

Libya's Longstanding Human Trafficking Dilemma: A Crisis Demanding Urgent Action

Tunis, 30 July 2024 - On the occasion of the World Day Against Trafficking in Persons, the World Organisation Against Torture (OMCT) takes this opportunity to underscore the ongoing and escalating crisis facing migrants, refugees, and asylum seekers in Libya.

The international community's attention on the human rights situation in Libya has waned significantly in recent years resulting in the failure to establish any international mechanism for monitoring and documenting human rights violations in the country. The once-vivid media spotlight on the atrocities occurring in the country has dimmed, creating a sense of apathy and resignation. Libya is increasingly perceived as a lost cause, with hopes for positive change dwindling. This briefing paper seeks to counter this narrative, highlighting the urgent need for sustained attention and action.

A Human Trafficking Journey and the Role of European Policies

Libya is a perilous destination for migrants, refugees and asylum seekers where they face widespread and appalling human trafficking. The confluence of political instability, porous borders, a weak rule of law, and a dire economic situation—exacerbated by the absence of any state development plan, particularly in rural and remote areas— has created a fertile ground for criminal networks to flourish.

These networks prey on the desperation of individuals seeking a better life, trapping them in a cycle of exploitation, violence, and despair ruthlessly exploiting their vulnerabilities¹, as underscored by Libya's ranking as a high-risk country for human trafficking on the Global Organized Crime Index². Their modus operandi is as insidious as it is brutal. Victims are often lured with false promises of safe passage to Europe, only to find themselves imprisoned in clandestine detention centres or forced into labour and sexual exploitation. The physical and psychological trauma inflicted upon these individuals due to the systemic torture is immeasurable.

In a previous report entitled “*The Torture Roads: The Cycle of Abuse against People on the Move in Africa*”, OMCT has shed light on the numerous cases of rape and other forms of sexual violence perpetrated on migrants without distinction of age or gender, and its impact on them. Research has also shown that migrants in Libya face forced nudity (e.g., by border officials in Kantchari and along checkpoints between Mali, Burkina Faso, Niger and Libya) and forced prostitution³.

Moreover, in its thematic report issued in September 2022 titled “*Extrajudicial and Unlawful Killings in Libya*”⁴, OMCT and the Libyan Anti-torture Network (LAN) emphasised on the fact

¹ [Libya: UN experts alarmed at reports of trafficking in persons, arbitrary detention, enforced disappearances and torture of migrants and refugees](#), OHCHR, 21 July 2023.

² [The Organised Crime Index](#), The Global Initiative Against Transnational Organized Crime, 2023.

³ [The Torture Roads](#), OMCT, 21 October 2021.

⁴ [Extrajudicial and unlawful killings in Libya](#), OMCT, September 2022.

that smugglers and traffickers usually take advantage of these vulnerable groups of “people wishing to migrate to Europe”. When migrants leave their home countries with smugglers and reach Libya, they often face multiple arrests and the risk of being trafficked. Despite having a certain level of awareness of these dangers, they do not have a choice but to trust these smuggling networks to help them reach their final destination. It is also important to note that human trafficking networks start in home countries such as Sudan, Ghana, and Nigeria⁵.

Moreover, international complicity in this crisis cannot be ignored. The European Union's (EU) approach to managing migration and pushback policies, while ostensibly aimed at stemming the flow of migrants, have substantially contributed to the problem as it undermines the individual right to seek asylum in Europe which allow EU countries to build on the plans, they already formulated to process migrants abroad. Italy, for example, has concluded a similar deal with Albania.

As recently as 10th of April, the European Parliament approved the New Pact on Migration and Asylum, a comprehensive set of reforms “ostensibly” aimed at enhancing border security and implementing advanced digital monitoring measures affecting migrants⁶. These reforms are already putting people in danger, depriving them of their basic rights, such as restricting the right to appeal⁷.

Additionally, Libyan Coast Guards (LCG) who intercept migrants in the Mediterranean are still receiving financial and technical assistance from EU, which has been consistently characterized by a lack of transparency “to ensure that Libya is policing Mediterranean waters⁸”. Following interception at sea by LCG, individuals are either disembarked and taken to detention centres managed by the Directorate for Combating Illegal Migration (DCIM) or, unfortunately, they may disappear and become victims of trafficking at these disembarkation points, during transfers, or within official or unofficial detention facilities⁹.

The recent migration forum held in Tripoli in July 2024 underscores the complexities and contradictions inherent in European migration policies. While the event aimed to foster cooperation between the EU and Libyan authorities on migration management, it remains unclear how the agreed-upon measures will impact the lives of migrants and refugees on the ground. There is a risk that such forums could serve as a smokescreen for continued human rights abuses, as European countries seek to outsource migration management to Libya without adequately addressing the root causes of the crisis. It is imperative that any cooperation with Libyan authorities be strictly conditioned upon verifiable and tangible improvements in the protection of migrants and refugees, including access to humanitarian aid, legal assistance, and safe pathways to resettlement.

However, it is evident that European Union countries, particularly Italy, continue to designate Libya as a safe destination for the repatriation of migrants intercepted at sea.

⁵ [Human smuggling and trafficking ecosystems - North Africa and the Sahel](#), The Global Initiative Against Transnational Organized Crime (GI-TOC), 2024.

⁶ [Pact on Migration and Asylum](#), EU, 21 May 2024.

⁷ [It is done – and we lost](#), Friedrich Ebert Stiftung, 21 March 2024.

⁸ [Libya: EU-Italy's Migration Deals - A Deadly Cost for Fewer Arrivals](#), OMCT, 28 June 2024.

⁹ [The War Against Human Traffickers in Libya](#), Sada, 10 August 2023.

Government Failure and Impunity

The successive Libyan authorities bear significant responsibility for this crisis. Despite ratifying several international treaties and conventions ensuring the protection of Human Rights¹⁰, Libya still lacks a comprehensive legal framework to combat human trafficking.

Libyan Penal code¹¹ has criminalised some forms of sex trafficking involving women specifically in articles 418, 419 and 420 which exclude adult male victims. Slavery is also criminalised in both articles 425 and 426 of the Penal code, but forced labour trafficking is not criminalised by the Libyan legislation, which does not align with the international legal definition of trafficking.

Furthermore, either before or after the fall of Gaddafi regime, the Libyan government did not have any policy structure, institutional capacity, or political will, to identify and protect trafficking victims¹². Smugglers and traffickers are continuously operating due to an inadequate legal framework promoting impunity and the absence of rigorous investigations and prosecutions.

No official statistics on prosecutions or convictions of trafficking offenders have been reported by the government. For example, Libyan authorities have released the coastguard commander Abd al-Rahman Milad (Bija) as part of a political arrangement, a suspected member of a criminal network operating in Zawiyah in north-west Libya, because of “lack of evidence” according to the military attorney general of Tripoli. Abd al-Rahman Milad was placed under sanctions by the UN security council¹³ and he is described as one of the world’s most wanted human traffickers¹⁴. He was even promoted to the position of head of the naval academy.

This emphasises the involvement of state security forces and armed groups throughout the country in the perpetuation of “war crimes and human rights abuses including forcible recruitment, forced labour, and sex trafficking¹⁵” which explains the absence of any political will to improve the situation and creates a climate of impunity for traffickers.

Additionally, a draft law titled “Draft Law on Combating Human Trafficking¹⁶” was discussed for the purpose of combating such a human right violation. Nevertheless, to this day, Libya does not have distinctive anti-trafficking laws¹⁷. In the meantime, Libya has launched in 2021

¹⁰ Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, UNTC, 15 July 2024. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, UNTC, 15 July 2024.

¹¹ [Libyan Penal Code](#), DCAF.

¹² [2023 Trafficking in Persons Report: Libya](#), Office to Monitor and Combat Trafficking in Persons US Department, 2023.

¹³ [Abd Al Rahman Al Milad](#), UN Security Council, 7 June 2018.

¹⁴ [Libya releases man described as one of world’s most wanted human traffickers](#), The Guardian, 13 April 2021.

¹⁵ [Final report of the Independent Fact-Finding Mission on Libya](#), United Nations Human Rights Council, A/HRC/52/83, 3 March 2023.

¹⁶ [Draft Law of 2013](#), DCAF, 2013.

¹⁷ [Libyan judiciary prepares to combat human trafficking](#), IOM, 5 April 2013.

a project titled “Dismantling human trafficking and migrant criminal networks in North Africa” funded by the European Union through the EU Trust Fund for Africa (EUTF) and implemented by United Nations Office on Drugs and Crimes (UNODC)¹⁸. However, no information is available about its efficiency or concrete results.

Therefore, addressing the human trafficking crisis in Libya will require a multi-faceted approach. This includes strengthening the rule of law, dismantling criminal networks, providing support to survivors, reforming international policies and permitting local and international organizations to access and operate in detention centres. It is imperative to prioritise the protection of human life and hold perpetrators accountable for their crimes.

Recommendations addressed to the International Community:

- The European Union and its member states should halt pushbacks to Libya and reassess its partnerships with any entities involved in, or complicit with, the torture and killing of migrants. Collaboration with the Libyan Coast Guards and DCIM management should cease, whether directly or indirectly, until measures are implemented to protect migrants and uphold Human Rights principles.
- Human Rights Council state members are required to introduce a new resolution to implement an international independent investigative and monitoring mechanism, to ensure justice for victims of Human rights violations and holding perpetrators accountable.

Recommendations addressed to the Libyan Authorities:

- Any authority exercising de jure or de facto law enforcement, or detention functions must be subjected to clear legal rules, civilian and judicial oversight, be properly trained on basic professional rules and carefully monitored.
- Steps must be taken to close any unofficial and secret places of detention, including warehouses, farms, or any other place that may be used to detain individuals, whether the detainees are Libyans or migrants. This must also cover places in which it is known that smugglers and traffickers detain individuals.
- Human trafficking cases must be investigated, and all documentation must be preserved to aid subsequent investigations.
- Legislation related to human trafficking needs to be amended to align with international standards including a comprehensive law to protect migrants in any and all detention centres. Such legislation should provide appropriate sanctions, designate competent authorities to investigate human trafficking cases and implement a set of rules on how investigations should be conducted. It should ensure that all fundamental safeguards in detention are restored, independently on who exercises such authority.

¹⁸ [State of Libya, EU and UN launch the Libya project under the Regional Programme: Dismantling Human Trafficking and Migrant Smuggling Criminal Networks in North Africa](#), UNODC Romena, 13 July 2021.