



Libya

DELEGATE :- Pratima Anand

(Delhi World Public School)

TOPIC:- PROTECTING VICTIMS OF HUMAN TRAFFICKING IN CONFLICT AND POST - CONFLICT SITUATION .

Human trafficking is the trade of humans for the purpose of forced labor, sexual slavery, or commercial sexual exploitation for the trafficker or others. It is not just a problem for Libya but it's a global problem. Libya is a transit and destination country for men and women from sub-Saharan Africa and Asia trafficked for the purposes of forced labour and commercial sexual exploitation. While most foreigners in Libya are economic migrants, in some cases large smuggling debts of \$500–\$2,000 and illegal status leave them vulnerable to various forms of coercion, resulting in cases of forced prostitution and forced labour. As in previous years, there were isolated reports that women from sub-Saharan Africa were trafficked to Libya for the purposes of commercial sexual exploitation. Although precise figures are unavailable, foreign observers estimate that approximately one to two percent of Libya's 1.5 to 2 million foreigners may be victims of trafficking.

Trafficking in conflict and post conflict situations:

In conflict situation, The Government of Libya provided no public information on its law enforcement efforts to punish trafficking in persons during the reporting period. Libya's laws do not prohibit trafficking for commercial sexual exploitation or forced labour. The government failed to provide data on any criminal investigations, prosecutions, convictions or sentences for trafficking offenses this year, although senior officials noted during the year that Libya prosecuted individuals for confiscating foreign workers' passports until the workers had repaid an alleged and sizeable smuggling 'debt.' Widespread corruption in the country may facilitate trafficking, but the government did not report prosecuting, convicting, or sentencing any official for complicity. In addition, Libya provided in-kind assistance for IOM training of law enforcement officials, including border security and customs, on trafficking.

In post-conflict situation, it often takes several years to reconstruct a institutions in a country, and the lack of legal framework and functional institutions results in a relative impunity for the perpetrators of trafficking of all sorts, including trafficking in human beings.

Government Efforts

The government appointed an anti-trafficking focal point but lacked institutional capacity to address human trafficking crimes. Libyan law criminalized some forms of sex trafficking but did not criminalize labor trafficking. Articles 418, 419, and 420 criminalized some forms of sex trafficking involving women and children; however, inconsistent with international law, the definition of trafficking did not include trafficking offenses that were not transnational in nature and, with respect to women, did not criminalize sex trafficking acts that were induced through fraudulent or coercive means. The law did not criminalize sex trafficking involving adult male victims and it did not address labor trafficking. Article 418 prescribed penalties of up to 10 years imprisonment and a fine between 100 and 500 Libyan dinars (\$74-\$368), which were sufficiently stringent but not commensurate with penalties prescribed for other serious crimes such as rape. Articles 425 and 426 criminalized slavery and prescribed penalties of five to 15 years imprisonment. Article 426 criminalized the buying and selling of slaves and prescribed penalties of up to 10 years imprisonment. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with penalties prescribed for other serious crimes.

As the criminal judicial system was not fully functioning in 2017, the government did not report prosecuting or convicting any trafficking offenders. The Ministry of Interior (MOI), which was nominally responsible for anti-trafficking law enforcement efforts, was unable to carry out any anti-trafficking operations during the majority of the reporting period. The MOI's Department to Combat Irregular Migration (DCIM) did not have full control over its approximately 24-33 detention centers where it detained migrants throughout the reporting period. After an international media outlet publicized a video in November 2017 depicting the sale of African migrants in Libya, the GNA initiated an investigation into allegations of trafficking through the formation of an inter-ministerial investigative committee and publicly committed to holding the perpetrators accountable. Libya's Office of the Attorney General publicly announced in March 2018 that it issued arrest warrants for 205 people for human trafficking and other crimes related to this case, noting that security forces and other government officials were allegedly complicit in the case; the case was ongoing at the end of the reporting period.

The government did not report additional investigations, prosecutions, or convictions of government officials who were allegedly complicit in trafficking crimes – including Libyan Coast Guard officials, immigration officers, security officials, as well as DCIM prison officials and detention camp guards who allowed private employers to force detained migrants to work on farms and construction sites. According to an international organization, the Special Deterrence Force, an armed group affiliated with the MOI, arrested migrants in Tripoli and detained some of them at DCIM-run facilities or released them to various migrant smuggling rings, some of which may have also subjected the migrants to forced labour or sex trafficking. Additionally, during the reporting period, the defense ministry continued to operate an anti-illegal migration unit with strong affiliation to one of the two armed groups involved in migrant smuggling and human trafficking in northern Libya; this allegiance allowed the armed group to continually shift its activities from committing smuggling and trafficking crimes to policing migrants for the government. The government also did not report any efforts to investigate or punish government-aligned militias or other armed groups that recruited and used child soldiers.

TRAFFICKING PROFILE

As reported over the past five years, Libya is a destination and transit country for men and women from Sub-Saharan Africa and Asia subjected to forced labor and sex trafficking, and it is a source country for Libyan children subjected to recruitment and use by armed groups within the country. Since 2013, numerous reports indicate militias, some of which are used as combat forces or security enforcement by the government, recruit and use Libyan children younger than 18 years old. Children associated with armed groups are also reportedly exposed to sexual violence. Instability and lack of government oversight in Libya continued to allow for human trafficking crimes to persist and become highly profitable for traffickers. Trafficking victims – including men, women, and children – are highly vulnerable to extreme violence and other human rights violations in Libya by government officials and non-state armed groups, including physical, sexual, and verbal assault; abduction for ransom; arbitrary killings; and inhumane detention.

Female migrants, in particular, are highly vulnerable to sexual assault by various armed groups and smugglers along the migration routes to Libya. Prostitution rings reportedly subject sub-Saharan women and some girls to sex trafficking in brothels, particularly in southern Libya. Nigerian women and girls, in particular, seem to be at increased risk of being forced into prostitution. According to a European NGO, Nigerian gangs recruit Nigerian girls from rural regions of the country and facilitate the transportation of the girls through Libya for sex trafficking in Italy and other European countries. For example, in 2016 a trafficking network that spanned from Nigeria to Italy via Libya involved a group of Nigerian and Libyan traffickers that forced Nigerian women into prostitution in both Libya and Italy; the network held the victims in warehouses in Sebha and Tripoli until it transported them to Sicily for further sexual exploitation. In 2015 and 2016, ISIS in Libya abducted and took into captivity at least 540 migrants and refugees, including at least 63 women whom ISIS forced into sexual slavery for its fighters.

However, since the defeat of ISIS across most of eastern Libya, there were limited reports of such incidents in 2017.

PREVENTION

During the reporting period, Libya took no discernible action to prevent trafficking in persons. The government did not conduct any public awareness campaigns to highlight the issue of trafficking in persons. Libya also did not take any measures to reduce the demand for commercial sex acts. Similarly, Libya did not undertake any public awareness campaigns targeting citizens travelling to known child sex tourism destinations abroad.

PROSECUTION

The Government of Libya provided no public information on its law enforcement efforts to punish trafficking in persons during the reporting period. Libya's laws do not prohibit trafficking for commercial sexual exploitation or forced labor. The government failed to provide data on any criminal investigations, prosecutions, convictions or sentences for trafficking offenses this year, although senior officials noted during the year that Libya prosecuted individuals for confiscating foreign workers' passports until the workers had repaid an alleged and sizeable smuggling 'debt.' Widespread corruption in the country may facilitate trafficking, but the government did not report prosecuting, convicting, or sentencing any official for complicity. In addition, Libya provided in-kind assistance for IOM training of law enforcement officials, including border security and customs, on trafficking.