

Document #2055225

USDOS – US Department of State

2021 Trafficking in Persons Report: Libya

SPECIAL CASE: LIBYA

Libya is a Special Case for the sixth consecutive year. The Libyan Government of National Accord (GNA) struggled to 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. Violence continued during the reporting period due to the conflict between the Tripoli-based GNA and the self-styled Libyan National Army (LNA), which has sought to establish a rival government in eastern Libya. Financial or military contributions from other states in the region further enabled the conflict, with Turkey supporting the GNA and Russia, the United Arab Emirates, and Egypt supporting the LNA, although some military support abated following a nationwide ceasefire signed on October 23, 2020. 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 disparate groups committed various human rights abuses, including unlawful killings, forcible recruitment, forced labor, and sex trafficking. Impunity for those committing abuses against civilians was a pervasive problem. During the reporting period, an international organization verified the GNA and GNA-aligned armed groups recruited and used child soldiers; the international organization also verified the LNA and LNA-aligned armed groups recruited and used child soldiers. 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 GNA's inability to effectively address human trafficking. On March 15, 2021, the GNA ceded power to a new interim Government of National Unity (GNU) through a UN-led process; the LNA ceded power to the GNU on March 23, 2021.

GOVERNMENT EFFORTS

Lack of institutional capacity, as well as lack of Libyan law enforcement, customs, and military personnel, especially along its 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 between 100 and 500 Libyan dinars (\$75-\$375), 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.

Libya's criminal judicial system was not fully functioning in 2020, nor were there administrative units and courts specifically dedicated to overseeing human trafficking cases. Law enforcement and judicial authorities often lacked the knowledge and understanding of the crime of human trafficking. The Ministry of Interior (MOI), which was nominally responsible for anti-trafficking law enforcement efforts, was limited in its ability to carry out anti-trafficking operations during the reporting period. Although entities such as the Ministry of Justice (MOJ) and Office of the Attorney General issued arrest warrants for alleged perpetrators of various crimes including trafficking during the reporting period, limited policing capacity hindered the government's ability to pursue these trafficking 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 directorates, 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 directorates lacked the capacity to carry out their mandates. Perpetrators committing human rights abuses, including human trafficking crimes, generally operated with impunity. The government did not publicly report statistics on prosecutions or convictions of trafficking offenders, including government officials and government-aligned militias that were allegedly complicit in trafficking crimes. The government did not report if it prosecuted or convicted any individuals involved in the investigation of 205 suspected traffickers that the attorney general's office initiated in 2018, nor did it report if any of the 35 arrest warrants that it issued in January 2019

resulted in trafficking prosecutions or convictions during the reporting period. GNA security forces conducted several raids during the reporting period on known trafficker and smuggler hideouts, including in Bani Walid; the government did not report whether any criminal trafficking investigations or prosecutions were initiated following these raids or whether victims found in these raids were referred to any services. In January 2021, the MOI announced the launch of “Operation Snake Hunt” against human traffickers, migrant smugglers, gangs, drug traffickers, and other criminals; preparations for the operation were ongoing at the end of the reporting period. As in previous years, international organizations and foreign governments facilitated anti-trafficking training for some MOI and MOJ officials during the reporting period.

International observers continued to report complicity of government officials involved in human trafficking, 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 abused their positions to engage in illicit activities, including human trafficking and alleged child soldier recruitment and use. Several credible sources continued to report that DCIM detention center guards and administrative staff forced detained migrants to work at these detention centers and at third locations, such as farms and construction sites. There were anecdotal 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. Reports also suggested staff in some GNA-affiliated migrant detention centers in western Libya sold detainees to local armed groups or otherwise coerced detainees to transport and clean weapons. During the reporting period, an international organization verified GNA forces used a 15-year-old boy abducted from Syria by Syrian opposition groups in hostilities; reports indicated the boy was still associated with a GNA-affiliated brigade at the end of the reporting period. There were also anecdotal reports that children in GNA-affiliated migrant detention centers in western Libya were coerced to work in support roles for GNA-affiliated armed groups. In western Libya, numerous armed groups, including some GNA-aligned units, continued to engage in the trafficking of detained migrants. In addition, some LCG units, which were under the authority of the MOD, allegedly were composed of former human traffickers and smugglers or coordinated with groups involved in human trafficking, migrant smuggling, and other crimes. Militia members operating the Zawiya detention center reportedly physically abused detained migrants and sold some female migrants into sexual slavery; in late 2019, the center was transformed into an army barracks for militias, further endangering detained migrants and trafficking victims. In 2018, the UN sanctioned a commander of the Zawiya LCG for perpetrating violence against migrants and the GNA subsequently suspended him from his duties as the LCG commander. Credible sources reported he continued to work on LCG missions in Zawiya port through September 2020. However, in October 2020, authorities arrested the former LCG commander, and he remained in detention at the end of the reporting period.

The government arrested, detained, or otherwise punished victims for unlawful acts traffickers compelled them to commit, such as immigration and prostitution violations and alleged affiliation to armed groups. As of April 2021, DCIM managed 15 operational detention facilities throughout Libya where it arbitrarily and indefinitely detained adult and child migrants and refugees—many of whom were unidentified trafficking victims. During the reporting period, the DCIM announced it would begin closing coastal detention centers and transferring the remaining detainees to two large inland facilities; DCIM did not report whether it would screen detainees for trafficking indicators as part of this process. DCIM-run detention facilities suffered from massive overcrowding, lack of basic infrastructure, dire sanitation problems, and food shortages. Detainees, including trafficking victims, had limited access to medical care, legal aid, and other forms of protective services. However, during the reporting period, the MOI allowed international organizations and NGOs to conduct limited protection monitoring and medical visits to DCIM detention centers. Detainees did not have access to immigration courts or other forms of due process. DCIM staff continued to subject detainees to severe abuse, forced labor, unlawful killings, and rape and other forms of sexual violence. No DCIM detention centers employed female guards, except for the Tariq al-Sekka detention center; the lack of female personnel at the majority of detention centers and climate of impunity for sexual violence contributed to the increased vulnerability of female detainees to abuse and exploitation. There were reports that GNA armed forces used some detention centers as recruitment or training grounds and to store weapons and equipment, further endangering detainees and trafficking victims.

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 foreign migrants, refugees, and asylum-seekers; women in commercial sex; and children recruited and used by government-aligned militias or other armed groups. The government did not report identifying any victims or provide foreign trafficking victims with legal alternatives to their removal to countries where they could face hardship or retribution. Libyan authorities continued to cooperate with international organizations to repatriate, resettle, or evacuate some migrants, which likely included unidentified trafficking victims; however, COVID-19 pandemic-related travel restrictions temporarily suspended the program during the reporting period. The government allowed an international organization 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. During the reporting period, the government continued to cooperate with international organizations, international NGOs, and diplomatic missions to facilitate the provision of humanitarian assistance to refugees and migrants, a population highly vulnerable to trafficking, in DCIM-run detention centers. 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.

Libya is a party to the 2000 UN TIP Protocol, but the government lacked the institutional capacity and resources to prevent human trafficking. The GNA’s lack of acknowledgement of the scope of human trafficking concerns in Libya contributed to an environment of impunity that further enabled trafficking; MOI and DCIM officials acknowledged that migrant smuggling occurred in Libya but continued to insist trafficking was not a widespread phenomenon. The GNA 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. During the reporting period, the GNA continued to partner with some European countries to disrupt human trafficking and migrant smuggling operations, substantially reducing the flow of irregular migrants crossing the Mediterranean over previous years. 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—including 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. Credible reports since 2013 indicate numerous armed groups and militias, some of which are used as combat forces or security enforcement by the government, recruit and use children. During the reporting period, an international organization verified the 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. Uncorroborated media reports in 2018 also claimed that ISIS trained and used children in 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. There were an estimated 278,177 IDPs in Libya at the end of 2020, of whom 94 percent were displaced due to the deterioration of security conditions in the country.

Migrants in Libya are extremely vulnerable to sex and labor trafficking, including those seeking employment in Libya or transiting Libya en route to Europe. Migrants living in Libya are vulnerable to exploitation by state and non-state actors, including employers who refuse to pay laborers’ wages. As of the end of 2020, international organizations estimated there were at least 574,000 migrants and 43,000 refugees and asylum-seekers in Libya. Labor migrants in Libya typically come from sub-Saharan and Sahel states. An international organization estimated 80,000 migrants left Libya for neighboring countries since the start of the pandemic. The country continued to serve as a departure point for migrants, including unaccompanied children, crossing the Mediterranean to Europe from North Africa; the numbers of sea departures from Libya to Europe increased in 2020 nearly threefold, in part due to pandemic-related 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 re-transit migrants back to Libya for detention and further exploitation. Throughout 2019 and 2020, due to violence and localized clashes, 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.

Various armed groups, criminal gangs and networks, tribal groups, 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, 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 subjected to severe abuse, rampant sexual violence, and forced labor. As of February 2021, international organizations estimated there were more than 1,550 migrants and refugees in detention centers affiliated with either the GNA or rival LNA. There are an unknown number of migrants and refugees detained in informal detention facilities across the country affiliated with various non-state armed groups. 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 in exchange for their release from prison. 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. Furthermore, 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 to serve in other non-combat roles. 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 that migrant men and boys are increasingly vulnerable to rape and other forms of sexual abuse. Prostitution 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.

ecoi.net summary:

Annual report on trafficking in persons (covering April 2020 to March 2021)

Country:

Libya

Source:

[USDOS – US Department of State](#)

Original link:

<https://www.state.gov/reports/2021-trafficking-in-persons-report/libya/>

Document type:

Periodical Report

Language:

English

Published:

1 July 2021

Document ID:

2055225

Austrian Red Cross
Austrian Centre for Country of Origin and Asylum
Research and Documentation (ACCORD)

Wiedner Hauptstraße 32, 1041 Wien
[T \(Telefon\)](tel:+43158900583) +43 1 589 00 583
[F \(Fax\)](tel:+43158900589) +43 1 589 00 589
info@ecoi.net

Contact
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