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LIBYA: SPECIAL CASE

Libya is a Special Case for the second consecutive year. 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 arrived in the capital Tripoli in late March 2016. Despite this political progress, the 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 extremist violence throughout 2016 and into 2017. The judicial system was not fully functioning, 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. Accurate information on human trafficking continued to be difficult to obtain, in large part due to the withdrawal of most diplomatic missions, international organizations, and NGOs in 2014.

GOVERNMENT EFFORTS

The government lacked the capacity to address basic security challenges, including human trafficking, as it struggled to exert control over a significant amount of Libya's territory. The lack of rule-of-law hindered police and judicial officials' from addressing trafficking crimes; the government did not provide anti-trafficking trainings to officials. 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, including courts in major cities, were not functioning in 2016, the government did not investigate, prosecute, or convict any trafficking offenders. The Ministry of Interior, 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. Furthermore, the government did not report any investigations,

prosecutions, or convictions of government officials including Libyan Coast Guard officials, immigration officers, and Ministry of Interior's Department to Combat Irregular Migration (DCIM) prison guards who were allegedly complicit in trafficking crimes. The government also 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 have any policy structures, capacity, or resources to proactively identify and protect trafficking victims among vulnerable groups, such as foreign migrants, street children, girls in forced sexual exploitation, and women in prostitution. It also did not have measures in place to protect children recruited and used by armed groups. The government punished victims for unlawful acts committed as a direct result of being subjected to human trafficking, such as immigration and prostitution violations; it treated victims as illegal migrants and therefore subjected them to detention, severe punishment, and deportation. The government arbitrarily detained migrants, including potential trafficking victims, in official DCIM-run and unofficial detention facilities for indefinite periods of time with no access to legal aid; detained victims were subjected to sexual violence and rape, ill-treatment, and unlawful killings. Moreover, authorities made no effort to protect detained foreign migrants in both official and unofficial detention centers from being sold into forced labor. In 2016, the government announced the voluntary repatriation of 200 illegal migrants from Niger, who it had held in detention centers in Tripoli. The government, however, did not make efforts to identify potential trafficking victims among this vulnerable group. The government did not encourage victims to participate in the investigation and prosecution of traffickers, and it did not provide foreign trafficking victims with legal alternatives to their removal to countries where they faced hardship or retribution.

The government lacked the political will, institutional capacity, and resources to prevent human trafficking. The government did not prevent government officials or other armed groups from forcing detained migrants to work; on the contrary, the government's system of detaining migrants enabled forced labor crimes to occur. 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 have a national coordinating body responsible for combating human trafficking, nor did it have a national action plan to combat 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, child sex tourism, or forced labor. The government did not provide anti-trafficking training for its diplomatic personnel.

SCOPE AND MAGNITUDE

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. Instability and lack of government oversight continued to allow for human trafficking crimes to persist and become highly profitable for traffickers. As reported by international organizations in 2016, 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 crossing the Mediterranean from North Africa, with more than 90 percent of those crossing the Mediterranean Sea departing from Libya. 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 to sex trafficking in brothels, particularly in southern Libya. Nigerian women are at increased risk of being forced into prostitution, while Eritreans, Sudanese, and

Somalis are at risk of being subjected to forced labor. Trafficking and 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, 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 reportedly 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. In February 2015, the media reported a Russian trafficking network brought hundreds of Bangladeshi nationals to Italy via Libya, where they subsequently endured forced labor.

There are multiple reports of migrants some of whom may be trafficking victims held in detention centers controlled by both the DCIM and non-state armed groups, where they are subject to severe abuse, rampant sexual violence, denial of medical care, and forced labor. For example, private employers and prison officials use detained migrants from official and unofficial prisons and detention centers for forced labor as domestic workers, construction and road paving workers, and garbage collectors. As reported by an international organization in December 2016, armed groups, criminal gangs and networks, smugglers, and traffickers have cooperated and competed in the smuggling and trafficking of migrants through Libya, while carrying out serious human rights abuses and violations against migrants. Elements of the Libyan Coast Guard have reportedly worked with armed groups and other criminals, including traffickers, to exploit migrants for profit. Coast Guard officials also return migrants rescued at sea to detention centers in Libya where they are subjected to forced labor.

Since mid-2015, ISIS in Libya has abducted and taken into captivity at least 540 migrants and refugees, including at least 63 women whom ISIS forced into sexual slavery for its fighters. 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. An international organization reported that armed groups recruited and used children throughout 2015. For example, groups affiliated to ISIS operated training camps south of Sirte, and in December 2015, 85 children under 16 years old attended a graduation ceremony for a training camp.

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