

**ICMPD Policy Brief**

**What are the protection  
concerns for migrants and  
refugees in Libya?**

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## 1. Introduction

This Policy Brief<sup>1</sup> assesses the main protection concerns affecting migrants in Libya and migrants transiting through Libya to the EU.<sup>2</sup> The protection concerns identified include: death; torture; physical violence; sexual and gender-based violence (SGBV); kidnapping for ransom; extortion; exploitation and human trafficking; basic survival issues; arbitrary detention; and detention conditions. The Brief concludes with recommendations about how to respond.

The specificities of the situation in Libya in terms of protection concerns for migrants, and indeed in relation to any recommendations on how to improve the situation, are characterised by the fact that Libya is:

- (1) a country experiencing **ongoing armed conflict (civil war)** in various regions;<sup>3</sup> and
- (2) a crucial **transit country for irregular migration to the EU**, as well as an important destination country for immigration.<sup>4</sup>

Furthermore, two key features of the current situation should be taken as caveats. First, due to ongoing armed conflict and instability in Libya since 2011, and particularly since 2014, **access to accurate information on protection concerns is challenging**. This is particularly the case in relation to migrant children, and in relation to the situation in Southern Libya. Second, the volatility of the situation and developments in the control of territory mean that **conditions change rapidly**. The information presented is accurate as of the time of writing, but the situation on the ground is in constant flux.

## 2. Libyan Context

Political developments in Libya, with short-lived alliances between groups and ongoing armed conflict, influence protection challenges for migrants as well as for local populations, and affect the routes used by migrants to Libya, through Libya, and from Libya to Europe. The conflict has also led to secondary and multiple displacement of migrants. Currently, no one group in Libya has control of the entire country, and even those acting at a national level also have local and regional allegiances. There are three distinct polities, each with differing degrees of control over their respective regions, as well as city-based groups, other armed groups and jihadist militias, including Da'esh (ISIS/IS/ISIL) and Ansar Al-Sharia, who also control certain territories. The three centres of power are:

- A. The authorities on the Eastern Coast, in Tobruk (**House of Representatives, HoR**) and al-Bayda, both aligned with General Khalifa Haftar, head of the **Libyan National Army (LNA)**.
- B. The **Presidential Council (PC)**, headquartered in Tripoli and led by Fayeze al-Sarraj, which presides over the interim **Government of National Accord (GNA)**. The UN and EU consider the PC and GNA to be the "legitimate Libyan authorities", in line with UN SC Resolution 2259.
- C. The **Government of National Salvation**, also based in Tripoli, led by Prime Minister Khalifa Ghwell and appointed by the **General National Congress (GNC)**.

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<sup>2</sup> "Migrants" is understood throughout to include refugees, asylum applicants and migrants.

<sup>3</sup> According to an ICMPD study: "*The history of crisis and protracted tensions confirm that, in 2017, it is impossible to speak of a clear 'post-crisis' phase [...]. Rather, we must speak of periods of heightened violence and civil unrest, with recurrent acute flare-ups.*" ICMPD (2017). *Migrants in Countries in Crisis (MICIC) - Libya Case Study: An Unending Crisis – Responses of Migrants, States and Organisations to the 2011 Libya Crisis. Insights from Burkina Faso, Chad, Egypt, Ghana, Niger and Tunisia*. Vienna: ICMPD, p.89.

<sup>4</sup> Indeed, in 2016 and 2017, the majority of people arriving irregularly in the EU by sea and land transited through Libya.

The UN Panel of Experts on Libya assessed in June 2017 that the armed conflict in Libya is escalating. The impact of the conflict on civilians in Libya, including fatalities, injuries and loss of property and livelihoods,<sup>5</sup> is relevant also in terms of protection concern for migrants, given that they comprise a significant sub-section of the civilian population in Libya. Hostilities are localised within Libya, and therefore related protection concerns are distinct according to the regions of Libya: Tripolitania in the Northwest, Cyrenaica in the East (including the “oil crescent”) and Fezzan in the Southwest.

The main Libyan legislative instrument governing migration is: Law No. 6/1987 Regulating Entry, Residence and Exit of Foreign Nationals to/from Libya, as amended by Law No. 2/2004 and Law No. 19/2010 on Combating Irregular Migration. In 2007, entry visa requirements were introduced for people from sub-Saharan African and Arab countries. The 2010 law criminalises any irregular entry, stay or departure, with no distinction made between migrants, refugees and victims of trafficking. Article 19 allows for the indefinite detention, followed by deportation, of irregular migrants. Libya has neither signed nor ratified the 1951 UN Refugee Convention, though it has ratified the 1969 African Union (AU) Convention governing the Specific Aspects of Refugee Problems in Africa. Nevertheless, it has not yet domesticated the AU Refugee Convention into national law.

The mixed migration route through Libya to Europe is the most frequently used route for irregular entry into the EU and it is also the most dangerous and deadly. This year so far (as of 8 November), 114,411 people arrived in Italy by sea. 90-95% of all those taking the Central Mediterranean route depart from the Western Coast of Libya.

Over half of those people arriving in Italy by sea originate from West African countries, with the largest groups (as of mid- 2017) comprising Nigerians (17%), Bangladeshis (10%), Guineans (9%), Ivoirians (9%), Gambians (6%), Senegalese (6%) and Malians (6%), followed by Eritreans, Moroccans and Sudanese. 15% of people arriving were children (12,239 children), most of whom were unaccompanied and from Guinea, Côte d’Ivoire, The Gambia and Bangladesh. A further 11% were women, while men constituted the remaining 74%.

### 3. Categories of People Affected

The majority of migrants in Libya are young, single men, who do not have a high level of education, though there are some women and children. The conditions experienced by different groups of migrants and the migratory routes that they take to and through Libya mean that there are distinct protection concern according to countries of origin, as well as age, gender and other aspects.

The following five sub-categories are proposed, in accordance with countries of origin:

1. People from **neighbouring countries** (Chad, Egypt, Niger, Tunisia and border areas of Sudan). The largest migrant group are Egyptians, comprising around one million people, the majority of whom have regular immigration status. Little information is available about protection challenges relating to this sub-category, and it appears that they are less likely to be detained. Most stay in Libya, rather than moving to Europe.
2. People from **West and Central Africa** (particularly Nigeria, Guinea, Côte d’Ivoire, The Gambia, Senegal, Ghana, Mali and Cameroon). Among this sub-category, most people have irregular status and the ongoing violence and instability in Libya may have precipitated many people’s decision to cross the Mediterranean, particularly those are unable or unwilling to return to their countries of origin.

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<sup>5</sup> According to the UN Mission in Libya (UNSMIL), from January to August 2017, 118 civilians were killed and 134 injured as a result of the civil war.

3. People from **East and Horn of Africa** (Eritrea, Somalia, Ethiopia, Sudan and South Sudan). This group is in a similar situation to the previous sub-category, with the distinction that many are in a refugee situation and therefore unable to return to their country of origin.
4. People from the **Middle East**, especially Syrians, Palestinians and Iraqis. These migrants, mostly in a refugee situation, may have recourse to the Libya-Italy route as the only remaining option after the blocking of other routes.
5. People from **South and Southeast Asia**, especially Pakistanis and Bangladeshis. Libya has been a country of destination for labour migration since the 1980s, but they are increasingly leaving Libya for Italy: between January and May 2017, 7,106 Bangladeshi people arrived by sea, comprising 11.8% of the total at that time.

Aside from country of origin, protection concern for migrants are also related to gender and age, with **different risks and human rights violations experienced by girls, boys, women and men**. This is further affected by: whether a person has regular or irregular immigration status in Libya; whether they are fleeing persecution and would have a case for international protection – and whether or not they are registered with UNHCR –; or, indeed, whether they have been returned to Libya from a different country. The intentions of migrants also play a role, *i.e.* whether they intend to remain in Libya or migrate onwards to the EU. Furthermore, xenophobia and racism, particularly against Sub-Saharan Africans, also significantly worsen protection concerns for certain groups.

## 4. Protection Concerns

Over the past 12 months, a number of UN agencies and other humanitarian organisations have released reports detailing protection concerns affecting migrants in Libya, including severe human rights violations.<sup>6</sup> On the basis of these reports and other sources, it is clear that protection concerns are faced by migrants in different contexts:

- *en route* to Libya;
- within Libya, including in the context of detention; and

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<sup>6</sup> See, *inter alia*: ICMPD (2017). *Migrants in Countries in Crisis (MICIC) - Libya Case Study*, *op. cit.*; ICMPD (30.08.2017). *Gestion de la Migration Basée sur les Droits des Migrants en Libye. Rapport de la phase de consultation – Synthèse*. Tunis: ICMPD; UN Security Council (01.06.2017). Letter dated 1 June 2017 from the Panel of Experts on Libya established pursuant to resolution 1973 (2011) addressed to the President of the Security Council. <http://reliefweb.int/sites/reliefweb.int/files/resources/N1711623.pdf>, accessed 12.09.2017; UNHCR, Altai & IMPACT (2017). *Mixed Migration in Libya: Changing dynamics and protection challenges*; IOM Global Migration Data Analysis Centre (2016). *Assessing the Risks of Migration along the Central and Eastern Mediterranean Routes: Iraq and Nigeria as Case Study Countries*. Geneva: IOM. UNHCR (2017). “Joint UNHCR and IOM statement on addressing migration and refugee movements along the Central Mediterranean route”, [www.unhcr.org/uk/news/press/2017/2/58931ffb4/joint-unhcr-iom-statement-addressing-migration-refugee-](http://www.unhcr.org/uk/news/press/2017/2/58931ffb4/joint-unhcr-iom-statement-addressing-migration-refugee-), accessed 15.09.2017; OHCHR (08.09.2017). “Returned migrants are being robbed, raped and murdered in Libya. Opinion by Zeid Ra’ad Al Hussein, UN High Commissioner for Human Rights”. [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22039&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22039&LangID=E), accessed 12.09.2017; ICC (09.05.2017). “Statement of ICC Prosecutor to the UNSC on the Situation in Libya”. [www.icc-cpi.int/legalAidConsultations?name=170509-otp-stat-lib](http://www.icc-cpi.int/legalAidConsultations?name=170509-otp-stat-lib), accessed 24.09.2017; EMN (2016). *A study on smuggling of migrants: Characteristics, responses and cooperation with third countries. Case Study 2: Ethiopia – Libya – Malta/Italy*. Brussels: European Commission; UNSMIL & OHCHR (2017). *‘Detained and Dehumanised’: Report on human rights abuses against migrants in Libya*; Amnesty International (2015). *‘Libya Is Full of Cruelty’: Stories of Abduction, Sexual Violence and Abuse from Migrants and Refugees*. London: Amnesty International; Altai Consulting (2017). *Leaving Libya: Rapid Assessment of Municipalities of Departure of Migrants in Libya*. [www.altaiconsulting.com/insights/leaving-libya-rapid-assessment-municipalities-departure-migrants-libya](http://www.altaiconsulting.com/insights/leaving-libya-rapid-assessment-municipalities-departure-migrants-libya), accessed 24.09.2017; UNICEF Child Alert (2017). *A Deadly Journey for Children: The Central Mediterranean Migration Route*. [www.unicef.org/publications/files/EN\\_UNICEF\\_Central\\_Mediterranean\\_Migration.pdf](http://www.unicef.org/publications/files/EN_UNICEF_Central_Mediterranean_Migration.pdf), accessed 15.09.2017.; IOM & UNICEF (2017). *Harrowing Journeys: Children and youth on the move across the Mediterranean Sea, at risk of trafficking and exploitation*. [www.unicef.org/publications/files/Harrowing\\_Journeys\\_Children\\_and\\_youth\\_on\\_the\\_move\\_across\\_the\\_Mediterranean.pdf](http://www.unicef.org/publications/files/Harrowing_Journeys_Children_and_youth_on_the_move_across_the_Mediterranean.pdf), accessed 19.09.2017.

- in the context of the sea crossing to Europe.

Within Libya, as the country is currently experiencing widespread armed conflict, some of the protection concerns for migrants in the country include the same risks faced by Libyan civilian and displaced populations. However, migrants' vulnerabilities are increased by xenophobia, racial discrimination, uncertain legal status and relationships with migrant smugglers, and the fact that they do not have communities and family members to support them. Migrants are also regularly detained, and there are reports of *"horrendous violations and abuses faced by migrants in official and unofficial detention centres in Libya"*.<sup>7</sup>

Due to the absence of legal channels for travelling to the EU for the vast majority of migrants, people have to make a dangerous sea crossing, and must have recourse to the services of smugglers, which creates specific vulnerabilities and protection concerns. The boats used are often dangerously ill-equipped, lacking essential safety equipment, and overcrowded - in order to maximise profits. These conditions are even riskier for vulnerable groups such as children, women and people who are elderly or disabled. 450,000 people have arrived in Italy by sea since the beginning of 2015, and a total of over 600,000 people since 2013.

The main human rights violations affecting migrants in Libya are:

- A) basic survival issues and death;
- B) physical violence;
- C) Sexual and Gender-Based Violence (SGBV);
- D) kidnapping for ransom and extortion;
- E) exploitation and human trafficking;
- F) arbitrary detention; and
- G) detention conditions.

The perpetrators of these abuses include individual personnel of GNA authorities (Coastguard, Department for Combatting Irregular Migration - DCIM) and their allied militias; the LNA, other authorities and their allied militias; Da'esh, Ansar Al-Sharia and other Islamist groups; other armed groups; smugglers and traffickers; private employers, including owners of farms and construction companies; and other individuals.<sup>8</sup>

## **A. Basic survival issues and death**

In the context of journeys to and through Southern Libya (Fezzan), there are basic survival issues in desert conditions, including dehydration, exhaustion, injury and death. IOM's Missing Migrants project has recorded a total of 358 people who died on migration routes in North Africa, mostly in Libya, during 2017 so far, including 56 people on the Libyan border with Egypt, 23 in the Southern desert in Libya, and 129 in the coastal region between Sabratha and Ajdabiya. The top causes of death were starvation (150 people), sickness and lack of access to medicines (106), dehydration (80), excessive physical abuse (78) and vehicle accidents (58). However, it is acknowledged that there is chronic under-counting of dead or "missing" migrants.

Within Libya, protection concerns related to fulfilling basic needs such as food and shelter are further exacerbated by the lack of essential services such as healthcare, and opportunities for income generation, due to the ongoing conflict. An additional factor in this vulnerability for many people is irregular immigration status.

<sup>7</sup> OHCHR (08.09.2017). "Returned migrants are being robbed, raped and murdered in Libya. Opinion by Zeid Ra'ad Al Hussein, UN High Commissioner for Human Rights". [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22039&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22039&LangID=E), accessed 12.09.2017, *op. cit.*

<sup>8</sup> For evidence of the involvement of these actors in abuses, please see the reports listed in footnote 6 above.

Around half of the people interviewed by UNSMIL and OHCHR who had been detained in official and unofficial detention facilities in Libya said that they had witnessed the deaths of other migrants. They attributed the fatalities to detention conditions, including severe malnutrition, illness, beatings and other violence. The German Embassy in Niger authenticated reports of executions, torture and other systematic rights abuses in Libyan detention facilities.

2,749 people have died at sea in the Central Mediterranean in 2017 so far (as of 8 November), while a total of 13,826 people were recorded as rescued at sea. A total of 4,581 people died in the Central Mediterranean during 2016. The proportion of deaths vs. arrivals in 2017 so far is 2%, as compared to 1.2% in 2016. Some deaths were caused by “*dangerous, life-threatening interceptions by armed men believed to be from the Libyan Coast Guard.*”<sup>9</sup> The UN Panel of Experts on Libya found a number of reports of individual Coastguard personnel’s involvement in criminal activities, including members of the Coastguard shooting at boats carrying migrants in order to sink them.

## B. Physical violence

Physical abuse of migrants *en route* to Libya is perpetrated by smugglers, their intermediaries, state authorities and armed groups. Robbery and beatings are a regular feature of the journey to Libya. In 2015, research found that migrants in Libya were being physically attacked, robbed, abducted, tortured and killed in public places and in their homes, particularly people from religious minorities. The lack of rule of law has also created the conditions for increased xenophobia among some Libyans. In addition to lawlessness, weapons have proliferated since 2014, causing increased risk of violent injury for Libyans and migrants. On land in the coastal region, there are reports of widespread abuse and human rights violations of migrants, including deprivation of food, water and access to sanitation, as well as summary executions, torture, beating, robbing and shooting perpetrated by migrant smugglers, individual personnel of the Libyan authorities (DCIM and Libyan Coastguard) and armed groups.

UNSMIL also documented torture and physical abuse of migrants in detention by some DCIM guards, including gunshots and knife injuries, as well as extortion. In situations where migrants are detained in locations experiencing ongoing armed conflict, such as in parts of Tripoli, there is also a risk of physical harm, injury or death as a result of the fighting.

## C. Sexual and Gender Based Violence

The journey to Libya is particularly risky for women and children. UNICEF described sexual and gender-based violence at crossings and checkpoints as “*widespread and systemic*”, and in some cases this leads to sexual exploitation.<sup>10</sup> Women and girls are subjected to various types of sexual abuse, with reports of migrant women and girls becoming pregnant as a result of rape in a detention centres, or sexual exploitation in prostitution. Specifically on women and children who are detained in centres controlled by armed groups, UNICEF reports that “*violence and brutality are commonplace.*”<sup>11</sup> Migrant women held in detention centres are at particular risk, as they are often held in cells guarded by male guards, who have full access to the cells. In addition, several reports indicate that guards “organise” rapes in the cells, and are involved in sexual exploitation and trafficking, using detention centres as brothels for forced prostitution.<sup>12</sup> Other cases involve selling

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<sup>9</sup> UNSMIL & OHCHR (2017). ‘*Detained and Dehumanised*’, *op. cit.*

<sup>10</sup> UNICEF Child Alert (2017). *A Deadly Journey for Children*, *op. cit.*, p.5.

<sup>11</sup> UNICEF Child Alert (2017). *A Deadly Journey for Children*, *op. cit.*

<sup>12</sup> OHCHR (08.09.2017). “Returned migrants are being robbed, raped and murdered in Libya”, *op. cit.* ICMPD research on the Syrian conflict found a similar case of “Syrian prison guards sexually exploiting migrant women who were former domestic workers, in exchange for the money that they needed to survive in detention”. See: ICMPD (2015). *Targeting Vulnerabilities: The Impact of the Syrian War and Refugee Situation on Trafficking in Persons – a Study of Syria, Turkey, Lebanon, Jordan and Iraq*. Vienna: ICMPD. [www.icmpd.org/our-work/capacity-building/trafficking-in-human-beings/trafficking-and-the-syrian-war](http://www.icmpd.org/our-work/capacity-building/trafficking-in-human-beings/trafficking-and-the-syrian-war), p.180.

detained women as “sex slaves” and sexual violence, including rape, perpetrated by individual members of the Coastguard in the context of search and rescue.

#### **D. Kidnapping for ransom and extortion**

In Southern Libya, some migrants were kidnapped by armed groups, who demanded a ransom, or forced them to work in order to be released. Migrants are also reported to experience kidnapping for ransom and extortion by smugglers, intermediaries, Libyan authorities and armed groups. Extortion is also perpetrated in the context of detention, with migrants released only upon the payment of a “penalty”. If the person in question cannot pay, they may be ordered to call family members in their country of origin or elsewhere to transfer the requested amount.

#### **E. Exploitation and Human Trafficking**

Among respondents to an IOM survey in 2016 among migrants who had arrived in Italy, mostly from Libya, 73% had experienced some form of exploitation en route. Already in 2015, there were reports of “*widespread discrimination and persecution*” of migrants by their employers in Libya, as well as withholding of wages and labour exploitation.<sup>13</sup> Migrants who are intercepted while attempting to make the sea crossing and returned to Libya are taken to detention facilities, farms or private homes and subjected to forced labour, rape and other sexual violence. Some Daesh-affiliated groups also abducted and abused migrants in Libya. In addition, there are likely to be far more cases of exploitation and trafficking in the context of the conflict, as evidenced for other armed conflicts, such as in Syria, although little information is available on this topic in Libya.<sup>14</sup>

Among Nigerian women and girls in Libya, there are “*high and increasing rates*” of trafficking for sexual exploitation, as well as people being sold for the purposes of forced labour.<sup>15</sup> Trafficking in persons in the context of the sea crossing is carried out by armed groups and criminal networks who are also involved in migrant smuggling, and trafficking of arms, drugs and gold. In a recent survey, a disturbingly high rate of 8/10 teenage children and young people travelling alone on the Central Mediterranean route reported that they had been exploited.

#### **F. Arbitrary detention**

There is evidence from a number of sources of the arbitrary detention of migrants in Libya. Migrants are often kept in detention without being formally registered, and their belongings, including identity documents, are confiscated. People are held for indefinite periods, with no access to legal counsel, and their detention is not reviewed by a competent judicial authority. The length of detention ranges from a few days to two years. After being released, migrants remain in an irregular situation and therefore are often detained once again. Arbitrary detention is perpetrated in official and unofficial detention centres, as well as in “connection houses” and other unofficial places of detention, where migrants stay temporarily prior to continuing their journey along smuggling and trafficking routes.

#### **G. Detention conditions**

According to UNSMIL and OHCHR, detention conditions in official DCIM-managed detention facilities are, “*generally inhuman*”, with overcrowding, no or limited access to toilets and washing facilities, food and clean water, as well as lack of access to health services inside and outside detention

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<sup>13</sup> Amnesty International (2015). ‘*Libya is full of cruelty*’, *op. cit.*

<sup>14</sup> See: ICMPD (2015). *Targeting Vulnerabilities*, *op. cit.*; UN General Assembly (06.05.2017). *Report of the Special Rapporteur on trafficking in persons, especially women and children, on trafficking and armed conflict.*

<https://reliefweb.int/sites/reliefweb.int/files/resources/G1609048.pdf>, accessed 25.09.2017; UN Security Council Resolution 2331 (2016) on Trafficking and Armed Conflict.

[www.un.org/en/ga/search/view\\_doc.asp?symbol=S/RES/2331%282016%29](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2331%282016%29), accessed 25.09.2017.

<sup>15</sup> IOM Global Migration Data Analysis Centre (2016). *Assessing the Risks of Migration along the Central and Eastern Mediterranean Routes: Iraq and Nigeria as Case Study Countries*. Geneva: IOM.

facilities.<sup>16</sup> In January 2017, the European Commission reported that “*conditions in the centres where migrants are held are unacceptable and fall short of international human rights standards.*”<sup>17</sup>

## 5. Recommendations

The protection concerns set out above arise from the interplay of three main factors: the security situation in Libya; Libya’s geographical position as a country of transit for many migrants *en route* to Europe; and general vulnerabilities of migrants in Libya to abuse:

- The **security situation** renders migrants, IDPs and non-displaced Libyans vulnerable to violence, displacement, lawlessness, and lack of basic services and of opportunities for income generation.
- The **lack of regular migration routes** to and from Libya mean that migrants are using the services of migrant smugglers, who may abuse them and to whom they may be in debt, and are subjected to dangerous and potentially life-threatening journeys through the desert and across the sea. Ongoing actions to combat migrant smugglers operating in Libya do not address this need.
- **Underlying vulnerabilities** to protection concerns affecting migrants in Libya have remained since before 2011, including detention, irregular status, lack of access to refugee status, lack of regular employment contracts, xenophobia and discrimination.

As well as these three factors, aspects of migrants’ individual situations may also make them more vulnerable, depending on whether they are girls, boys, women or men, as well as their economic and family situation and their migration plans.

Therefore an effective response to protection challenges requires **a combination of short-term and medium/long-term measures** that *a priori* take into account the current security situation, the capacity of the GNA and prospects for consolidation of the GNA’s authority and for stabilisation. The weakness of the Libyan central authorities at present means that a number of short-term actions are needed for protection and assistance of migrants. Actions funded and implemented by the EU and its Member States are currently focused mainly on combating migrant smuggling and irregular migration, rather than addressing human rights violations. Furthermore, without the involvement of, as well as capacity-building of Libyan authorities responsible for migration management, in the medium to long term, such efforts run the risk of being at best ineffective and at worst counterproductive. If only local and not central authorities are involved, this may further weaken the central administration and the prospects for restoration of rule of law in general, and even end up supporting smugglers and traffickers and perpetuating human rights abuses.

Many of the reports on protection challenges in Libya provide detailed recommendations on how to respond.<sup>18</sup> Based on these reports and the findings of this Policy Brief, the main recommendations are summarised as follows:

### Short-term

1. The **stabilisation** of Libya is essential, in both the coastal regions and in the Fezzan, with a focus on objectives in the areas of peace, governance, the economy and security, as well as improving living conditions and providing alternative sources of income other than migrant smuggling and other illicit activities.

<sup>16</sup> UNSMIL & OHCHR (2017). ‘*Detained and Dehumanised*’, *op. cit.*, p.1.

<sup>17</sup> European Commission (25.1.2017). Joint Communication to the European Parliament, the European Council and the Council. Migration on the Central Mediterranean route: Managing flows, saving lives. JOIN(2017) 4 final. [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20170125\\_migration\\_on\\_the\\_central\\_mediterranean\\_route\\_-\\_managing\\_flows\\_saving\\_lives\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20170125_migration_on_the_central_mediterranean_route_-_managing_flows_saving_lives_en.pdf), accessed 17.09.2017, p.10

<sup>18</sup> See footnote 6 above.



2. It is essential to work with Libyan authorities to ensure that **conditions in detention centres** for migrants are improved, in cooperation with Libyan NGOs, IOM and UNHCR, as well as lobbying and other actions to prevent arbitrary detention and detention of children, and to reduce the use of detention in general.
3. **Safe and regular migration channels** should be urgently put in place and/or significantly expanded, including evacuation and resettlement of refugees, as set out in the UNHCR Central Mediterranean Risk Mitigation Strategy.<sup>19</sup>
4. **Search and rescue** operations by Libyan and European authorities, and NGOs, should continue, while ensuring that training and support for Libyan authorities, including the Coastguard, covers the human rights of migrants and that any reports of human rights violations perpetrated in the context of search and rescue are followed up on and perpetrators are held accountable, including members of the Coastguard and other authorities.
5. Cooperation with **consular authorities and countries of origin** of migrants should be strengthened, in order to provide assistance for migrants and allow for voluntary returns for those who are not refugees.

### **Medium/long-term**

1. The Libyan authorities should be encouraged to **revise the legal framework** on:
  - (a) **immigration**, in order to significantly reduce numbers of people in immigration detention and allow for regular migration and regularisation of those with an irregular status;
  - (b) **international protection**, in order to allow for the granting of refugee status according to the AU and UN Refugee Conventions;
  - (c) **trafficking in persons**, in order to combat all forms of trafficking, by adopting a legislative framework to fully domesticate the UN Trafficking Protocol (ratified by Libya in 2004).
2. Administrative detention should be used as a measure of last resort and **alternatives to detention** should be applied as a priority, especially for vulnerable groups such as children and victims of trafficking.
3. A needs and gaps analysis of Libyan institutions and related **capacity-building** needs should be carried out on the various aspects of migration management, including inter-institutional cooperation and coordination on migration governance, as well as migration management at local level. Informed by this analysis, capacity-building activities on migration management should be financed and implemented in Libya and a **national dialogue on migration** in Libya should be promoted.
4. Acknowledging the strategic geographical position of Libya for migration routes, a long-term approach to responding to protection challenges must also include:
  - (a) strengthening **regional dialogues** on migration;
  - (b) **investing in countries of origin** in order to provide alternatives to dangerous migratory journeys and irregular migration;
  - (c) opening up and expanding **regular migration channels to the EU** for those who wish to migrate, in order to promote safe, orderly and regular migration, in line with the New York Declaration on Refugees and Migrants and the proposed Global Compact on Safe, Orderly and Regular Migration.

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<sup>19</sup> This is a cross-regional protection strategy with specific operational proposals for action in Libya. The strategy includes: outreach and early identification of the most vulnerable migrants, protection monitoring at disembarkation points, access to official detention centres, support to conflict-affected populations, awareness campaigns and resettlement programmes.