

## INTRODUCTION

Prepared jointly by the Human Rights, Transitional Justice and Rule of Law Service of the United Nations Support Mission in Libya (UNSMIL) and the Office of the High Commissioner for Human Rights (OHCHR), this report describes patterns of serious human rights violations and abuses suffered by migrants and refugees from the moment they cross Libya's southern border throughout their journey to the northern coast.

Findings of the report are based on information obtained by UNSMIL from Jan. 2017 to 30 Sept. 2018, including:

**1,300** first-hand accounts and other information gathered between January 2017 and August 2018

*This figure includes migrants and refugees interviewed individually and in groups.*

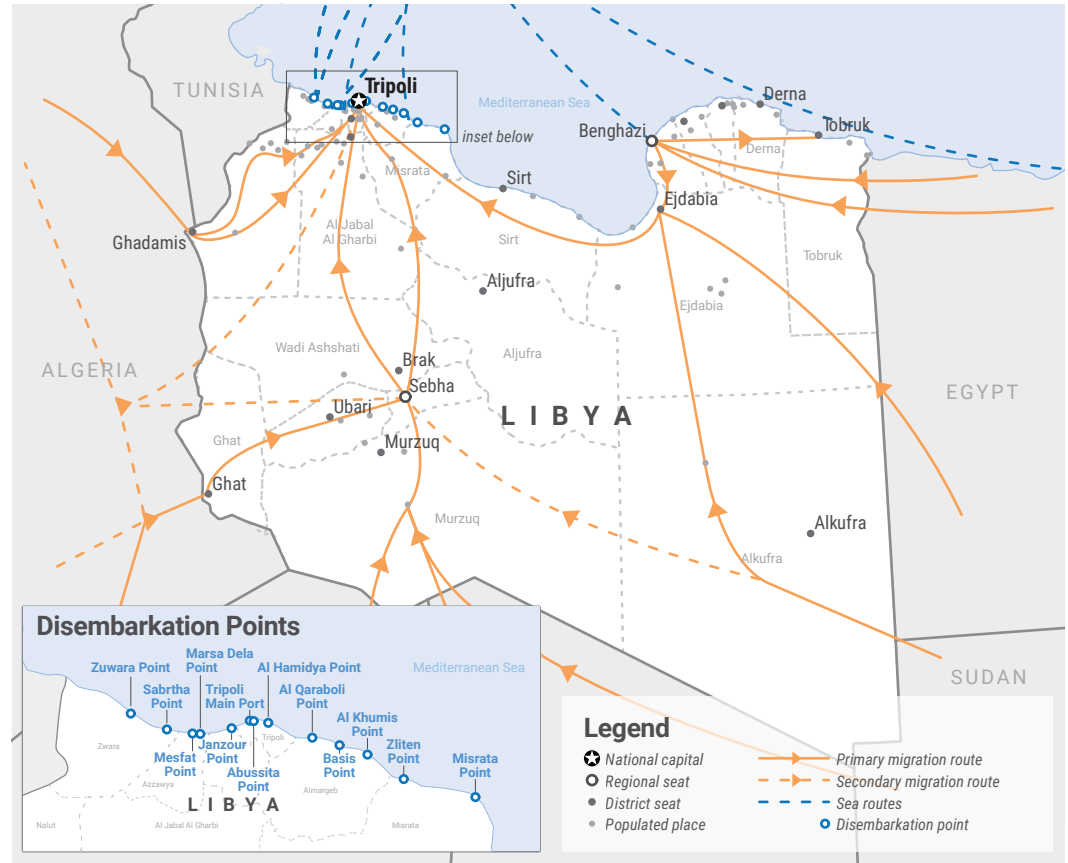
Regular monitoring visits to **11 out of the 26 immigration detention centres** overseen by the Department of Combatting Illegal Migration (DCIM)

Interviews of migrants during **two missions** to Nigeria (December 2017) and Italy (June 2018)

Regular meetings with Libyan authorities

Reports by United Nations bodies, NGOs and medical professionals

## MIGRATION PATHWAYS ACROSS LIBYA



The boundaries and names shown and designations used on this map do not imply official endorsement or acceptance by the United Nations. Migration routes shown are approximate and diagrammatic.

Created: 13 December 2018 Sources: IOM, Displacement Tracking Matrix, UNHCR, Medu, OCHA Author: OHCHR, ERS

## KEY DATA

2017  
 some **119,310** migrants and refugees reached Italy from Libya using the central Mediterranean Sea route.  
 at least **2,832** lost their lives during that journey.

2018  
**21,093** migrants and refugees reached Italy and Malta from Libya using the central Mediterranean Sea route.  
 over **1,200** migrants and refugees perished at sea as of 31 August 2018.

Jan. 2017 – 30 Sept. 2018  
 over **29,000** migrants and refugees, including women & children, were intercepted or rescued by Libyan Coast Guard (LCG) and transferred to detention centres in Libya run by the DCIM under the responsibility of the Ministry of Interior.

**53,285** refugees and asylum seekers registered by UNHCR as of 30 September 2018.

**9%** of adult refugees are women

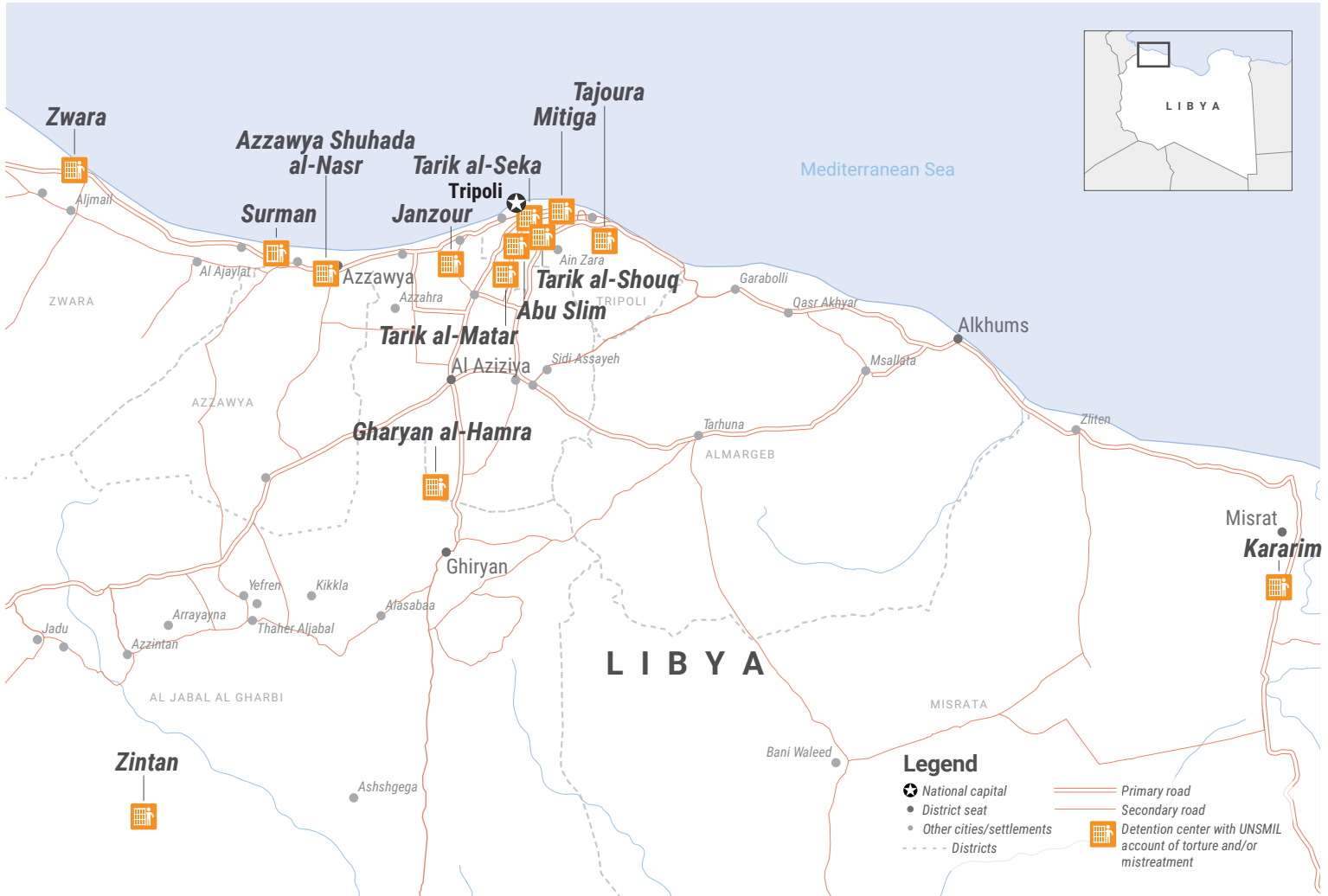
**10%** of refugees are children, with more than half of them being unaccompanied.

**Actual number of asylum seekers is believed to be much higher**

an estimated **6,800** migrants and refugees were in detention in western Libya, including some **3,700** asylum-seekers or refugees as of 18 September 2018.

Unknown number of people held in unofficial centres, such as hangars, warehouses, unfinished buildings, farms, and other places, run by armed groups, smugglers and traffickers.

## ACCOUNTS OF TORTURE AND MISTREATMENT AT DCIM DETENTION CENTERS IN LIBYA



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Created: 13 December 2018 Sources: OHCHR, UNSMIL, IOM, Displacement Tracking Matrix, OCHA Author: OHCHR, Emergency Response Section

### HUMAN RIGHTS VIOLATIONS AND ABUSES DOCUMENTED IN THE REPORT

#### UNLAWFUL KILLINGS – RIGHT TO LIFE

- ▶ Unidentified bodies of migrants and refugees bearing gunshot wounds and torture marks frequently found in rubbish bins, dry river beds, farms, and the desert
- ▶ Detained migrants and refugees were trapped in detention centres in areas of active conflict and caught in crossfire
- ▶ Excessive lethal force against migrants and refugees during law enforcement operations

#### ARBITRARY ARREST AND DETENTION

- ▶ Denial of fair trial rights
- ▶ Detention without charge or trial for prolonged periods
- ▶ Confiscation of personal belongings without return
- ▶ No opportunity to challenge the legality of detention before judicial authorities



# Report on the human rights situation of migrants and refugees in Libya

UNSMIL | OHCHR Migration report from January 2017 to 30 September 2018

December 2018

## TORTURE AND OTHER ILL-TREATMENT

Accounts of torture and ill-treatment at DCIM controlled detention centres

Accounts of torture and ill-treatment at the Mitiga detention facility controlled by the Special Deterrence Force (SDF), an armed group nominally integrated into the Ministry of Interior

## INADEQUATE DETENTION CONDITIONS

Severe overcrowding

Lack of adequate nutritious food, widespread malnutrition and starvation

Inadequate access to water and latrines

Lack of female guards for female migrants and refugees in detention

Refusal to refer migrants to medical facilities

## RAPE AND OTHER FORMS OF SEXUAL AND GENDER-BASED VIOLENCE

Consistent testimonies of rapes of women and girls in captivity

Men and boys increasingly vulnerable to rape and other sexual abuses

Forced prostitution and sexual exploitation in so called "connections houses" run by smugglers and traffickers

Not a single case of a perpetrator being held to account and survivors receiving redress and adequate rehabilitation



To be sold and forced to have sex with Arab or African men either to pay [for] the journey or to extract your money is a common thing to happen to you as a woman or a girl, all over the journey from day one in the desert until you depart Libya.

**Nigerian woman returned home in December 2017**

## SLAVERY, FORCED LABOUR, EXTORTION, EXPLOITATION AND TRAFFICKING

Men routinely taken out of captivity for forced manual labour

Collusion and complicity of some representatives of State institutions, local officials, and members of armed groups nominally integrated into state institutions in smuggling and trafficking networks

Women transferred out of detention by smugglers and traffickers to carry out domestic work without any remuneration

Extortion of money from migrant and refugee's families through a complex system of money transfers, extending to a number of countries



If you refuse to work, you are beaten.

**Migrant held at a DCIM-operated detention centre in Tajoura in April 2018**

## HUMAN RIGHTS DEFENDERS

Human rights defenders assisting migrants and refugees face harassment and are at risk of violence.



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## ALLEGED PERPETRATORS

Libyan Coast Guard

Department of Combatting Illegal Migration

Special Deterrence Force

Security and intelligence bodies, including the Internal Security Agency, the Military Intelligence and the Department of Combatting Terrorism

Armed groups integrated into the Ministry of Interior

Smugglers and traffickers

## LEGAL FRAMEWORK

### INTERNATIONAL LAW

Libya is party to several international treaties, which provide protection for all persons, regardless of migration or asylum status.

- International Covenant on Civil and Political Rights
- International Convention on Maritime Search and Rescue

- United Nations Convention against Transnational Organized Crimes and its two supplementary protocols:
  - Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children
  - Protocol against the Smuggling of Migrants by Land, Sea and Air

Libya is not a party to the 1951 Convention on the Status of Refugees or its 1967 Protocol.

### NATIONAL LAW

- No asylum law and system in place
- National law criminalizes irregular entry into, stay in or exit from the country

## CHALLENGES IN LIBYA

- Proliferation of armed groups in control of large swathes of Libya's territory, borders, and key installations
- Climate of lawlessness provides fertile ground for trafficking and smuggling
- Weak institutions, including the justice system
- Absence of vetting process when incorporating armed groups into State institutions
- Failure to address racial discrimination and xenophobia especially against Sub-Saharan African migrants and refugees
- Near total impunity for human rights violations and abuses

## RECOMMENDATIONS

UNSMIL/OHCHR recommends the Government of Libya to:

- ▶ Release all migrants and refugees detained arbitrarily
- ▶ End the practice of mandatory or automatic detention of migrants
- ▶ Never allow for the detention of children
- ▶ Ensure separate detention for female detainees with female guards
- ▶ Amend Libyan legislation, to decriminalize irregular entry, stay and exit from the country
- ▶ Guarantee unannounced and unimpeded access for human rights monitors
- ▶ Carry out independent, impartial and thorough investigations into all allegations of violations or abuses of human rights against migrants and refugees
- ▶ Take steps to combat prejudice, racism and the social stigmatization of migrants

*This is a partial list of recommendations derived from UNSMIL-OHCHR Migration report.*