

“WE RISK OUR LIVES FOR OUR DAILY BREAD”
**FINDINGS OF THE DANISH REFUGEE COUNCIL STUDY
OF MIXED MIGRATION IN LIBYA**

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Report Objectives

This report presents the situation and experiences of asylum seekers, refugees and migrants (collectively referred to here as 'mixed migrants') living in the Libyan community in greater detail than has previously been available. Covering many aspects of peoples' lives from security to education, shelter and livelihoods, it draws its findings from data collected through extensive surveys carried out by DRC with people living in Libya across the two locations of Tripoli and Sabha. It is anticipated that this report will engender a more sensitive portrayal of migrants' experiences, recognising in particular their diversity and heterogeneity as a community in Libya. A key theme emerging from this research warranting greater attention is that mixed migrants make an immense contribution to the Libyan economy. Stereotypes widely perpetuated in the popular media of 'all migrants' using Libya as a transit point en route to Europe are also challenged here. Without accurate statistical information on the size and composition of mixed migrant populations in Libya it is not possible to determine demographic profiles of each migrant community. However it is anticipated that the information outlined in this report will set a baseline for future studies.

Introduction

Danish Refugee Council has been working in Libya since 2011 in the areas of mine action, armed violence reduction (AVR) and protection. The core components of its protection work are protection monitoring, legal counselling, individual assistance, and awareness-raising with civil society and government institutions. Libya is one of many countries where DRC works that can be characterised as a *mixed migration context*. DRC's Mixed Migration Policy (2009) defines mixed migration as "complex population movements including refugees, asylum seekers, economic migrants and other migrants". Other populations within mixed migration can include victims of trafficking, stateless persons, unaccompanied minors (UAM) and separated children. This phenomenon, which will be discussed in

more detail in the report, is described by the Regional Mixed Migration Secretariat (RMMS) as an issue of “rising importance, both in terms of sheer numbers and with regard to political significance at national, regional and global levels” (2012). It further “reflects the tendencies for an increasing number of people to migrate with greater risks, in search of a better future in more affluent parts of a globalized world. It also indicates that people are on the move for a combination of reasons that fundamentally are related to safeguarding physical and economic security” (RMMS, 2012).

DRC’s work in Libya focusing on the protection needs of vulnerable populations provides a unique perspective on mixed migration from within the country. Refugees and asylum seekers in Libya are part of a mixed-migration context that includes migrants, asylum seekers and refugees. Libya’s oil-driven economy has long been a magnet for migrants: casual work is plentiful and relatively well paid by African standards. Prior to the Revolution in 2011, former leader Gaddafi at various times encouraged or discouraged this migration according to the prevailing political and economic dynamics. During his leadership Libya acceded to the United Nations International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families in 2004 although this has not been enacted into domestic legislation. Gaddafi also played an integral role in the foundation in 1998 of the Community of Sahel-Saharan States (CEN-SAD), a regional free trade bloc which promotes the free movement of people amongst other things. At other times he ordered waves of round-ups and deportations of irregular migrants.

This highly changeable policy, with no domestic policy arrangements for migration, led to a situation in which Libyan government officials and the migrants themselves were often uncertain of prevailing migration rules. Irregular migration became the norm for African migrants and the situation became even more chaotic after the Revolution. While not generally accepted publicly, most Libyans tacitly accept the vital role migrant workers fulfil in the economy. European governments, Italy in particular, also see Libya as a conduit for illegal migration into Europe. United Nations High Commissioner for Refugees (UNHCR) estimates that around 32,000 people have arrived by sea to Italy and Malta in 2013; most have departed from Libya (See BBC News, 15 October 2013 and UNHCR, 5 July 2013). Several hundred people have died trying to make the crossing during 2013, and in 2012, almost 500 people were reported dead or missing at sea. Efforts to address this movement of people have included bilateral agreements made in 2008 between Italy and Libya to intercept people before they can reach Italy. Such moves were criticised by both the UN Special Rapporteur on the Human Rights of Migrants and UN Office of the High Commissioner for Human Rights (OHCHR), for pushing back people to Libya and being tantamount to externalising border control (see also Human Rights Watch, 2009). Following a European Court of Human Rights ruling in the case of *Hirsi vs Italy*, so-called ‘push backs’ to Libya were halted. Similarly Malta’s attempts in 2011 to return migrants to Libya were also stopped by the European Court of Human Rights. The disproportionate attention of European governments on illegal migration to Europe has influenced the approach of Libyan authorities who prefer to detain specific groups on the presumption they will try to go to Europe. Even the system of indefinite detention itself has in the past been sponsored by European governments, although this is not the case currently.

As this report will show, the mixed migrant community in Libya is a diverse, heterogeneous population with varying intentions, routes and longer-term plans. Traditionally West Africans stay in Libya for a few years, remitting money to their families back home. Some will come and go on a semi-seasonal basis. Migrants from the Horn and West Africa mainly enter Libya by using informal land routes across the desert from southern Egypt, Sudan, Chad, Niger or Algeria (for more details on migration routes, see ALTAI Consulting, 2013). These journeys are fraught with hardship and risk. It involves paying smugglers who may end up cheating their clients, travelling in open vehicles across the desert, being denied food, water and medical care, the risk of being detained and beaten by smugglers and authorities or militias. Many are also abandoned in the desert, left at points long before their agreed destination locations and some are held by smugglers and other criminal elements for ransom. Violence, rape and other human rights abuse frequently occur when migrants are held to expedite the payment of ransoms. Unknown numbers of people die each year making these perilous journeys.

There are a total of 29,239 asylum seekers and refugees registered in Libya according to UNHCR (as at 31 October 2013). Most asylum seekers originate from Syria, Eritrea and Somalia while refugees come from Palestine and Iraq. Those from the Horn, Eritreans and Ethiopians in particular, have fewer religious, linguistic and cultural ties to North Africa. Many from this region will have left their home due to persecution, conflict or civil strife and are therefore seeking protection. They tend to use the same routes and means of travel as economic migrants, but may see Libya as a country of transit; given the lack of effective protection measures in Libya and the overarching conditions for asylum seekers and refugees. Asylum seekers also include significant numbers of women and children including unaccompanied minors, single females and female-headed households.

Libya has not signed the 1951 Refugee Convention, however it is a state party to the 1969 Organisation of African Unity Convention on Specific Aspects of Refugee Problems in Africa (hereafter 1969 OAU Convention). No domestic refugee law has been enacted however and fact that Libya has no official system for asylum, coupled with the preference of certain refugees to seek asylum in Europe, means the number who register with UNHCR as asylum seekers may be far less than the true number and unrepresentative in terms of country of origin. Mixed migrants trying to reach Malta or the Italian island of Lampedusa by boat from Libya each year are predominantly Somalis, Ethiopians, Eritreans and more recently Syrians intent of claiming asylum in Europe. Significant deaths at sea occur each year and some people are stopped attempting to get boats and are then detained. In one case a group of mainly Syrians and Palestinians claimed they were shot at as their boat left Libya (BBC News, 13 October 2013).

Prejudice towards migrants, and especially sub-Saharan Africans, is widely documented (Al Jazeera, 9 April 2011; Amnesty International, 2013; Human Rights Watch, 2006). Routine abuses and rights violations reported include name-calling, stone-throwing, arbitrary detention, beatings, being robbed, lack of due legal process, extortion, exploitative labour practices (including refusing payment) and forced eviction from lodgings. During the revolution latent xenophobic tendencies were stirred by Gaddafi's practice of recruiting mercenaries from among migrants and ethnic minorities. Across the country new detention camps for irregular migrants and asylum seekers were built and others were

expanded. Thousands of people were forcibly deported. Detention centres are often crowded and insanitary. Centres are either managed by revolutionary brigades (known as *katibas*) or, more recently, the Department for Combatting Illegal Migration (DCIM). The latter comes under the remit of the Ministry of Interior which permits visits by NGOs and provides food and access for medical services. However in both forms of detention, people have little or no recourse to the law and are sometimes even contracted out as informal work gangs – the same irregular labour status they were detained for in the first place. Other migrants report they are detained by criminal gangs and then threatened with extortion.

The Constitutional Declaration of the interim National Transitional Council (Aug 2011) guaranteed the right of asylum, but neither the NTC nor General National Congress has yet established any national legislation or administrative structures to deal with refugees and asylum-seekers. The Libyan Government and UNHCR do not have a MOU which would give legitimacy to UNHCR, their partners and beneficiaries. State institutions are still in the process of being re-established. Key ministries with a stake in migration issues are Foreign Affairs, Interior, Labour, Social Welfare and Justice. There are likely to be mounting pressures on the government to improve the policy environment for migration. Economically, Libya has particular industries (predominantly oil) and other domestic labour demands that means it cannot function without migrants in a range of occupations and there will be internal and external pressures to end the 'open borders' situation which encourages smuggling and irregular migration.

Key Findings

1. There is a lack of understanding about the different groups of mixed migrants present in Libya, their origins, reasons for moving to Libya and intentions to either return home, stay in Libya or move on. Future initiatives targeting mixed migration must be based on a more complex notion of the many different mixed migrant communities in Libya as outlined in this report.
2. The situation of mixed migrants in Libya, especially asylum seekers, demands the proactive and coordinated attention of responsible actors. Efforts to address the situation must include the host government, UN bodies and NGOs (both local and international) as well as donor governments, and be sensitive to the migration-security concerns of Libyan authorities.
3. The adverse treatment of mixed migrants in Libya includes:
 - a. Inadequate procedures for people to apply for permission to enter Libya through regular migration channels prior to entry, or to regularise their status on entry into the country
 - b. Lack of systems for asylum-seekers in particular to have their status recognised by the host government and obtain documentation attesting to their unique position as distinct from migrants
 - c. Absence of information for mixed migrants about their rights and responsibilities whilst in Libya, and corresponding information for the Libyan community about mixed migrants
 - d. Exploitation of migrant workers extending to non-payment for work satisfactorily completed, failing to ensure their physical safety and generally not offering fair working conditions
 - e. Related to lack of documentation, overlooking the unsafe and unsanitary housing conditions for mixed migrants and their families, as well as the role that Libyan landlords play in permitting this situation
 - f. Arbitrary arrest and detention of mixed migrants by local authorities; the lack of any penalties for people who rob, beat up and threaten migrants; and no system for migrants to record or report protection issues.
 - g. Exclusion of migrants from mainstream health services
 - h. Failure to extend education services to children of mixed migrants
4. If sustainable options were created in Libya for suitable work and safe living conditions in a more welcoming environment, then a large proportion of migrants would benefit from the opportunity to migrate on a short term or even seasonal basis and return back to their home countries. Such a solution fits within well-established parameters of migration as a development outcome.

5. Currently, the adverse treatment of migrants and asylum-seekers in Libya results in a shrinking space for mixed migrants who are extremely marginalised in Libyan society. This treatment creates inevitable 'push' factors forcing those people with no option to return to move on, especially to safer third countries in Europe. Unfortunately the only means for most people to leave Libya is through unsafe sea voyages.

Recommendations

1. By continuing to focus on 'stemming the flow' of migrants into Europe, external actors have shaped Libyan policies and actions in the migration sector in a way that fails to address the root causes of why people move. Greater attention is also needed on the internal drivers of mixed migration in Libya.
2. Corresponding efforts by Libyan authorities to support European asylum-migration agendas described in this report, have resulted in rough, punitive actions targeting all undocumented arrivals on the presumption they will seek to move on to Europe. In a complex mixed migration context such as Libya, policies must target both asylum and migration equally. If not, as is well known in other contexts, the integrity of asylum systems can be compromised.
3. Evidence-based policies addressing mixed migration should be complemented by programmes that:
 - a. Support the creation of distinct asylum and migration systems in Libya
 - b. Raise awareness of the contribution made by migrants and promote their fairer treatment
 - c. Adequately address the needs of local host communities especially those that currently benefit from people smuggling
4. More broadly, Libyans are well aware of the important role they play in containing migrants and asylum seekers in the region. Gestures by the European community, such as the establishment of migration channels and increased refugee resettlement quotas (including for refugees in Libya), would go a long way towards so-called 'burden sharing' and set a positive example to Libyan authorities.
5. European governments and advocates should focus more attention on the role that African state officials play in violating migrants' rights and perpetuating abuses against them. This includes naming and speaking up against proven cases of corruption, bribery and involvement in people smuggling.

Context in Libya

The following section briefly outlines the context in Libya for migrants and provides a background to the main focus of the report - the findings of DRC's survey of migrants.

Mixed migration

As discussed earlier, mixed migration is a term used to describe the increasingly complex ways people move that also incorporates their various motivations for being mobile (Van Hear, 2011). Describing the process, Van Hear explains that:

“Migration can be mixed in several senses, which to some degree relate to stages of the migratory process: motivations may be mixed at the point of making the decision to move; migrants may make use of the same agents and brokers; they may travel with others in mixed migratory flows; motivations may change en route and after arrival; and people may find themselves in mixed communities during their journeys or at their destination” (2011:2).

As the Regional Mixed Migration Secretariat (RMMS, 2012) has noted mixed migration includes the following categories of people:

- Irregular migrants
- Refugees and asylum seekers (forced migrants)
- Victims of trafficking (involuntary migrants)
- Stateless persons
- Unaccompanied minors and separated children and other vulnerable persons on the move

Paying attention to legal distinctions is important, but people can shift between categories en route. Libya has been described as a site of 'mixed migratory flows' (Hamood, 2006) due to its dual nature as a *destination* site for migrants as well as a *transit* point for those wishing to move onward to Europe.

Migration systems

Libya has limited mechanisms both for facilitating regular migration and for migrants to regularise their status in-country. Some of these problems stem from the complex rules and regulations governing nationality. A brief typology of known scenarios is as follows:

Type	Description	Documents
Libyan national	Born to a Libyan father (or, if born overseas, father has Libyan nationality)	<ul style="list-style-type: none"> - Family book - Libyan passport - Libyan birth certificate (civil registration office) - Libyan Identity Card (over 18 years of age)
Libyan resident	<ul style="list-style-type: none"> - Residing in Libya for more than 10 years - Arab background (eg, Tunisians, Syrians etc) 	<ul style="list-style-type: none"> - Residence permit (issued by Nationality and Passport Office)
Holder of work permit	<ul style="list-style-type: none"> - Employee of a Libyan firm (hold invitation or work request) - Must have entered Libya legally - Employer must apply for permission to Ministry of Labour - Traditionally used for groups such as Bangladeshis, Filipinos 	<ul style="list-style-type: none"> - Work permit acceptance issued by Ministry of Labour (attached to employer, cannot change employer) - Nationality and Passport Office will issue permit
Short-term (tourist/business) visa	<ul style="list-style-type: none"> - Issued prior to entry to Libya 	<ul style="list-style-type: none"> - Limited opportunities for renewal in-country

The main Ministry in charge of migration matters is the Ministry of Interior. There is no Ministry comparable to a 'Ministry of Immigration' and the main department for irregular migrants within this Ministry is the Department for Combatting Illegal Migration (DCIM). The Prime Minister's Office has established a Border Management Working Group that cooperates with EU-Border Assistance Mission (EU-BAM) on training and procedures at border crossing points (land, sea and air).

Ongoing presence of migrants in Libya

The lack of structural mechanisms for migrants has not inhibited the movement of people to Libya to seek opportunities for work in the country, and to find the means to go on to Europe. Indeed some have viewed the absence of regulations as an opportunity to attempt the risky journey by boat to Europe. Migrants have in the past, fulfilled a vital role in the Libyan economy, most often as domestic workers or

agricultural labourers, in areas of construction and as professionals especially in the fields of health services and education and they continue to do so. Their contribution fills domestic labour shortages, expected in a country with a relatively small population, especially in sectors not attractive to Libyan workers. The lack of regular legal channels for migration fosters the exploitation of workers who have no regular minimum daily wage, and are not offered contracts or compensation for non-payment, accidents and injuries. Reports of migrant workers being robbed, kidnapped and held ransom, and suggestions of Libyans being involved in migrant smuggling, echoed in this study, highlights how an informal industry has become entrenched that survives off the exploitation of migrants.

As other reports on migrants in Libya have pointed out, and as was referred to in the introduction, there are historical and geo-political factors influencing the long history of regional migration to Libya (FIDH, 2012; see also Bredeloup and Pliez, 2011; Young, Osman, et al., 2007). These include:

- traditional migratory routes
- relatively porous borders
- historical slave trades
- labour shortages in Libya due to a small population and oil industry requirements
- various periods of 'open-door' policies for African migrants
- conflict in neighbouring countries displacing people to Libya
- perception of greater work opportunities
- presence of migrant community networks
- added attraction as a transit to European destinations

It is not the purpose of this report to fully explore all of the above-mentioned factors, however the Bibliography contains suggestion for further reading on this topic. (Lucht 2012; Bredeloup 2012; de Haas 2008)

Prior to the Revolution in 2011, estimates of Libya's migrant population ranged between 1.5-2.5 million (de Haas, 2007). Today, with no effective method of data collection at border points, it is impossible to provide an accurate figure of regular migration let alone irregular migration. Daily arrival figures in the south of the country have been claimed to be as high as 1,500 people (Director of International Relations at the Ministry of the Interior, General Tounsi, cited in FIDH, 2012). Numbers of people departing are equally unclear. The International Organisation for Migration (IOM) voluntarily returned around 800 people in 2013 (interim figures) and boat departures to Malta and Italy were around 8,500 (2012) and 32,000 (till October 2013), with a further 695 known deaths at sea in 2013 (Figures from Fortress Europe, 2013). It is estimated that 19,142 have died at sea since 1998 (BBC News, 12 October 2013). An unknown number may have drowned before their boat was detected, are stranded en route or remain in Libya. This highlights the urgent need for improved data collection, especially recording the number of deaths at sea and tracking those who lose their lives attempting to cross borders on their way to Libya.

Attitudes to migrants in Libya are complex and deep-rooted. As the previous section showed, differential treatment of certain migrant groups can lead to perceptions within the wider society of 'desired' and 'unwanted' communities. One important factor affecting contemporary attitudes to black African migrants has been Gaddafi-era policies towards African migrants and most especially his use of them as mercenary fighters (de Haas, 2011). Many Libyans treat Africans with fear and suspicion as a result of this legacy. The high number of African migrants who had to flee Libya during the Revolution in fear for their safety, is indicative of the extent of this problem (*Al Jazeera* 9 April 2011). Going deeper than perceptions and suspicion, attitudes towards black Africans are also connected to the former existence of regional slave trades (de Haas, 2007). These roots run deep and despite Libya being in Africa, there are conflicting notions of it being part of the 'Arab Spring' and of the role played by 'African mercenaries' that, as Pierre notes, "invoked the worst of anti-black racial stereotypes" (Pierre, 2013: 542). Exemplifying this, one focus group of women interviewed for this research recounted how one of the many of the taunts they face on the streets of Tripoli refer to their status as 'abd' (literally 'slave' in Arabic) (FIDH, 2012; Hamood, 2006).

View from Libya: migration as a security issue

Within Libya, migration is seen primarily as a security issue which influences Libyans' perceptions of migrants and, most importantly, the attitudes of bureaucrats responsible for migrants. Conversely security is a key concern in Libya that affects all residents, including migrants (FIDH, 2012). Since the Revolution in Libya, security has been fragile, particularly in and around oil fields (Eljarh 2013; UK Foreign and Commonwealth Office 2013). Efforts to regularise the army and to achieve transnational justice, for example, have been hard to realise and are compounded by a growing phenomenon of weapons proliferation and weapons smuggling that is having an impact across the region (UNODC 2013).

Migrants then, arrive into a country where there is already suspicion of, and hostility towards their presence. Such an atmosphere, which many are unaware of, affects them in ways that will be outlined later and elaborated upon in the survey. In brief, migrants are viewed through the prism of security in the following ways:

- At an institutional level: the main focus of government to date is the control of illegal migration (at Ministry level) and border management (through a Prime Ministerial Working Group involving EU-BAM).
- At a bureaucratic level: police and DCIM officials view their role as securing Libya's borders and ensuring community safety by detaining and/or deporting non-Libyans (who may be migrants or asylum-seekers) suspected of being criminals, bringing disease to the country or at risk of moving on to Europe
- At a community level: hostility and racism towards migrants is fanned by perceptions that they might be criminals, spread or bring disease and could be affiliated with the former regime. In addition, anecdotal evidence indicates there are greater fears about the influence of migrants

who are either not Muslim (such as many Eritreans) or are Shia Muslim (which may be the case for some Syrians).

As this report aims to focus on the impact of a security-centred response to migration, scope remains for the above-mentioned factors to be considered in more detail in future.

Libya's international obligations

The following table sets out Libya's obligations against the main international Conventions relating to refugees and migrants, and the status of current domestic legislation.

1951 Convention Relating to the Status of Refugees	Not signed
1969 African Union Convention Governing Specific Aspects of Refugee Problems in Africa	Signed and ratified
1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	Acceded
1954 Convention relating to the Status of Stateless Persons and 1961 Convention on the Reduction of Statelessness	Acceded
1965 International Convention on the Elimination of All Forms of Racial Discrimination	Acceded
1966 International Covenant on Economic, Social and Cultural Rights, and 1966 International Covenant on Civil and Political Rights (including Optional Protocol)	Acceded
1979 Convention on the Elimination of All Forms of Discrimination against Women	Acceded
1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	Acceded
1989 Convention on the Rights of the Child (including Optional Protocol)	Acceded
2012 Ashgabat Declaration of the International Ministerial Conference of the Organization of Islamic Cooperation on Refugees in the Muslim World	Libya has been a member of the Organisation of Islamic Cooperation (OIC) since 1969
Interim Constitution	2011
Refugee Law	Drafted (2013)

Mixed migration in a regional context

External actors

External actors, in particular European donors and governments, have generally been disproportionately focused on border control and deterrence measures (Human Rights Watch, 2009; Paoletti, 2009). The most visible actions include heightened Frontex patrols and the introduction of an EU-Border Assistance Mission (EU-BAM) to Libya. As has been observed by others, this has influenced the actions of Libyan authorities who operate on an assumption that most migrants want to go to Europe and have institutionalised a system of detention centres which in the past have been funded by external actors (Paoletti 2009). This contrasts with the Libyan government which views migration primarily as a domestic security issue. At a local level, there are international NGOs and UN agencies providing services to mixed migrants in the community while others focus interventions on migrants in detention. A legacy of the Gaddafi era is the lack of civil society groups and local NGOs and CBOs operating in Libya, with even fewer concentrating their efforts on the human rights of mixed migrants. As will be discussed later in the report, specific vulnerabilities faced by migrants in the community can impede their ability to access the most basic of services. UNHCR is able to register asylum seekers in the community and provide them with a registration card. However this card is not always recognised by the authorities. For those mixed migrants wishing to return to their country of origin, the IOM offers an Assisted Voluntary Returns (AVR) program.

Regional Processes

As was noted earlier, there has always been considerable migration within the region. Free movement is permitted within the Economic Community of West African States (ECOWAS). The African Development Bank estimates that “more than 7.5 million West Africans (about 3 per cent of the region’s population) currently circulate within the sub-region – compared to 0.5 per cent of Europeans who circulate within Europe. These numbers do not include border dynamics or seasonal migration” (2013). Additionally the Rabat process on migration and development emerged out of a “strategic partnership agreed in December 2007 between the African Union and the EU to pursue four political objectives: to work in a partnership of equals, to promote peace and security, good governance, human rights, trade and the regional and continental integration of Africa and to offer joint responses to global challenges, including migration, mobility and employment” (Bello and Gebrewold 2010). Taken together with the current High Level Dialogue on International Migration and Development, there is potential in Libya to use such regional processes to realise greater respect for migrants’ rights that can contribute to the development of both Libya as a country receiving migrants, and sending countries (Kerwin, 2013).

Danish Refugee Council Mixed Migration Survey

Methodology

The DRC Mixed Migration survey (hereafter 'DRC survey') was designed as a one-time data collection tool to gather information from migrants living in the community in Sabha and Tripoli. It did not cover migrants in detention whose situation has been documented in other reports (see for example, Amnesty International 2013; FIDH 2012). The questionnaire was first drafted in English. It consisted of five sections, namely: demographics, legal status, migration history, situation of the household (HH) in Libya (including employment/financial security and safety/security), and access to basic services (including housing/water and sanitation, health, education). It was customized to fit the local context through lengthy discussions with the DRC Protection Team. It was then translated in Arabic and back-translated to ensure accuracy of the translation. The translation and back-translation were complex and time-consuming exercises. As noted above, the survey unit was the household. However, the term has no translation in the Arabic language: the word *usra* (family) was used and intended as including the single family nucleus plus any other relatives who shared food and income with the family or were financially dependent on the head of the family (grandparents, unmarried uncles/aunts, etc.). However, in a large number of cases, the 'family' turned out to be a one-person household.

One immediate obstacle during survey design was probability sampling; there are no reliable figures for the overall population of migrants in Libya or their spatial distribution/density in Sabha and Tripoli. In order to overcome this, the survey employed a non-probability sampling approach whilst aiming for a sizeable number of respondents. To achieve this DRC drew on its Protection Team's knowledge of migrant communities which was supplemented with information from community leaders and representatives including Embassies. The involvement of mobilizers, selected among respected and trusted individuals in the community to organise potential participants, greatly facilitated access to migrants especially in areas where security concerns would have otherwise discouraged the presence of DRC staff. Potential interviewees were approached in their houses, on the street where migrants were known to congregate, places of worship and at work sites. After being provided with an explanation of the survey and confidentiality statement, participants were asked to give their consent to undertake the questionnaire for which no question was obligatory. Most interviews were conducted in Arabic, but the option of English or French was also available. The testing phase of the questionnaire, which commenced in Sabha, confirmed that migrants who had been in-country for decades faced a significantly different situation than short-term, newly arrived migrants. After internal discussions, and having in mind the objectives of the survey, it was decided to only include in the sample migrants who had been in-country for no longer than five years (irrespective of the fact that they might have briefly fled the country and/or been repatriated during the 2011 conflict).

Data collection commenced first in Sabha from May to June 2013, and continued in Tripoli between July and August 2013. A debriefing with the protection team implementing the survey was conducted every day after the data collection, each survey was also checked for accuracy by the DRC database officer.

This facilitated discussion of general issues related to the survey implementation, addressed problems with specific cases and provided feedback on any amendments needed to questionnaires. The daily discussion on the work done also allowed the team to share information gathered during the field work which could not be captured in the questionnaires (including on issues of security). Although the survey database was designed to minimise errors in data entry, a number of surveys were also randomly checked by the database officer and a review process was established to avoid possible errors during data entry upload. While every effort was made to target members of all migrant communities, the majority of the respondents were male. This was to be expected due to the inaccessibility of women in public and additional focus groups were conducted separately with 25 women and 8 children to ensure their concerns were reflected in the report.



Image: DRC Libya staff members on a field visit © DRC

Mixed migrant population in Libya

There are many different migrant communities in Libya with varying intentions, histories of migration and experiences in Libya. Some of the main groups profiled in the DRC Survey include:

Sub-Saharan/West Africans	Originating from Benin, Burkina Faso, Cameroon, Chad, Congo, Gambia, Ghana, Guinea, Ivory Coast, Liberia, Mali, Mauritania, Niger, Nigeria and Senegal
Horn of Africa	Eritreans, Ethiopians, Kenyans, Somalis and Sudanese
Arab nationals	Egyptians, Palestinians and Syria

In general, due to their long history of migration and proximity to Libya, West Africans comprise one of the largest communities in the country. While our survey focused on people who had arrived within the past five years, it is not uncommon to find West Africans who have spent considerable periods of time, even over a decade, in the country. There is a perception amongst Libyan authorities that arrivals from the Horn of Africa only intend to transit through Libya en route to Europe. The potential for this to affect detention and arrest rates will be explored in the survey. Finally, many Arab nationals have been able to obtain Libyan visas relatively easily. How this affects their livelihoods in country will also be explored later in this report. The DRC Survey did not look at nationals who can migrate officially, with employer sponsorship, however their size and main nationalities could much more easily be collected in future if data collection improved. For instance the Filipino Embassy estimates there are around 2,000 legal Filipino migrants in Libya (personal communication, 2013).

Out of 1,031 migrants surveyed, 12% (126) were female and 88% (905) were male. Most respondents (82%, n=845) were alone in Libya, while 18% (186) had family with them. Among 186 migrants with family members, 65 were females, including 22 female heads of household from Chad (2), Congo (1), Eritrea (5), Mali (1), Niger (5), Somalia (5) and Syria (3). As the figures below show, participants originated from a wide range of countries including West Africa (Chad, Niger and Nigeria), Horn of Africa (Eritrea, Ethiopia and Somalia) and the Middle East. The majority of people were under 30 years of age. This reflects a general trend of migrants being young and of working-age.

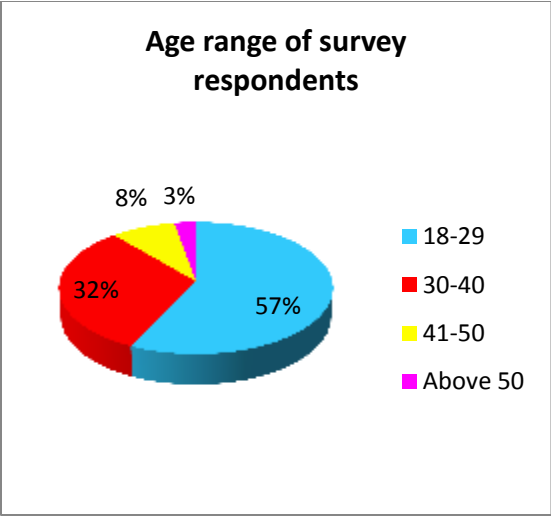
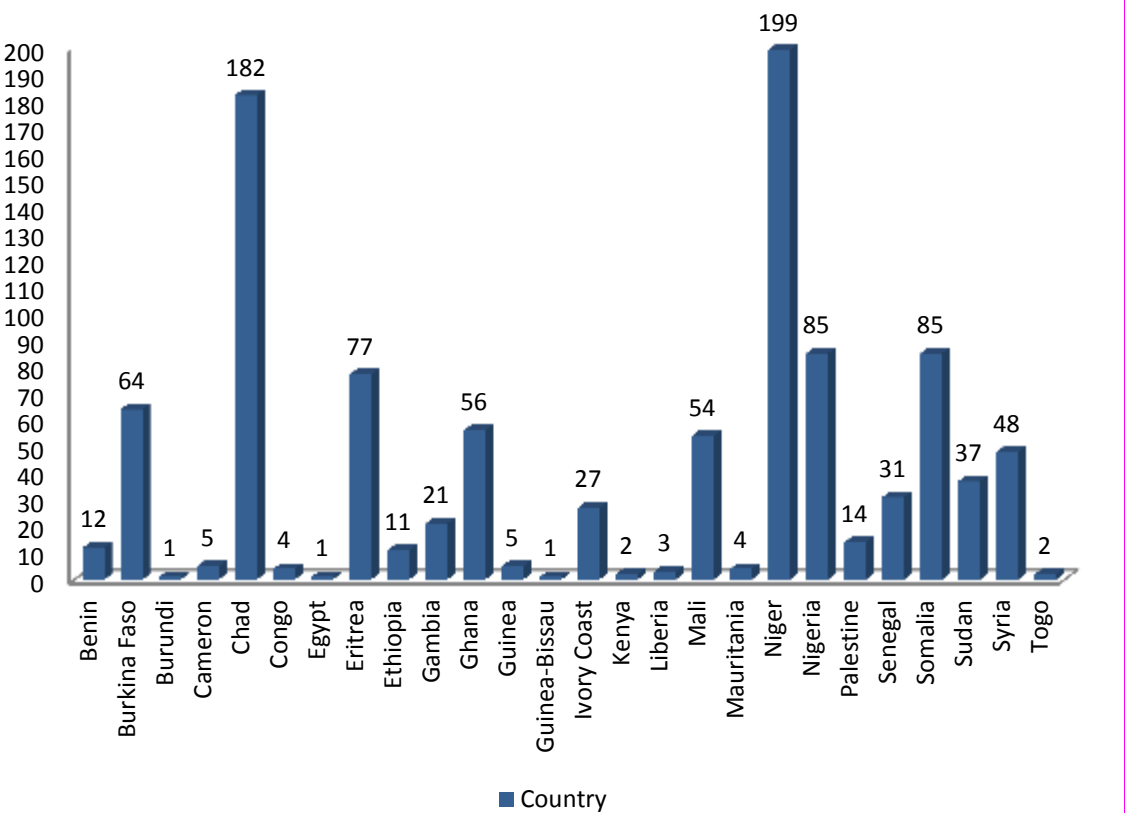


Table: Country of Origin of survey respondents



Migrants' aspirations and future plans

A recent UNHCR report (ALTAI, 2013) provides a detailed account of the main routes taken by migrants to Libya and so it is not the intention of this report to document the main pathways to Libya. Migrants participating in the DRC survey were asked to give accounts of their journey to Libya, periods spent in transit and how the journey was facilitated. The vast majority of people reported their journeys to Libya were either self-organised (530) or facilitated (497). Only 4 people (2 Nigerians and 2 Somalis) reported being deceived or coerced indicating that in the main, migrants in the community make a decision to come to Libya, as opposed to trafficked persons who may end up stranded in the country unknowingly.

Reason/s for coming to Libya	
Came to visit friends or relatives	3
Environmental disaster	8
Feared harm/ persecution	48
Fled generalized violence conflict	113
Improve general socio-economic situation only	258
To pursue education	1
To seek job and improve livelihoods	592
Other	8

Reasons for travelling, as outlined above, clearly indicate that most people surveyed intended to find work and improve their livelihoods in Libya. As a result, they can be categorised as migrants, who leave their countries in search of a migration outcome such as employment. Asked about short-term plans for the future, 38% of respondents wanted to remain where they were, 2% wanted to move to another location in Libya and 50% did not intend to remain in Libya; 10% reported their plans were unclear at present. Later in this report we will investigate the various living conditions in Libya that may affect people's ability to make or maintain plans. Notably the 113 people who claimed to have fled violence or generalised conflict largely originated from current refugee-producing countries including Somalia (52), Syria (24), Palestine (10) and Eritrea (13) with the remainder from Ethiopia (3), Ivory Coast (2) and Sudan (3).

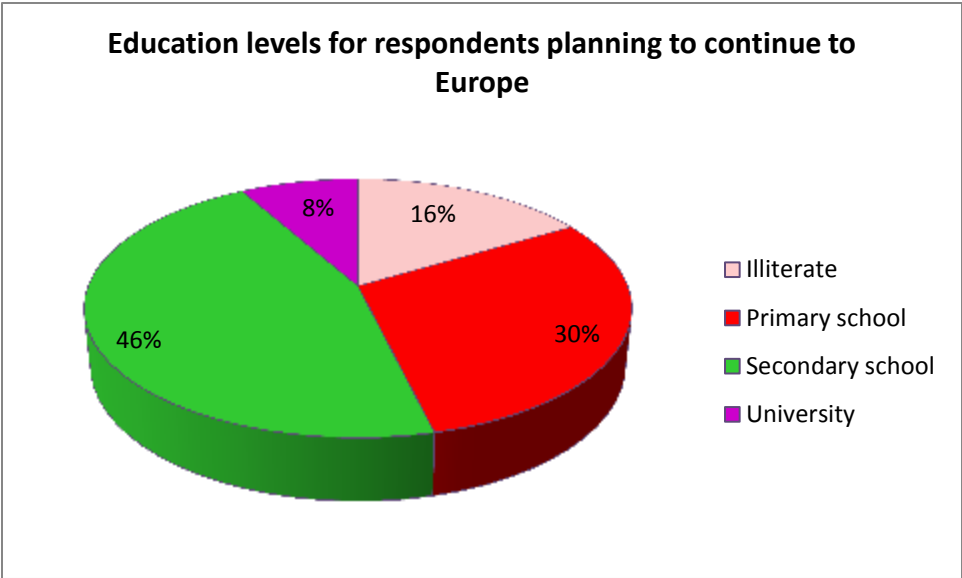
Survey respondents who indicated they did not want to remain in Libya were also asked about their current longer-term plans, irrespective of their original intention prior to coming to Libya. The current longer-term plans for those mixed migrants not wanting to stay in Libya is reflected in the table below:

Longer-term plans (of people not wishing to remain in Libya)	
Go back to country of origin	301
Continue to Europe/Western country	158
Do not know yet/have no plans	47
Prefer not to say	5
Move on to another African country	3
Total	514

A common misperception, held by many Libyan authorities and external actors, is that for all migrants Libya is a temporary stop en route to Europe. Half of the people surveyed did not want to remain in Libya; of these 58% wanted to return back to their country of origin. As might be expected given historical trends and seasonal migration patterns, migrants from Chad (73), Niger (67) and Nigeria (41) were most likely to plan to return home and therefore only migrated to Libya on a temporary basis. Overwhelmingly then, the impression from most migrants in the community was that they sought avenues to improve their livelihoods on a temporary or seasonal basis, that also included the chance to return home.

Our survey disputes the prevailing discourse in Libya that all migrants plan to move on to Europe. It shows that migrants’ intentions and aspirations are as diverse as migrants themselves.

Backgrounds of mixed migrants seeking to continue to Europe



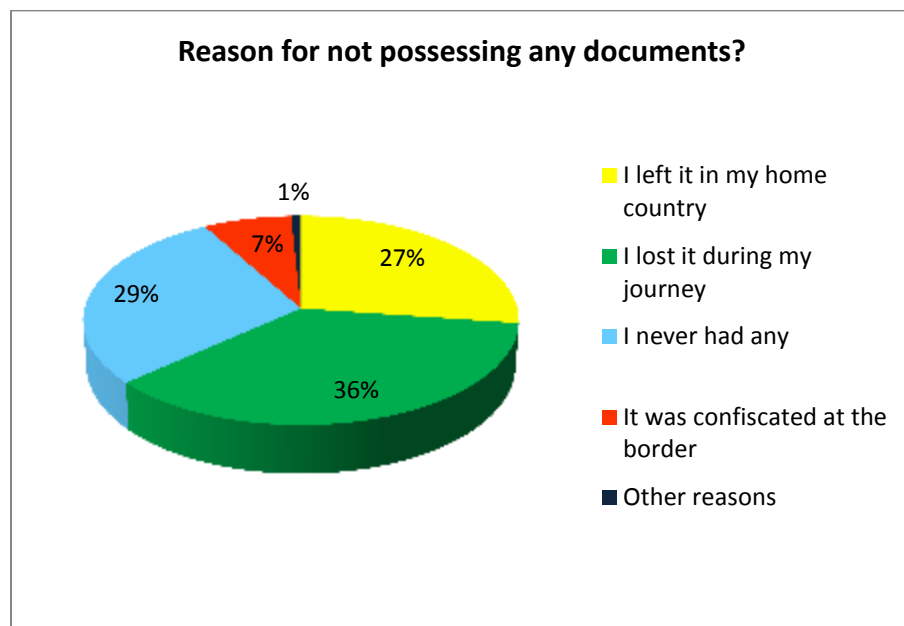
Of those respondents planning to go to Europe, slightly more reported having a secondary school (46%) and university (30%) education than those who wanted to return home (36% secondary school and 27% university). Eritreans (39), Somalis (31) and Syrians (17) recorded the highest number of positive responses when asked if they intended to go to Europe. These are the same main communities of mixed migrants who also explained that they came to Libya due to persecution and conflict in their countries of origin. Such a correlation indicates that in many cases, the specific nationalities of mixed migrants who travel on to Europe may be seeking protection from persecution and conflict, rather than simply migrating for economic opportunities.

Next we turn to the specific conditions in Libya for migrants living in the community. It explores in more detail the day-to-day experiences of people and some of the specific challenges they face. Later we discuss how some of these vulnerabilities may impact on decision-making in both the short and long term.

Legal status of migrants and their families

As the introduction highlighted, it is difficult for people to access migration through regular channels. This extends to procedures both before they decide to enter Libya and once they have arrived. For instance, the high number of people who resort to paying for people smugglers to bring them to Libya, may be due to the lack of official legal channels available to them. The implications for survey respondents, 97.5 % of whom described themselves as citizens of their country of origin, is far-reaching. Despite their method of entry, 75% of all migrants surveyed had at least one form of identity

documents. This was mainly an identity card (371) and/or a passport (453), or some other form of national identity document (48). Of the remaining 253 people without documents, the following chart outlines the main reasons why people did not have any identity documents. The significant proportion of people who claimed to have lost their documents during their journeys to Libya, highlights an additional harm caused by forcing people to use irregular means to reach their destination.



Very few, only 9%, of respondents, reported being able to obtain identity documents in Libya. The main types were health certificates (n=19), an important proof of one’s health status, residence card (n=45), work permit (n=29) and other documents (n=15). During focus group discussions some women from Nigeria raised problems they faced in paying large sums of money, sometimes up to 1,000 LYD (approx. \$800 USD), on the promise of getting a Libyan residence card. In all cases their applications through agents and brokers were unsuccessful and they lost large sums of money. Most survey respondents expressed little hope in ever being able to obtain Libyan documents and therefore simply did not bother to apply. The other main reasons for not applying for Libyan documents are detailed in the following chart:

Reasons for not applying for Libyan documents	
Little likelihood of application being successful	442
Do not want to approach the authorities	201
Do not know the procedure	135
I am not interested/do not need	98
Other reasons	17

A further 83 people reported that they had UNHCR registration cards, which eligible groups of asylum seekers are able to apply for on the basis of UNHCR criteria. The main groups holding these cards were Eritreans, Palestinians, Somalis and Syrians. For people with no documentation this is clearly an important confirmation of their identity and status, however it is unclear whether local authorities are familiar with this type of document and whether it provides the holder with additional protections in the community.

Given the length of time migrants can and do stay in Libya, and the presence of their families, in many instances migrants' children are born in Libya. Only 31% (58) of migrants with families reported having children born in Libya; a lower figure than expected due in part to the fact that recently arrived migrants were targeted for surveys. Out of these 58 people, 30 said their children had no birth certificate and 28 had birth certificates. This can have serious consequences for children and their families and needs to be investigated in greater detail. In particular lack of documentation may have adverse consequences for medical care. It is also unclear as to how Embassies treat cases of children born in Libya to migrants.

Another aspect of documentation not covered by the survey was marriage certificates. In a strict religious country such as Libya, pregnant women who are unable to produce marriage certificates have been known to face problems with authorities, such as being accused of sex outside of marriage (see text box below: 'Documentation Issues in Libya').

Documentation Issues in Libya: Pregnant Women

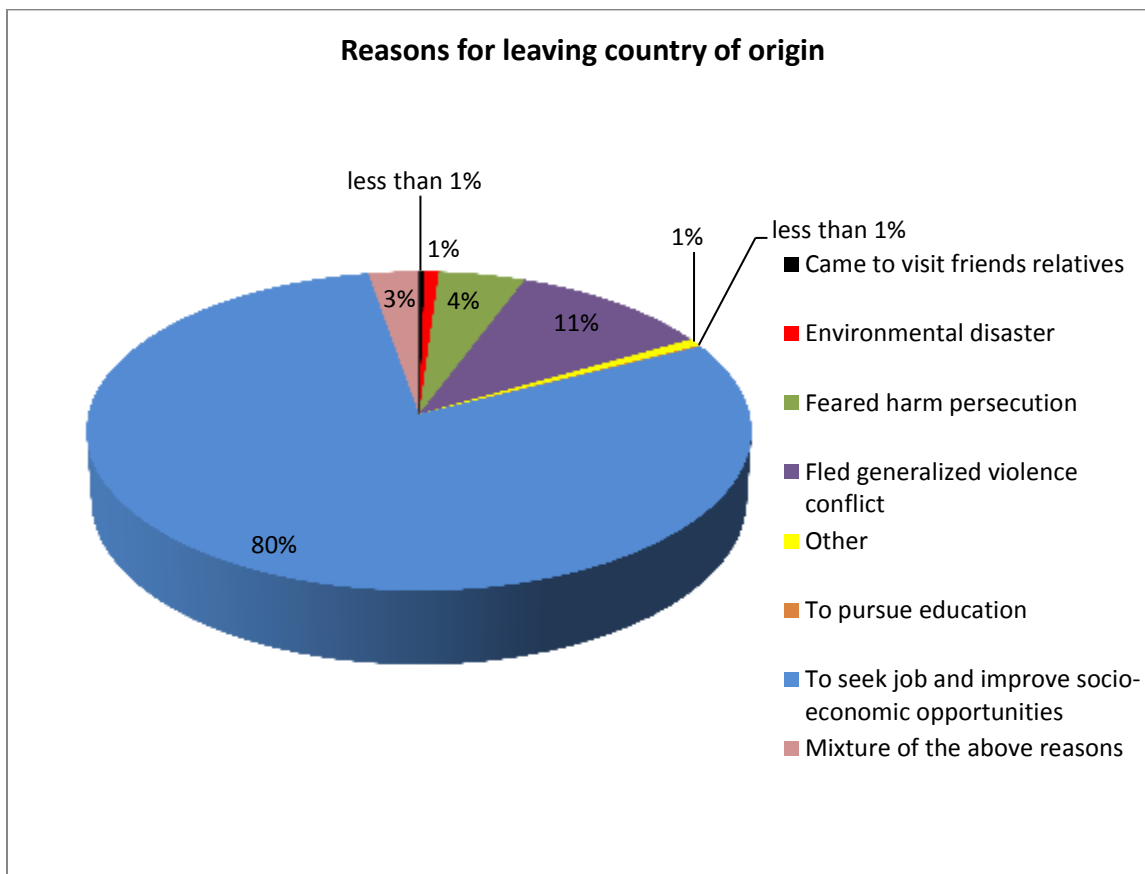
Most asylum seekers and refugees do not flee their homes with documents such as passports, birth certificates or marriage certificates – even if they had such paperwork in the first place.

All migrants face difficulties accessing medical services due to lack of documentation. If a woman arrives to Libya already pregnant, or finds out she is pregnant on arrival, she can face even more problems. Firstly she may be denied service at a hospital or, as described in this report, may not feel safe travelling to a medical centre. Secondly, after she delivers her child, if she is not able to provide a marriage certificate the hospital may send her and the child to detention because in Libya having a child out of wedlock is against the law. Finally, it is highly unlikely she will be able to obtain a birth certificate for her child.

Conditions for migrants in Libya

Employment and livelihoods

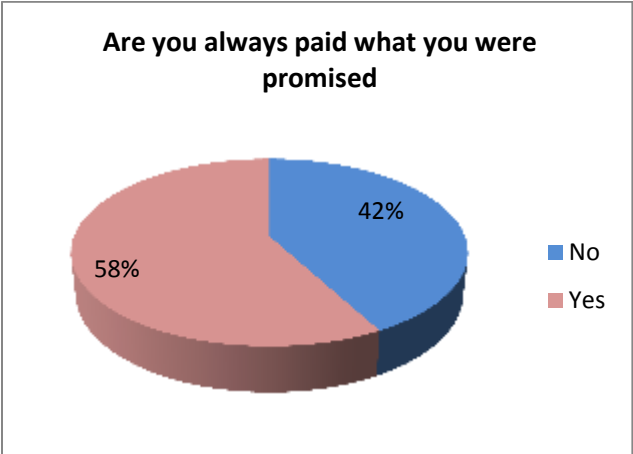
As was noted earlier and is detailed in the table below, the majority of migrants surveyed came to Libya to seek employment opportunities and to improve their socio-economic situation. The majority of migrants, 58%, reported that they were either illiterate or had a primary school education background, a further 35% had completed secondary school and 6% held a university degree. For migrants with qualifications, no correlation was found between the jobs they undertook in Libya and their prior education. This could be due to a lack of understanding amongst Libyan employers of the skills and expertise migrants bring with them from their countries of origin. In the absence of a country-wide regulatory system for migration, there is no way for migrants to bring their qualifications or references to broker employment locally.



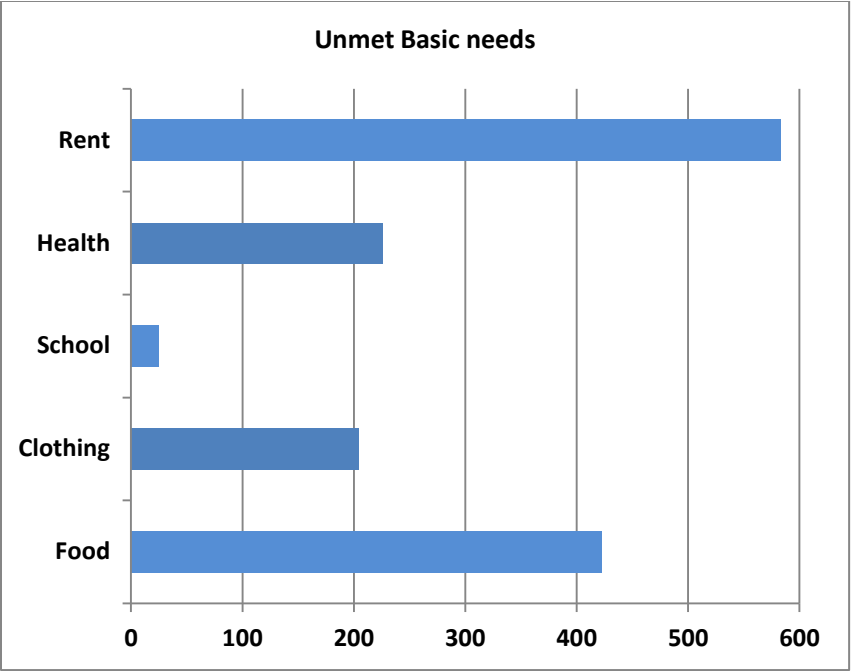
The systemic problems with employment explain the changeable situation migrants face on arrival: only 51% of respondents had regular work while the remaining 49% did not. People without regular employment reported relying on daily labour (n=267) or construction work (n=130), waiting on street corners and roundabouts in the hope of attracting potential employers. They might also be recommended for employment through friends and relatives.

Main Occupations of Migrant Workers in Libya	
Barber	3
Butcher	17
Carpenter	3
Ceramic worker	7
Cleaner	85
Construction Worker	130
Cook	2
Daily Worker (without regular employment - obtains work on a daily basis)	267
Electrician	1
Decorator	6
Driver	5
Electrician	8
Farmer/agriculture	11
Journalism	1
Mechanic	63
Other	118
Painter	16
Pharmacist	1
Plummer	8
Porter	37
Security guard	18
Self-employed	47
Seller in a shop	14
Shepherd	8
Shop keeper	24
Soldier	2
Street vendor	23
Tailor	19
Teacher	2
Welder	22
Unemployed at present	63

Once people secure employment, the next major problem they face is being paid what they are promised. Hustling for work on the streets of Libya, people usually agree on a daily rate that may range between 5LYD for cleaning up to 30LYD for construction, or even more for highly skilled work. Without any legal protections or employment contracts, 42% of respondents explained that they were not always paid what they were promised; either being underpaid or not paid at all. There was variation in how frequently people had to deal with irregular payments; an issue that warrants further investigation. In particular, data collected for this survey indicated that Eritreans and Gambians face the greatest problems getting paid with only 27% and 19% respectively reporting getting paid what they are promised. Further research is required into this issue of non-payment to understand better the causes of non-payment, whether for example this is due to their nationality or racism towards black migrants, and the specific vulnerabilities certain groups experience in employment, Overall, migrants seem to face greater problems in Tripoli with salary payments than they did in Sabha.



As most migrants are supporting themselves in Libya and most often sending remittances to their families, they rely on day-to-day work to cover their basic needs which are (in order of importance): rent, food, health needs, clothing and education. People reported the following unmet basic needs in the absence of any other family income:



Paying for rent was regularly reported as the main unmet need for both male and female survey respondents under 40 years of age, closely followed by food costs. While basic food items are relatively inexpensive in Libya, the unreliability of payment for work and the high incidents of theft, make many mixed migrants in Libya vulnerable to housing and food insecurity. Just over half (n=560) of all respondents had to borrow money at some point during their time in Libya. Most received money from friends or members of their own community however others noted that Caritas, the Catholic church, DRC, ICRC, Syrian Association and UNHCR have provided them with support.

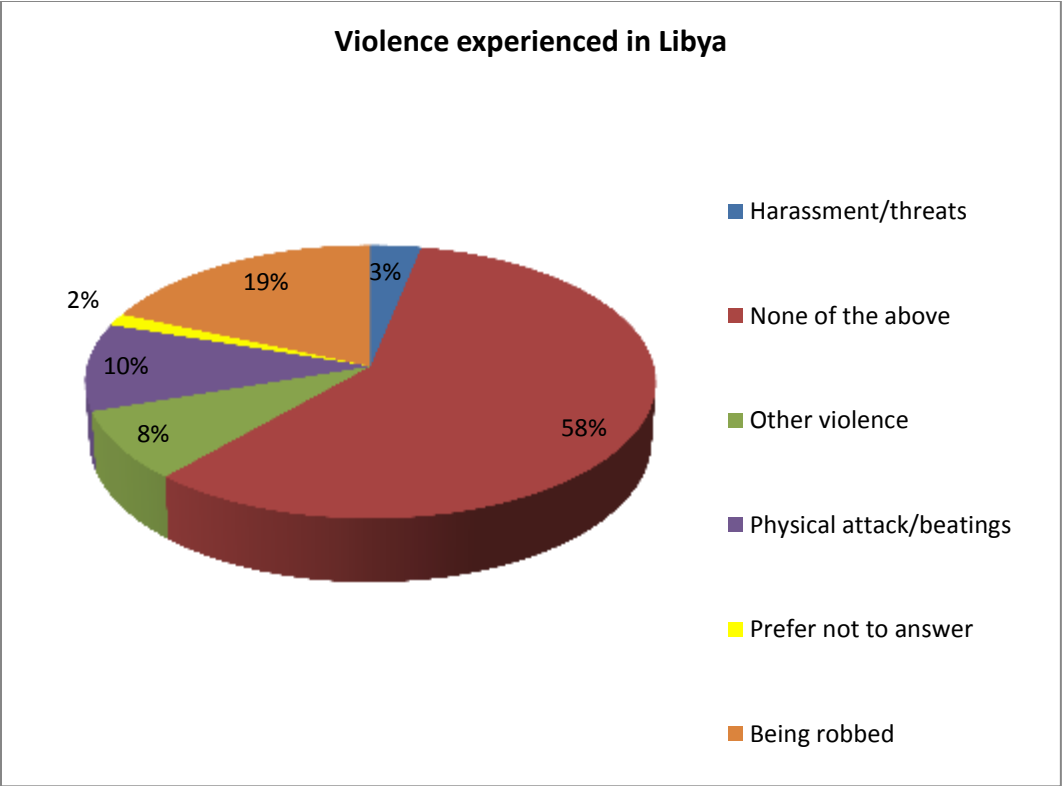
Insecurity and feelings of safety

The prevailing security situation for migrants was described as bad or very bad by 50% of survey respondents in Sabha and 62% of respondents in Tripoli. There was little distinction between migrants with families and those living alone, with both groups tending to report the security situation as bad or very bad. Similarly 59% of female respondents described security as very bad or bad, as did 55% of male respondents. The main causes of insecurity identified by people are listed below in order of importance (please note that issues pertaining to housing/shelter are discussed in the next section):

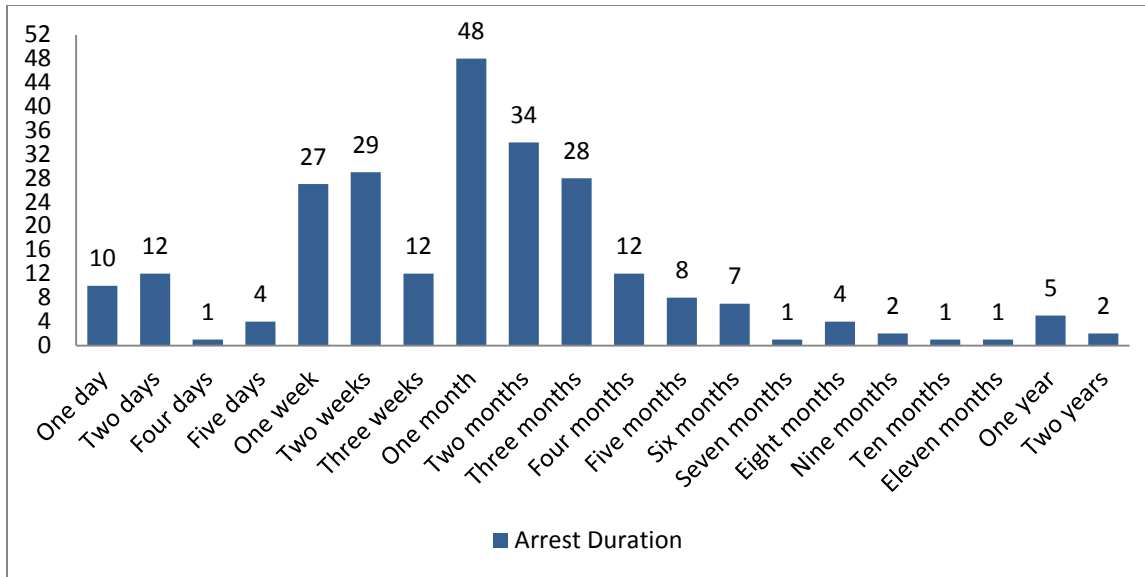
1	Gangs of youth who are armed/drunk
2	Legal status
3	Security situation in general
4	General fear
5	Afraid of Police checkpoints
6	Afraid of criminals
7	Local community is not hospitable
8	Lack of democracy

For migrants, the sources of insecurity listed above have a significant impact on their freedom of movement. Only 9% felt able to move around freely all the time, 57% said they experienced some freedom of movement and 34% reported no freedom of movement. This overwhelmingly indicates that migrants' freedom of movement is severely constrained in Libya. Most women explained that they did not move around firstly due to their legal status (or lack of documents) and secondly due to the general security situation. Male respondents identified security concerns as their primary reason for limiting their movement, followed by their legal status (or lack of documents). Young male survey respondents under 40 years of age were unable to move around publicly due to armed gangs and criminal groups. A few women aged between 18-29 years of age also reported generalised fear and specific worries at police checkpoints.

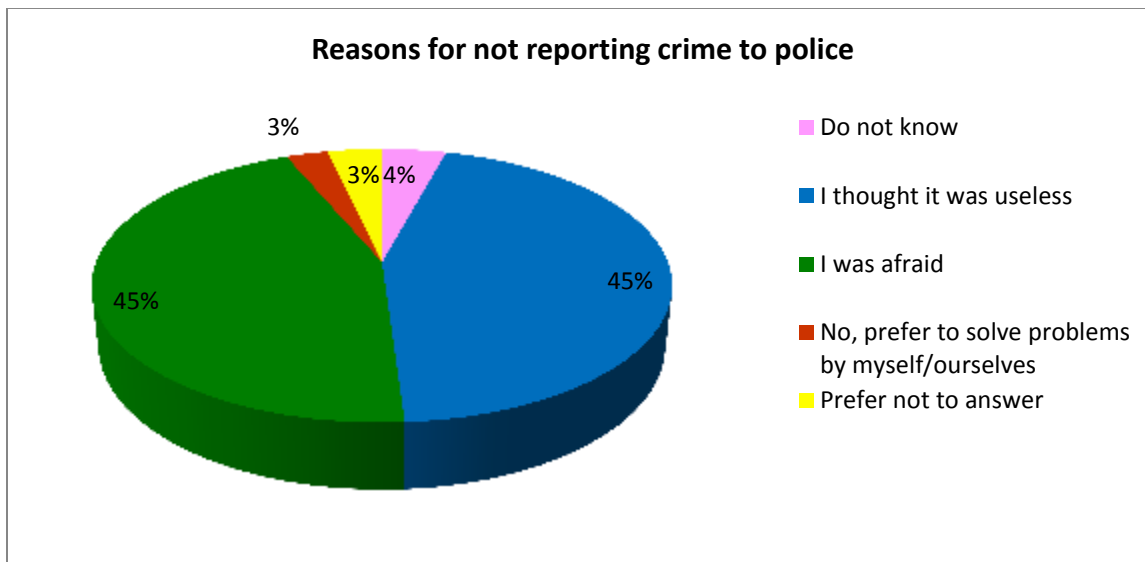
The prevailing security situation affects all residents in Libya including migrants. Furthermore the presence of armed gangs, migrants' lack of documentation, community attitudes towards migrants and their treatment at the hands of local authorities creates an environment characterised by immense hardship. It also means that migrants are extremely marginalised whilst living and working in Libya, making them vulnerable to exploitation and abuse beyond the specific problems they may face at work.



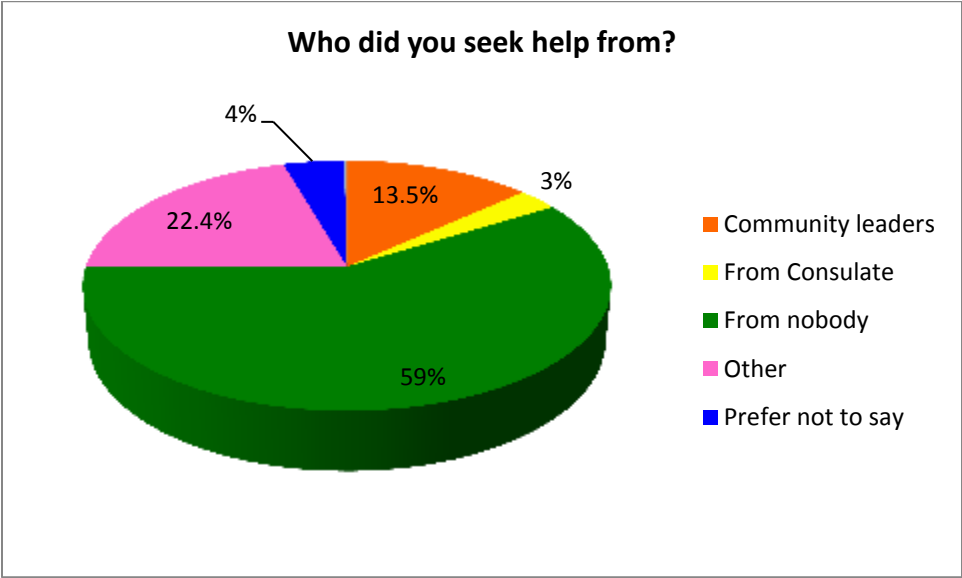
Migrants’ vulnerability extends to being robbed (19%), physically attacked and/or beaten (10%), other forms of violence (8%), and harassment and threats (3%). Some 24% said they had been arrested, a common occurrence for migrants especially when they are walking around the streets. Most (58%) believed their arrest had to do with their status as migrants. The duration of detention can be lengthy for migrants (see Table below). Detention is most often arbitrary depending on who arrests a person and what type of centre they are taken to; there are no legal remedies for release although some communities reported being able to negotiate their release on the guarantee of an Embassy or payment of a bribe. Many times phones are confiscated from people so that they have no means to pass a message to family members or Embassy contacts. The threat of detention, or prior experience of being detained, remains a significant concern for migrants in the community that goes beyond the scope of this report. More details about specific conditions of detention are available in a number of reports (see for example Amnesty International, 2013; FIDH, 2012)



Migrants’ lack confidence in the ability of Libyan authorities to take up problems of concern to them; for instance, only 3% reported criminal issues to the police. 474 migrants did not report issues to the police, giving several reasons for this decision as detailed in the table below. This may not be atypical in a context such as Libya where police services are still being established and where most mixed migrants do not possess identity documents. Compounding the complex environment migrants have to navigate, Libyans are seen as their main source of insecurity. For most migrants, 97% of those who responded to a question about sources of insecurity in our survey, their insecurity largely originates from ‘Libya’ and ‘Libyans’.



Instead, people tended to do nothing or seek assistance from their own community. Some migrants explained that after having been robbed, members of their own community may each contribute one or two dinars towards meeting essential needs such as rent. At other times this system extended to paying bribes to release people who had been detained.



Shelter



Image: An unfinished building in Tripoli housing migrants, residents in this building included women and children © DRC

In addition to their legal status, a main source of vulnerability for migrants is their precarious housing situation. 86% of migrants surveyed shared their accommodation, paying informal rent (n=581), formal rent (n=228), living for free in accommodation provided by employers (n=124), sharing with family or friends for no payment (n=93) or squatting (n=5). The main types of accommodation are detailed below.

Where Do You Live

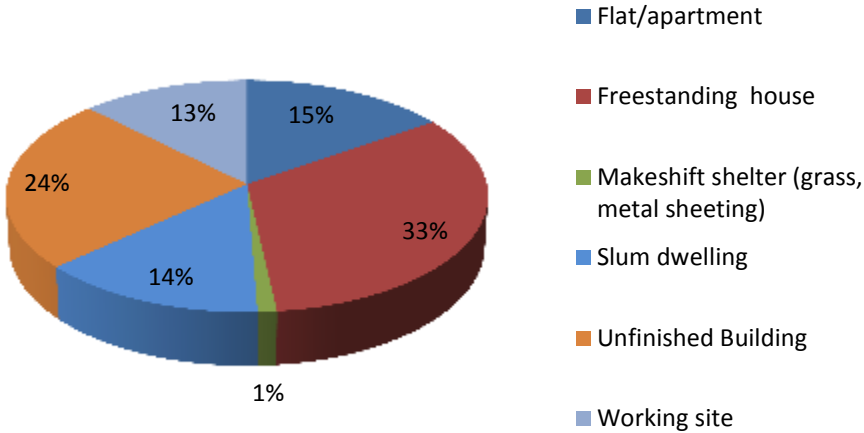


Image: External view of accommodation used by migrants in Tripoli, Libya © DRC

Water was generally available in houses but the number and availability of bathroom facilities varied considerably. Given the lack of safe, affordable housing in Libya, women and families also share accommodation. 56% of families described their housing as shared, and 69% of women shared accommodation. This raises specific concerns for the safety, health and security of women and children.

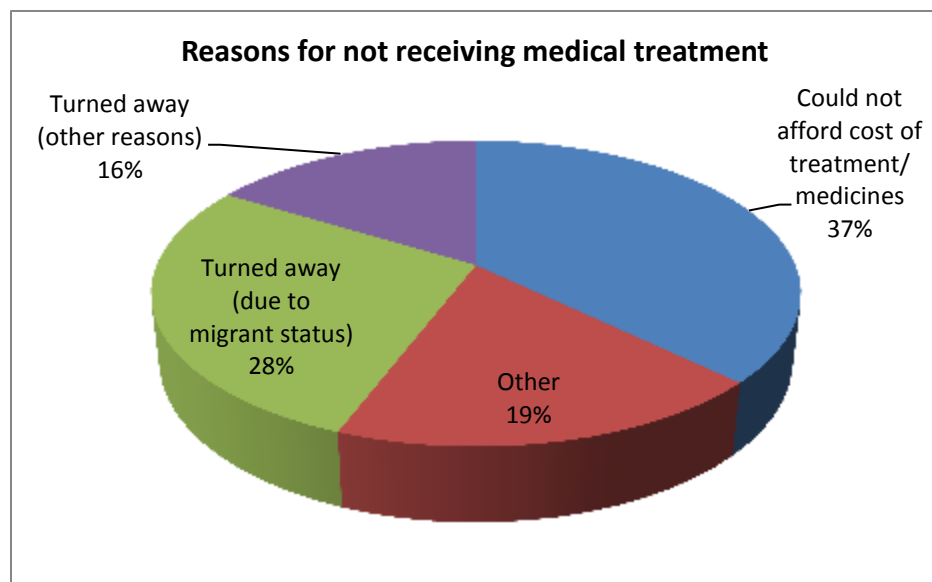
“Being raided”

During the course of data collection for the survey, a group of migrants mainly from West African countries who were living in Tripoli, contacted Danish Refugee Council’s hotline to say their house had been raided. More than 500 men had been living in an unfinished building, with an inconspicuous entrance on a main street. Each room was allocated to nationals of a specific country and rent was being paid by every person who could afford it. With only two bathrooms and showers the house had insufficient facilities for the number of occupants but provided a relatively safe shelter. Early one morning, armed men arrived to the house and rounded up all the occupants. In the resulting chaos one person fell from the third floor and broke his leg. The remaining occupants were detained. Normally, community members would each contribute a small amount towards a bail to have their country-men removed from detention. However with hundreds in detention there was no way they could afford to pay for their release.



Picture: A migrant gestures towards accommodation currently being used by Eritrean migrants © DRC

Health



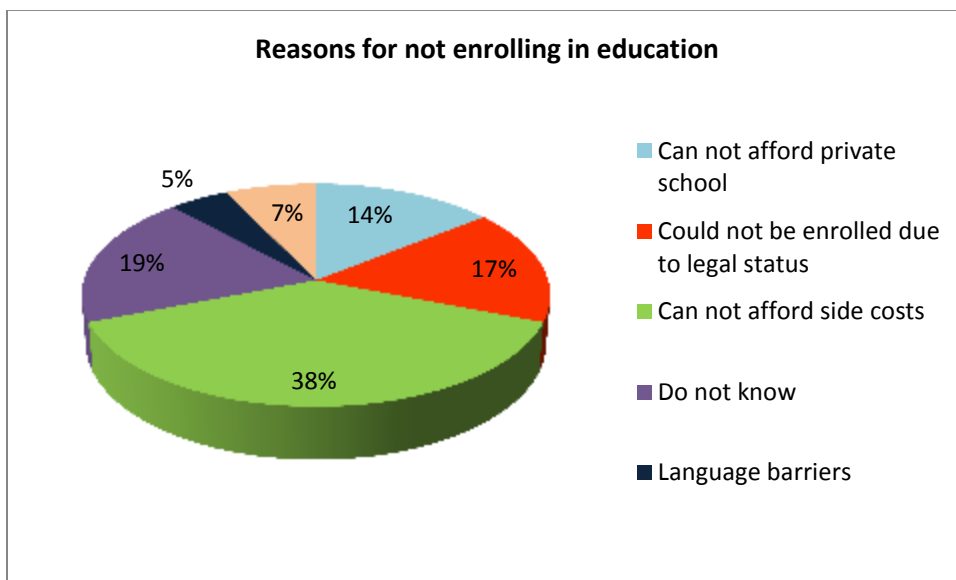
Given their work in manual labouring roles and poor housing conditions, migrants may need to access medical services during their stay in Libya. However their legal status, lack of documents and Libyans' unwelcoming attitudes to migrants can deter them from attending health services. Only 26% of migrants surveyed reported needing medical attention, which they obtained from private clinics or local hospitals. Of these 26% in need of health services, 16% did not seek medical attention for the following reasons: they were afraid to approach a public facility; could not afford it or thought they would be turned away; due to the distance of facilities or other reasons. Others explained they did not receive treatment for a number of reasons including they could not afford medicines, were turned away because of their status or were sent away for other reasons (see graph above). There are three clinics in Tripoli run by NGOs that are accessible to migrants, however no similar services exist in Sabha. Although most migrants with families, 52 out of 66, reported that their children's vaccinations were up to date or in progress, it is of concern that 8 migrants reported their children were not vaccinated.

Documentation Issues: Health Certificates

There are many myths and stereotypes in Libya about migrants, refugees and asylum-seekers. One of the most pervasive is that they carry diseases and bring these diseases to Libya. Many mixed migrants obtain a health certificate from Libyan authorities that they travel with to attest to their health status. If found to have hepatitis or HIV/AIDS, a mixed migrant is likely to be detained and then deported. More recently some people have reported being forced to undertake additional blood tests by katibas (militia groups), paying a further 30 LYD (\$24 USD) for another set of papers to avoid being arrested or detained.

Education

While many of the migrants surveyed were single men, it is well known that migrant groups include married couples and households with children. Migrants have developed a unique response to exclusion from mainstream education facilities drawing on their well-established communities and networks. There are at least three French-language schools operating in Sabha and Tripoli (with close to 1,000 students enrolled in total) that come under the Libyan Ministry of Education. Such schools receive no official funding support from the Ministry. Schools employ teachers who are themselves migrants and operate through school fees paid for by parents. Still some respondents did not enrol their children in school or preferred to send them to schools at local mosques. Post-secondary school, it is not likely that migrants – especially those without documents, are able to enrol in higher education facilities.



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Image: On the wall of a house used by Somalis, one person has written 'Norway, Oslo' - a place the person reportedly finally reached © DRC