

2019 Trafficking in Persons Report: Libya

SPECIAL CASE: LIBYA

Libya is a Special Case for the fourth 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 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 reporting year, 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 government corruption and militias' influence over government ministries contributed to the GNA's inability to effectively address trafficking.

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 address 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* (\$72-\$361), 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 2018. 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 reporting period. Libyan police forces were not adequately staffed or funded. In late 2018, the MOI formed a Human Rights Office, which was granted arrest authority and the responsibility to investigate human rights abuses, including human trafficking crimes, perpetrated by police officers. To improve law enforcement capacity, the GNA—in partnership with international organizations—provided anti-trafficking training to several hundred police officers in Tripoli in December 2018. The Ministry of Justice (MOJ) did not report statistics on prosecutions or convictions of trafficking offenders, including government officials who were allegedly complicit in trafficking crimes or government-aligned militias and other armed groups that recruited and used child soldiers. In January 2019, the Office of the Attorney General issued arrest warrants for 35 individuals allegedly involved in human trafficking and migrant

smuggling crimes. The Attorney General's Office reportedly continued to investigate 205 people, for whom it issued arrest warrants in the previous reporting period, on allegations of human trafficking and other crimes related to a widely publicized 2017 case. However, it did not report additional information about this case.

International observers reported rampant complicity of government officials involved in human trafficking and migrant smuggling operations, including Libyan Coast Guard officials, immigration officers, security officials, Ministry of Defense (MOD) officials, members of armed groups formally integrated into state institutions, as well as officials from the MOI and MOI's Department to Combat Irregular Migration (DCIM). Several credible sources continued to report that DCIM prison officials and detention camp guards forced detained migrants and refugees to work in DCIM-run detention centers and on farms and construction sites. According to an international organization, the Special Deterrence Force, which nominally operated under the MOI, was involved in the trafficking of detained migrants and benefited from extortion payments sent by the migrants' family members for the migrants' release. Additionally, during the reporting period, the MOD 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 northwestern Libya; this allegiance allowed the armed group to continually shift its activities from committing smuggling and trafficking crimes, to policing migrants for the government. In June 2018, the UN and the United States sanctioned a top regional leader of the Libyan Coast Guard's Unit in the city of Zawiya and the leader of the Shuhada al-Wadi militia, who ran the GNA-controlled Nasr migrant detention center, for alleged involvement in human trafficking and migrant smuggling. The GNA removed the Coast Guard official from his position, but it did not initiate further investigation or prosecute either official for these allegations. The GNA was supportive of these sanctions and issued public statements of condemnation against the trafficking and smuggling of migrants.

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, refugees, and asylum seekers, women and girls in prostitution, child victims of sexual abuse, and children recruited and used by armed groups. The government also did not provide permanent or temporary residency status to trafficking victims. Female victims of trafficking and other crimes faced sexual harassment and assault and degrading treatment by predominantly male law enforcement and judicial officials in Libya. The government continued to operate rehabilitation centers for women in prostitution and victims of sex trafficking and other forms of sexual abuse; however, these centers reportedly operated as de facto prisons, and international observers documented incidents of abuse in these centers.

The government regularly arrested, detained, and otherwise punished victims for unlawful acts traffickers compelled them to commit, such as immigration and prostitution violations. DCIM operated more than 20 official detention centers across the country where it arbitrarily and indefinitely detained approximately 5,000 male, female, and child migrants throughout the reporting period; the number of migrants in the detention centers decreased substantially from 20,000 migrant detainees reported at the end of 2017 due to a concerted effort by international organizations and donor states to repatriate the migrants throughout 2018. Nevertheless, these detention facilities suffered from massive overcrowding, lack of basic infrastructure, dire sanitation problems, and food shortages. Detained migrants—including trafficking victims—had no access to medical care, legal aid, and other forms of protective services. DCIM guards subjected 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, where in January 2018 it hired an unknown number of female personnel to staff a section of the center reserved for women and child migrants. An international organization reported the climate of impunity for sexual violence, and lack of safeguards in these centers created an environment where women and girls in detention were highly vulnerable to sexual exploitation. In 2018, the Director of the DCIM issued instructions to 26 DCIM-run detention centers with explicit directions to treat detained migrants humanely, which included issuing information to migrants about their rights under Libyan law. Despite these directives, many militia groups in charge of detention centers around the country did not observe these directives and procedures, in part because they benefited from involvement in trafficking crimes. The Director also ordered the closure of five DCIM-run centers where gross human rights violations reportedly occurred.

The government did not have formal procedures to safely and humanely refer or transfer to protective care identified trafficking victims, including those detained, arrested, or in custody. However, during the reporting period, the government cooperated with international organizations and NGOs to provide assistance to refugees and migrants, a population highly vulnerable to trafficking, in official government-run detention centers. In December 2018, the MOI and an international organization jointly opened a transit center for migrants and refugees in Tripoli, which was managed by a relief organization, to provide more humane conditions for as many as 1,000 detainees; however, the GNA did not have policies in place to identify potential trafficking victims among the population in this facility. Libyan authorities continued to cooperate with international organizations to repatriate, resettle, or evacuate migrants, which likely included unidentified trafficking victims. The GNA processed the necessary permits and facilitated exit visas to allow an international organization to conduct more than 16,000 flights to repatriate migrants in 2018; it also allowed the evacuation of 4,080 refugees and asylum seekers. The government did not, however, provide foreign trafficking victims with legal alternatives to their removal to countries where they could face hardship or retribution.

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. While the government's efforts to close some detention facilities prevented migrants in those locations from further exploitation, migrants in other DCIM-run detention centers remained highly vulnerable to trafficking. During the reporting period, the Ministry of Foreign Affairs (MFA) improved regional cooperation on migration issues to which trafficking was inextricably linked in Libya with the African Union, and established a regional mechanism to discuss migration issues in Libya, Chad, Niger, and Sudan. The MFA also continued to co-chair a migration working group with an international organization, which focused on developing a migration management strategy and writing an inter-ministerial study on border security. During the reporting period, the GNA continued to coordinate with the Italian government to disrupt human trafficking and migrant smuggling operations, substantially reducing 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 severe security and human rights conditions and an increased risk of trafficking for migrants forced to remain in Libya. In turn, the Italian government and other European governments documented how some European and international NGOs working to assist migrant populations partnered with smuggling groups inside Libya in order to help these migrants cross the Mediterranean. 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, child sex tourism, or forced labor. However, in December 2018, the Criminal Investigation Department within the Ministry of Interior partnered with an international organization to train police officers on document forgery, including those used by traffickers and migrant smugglers. 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, human traffickers exploit domestic and foreign victims in Libya. 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; 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; an international organization documented incidents in 2018 in which local armed groups forcibly recruited boys aged 13-15 years old. Children associated with armed groups in Libya are also reportedly exposed to sexual violence. Uncorroborated media reports in 2018 also claimed that ISIS trained and used children in suicide attacks, to fire weapons, and make improvised explosive devices.

Migrants in Libya are extremely vulnerable to sex and labor trafficking, including those seeking employment in Libya or transiting Libya en route to Europe. As of December 2018, an international organization documented at least 663,445 migrants in 100 municipalities in Libya. The country continued to serve as a significant departure point for migrants, including unaccompanied minors crossing the Mediterranean from North Africa; however, the numbers of sea departures from Libya to Italy substantially decreased throughout 2018. Elements of the GNA Libyan Coast Guard 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. A fear of GNA Libyan Coast Guard units, who return migrants rescued at sea to detention centers in Libya where they may be subjected to forced labor, led some migrants to refuse the help of these units at sea. Various 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. Highly organized trafficking and migrant smuggling networks that reach into Libya from Niger, Nigeria, Chad, Eritrea, Ethiopia, Somalia, Sudan, and other sub-Saharan and Sahel states 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 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 trafficking. In May 2018, 100 migrants from Eritrea, Ethiopia, and Somalia—some of whom may have been trafficking victims—escaped a camp in Bani Walid where they were reportedly tortured.

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, denial of medical care, and forced labor. Private employers and DCIM 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 some cases, detained migrants were 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.

There is a reported high prevalence of sexual assault and other forms of sexual violence and exploitation of female migrants either along the migration routes to Libya or once inside Libya, including in GNA-run and militia-run detention facilities; perpetrators of sexual violence against female migrants include various armed groups, smugglers, traffickers, and GNA officials. Prostitution rings reportedly subject sub-Saharan women and girls to sex trafficking in brothels, particularly in the towns of Ubari, Sebha, and Marzouq in southern Libya; Nigerian women and girls and Ivoirian women are at increased risk of forced prostitution 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. 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 2018.