



“HELL ON EARTH”:

ABUSES AGAINST REFUGEES AND MIGRANTS TRYING TO REACH EUROPE FROM LIBYA

Izza Leghtas

Introduction

As Europe faces its largest movement of refugees and migrants since World War II, the majority of refugees and migrants are reaching its borders by crossing the Mediterranean Sea.¹ While the majority of refugees and migrants arrived in Europe by crossing the sea between Turkey and Greece in 2015 and early 2016, the main route is currently between Libya and Italy. Whether they went to Libya to work or just as a place of transit on their way to safety and protection in Europe, migrants and refugees who have spent weeks, months or years in Libya face abuses that include arbitrary detention, torture, unlawful killings, rape, forced labor, kidnapping, and even slavery. Many are held by smugglers for months or detained in official or semi-official detention centers in inhumane conditions where even their most basic rights as human beings are denied. Libya itself has been in turmoil since 2011, with three different governments competing for power and militias and criminal networks operating across the country.

More than 60,000 refugees and migrants arrived in Europe between January 1 and May 24, 2017, with the vast majority landing in Italy. Eager to stem the flow of people using this route, the European Union (EU) and its member states have deployed measures which include training and equipping the Libyan coast guard and promoting returns to people's countries of origin. As the violence and chaos in Libya continue, the EU must ensure that its actions do not result in refugees and migrants being returned to torture or other forms of ill-treatment in Libya. The EU must make rescue at sea a priority. The EU should also provide solutions for people in need of international protection, including safe and legal paths to protection in Europe while pushing Libya to fully ensure all human rights protections for refugees and migrants in that country.

Recommendations

The European Union and its member states should:

- Urge the Libyan authorities to end the criminalization of irregular entry or stay in Libya, amending the law making it an administrative offense as opposed to a criminal offense, which would be in line with international human rights standards.
- Urge the Libyan authorities to end the detention of refugees and migrants in closed facilities, turning existing centers into open facilities where the conditions and the treatment of refugees and migrants comply with international standards, in line with Libya's obligations under the international human rights conventions it has ratified. The Office of the UN High Commissioner for Refugees (UNHCR) and nongovernmental organizations (NGOs) providing support, assistance, and services to refugees and migrants should have unhindered access to such facilities;
- Efforts by the EU to provide training and equipment to the Libyan coast guard should be accompanied by measures to ensure that, once returned to Libyan soil, refugees and migrants intercepted by the Libyan coastguard are treated in accordance with international human rights law. To this end, the EU and its member states should:
 - Ensure that the Libyan coast guard register every person they rescue or intercept at sea;
 - Ensure that NGOs providing assistance to refugees and migrants have unhindered access to them at disembarkation points following returns by the Libyan coast guard;

- Ensure that people returned to Libyan territory by the Libyan coast guard are not detained in closed centers, in accordance with the international law principle that no one should be detained solely on grounds of their immigration status;
- Support the deployment of independent human rights monitors to the facilities in which refugees and migrants are placed following their return to Libyan soil by the Libyan coast guard; such experts should be required to produce regular reports on the conditions they observe, and those reports should be made public;
- Urge Libya's Department for Combating Irregular Migration (DCIM) to ensure that its staff registers every person placed in its facilities;
- Urge the Libyan authorities to ratify the 1951 Refugee Convention and its 1967 Protocol;
- Provide safe and legal pathways for refugees to reach protection in Europe such as resettlement and relocation to EU countries where they can lodge asylum claims and facilitate family reunification for those with relatives in Europe;
- Refrain from establishing centers designed as "safe harbors" inside Libya for people in need of international protection. In the current situation in Libya, conditions are not met for such centers to meet international human rights standards or to constitute an adequate solution for people in need of international protection;
- Increase the capacity of the EU's search and rescue operations, and make it a core part of the mandate of the European Border and Coast Guard Agency and EUNAVFOR MED operation Sophia.

The UN High Commissioner for Refugees (UNHCR) should:

- During disembarkation and in detention facilities, UNHCR officers should provide all people with information on international protection and how to lodge an application. UNHCR officers should register all those who wish to apply for such protection;
- Ensure that when the International Organization for Migration (IOM) is carrying out its programs to offer migrants the option to return to their home country, UNHCR officers are also providing information on the right to asylum and information on how to apply for international protection;
- Should UNHCR face obstacles or restrictions when carrying out its protection activities in Libya, it should make such obstacles or restrictions known to donor governments, to the Libyan authorities, and to the public if necessary.

The Office of the UN High Commissioner for Human Rights (OHCHR) should:

- Deploy international human rights monitors to disembarkation points to ensure that people who are returned to Libyan soil by the Libyan coast guard are treated with dignity and respect, in compliance with Libya's obligations under international human rights law. These human rights monitors should also be present in facilities run by DCIM in which refugees and migrants are held and should publish reports on the conditions they observe both at disembarkation and inside these facilities.

The UN Special Representative of the Secretary General for Sexual Violence in Conflict should:

- In light of reports of widespread sexual abuses against migrants and refugees in detention centers run by Libya's DCIM, the UN Special Representative should promptly conduct an investigation into such abuses. The findings of the investigation should be made public.

Background

Crossing from the Libyan coast to Italy is currently the major route for refugees and migrants seeking to reach Europe. As of May 24, 2017, more than 50,000 refugees and migrants have arrived in Italy by sea since the beginning of the year, and almost all sea arrivals to Italy depart from Libya.² In 2015, the majority of arrivals in Europe came from Turkey to Greece, but with tighter restrictions in Turkey following the EU-Turkey statement of March 2016 and the closure of the route through the Balkans, the Central Mediterranean is now the major route for migrants and refugees seeking to reach Europe. While the Turkey-Greece route was mostly used by Syrians, Iraqis, and Afghans, the majority of refugees and migrants using the Libya-Italy route are from West and East Africa.

As of the end of April 2017, the majority of people reaching Italy's shores from Libya were from Nigeria, Bangladesh, Guinea, Ivory Coast, and Gambia.³

For years, Libya has been a country of destination for migrants seeking work in the oil-rich country, as well as a transit country for people hoping to reach Europe.⁴ But the general climate of political instability and insecurity in Libya since the overthrow of Muammar Gaddafi in 2011 has made life in Libya increasingly difficult, and conditions have deteriorated further following an armed conflict which started in 2014. In addition to the existence of three competing governments, Libya hosts a multitude of militias, criminal gangs, and human trafficking networks which operate throughout the country.⁵ Law enforcement and the judiciary have collapsed and abuses, including unlawful killings, torture, arbitrary detention, and indiscriminate attacks, are widespread. More than 400,000 Libyans are internally displaced, and Libyans face limited access to healthcare and electricity. The hundreds of thousands of migrants and refugees living in Libya face additional difficulties due to widespread racism and, for many, a lack of legal status. In the absence of a formal registration system in Libya, there is no exact figure of the number of refugees and migrants currently in Libya. The International Organization for Migration (IOM) has identified more than 381,000 migrants – including refugees and asylum-seekers – across the country,⁶ and as of April 2017, UNHCR registered just over 40,000 refugees and

asylum-seekers in Libya.⁷ In reality, the number of refugees and migrants in Libya is likely to be much higher. IOM estimates the number to be between 700,000 and one million, of whom 7,100 are detained in detention centers managed by the Department for Combating Irregular Migration (DCIM).⁸

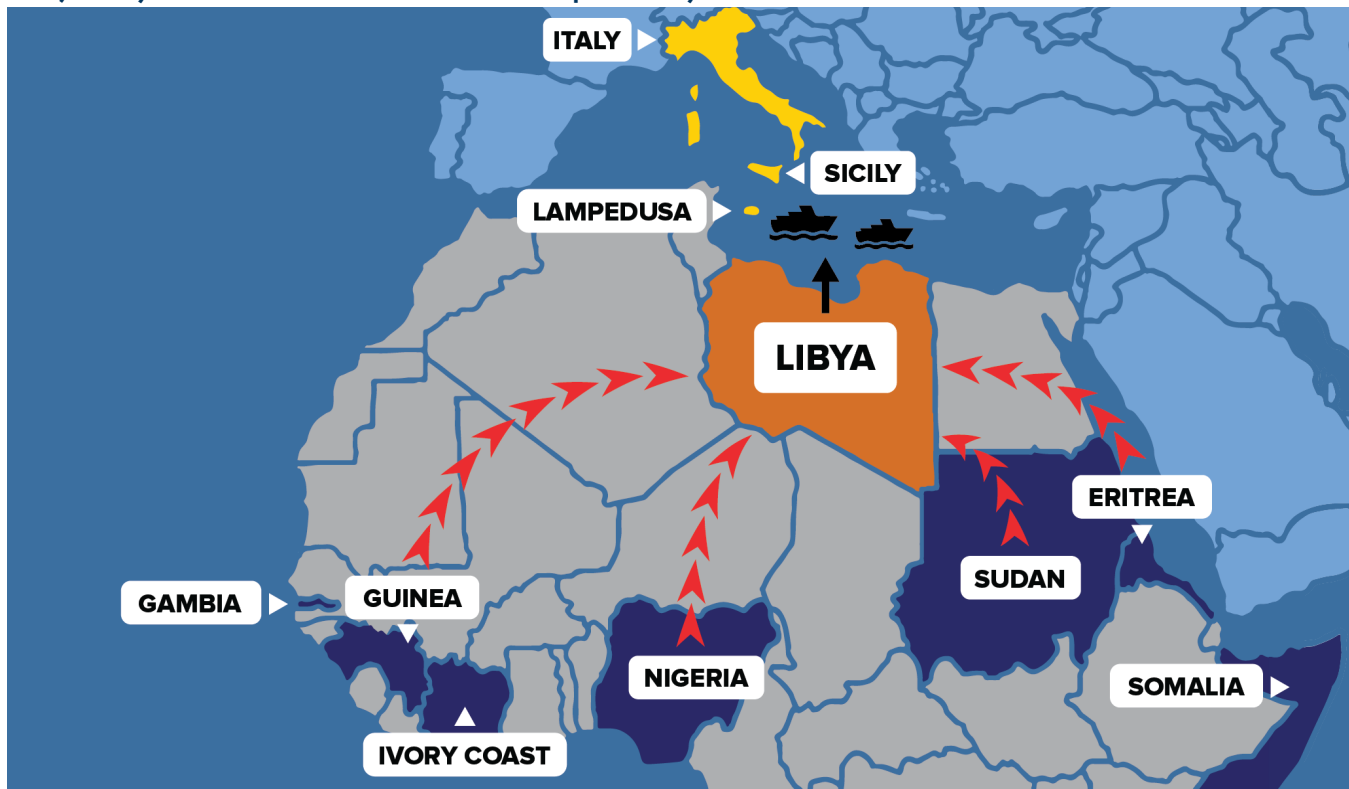
In March 2017, Refugees International (RI) spoke with dozens of refugees and migrants who had recently arrived in Italy from Libya. These individuals described a climate of insecurity, violence, and impunity. Many said they had been abused and held by smugglers for months. Others, who had tried to work in Libya, said that as Sub-Saharan Africans, they risked being kidnapped and held for ransom or sold by merely walking in the street. Some said criminal gangs, which they referred to as “Asma boys,” had attacked them on land or when they were on boats trying to cross the Mediterranean Sea, and some said the “Asma boys” had stolen their boat's motor, leaving the boat carrying refugees and migrants to drift.

UNHCR has stated that under international law, Libya does not fulfill the criteria of a place of safety for the purpose of disembarkation following a rescue at sea.

RI also received testimonies of migrants and refugees being bought and sold while in Libya. These testimonies were consistent with reports from IOM in April 2017, whose staff interviewed Sub-Saharan migrants who reported being sold as slaves in the country.⁹

One young man from Guinea told RI he had been sold twice while in Libya. “I was sold to an Arab man who forced me to work and told me to call my family so they would send money. He sold me to another Arab man who forced me to work for him too,” he told RI. Another man, also from Guinea, told RI that in Libya, women are more expensive to buy than men.

The Journey From West and East Africa to Europe via Libya



“I never thought there was a country like that,” said Patience, a 20-year-old woman from Nigeria. “As a female, you can’t walk alone in the street. Even if they don’t shoot you, as long as you’re black, they’ll just take you and sell you.”

Some refugees and migrants described smugglers working together with police and detention center employees. “In Libya, the policeman is a smuggler, and the smuggler is a policeman,” an Eritrean refugee told RI.

The UN High Commissioner for Refugees (UNHCR) has urged states “to refrain from returning to Libya any third-country nationals intercepted at sea and to ensure that those in need of international protection are able to access fair and effective asylum procedures upon disembarkation.”¹⁰

People who arrive on Italy’s shores traveled on overcrowded and unsafe vessels: small rubber dinghies or larger wooden boats with people on and below deck where they risk suffocation. It is the deadliest migration route in

the world, with more than 1,500 people recorded as dead or missing between January and May 2017.¹¹

Currently, the Italian Coast Guard, NGOs such as Médecins Sans Frontières (MSF), the European Union via its European Border and Coast Guard Agency (Frontex) and EUNAVFOR MED operation Sophia, and commercial vessels conduct rescue operations in the Central Mediterranean. Under international maritime law, a person in distress at sea must be rescued and delivered to a place of safety.¹² In the case of boats departing from Libya toward Europe, the nearest place of safety is Italy or Malta.¹³ UNHCR has stated that under international law, Libya does not fulfill the criteria of a place of safety for the purpose of disembarkation following a rescue at sea.¹⁴

**“In Libya, the policeman is a smuggler,
and the smuggler is a policeman.”**

— Eritrean refugee

Most rescue operations occur in international waters, beyond Libya's territorial waters (12 nautical miles off its coast).

The EU started training members of the Libyan coast guard in 2016. According to IOM, the Libyan coast guard had rescued more than 4,000 people by the end of April 2017.¹⁵ Those who are rescued or intercepted by the Libyan coast guard are returned to Libya. UN officials and humanitarian workers told RI that once people are disembarked by the Libyan coast guard, they are not systematically registered by the Libyan authorities, which makes it difficult to know their whereabouts and ensure they are safe.

The journey of refugees and migrants reaching Italy by sea does not start on Libya's coast. Whether they left from East or West Africa, their journey included the dangerous crossing of the Sahara Desert into Libya, a route controlled by smugglers, traffickers, and other criminal gangs.

A UN official informed RI that there is currently no functioning registration system of refugees and migrants in Libya, not by the coast guard, DCIM, or at Libyan borders,

and that no figures on refugees present in Libya are available. Based on the mixed nature of the migration flows into and through Libya, and with the presence of a large number of people who fled their country seeking refuge alongside people who left their country for economic reasons, there is an urgent need for clear and transparent information on the number and profile of people in need of international protection.

Some of the refugees and migrants interviewed by RI in Italy said they had been working in Libya and had not planned to travel to Europe. However, they made the journey to Italy to escape the violence in Libya. Others, particularly Eritreans who fled human rights abuses and indefinite military service in their home country, said their goal was to reach Europe and that they had arranged their journey in Sudan via smuggling networks.

To protect the identities of refugees and migrants cited in this report, their names have been changed.

Libya's Obligations Under International Human Rights Law



While Libya is not a party to the 1951 Refugee Convention, it has ratified several international human rights conventions:

The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment: obligates states to take measures to prevent acts of torture in any territory under its jurisdiction (Art. 2); prohibits

the expulsion or return of a person to a country where they would be in danger of being subjected to torture (principle of non-refoulement, Art 3);

The Convention on the Elimination of All Forms of Discrimination Against Women: obligates States to take all appropriate measures "to suppress all forms of traffic in women and exploitation of prostitution of women" (Art. 6);

The International Covenant on Civil and Political Rights: prohibits slavery, servitude and forced labor (Art. 8); prohibits arbitrary detention (Art. 9); provides that "all persons deprived of their liberty shall be treated with humanity and with respect to the inherent dignity of the human person (Art. 10);

The International Convention on the Elimination of All Forms of Racial Discrimination: prohibits racial discrimination by states and obligates them to bring an end to racial discrimination by "any persons, groups or organization" (Art. 2);

Libya has also ratified the International Convention on the Protection of All Migrant Workers and Members of their Families, the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child. Libya ratified the 1969 Organization of African Unity (OAU) Convention governing the Specific Aspects of Refugee Problems in Africa (OAU Convention), though it has not enacted asylum legislation or put in place procedures to implement it.

Abuses Against Refugees and Migrants in Libya

Abuses by smugglers

Most of the refugees and migrants interviewed by RI in Italy described being held in inhumane conditions by smugglers and human traffickers in Libya. Most said they were held for months in two or three different places described as farms or warehouses, and were only allowed to move on to the next stage of their journey once they had paid the money the smugglers demanded. While in many cases, the refugees and migrants did not know the exact location where they had been held, several people told RI they had been held in Sabha in southwestern Libya and Bani Walid, in the northwest.

Many of the refugees and migrants interviewed by RI in Italy did not know who was running the detention facility in which they had been held. From these interviews, RI has distinguished detention centers run by uniformed individuals, including centers where interviewees reported visits by UN or other humanitarian workers and centers to which they were returned following their interception by the Libyan coast guard, from places of detention run by smuggling networks to connect people to the next step of their journey toward Europe.

Interviewees described being held by smugglers with hundreds of other people – men, women, and children – in one large room where they were forced to lie on their sides to sleep at night because of lack of space. Several Eritreans described this position as *il coltello*, the Italian word for knife, evoking images of knives lined up in a kitchen drawer. They said they could not exercise, which caused muscle problems, and the overcrowding combined with lack of hygiene resulted in widespread scabies. Food consisted of a small portion of pasta or bread once or twice per day, if that. None of the people RI interviewed in Italy said he or she had eaten any vegetables, fruit, meat, or fish while held by smugglers. Another commonly described problem was the lack of sufficient toilets, with people having to stand in line for hours to use the few latrines that were available. Refugees and migrants interviewed



Yohannes' story

Yohannes, a 37-year-old man from Eritrea, told RI he had spent almost five months in Libya before arriving in Italy in December 2016. He said he was in two different places run by smugglers. "The first place was like a farm where there was a very big house," he said. The farm was located in the desert near the border with Sudan. He said around 100 people, most of them from Eritrea, were there, along with some people from Ethiopia and Sudan. "It was very harsh, and there wasn't enough food." He said ten people would have to share a plate of macaroni. "They keep you there until you pay your money and even if you pay, it doesn't mean they'll take you. We waited one and a half months because the smugglers for the ship – the big smugglers – said the [weather] conditions weren't good."

Yohannes told RI that the second place was in Bani Walid. "That place is very organized. It's a very big house that can hold almost 1,000 people or more at the same time." He said people had to sleep on the floor, lying in one direction on their sides. "Most people were from Eritrea, Ethiopia, and Somalia. You wait until someone calls you. In that place, your main aim is to pay the money." He said most of the time, the money was paid in Sudan to someone connected to the smugglers. He said an Eritrean man working for the smuggler beat people while they were on the phone. "If you stay for some time without paying, they beat you so your person [relative or friend on the phone] can hear you crying or suffering. They won't give you enough food. They beat you now and then so you pay fast." He said the beating was with a hard, very strong pipe and that the food was just plain pasta. "There were no vegetables, no meat, no fruit. Because of lack of vitamins and because of this bad treatment, I saw 17 people die."

Refugees and migrants interviewed described conditions that were so dire that people died from illnesses.

described conditions that were so dire that people died from illnesses.

Yonas, a 30-year-old refugee from Eritrea, arrived in Italy from Libya at the end of November. At the end of March, he told RI, “Until now, I was very weak. I couldn’t walk because there wasn’t enough food.” He said the pasta he was fed was only cooked in water, with no other form of nourishment. “To go to the toilet, you start waiting in line one day and you’d finally get to go the next day. So sometimes you do it on yourself, and then you can’t wash,” he said.

“They created a hell. Everywhere you go, they search for any excuse to beat you. So with time you understand that they’re punishing you to make you [or your family] send money.”

— *Yonas, refugee from Eritrea*

People who had been detained by smugglers in Libya said the smugglers frequently requested money from them, and that the smugglers often called the relatives of the refugees or migrants and beat them or tortured them while their family members were on the phone, putting pressure on their relatives to send more money. Yonas told RI, “They created a hell. Everywhere you go, they search for any excuse to beat you. So with time you understand that they’re punishing you to make you (or your family) send money.”

The refugees and migrants also described gratuitous acts of violence by smugglers and the people working for them. Many people interviewed by RI said the men mistreating them were migrants themselves, people who had been on the journey to Europe but could not afford the smugglers’ fees, in turn working for the smugglers to earn money to cover the cost of the journey.

Kofi, a 27-year-old man from Ethiopia, spent two years in Libya, including seven months detained by smugglers. “Many people died after five or six months from hunger. When it rained, rain came in, blankets got wet, people

got sick,” he said, adding that there was a graveyard for the bodies. “Seven people would beat one person with sticks, metal, a whip, a shovel. They have weapons – Kalashnikovs, guns, swords. They had big muscles, they were from African countries, especially from Nigeria and Chad. The smuggler [their boss] was Libyan.”

Some said the smugglers running the farms or warehouses where they were held forced them to work in difficult conditions such as in construction or on the farm. Tesfay, a 17-year-old Eritrean boy who said he was held by smugglers in Bani Walid for seven months, told RI, “We worked in construction. They took us around, ten people to work. You couldn’t say you were tired. There was no money, no nothing. I worked every day.”

Interviewees told RI that paying the money requested by their captors did not mean they could leave immediately: they had to wait until there was a large enough group to travel onwards or for weather conditions that allowed for them to make the sea crossing. This could take weeks.

As stated by a UN official describing the treatment of refugees and migrants by smugglers in Libya, “The level of brutality is unbelievable.”

A humanitarian worker described seeing many bodies of migrants or refugees in hospitals who had been killed by bullets. The smugglers operate in often lawless and dangerous areas controlled by militias – with whom many smugglers are themselves affiliated. None of the humanitarian workers RI met had access to people held by smugglers while they were alive.

“The level of brutality is unbelievable.”

— *UN official*

Abuses in detention centers

Libyan law criminalizes irregular entry into and stay in the country and people without regular status face imprisonment with forced labor or a fine as well as expulsion from Libya once they have completed their sentence.¹⁶

Libyan law does not make a distinction between people in need of international protection, victims of trafficking, and others.¹⁷ The authority currently responsible for managing migrant detention centers is the Department for Combating Irregular Migration (DCIM), which was established in 2012 under the Ministry of the Interior. At the time of writing this report, RI learned that 28 detention centers run by DCIM were active and that some of them were run by both DCIM and a militia.

People are detained in migrant detention centers arbitrarily and for indefinite periods, with no judicial process. In the context of the current violence in Libya, with the propagation of armed groups, militias and criminal networks, and the weakening of state institutions, refugees and migrants are held in such centers with no judicial oversight or accountability for the abuses they face.

UN officials and humanitarian workers interviewed by RI said that it is not always clear who the authority is running such centers and that the people working in them are not necessarily vetted. According to one UN official, “sometimes it’s a DCIM center and the next day it’s occupied by a militia.” While IOM, UNHCR, and some of its partners as well as some NGOs have access to DCIM detention centers, in practice not all centers are accessible due to the security situation in the country. Humanitarian actors also face difficulties in providing services to refugees and migrants held in such centers since they do not have systematic and unhindered access to them and must negotiate access on a case by case basis.

In January 2017, the European Commission and the High Representative of the EU for Foreign Affairs and Security Policy stated in a joint communication that “conditions in the centers where migrants are held are unacceptable and fall short of international standards.”¹⁸ Indeed, a UN official told RI that there is torture and abuses in migrant detention centers in Libya, and that conditions in the centers to which this agency has access are “unacceptable.” This was echoed by humanitarian workers who described conditions among detainees that include malnutrition, scabies, measles, chicken pox, tuberculosis, and stomach problems due to inadequate food.



Ali's story

Ali, a 17-year-old boy from Gambia, said he was detained in a detention center in Zawiya. “I was imprisoned in Libya. There was no food, no nothing, no clothes. Sometimes the UN brought clothes, shoes.” He said that when the people he described as working for the UN* left the detention center, the center’s staff working sold the things the UN had brought. “Maybe during a full day, they give you a short bread. At night, macaroni, maybe six people for a small portion.”

Ali said he was detained in that detention center after people he described as Libyan police intercepted the boat he was traveling in and returned him to Libya. “The Arab people working in the prison, if someone is sick, they finish them off. They beat a boy, he vomited blood. I saw it in front of my eyes,” he said. “Another man, he vomited blood. There were white things [frothing] on his mouth. We told the Arab man [working in the prison], ‘You killed this man.’ He said that men working in the detention center told him and other detainees to carry the dead man’s body, dump it in the ground, and bury it with a little sand. Ali told RI that the boss of the prison said he needed people to work on building a house, and that once the work was finished they would be able to leave the detention center. Ali said five of them worked on the house during the day. At night, they slept in the detention center. They were not paid.

Ali told RI that he faced abuse at the hands of members of the Libyan coast guard themselves. He had tried to cross the sea to Italy in November 2016, but people he described as Libyan policemen, who wore uniforms and were armed with guns, intercepted the boat. He said the policemen climbed onboard and took over the boat. “They asked for money,” he said. “They started to beat people with the guns. They hit me on my head with their guns.”

**It is likely that it was one of the UN’s implementing partners that was distributing food and clothing in the detention center.*



Top photo: a refugee from Darfur who recently arrived in Italy. Bottom photo: Eritrean refugees in Italy.

Widespread Sexual Abuses Against Migrants and Refugees

According to one humanitarian worker, “Detention centers are like cement boxes. Some have windows, but others just have a hole in the cement. There are mattresses on the floor. If they [the detainees] are lucky, there are one or two latrines in each block. It could be for hundreds of people, or dozens.”

“There are many cases of pregnant women,” the humanitarian worker told RI. “There are a lot of abuse cases in detention centers. Some of the pregnancies for sure are the result of abuse.”

Patience, the 20-year-old woman from Nigeria, said she had spent over five months in a detention center where some of the staff were in uniform. She said there was not enough food. “Maybe sometimes you have one slice of bread in one day. If you have one slice of bread you thank God,” she said.

Fodé, from Guinea, said he was held in a detention center in Salaheddine for five months. “If you eat some bread in the morning, that’s it until 4pm. The food was bread and pasta,” he said.

Migrants interviewed by RI also described beatings in migrant detention centers.

Amir, a 17-year-old boy from Ghana, described his experience in a detention center where the staff wore uniforms. He said all the people detained there were Africans, both adults and children: “They [the people in uniform] beat people for no reason. They give you a phone and tell you to call your friend or brother to bring money so they’ll leave you.” Amir said that he explained to the people working in the detention center that he did not have any family, and that after one month and three weeks they released him. “They beat people with their guns,” he said. “So many people inside the prison said they couldn’t pay the money, and they shot them inside the prison.”

Refugees and migrants reported sexual abuse of women and girls at every stage of the journey toward Europe. The abuse took place across the various types of detention centers and warehouses where refugees and migrants were being held. The sexual abuse was described as being so widespread that it affected almost all migrant and refugee women. Interviewees reported that they had witnessed women being taken out of detention centers as well as warehouses run by smugglers, and when the women were brought back, they said they had been sexually abused.

A gynecologist working with the United Nations Children’s Fund (UNICEF) on the island of Lampedusa told RI that she treated women from Eritrea, Sudan, and Somalia who got a contraceptive injection when they were traveling through Ethiopia or Sudan to prevent pregnancies, concerned about the likelihood of rapes during the journey. She said that many of the refugee and migrant women had been sexually abused. “Many say it was on the road, and some say it was in detention, in informal detention centers,” she said, and added that she also treated men who had been sexually abused.

Refugees and migrants reported sexual abuse of women and girls at every stage of the journey toward Europe.

Another doctor on Lampedusa who treats rescued migrants and refugees told RI that “many [of the women] are pregnant because of sexual abuse.” He too said some men had been sexually abused.

“In the warehouses close to the beach, Eritrean smugglers can choose any girl and abuse her,” Rosa, a 25 year-old Eritrean woman, reported. She said that in Ethiopia “all the girls get a vaccination [to prevent pregnancies along the journey]. But you can still get diseases.”

“Many [of the women] are pregnant because of sexual abuse.”

— *A doctor on the island of Lampedusa*

Juliette, a 25-year-old woman from Cameroon who spent four months in Libya, said that “when someone kidnaps you, he can call his brothers [to tell them he has women and girls]. In front of me, men came to take girls away to rape them. Especially Nigerian girls.”

Amir, the 17-year-old boy from Ghana, told RI that in the detention center where he was held, “The Libyans who work there, they take a woman, and when the woman comes back she says that they sleep with her. I saw it four times.” He said men and women were detained in the same room. “An Arab man would come in his car at 7:00 pm or 8:00 pm, and take four or five women,” he said, adding that the women would be back the next day.

One refugee said that if the woman or girl did not have money to pay for her release, smugglers would use sex as an alternative to payment. Another refugee said that if women refused, the smugglers would leave them outside without food.

Adam, an Eritrean man who had been held by smugglers in a place he called a farm in Tripoli, said that one night, Libyan men came and took away a 21 year-old-woman. He said that when they brought her back that same night, “She was like crazy.” He said that after she found out she was pregnant, she got sick for three days and died.

RI recognizes the challenges in accessing refugees and migrants while they are held by smugglers. However, in light of the scale of sexual abuse against migrant and refugee women and girls in Libya, the Office of the UN Special Representative of the Secretary General for sexual Violence in Conflict should, as an immediate step, conduct an investigation into such abuses in DCIM-run detention centers.

Europe’s Flawed Response

Faced with the arrival of migrants and refugees in Italy via Libya, the EU and its member states have made reducing the flows along this route a priority. In the joint Malta Declaration signed on February 3, 2017, EU heads of state laid out their approach to migration in the Central Mediterranean.¹⁹ Their priorities include: “training, equipment and support to the Libyan coast guard and other relevant agencies;” “seeking to ensure adequate reception facilities and conditions in Libya for migrants, together with the UNHCR and IOM;” and “supporting IOM in significantly stepping up assisted voluntary return activities.” Other priorities listed are the disruption of the business model of smugglers, support to the development of local communities in Libya, and working with the Libyan authorities and the authorities of neighboring countries. The Malta Declaration does not lay out solutions for people in need of international protection.

Given the current political, human rights and humanitarian crisis, the conditions in Libya are not met for reception centers for migrants and/or refugees to be set-up in compliance with international human rights standards.

The Joint Communication of the European Commission and the EU’s High Representative for Foreign Affairs and Security Policy of January 2017 raises the importance of ensuring unhindered access by UNHCR and IOM to people in need of international protection, particularly vulnerable persons in Libya. This call is welcome and RI urges the EU to insist on such access in its work with the Libyan authorities. The Joint Communication mentions the possibility of a resettlement program, and RI calls on the EU to include such a program as part of its response to the situation in the Central Mediterranean and on EU Member States to agree to resettling refugees present in Libya. A European official informed RI that for people in need of international protection, the EU is considering a

kind of “safe harbor” in Libya. Given the ongoing climate of insecurity in Libya and the grave and widespread abuses against refugees and migrants – a situation that shows no signs of improvement – the idea of the EU establishing centers for refugees and/or migrants in the country is alarming. At the time of writing, very few international humanitarian workers were permanently based in Libya due to security concerns.

Given the current political, human rights, and humanitarian crisis, the conditions in Libya are not met for reception centers for migrants and/or refugees to be set-up in compliance with international human rights standards.

The EU currently has a funding package of EUR 120 million for Libya to support good governance, the political process, health, and projects for a sector labelled “migration and protection.” The package includes EUR 46 million for migration-related programs in Libya to facilitate “assisted voluntary returns of stranded migrants,” providing employment opportunities to host communities and migrants, and “assistance and protection to vulnerable migrants, including with the aim of improving living conditions in retention [holding] centers and disembarkation points.”²⁰

As part of its Trust Fund for Africa, the EU is also providing EUR 90 million for “assistance to and protection of” migrants and refugees, and improving conditions of host communities in Libya.²¹ This program is to be implemented by IOM, UNHCR, UNICEF, the United Nations Development Program (UNDP), and the German Corporation for International Cooperation (GIZ).

The EU started providing trainings to the Libyan coast guard in October 2016, when EUNAVFOR MED operation Sophia provided a first training to members of the Libyan coast guard and navy.²² UNHCR has contributed to trainings on human rights.

On February 2, 2017, the Italian Prime Minister Paolo Gentiloni and Fayez al-Seraj, the Prime Minister of the UN-backed Libyan Government of National Accord (GNA) signed a Memorandum of Understanding, under which Italy promised to provide al-Seraj’s government with training and equipment for the control of Libya’s sea and

Training the Libyan coast guard is, in itself, welcome if it results in saving lives and improving the treatment of refugees in line with Libya’s human rights obligations. However, serious concerns arise because, once rescued or intercepted by the Libyan coast guard, refugees and migrants are taken to migrant detention centers where serious human rights abuses occur.

land borders. In March, a Libyan court suspended the agreement pending a ruling on the validity of the agreement, though both parties are moving ahead with its implementation.

Training the Libyan coast guard is, in itself, welcome if it results in saving lives and improving the treatment of refugees in line with Libya’s human rights obligations. However, serious concerns arise because, once rescued or intercepted by the Libyan coast guard, refugees and migrants are taken to migrant detention centers where grave human rights abuses occur.

In its cooperation with the Libyan government, the EU should insist on the end of Libya’s criminalization of irregular entry or stay in the country and push for the transformation of migration detention centers into open facilities, ensuring that physical conditions in those centers are in line with international human rights standards. The EU should also facilitate the presence of independent human rights experts to monitor the conditions and ensure that staff working in those centers comply with Libya’s obligations under international human rights law.

IOM is currently running a program of assisted voluntary returns to migrants’ countries of origin. As of April 21, IOM had organized the return of 2,463 people since the beginning of the year.²³ The EU envisages 15,000 returns of people to their countries of origin.²⁴



Eritrean refugees who recently made the journey across Libya and the Mediterranean to Italy.

While RI consistently raised the question of plans for people in need of international protection in its meetings with European and UN officials and humanitarian workers in Tunis – where they are based for security reasons – there appeared to be no clear solution envisaged for such people.

The need for human rights compliant solutions

The EU Border and Coast Guard Agency (Frontex) and EUNAVFOR MED operation Sophia participate in some rescue operations of people trying to reach Italy by sea from Libya – according to a European official, by April 2017 EUNAVFOR MED had rescued 3,141 people and Frontex had rescued 2,730 people since the beginning of the year. However, Frontex is tasked with managing the EU’s external borders and providing assistance to EU and other countries with search and rescue operations for people

Given the high death toll in the Central Mediterranean, it is vital that the EU not only step-up its search and rescue efforts but make saving lives at sea a priority.

in distress at sea “which may arise during border surveillance operations at sea.” Its core mandate does not include proactive search and rescue.²⁵ EUNAVFOR MED is tasked with destroying smuggler vessels and implementing the arms embargo on Libya – as mandated by the UN Security Council – as well as training the Libyan coast guard and navy, but like Frontex its core mandate does not include search and rescue. In the same period – January to April 2017 – NGOs carrying out search and rescue operations rescued 12,647 people.

Given the high death toll in the Central Mediterranean, it is vital that the EU not only step-up its search and rescue efforts but make saving lives at sea a priority and a part of its mandate in the Mediterranean.

While the number of deaths in the Mediterranean Sea is recorded, the number of refugees and migrants who have died on Libyan soil is not known. Given the reports by refugees and migrants who were in Libya before reaching Europe and reports by humanitarian workers on the number of deaths due to sickness, killings, and ill-treatment, the numbers are likely to be high. The EU should urge the Libyan authorities to register the migrants and refugees in areas under their control, so that authorities and humanitarian organizations can keep records on their whereabouts, status and needs they may have, and to record the deaths that occur in those areas.

The EU's training and equipment of the Libyan coast guard, which will – if it is effective – result in an increase in their rescue and interception operations that end with the return of refugees and migrants to Libyan soil, entails a responsibility to ensure that those people are not returned to conditions where they face torture, execu-

tions, and sexual abuse. The international law principle of non-refoulement – the prohibition of returning someone to a country where they would face torture or other ill-treatment – prohibits the EU and its member states from returning to Libya people they rescue in the Mediterranean Sea. In its support of the Libyan coast guard to take people back to Libya, the EU must ensure that its funding and trainings do not result in people being held in detention centers where grave and well-documented abuses occur.

In its support of the Libyan coast guard to take people back to Libya, the EU must ensure that its funding and trainings do not result in people being held in detention centers where grave and well-documented abuses occur.

In its cooperation with the Libyan government and in providing training and funding to actors on the ground, the



Rescue boats from the Italian Coast Guard (Guardia Costiera) on the island of Lampedusa.

Conclusion

EU should ensure that its actions result in an improvement of the conditions for refugees and migrants inside Libya and bring to an end to the human rights abuses they face. The EU should support the establishment of systems – such as a functioning and effective asylum system – that provide for solutions in the long-term. However, given the ongoing violence in Libya and lack of a resolution to the political crisis in the country, such improvements and reforms will take time and require continuous efforts. The needs of refugees and migrants currently in Libya are urgent. Some people are willing to return to their home countries and can do so safely; they should receive the assistance they need to do so in an orderly manner that is based on an informed decision. Others, on the other hand, cannot go back to their country due to persecution they would face or because of war or violence. The EU should provide safe and legal routes for people who are in need of international protection and use all the procedures available, including family reunification, resettlement, and relocation. Such measures would constitute solutions in the immediate term for people in need of protection and provide viable alternatives to life-threatening journeys in the hands of smugglers.

UN and other humanitarian actors working in Libya face significant challenges in accessing populations of concern and threats to their own security. They should use the funds provided by the EU to increase their capacity and improve their response on the ground. Given the urgent nature of the humanitarian crisis for refugees and migrants in Libya, the UN should, as an emergency response, provide human rights monitors to oversee the treatment of refugees and migrants in migrant detention centers or other facilities to which people rescued by the Libyan coast guard are taken, as well as at disembarkation points. To ensure that people in need of international protection are registered and can lodge an application for international protection, UNHCR should provide people with information on the right to seek international protection and the application process at disembarkation points as well as in the facilities where they are held.

The EU and its member states are deploying major initiatives and funding in an effort to prevent more people from arriving on the European side of the Mediterranean, and given the drastic decrease of crossings between Turkey and Greece, the route between Libya and Italy is now their priority. But the fate of people who are seeking international protection is effectively absent from the plans outlined by EU leaders to tackle the Central Mediterranean route. Among the tens of thousands of people arriving on Italy's shores are people fleeing from violence, human rights abuses, and persecution in their home countries. Any serious efforts to fight human smuggling must include safe and legal pathways for the protection of such people. With the ongoing violence and chaos in Libya, a country that lacks an asylum system and where the rule of law is absent, EU countries must accept people on their territory through orderly, legal processes that are viable alternatives to ruthless criminal networks.

The EU and its member states should also ensure that their funding and actions in Libya do not result in or contribute to human rights abuses against refugees and migrants. The EU should also conduct rigorous oversight of the use and the effects of the trainings, equipment, and funding they are providing to the Libyan authorities. The situation of refugees and migrants in Libya is a human rights crisis. The EU must do everything within its power to end it.

Izza Leghtas and Alyssa Eisenstein traveled to Italy and Tunisia in March 2017. RI extends a special thanks to the refugees and migrants who shared their stories with us.

Endnotes

1. For the purposes of this report, the term “refugee” refers to a person who fled his or her country due to a fear of persecution, war or violence, even if they have not formally applied for asylum or been granted refugee status. The term “migrant” refers to a person who left his or her country for other reasons (even though Refugees International recognizes that people often flee their home country for a variety of reasons that can include fleeing persecution, war or violence as well as seeking better economic opportunities).
2. UNHCR operational portal, Mediterranean Situation, <http://data2.unhcr.org/en/situations/mediterranean> and Migration Flows to Europe, Displacement Tracking Matrix (DTM), April 2017, International Organization for Migration, http://migration.iom.int/docs/QI_2017_statistical_Overview.pdf.
3. UNHCR Regional Office for Southern Europe, Italy Sea Arrivals Dashboard January - April 2017, <https://data2.unhcr.org/en/documents/download/56593>.
4. According to a survey by IOM’s Displacement Tracking Matrix, between December 2016 and March 2017, Libya was the country of intended destination for 64 percent of the migrants surveyed in Libya. The survey did not, however, include people who had spent less than six months in Libya at the time of IOM’s reporting. IOM Displacement Tracking Matrix (DTM), Libya’s Migrant Report, December 2016 - March 2017, <http://www.globaldtm.info/dtm-libyas-migrant-report-mobility-tracking-round-8-and-flow-monitoring-dec-2016-march-2017/>.
5. See “Only God Can Stop the Smugglers: Understanding Human Smuggling Networks in Libya,” Floor El Kamouni-Janssen, Netherlands Institute of International Relations “Clingendael,” February 2017, https://www.clingendael.nl/sites/default/files/only_god_can_stop_the_smugglers.pdf.
6. Libya’s Migrant Report, IOM Displacement Tracking Matrix (DTM), p. 6, <http://www.globaldtm.info/dtm-libyas-migrant-report-mobility-tracking-round-8-and-flow-monitoring-dec-2016-march-2017>.
7. UNHCR Libya Fact Sheet, April 2017, <http://reporting.unhcr.org/sites/default/files/UNHCR%20Libya%20Fact%20Sheet%20-%20April%202017.pdf>.
8. IOM press release, “UN Migration Agency (IOM) Improves Living Conditions for Detained Migrants in Libya,” May 5, 2017, <https://www.iom.int/news/un-migration-agency-iom-improves-living-conditions-detained-migrants-libya>.
9. IOM Learns of “Slave Market” Conditions Endangering Migrants in North Africa, April 11, 2017, International Organization for Migration, <https://www.iom.int/news/iom-learns-slave-market-conditions-endangering-migrants-north-africa>.
10. UNHCR Position on Returns to Libya, Update 1, October 2015, paragraph 30, <http://www.refworld.org/docid/561cd8804.html>.
11. UNHCR operational portal, Mediterranean Situation, <http://data2.unhcr.org/en/situations/mediterranean>.
12. Annex to the 1979 Convention on Maritime Search and Rescue, paragraph 1.3.2. The Convention has been ratified by Italy and Libya.
13. While the International Maritime Organization (IMO)’s International Convention on Maritime Search and Rescue does not define a “place of safety”, according to the IMO’s Guidelines on the Treatment of Persons Rescued at Sea, a “place of safety” is “a place where the survivors’ safety of life is no longer threatened and where their basic human needs (such as food, shelter and medical needs) can be met.” The guidelines also specify that “the need to avoid disembarkation in territories where the lives and freedoms of those alleging a well-founded fear of persecution would be threatened is a consideration in the case of asylum-seekers and refugees recovered at sea.” IMO, Resolution MSC.167(78), Guidelines on the Treatment of Persons Rescued at Sea, May 20, 2004, paragraph 6.12 and 6.17, <http://www.refworld.org/docid/432acb464.html>.
14. UNHCR Position on returns to Libya, Update 1, October 2015, paragraph 33, <http://www.refworld.org/docid/561cd8804.html>.
15. IOM, Mediterranean Migrant Arrivals Top 43,000 in 2017; Deaths: 1089, April 24, 2017, <https://www.iom.int/news/mediterranean-migrant-arrivals-top-43000-2017-deaths-1089>.
16. Law No.19 of 2010 on Combating Irregular Migration, Art. 6. Under this law, foreign nationals are considered to be irregular migrants if they do not regularize their situation within two months of the law’s entry into

- force.
17. For more information on Libya's domestic legal framework, see the report of the UN Support Mission in Libya (UNSMIL), "Detained and Dehumanised: Report on Human Rights Abuses against Migrants in Libya," December 13, 2016, http://www.ohchr.org/Documents/Countries/LY/DetainedAndDehumanised_en.pdf.
 18. European Commission and High Representative of the Union for Foreign Affairs and Security Policy, Joint Communication to the European Parliament, the European Council and the Council, Migration on the Central Mediterranean Route: Managing Flows, Saving Lives, January 2017, p. 10, 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.
 19. Malta Declaration by members of the European Council on the external aspects of migration: addressing the Central Mediterranean route, February 3, 2017, <http://www.consilium.europa.eu/en/press/press-releases/2017/01/03-malta-declaration/>.
 20. [8] EU-Libya relations, fact-sheet, European Union External Action, April 12, 2017, https://eeas.europa.eu/headquarters/headquarters-homepage_en/19163/EU-Libya%20relations,%20ofactsheet.
 21. European Commission press release: EU Trust Fund for Africa adopts EUR 90 million programme on protection of migrants and improved migration management in Libya, April 12, 2017 http://europa.eu/rapid/press-release_IP-17-951_en.htm.
 22. European External Action Service press release: EU-NAVFOR MED operation Sophia started training the Libyan Navy Coast Guard and Libyan Navy this week, October 27, 2016, https://eeas.europa.eu/csdp-missions-operations/eunavfor-med/13195/eunavfor-med-operation-sophia-starts-training-libyan-navy-coast-guard-and-libyan-navy_en.
 23. IOM Assists 462 Stranded West African Migrants to Return Home from Libya, IOM press release, April 21, 2017, <https://www.iom.int/news/iom-assists-462-stranded-west-african-migrants-return-home-libya>.
 24. EU Trust Fund for Africa adopts EUR 90 million program on protection of migrants and improved migration management in Libya, EU Commission press release, April 12, 2017, http://europa.eu/rapid/press-release_IP-17-951_en.htm.
 25. Art 8, Regulation (EU) 2016/1624 of the European Parliament and of the Council of 14 September 2016 on the European Border and Coast Guard, http://frontex.europa.eu/assets/Legal_basis/European_Border_and_Coast_Guard.pdf.





Sudanese refugees who recently arrived in Italy from Libya.

REFUGEES INTERNATIONAL

2001 S Street, NW · Suite 700 · Washington, DC 20009

PHONE: [202] 828-0110 · FACSIMILE: [202] 828-0819 · E-MAIL: ri@refintl.org

www.refugeesinternational.org

 Refugees International  @RefugeesIntl