sex and labor trafficking, prescribing penalties ranging from 12 to 24 years imprisonment or a fine. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with penalties for other serious crimes, such as rape. In 2017, accurate information on the country's efforts were difficult to obtain, in large part due to the absence of an operational anti-trafficking coordinator. During the reporting period, authorities conducted one investigation of trafficking, compared to three investigations involving five suspects in 2016, and one investigation involving six suspects in 2015. In 2016, the government brought charges of trafficking against six individuals from two investigations dating back to 2015; criminal proceedings were ongoing at the end of the reporting period. In 2017, the government prosecuted one trafficker, but it was unclear whether it had secured any convictions. Authorities had reported that lack of dedicated funding for anti-trafficking efforts hindered the country's ability to address trafficking.

Information about the country's identification and assistance efforts was not available for 2017. In 2016, the government identified 96 foreign victims, provided shelter and care for five victims, and funded the repatriation of 44 victims. While the government did not have standard operating procedures for the identification or referral of victims, informal agreements between government agencies were in place. Authorities confirmed government officials continued to use an NGO-developed checklist of trafficking indicators to screen illegal migrants for indicators of trafficking before returning them back to their country of origin. The National Reporting Bureau on Human Trafficking (NRB) continued to be responsible for coordinating the government's efforts to combat trafficking and emergency response to cases. Before the storm, the NRB periodically conducted outreach with immigrant communities, businesses, health officials, and the tourism sector on how to identify potential victims and report trafficking crimes, and it conducted quarterly inspections of all brothels and dance clubs. The NRB could fund victim assistance on a case-by-case basis, but services available were limited. The government could provide one NGO with subsidies on an ad hoc basis to provide shelter services for victims of trafficking in a facility dedicated to victims of domestic violence. The government-subsidized NGO was not equipped to deal with large trafficking cases, and psychological assistance to trafficking victims was inadequate.

[‡] St. Maarten is an autonomous entity within the Kingdom of the Netherlands. For the purpose of this report, St. Maarten is not a "country" to which the minimum standards for the elimination of trafficking in the Trafficking Victims Protection Act apply. This narrative reflects how St. Maarten would be assessed if it were a separate, independent country.