



# Security Council

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## Implementation of Security Council resolution 2598 (2021)

### Report of the Secretary-General

#### I. Introduction

1. The present report is submitted pursuant to Security Council resolution 2598 (2021), in which the Council renewed the authorizations as set out in paragraphs 7, 8, 9 and 20 of resolution 2240 (2015) and requested the Secretary-General to report on the implementation of resolution 2598 (2021), in particular with regard to the implementation of paragraphs 7 to 10 of resolution 2240 (2015).

2. The report covers developments since the previous report of 2 September 2021 (S/2021/767) until 29 August 2022. The information and observations in the report are based on submissions by Member States, relevant international and regional bodies, and United Nations system entities.

#### II. Smuggling of migrants and trafficking in persons in the Mediterranean Sea off the coast of Libya

##### A. Update on developments along the central Mediterranean route

3. The Mediterranean Sea continued to be among the deadliest routes for refugees and migrants trying to reach Europe. During the reporting period, the Office of the United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM) estimated that more than 1,344 refugees and migrants lost their lives or went missing on the central Mediterranean route alone. IOM and UNHCR documented at least 247 refugees and migrants dying or going missing at sea along the western Mediterranean route (compared with 485 in the previous reporting period), and 160 along the eastern Mediterranean route (compared with 55 in the previous reporting period). It is estimated that 1,751 died or went missing in the Mediterranean Sea as a whole. The number is lower than the previous reporting period, during which at least 2,192 people died or went missing in the Mediterranean Sea.

4. IOM estimates that more than 86 people may have died along the central Mediterranean route as a result of “invisible shipwrecks”, in which the final whereabouts of boats carrying refugees and migrants could not be established. While the existing data were verified through survivors’ accounts, the total number of “invisible shipwrecks” is likely to be higher.



5. UNHCR and IOM recorded more than 111,795<sup>1</sup> people arriving in Europe along the three main sea routes across the Mediterranean, an increase of roughly 16 per cent compared with the previous reporting year (1 August 2020–31 July 2021). The central Mediterranean route accounted for about 69,328 refugees and migrants arriving by sea to Italy and Malta (77 per cent men, 7 per cent women and 16 per cent children). They departed mainly from Libya (53 per cent), Tunisia (24 per cent) and Türkiye (21 per cent). These figures represent an increase of 26 per cent compared with the previous reporting year, when approximately 54,813 arrivals by sea were recorded.

6. The increase in the number of arrivals in Europe through the central Mediterranean route was driven mainly by an increase in the number of arrivals from Türkiye and a slight increase in arrivals from Libya. More than 36,253 people (84 per cent men, 3 per cent women and 13 per cent children) who had departed from Libya reached Europe between September 2021 and July 2022, compared with more than 23,856 during the previous reporting period. IOM estimates that the majority had departed from the Libyan coast to the west of Tripoli.

7. UNHCR reported that 1,485 people who had departed from Libya disembarked in Tunisia after having been intercepted at sea by Tunisian authorities. According to UNHCR and IOM, during the reporting period, 231 interception operations were conducted. Of those departing from Libya who disembarked back in Libya, 75.8 per cent were intercepted by the Libyan Coast Guard, 7.7 per cent by the General Administration for Coastal Security, 10.2 per cent by the Stability Support Apparatus, and 4.7 per cent by other authorities, including the Libyan Navy. The remaining interception operations (1.6 per cent) were carried out by merchant vessels and fishing boats.

8. The European Union estimated that approximately 52,537 people were rescued or intercepted in 1,125 operations by various vessels in the area of operation of the European Union Naval Force military operation in the Mediterranean (EUNAVFOR MED IRINI). Of these, 233 operations were conducted by the Libyan Coast Guard and Navy, with more than 12,352 people intercepted and returned to Libya. In addition, the country's General Administration for Coastal Security was involved in 16 operations (mainly in Libyan territorial waters), with more than 874 people intercepted and returned to Libya.

9. The Panel of Experts on Libya received evidence of human rights violations committed against migrants and refugees during interception operations.<sup>2</sup> The Panel identified that members of the Stability Support Apparatus had used excessive force against migrants and refugees in an incident at sea on 19 January 2022, in which one person had died. On 18 February, the Apparatus used excessive force to stop a boat carrying migrants and refugees, opening fire on them, which resulted in the killing of one person and injuries to several others. The intercepted persons were taken to the Stability Support Apparatus Nasr detention centre in Zawiyah.

10. Investigating shipwreck incidents, the Panel found that the Maritime Rescue and Coordination Centre, the responsible Libyan authority, had violated the right to life of about 130 migrants and refugees by failing to take appropriate measures to render assistance to persons in distress at sea. The Panel further received information about five similar incidents in which Libyan authorities had failed to provide a search and rescue response to boats in distress that were carrying migrants and refugees in the Libyan search and rescue region.<sup>3</sup>

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<sup>1</sup> In addition, 22,290 people arrived in the Canary Islands from western Africa, bringing the total number of arrivals in Europe to 134,085.

<sup>2</sup> See [S/2022/427](#).

<sup>3</sup> *Ibid.*

## Returns to Libya

11. According to IOM and UNHCR, at least 18,725 migrants and refugees (60 per cent men, 5 per cent women, 3 per cent children and 32 per cent unknown) were intercepted and returned to Libya in the reporting period. This number represents a decrease of 24 per cent compared with the previous reporting period, when more than 24,670 migrants and refugees were returned to Libya. Irregular migration remains criminalized and the detention of irregular migrants is stipulated under Libyan national law.

12. UNHCR observed an increase in disembarkations in Libya from September to December 2021 and an overall decrease in disembarkations since the beginning of 2022. The majority of those who disembarked in Libya were from Bangladesh, Egypt, Mali and the Sudan, which corresponded to the main nationalities of arrivals in Italy during the same period. UNHCR also noted increased departures from eastern Libya, particularly from Tubruq.

## B. Methods of migrant smugglers and traffickers in persons

13. The European Union reported that migrant smugglers had increased their activities in Libya.<sup>4</sup> Tactics employed by smugglers remained the same as during the previous reporting period, with boats being launched directly from the coastline in an attempt to cross the northern line of the Libyan search and rescue region.

14. According to research by the Observatory on Smuggling of Migrants of the United Nations Office on Drugs and Crime (UNODC), smugglers operating within Libya and on the central Mediterranean route from Libya were not connected with other smuggling groups operating on the African continent.<sup>5</sup> The sea crossing was paid for separately from any land smuggling. The smugglers were generally part of highly organized and sophisticated groups, comprising Libyan nationals, who created a complex system of well-functioning networks.

15. Smugglers continued to make use of boats capable of carrying large groups of people, with one boat arriving in Italy from Libya carrying almost 500 people. Meanwhile, many smugglers continued to make use of unseaworthy inflatable boats, which often capsized or deflated, leading to loss of life. In many cases, smugglers did not provide refugees and migrants with sufficient food and water, or life jackets. Smugglers and traffickers took advantage of social media and digital applications to advertise their services (sea-crossing to Europe) and entice refugees and migrants into dangerous journeys. UNHCR continued to work to enhance communication with communities along key routes to increase awareness of the risks associated with irregular journeys with smugglers and to advise on how to access protection and assistance.

16. Traffickers and smugglers, who operated across Libya, in particular in the areas of Kufrah, Tazirbu, Bani Walid, Umm al-Aranib, Sabha, Birak al-Shati', Shuwayrif, Zawiyah, Abu Isa in Zawiyah, Sabratah, Mayah and Qarabulli, continued to detain migrants, asylum-seekers and refugees in inhumane and degrading conditions. The United Nations Support Mission in Libya (UNSMIL) and the Office of the United Nations High Commissioner for Human Rights (OHCHR) documented serious human rights violations committed against migrants and refugees in Libya in places of

<sup>4</sup> European Commission, "Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: A renewed EU action plan against migrant smuggling (2021–2025)", document COM (2021) 591. Available at [https://home-affairs.ec.europa.eu/renewed-eu-action-plan-against-migrant-smuggling-2021-2025-com-2021-591\\_en](https://home-affairs.ec.europa.eu/renewed-eu-action-plan-against-migrant-smuggling-2021-2025-com-2021-591_en).

<sup>5</sup> UNODC, "UNODC Research on Smuggling of Migrants". Available at [www.unodc.org/unodc/en/data-and-analysis/som-observatory.html](http://www.unodc.org/unodc/en/data-and-analysis/som-observatory.html).

detention controlled by criminal groups, including numerous reports of deaths. Owing to lack of access, it was not possible to obtain a fully accurate assessment of the scale of enforced disappearances and fatalities. The trafficked migrants and refugees were often held captive in houses, farms and camps managed jointly by Libyan and foreign nationals. During March, April and August 2022, hundreds of detainees were reportedly released by armed groups from camps run by traffickers across Libya and taken to official and unofficial detention centres where they risked collective expulsion or being forced back into the trafficking networks.

17. Many of those “freed” from trafficking camps reported having been exploited and re-trafficked by armed groups affiliated with the Libyan National Army in the eastern and southern regions, or by security agencies or armed groups affiliated with the Government of National Unity in the central and western regions. The specific level of involvement and cooperation among actors involved in the interception of migrants at sea, including State authorities, armed groups, traffickers and smugglers has been documented but often remained unclear. For instance, in interviews with the Independent Fact-Finding Mission on Libya, several migrants mentioned collusion between smugglers, traffickers and State officials, including from the Department for Combating Illegal Migration and the Libyan Coast Guard.<sup>6</sup>

18. During the reporting period, UNSMIL and OHCHR followed the case of a group of boys abducted by traffickers in the Sudan and brought to Libya in October 2021, where they were reportedly subjected to torture and other ill-treatment. Allegedly, they were then captured by the Libyan National Army-affiliated Tareq Ibn Ziyad brigade, together with four other young adults aged between 18 and 20 years, at the end of January 2022 and taken to the Tamanhint military base in Sabha in southern Libya, controlled by the Tareq Ibn Ziyad brigade. At the time of reporting, the boys remained arbitrarily detained in the Tamanhint military camp.

19. In late February, UNSMIL and OHCHR documented the case of 53 Bangladeshi men, who were reportedly trafficked and tortured by traffickers under the control of the 301 Battalion (affiliated to the Government of National Unity in Tripoli) in the Salah al-Din neighbourhood in Tripoli. According to documents obtained by UNSMIL and OHCHR, the men had obtained work visas or permits at an embassy abroad and travelled to Libya in early January 2022. UNSMIL and OHCHR obtained videos and photographs of the group being tortured and evidence that their families were asked to pay ransom. One man died as a result of torture.

### **C. Situation in Libya for migrants and refugees**

20. According to several United Nations entities, Libya could not be considered a safe port for the return or disembarkation of migrants intercepted or rescued at sea. Returns to Libya often violated the principle of non-refoulement. Migrants and refugees returned to Libya systematically and routinely faced the risk of death, disappearance, arbitrary detention, torture, ill-treatment, gender-based violence, exploitation and other human rights violations and abuses by both State and non-State actors.<sup>7</sup>

21. Access of humanitarian agencies to disembarkation points remained stable throughout the reporting period, with sporadic challenges concerning the Zawiyah disembarkation point, faced mainly by UNHCR and partners. The Stability Support Apparatus emerged as a new actor in interception operations in 2021, which made it harder for UNHCR and partners to confirm and access individuals intercepted by relevant Libyan authorities owing to the unclear status of interlocutors within the Apparatus.

<sup>6</sup> Third report of the Independent Fact-Finding Mission on Libya (forthcoming).

<sup>7</sup> OHCHR, “Unsafe and undignified: the forced expulsion of migrants from Libya”, May 2021. Available at [www.ohchr.org/sites/default/files/2021-12/Unsafe\\_and\\_Undignified.pdf](http://www.ohchr.org/sites/default/files/2021-12/Unsafe_and_Undignified.pdf).

22. As at 1 August 2022, 43,000 refugees and asylum-seekers were registered with UNHCR. Among them, 18,895 were men, 8,509 were women, 15,506 were children and 1,275 were older persons. Each adult asylum-seeker was issued a printed UNHCR asylum-seeker certificate that included a photograph and basic biodata serving as evidence that the certificate-holder was entitled to protection and assistance under the UNHCR mandate. Of the nine nationalities registered with UNHCR, the largest groups continued to be made up of Sudanese and Syrian refugees and asylum-seekers. No progress was made by government authorities in the registration of migrants and refugees at disembarkation points after interception operations, or in detention facilities. Registration is an important measure in accountability and a risk mitigation measure under the human rights due diligence policy on United Nations support to non-United Nations security forces.

23. Migrants and refugees in Libya continued to be detained arbitrarily in official and unofficial detention centres by State and non-State actors. Their detention was often prolonged and sometimes indefinite, without judicial oversight, procedural guarantees or consideration of individual protection needs. Conditions of detention continued to be dire and inhumane, with a lack of food, water, ventilation and sanitation being a common occurrence. Frequent power cuts at detention centres, or the absence of electricity, caused challenges in access to water and sanitation inside detention facilities, which contributed to the spread of diseases such as scabies. Detention facilities were extremely overcrowded and were marked by an absence of female guards. There was also a lack of adequate gender-sensitive training for male guards, which posed an additional risk of sexual and gender-based violence. Owing to the lack of regular access to all detention facilities, it is difficult to assess the scale of human rights violations in detention facilities.

24. UNSMIL and OHCHR continued to report excessive use of force by security forces against migrants and refugees, including in detention centres and during interception operations at sea. For instance, on 10 October 2021, at least one migrant was killed, and others were injured in the Mabani detention centre, following an attempted escape. In the Mayah detention centre, under the control of the Stability Support Apparatus, guards opened fire on escapees, killing and injuring several detainees. Those recaptured were beaten with sticks, gun butts and metal bars.

25. UNSMIL and OHCHR continued to document allegations of slavery within Libyan detention centres. Former detainees in the Ruwaymi prison in Ayn Zarah reported they were held for months after their official release to perform unpaid construction work, farming, car repairs and maintenance in the prison. A few months later, they had to ask relatives to pay for their tickets to be repatriated to the Sudan. UNSMIL and OHCHR also interviewed a former detainee, who had been intercepted at sea on 2 February 2021 and taken to Ruwaymi prison, along with 34 other Sudanese migrants. The man had been forced to work in the car workshop and had allegedly been beaten, tortured and detained in solitary confinement twice, after refusing to work and making an attempted escape. He was released on 15 March 2022 and returned to the Sudan after his family paid for his ticket.

26. Similar information was received on allegations of slavery in the Mayah detention centre, controlled by the Stability Support Apparatus. United Nations agencies and humanitarian actors did not have access to the detention facilities controlled by the Apparatus, the largest being the Mayah detention centre. During the reporting period, according to UNHCR and partners, more than 6,000 individuals were reportedly transferred from disembarkation points in the western region by the Libyan Coast Guard and the Stability Support Apparatus to the Mayah detention centre. Seven male migrants reported to UNSMIL that Department for Combating Illegal Migration under the Ministry of Interior, Judicial Police and Stability Support Apparatus officials forced them to perform unpaid construction work, repair cars, provide cleaning services and

undertake surveillance activities, such as guarding hangars and cells. Reportedly, Judicial Police guards, prison guards and the administration of the detention centres exploited detainees by forcing them to undertake unpaid labour in prison compounds, private houses and farms and detained them in inhumane conditions. Those who refused to work were reportedly beaten, tortured and deprived of food in the same prison in which they had served their sentence.

27. UNSMIL and OHCHR further reported that migrants and refugees were subjected to rape and sexual assault. While underreported, sexual and gender-based violence against migrants and refugees remained widespread, particularly within Libyan detention centres. Reports received by UNSMIL indicated that sexual and gender-based violence was committed against women and girls, as well as against men and boys. Guards from the Department for Combating Illegal Migration, as well as members of non-State armed groups, reportedly committed sexual violence as a routine method to control and humiliate migrants. Rape was reportedly often used as a form of torture, in some cases resulting in death.

28. Two girls, aged 7 and 13 years, were abducted and raped by members of an armed group affiliated with the Ministry of Interior in western Libya. The Independent Fact-Finding Mission on Libya also documented cases of rape in places of detention or captivity whereby migrant women were forced to have sex in exchange for food or other essential items.

29. According to OHCHR, female migrants in detention centres were also routinely held in facilities without female guards and strip-searched by male guards. Women and girls also lacked access to sexual and reproductive health services, menstrual hygiene products and care and provisions for pregnant or nursing women.

30. As at mid-August 2022, UNSMIL and OHCHR were aware of 10 active official detention centres for migrants and refugees operating in the country under the control of the Department for Combating Illegal Migration. As at mid-August 2022, more than 2,700 migrants and refugees were estimated to be detained in those detention centres. Of those, 1,529 were people of concern to UNHCR, most of whom had been intercepted while attempting to cross the Mediterranean. About 3 per cent of detained migrants were women, and approximately 10 per cent were children (mostly boys).

31. In addition, thousands more were reportedly detained by the Stability Support Apparatus in three known detention centres (Mayah, Zahra, and Nasr), to which United Nations agencies and humanitarian actors did not have access. It remained challenging for humanitarian actors, including UNHCR and IOM, to gain access to detention centres because processes to facilitate access were unclear and constantly changing, with access frequently denied. Restrictions on access to detention centres significantly constrained the work of human rights monitors and also severely limited the provision by United Nations agencies and humanitarian partners of basic items, humanitarian assistance and life-saving interventions for detained migrants and refugees.

32. OHCHR and UNSMIL consider that migrants and refugees in Libya were routinely at risk of arbitrary or collective expulsion without an individual assessment of their rights, circumstances, or protection considerations. Some were expelled to places where they might face persecution, torture, ill-treatment or other irreparable harm in violation of the principle of non-refoulement. Those migrants and refugees who were returned to Libya from international waters faced serious challenges as Libya is not a safe port for return.

33. OHCHR reported that expulsions from Libya routinely lacked due process and procedural guarantees, including judicial oversight. Furthermore, individuals facing expulsions are often deprived of access to legal assistance, the ability to challenge the legality of their return and individual assessment. In addition, the expulsions themselves often placed migrants in extremely vulnerable situations, including long

and perilous return journeys, with migrants being forced to travel on overcrowded vehicles across remote stretches of the Sahara Desert, without adequate safety equipment, food and water and without being provided with appropriate medical care, including coronavirus disease (COVID-19) testing and prevention measures.

34. Between November 2021 and July 2022, hundreds of migrants, mainly from the Niger, but also from Burkina Faso, Chad, the Gambia, Ghana, Nigeria and the Sudan, were reportedly arrested by armed groups affiliated with the Libyan National Army in Sabha and Birak al-Shati' and collectively expelled to the Niger. The Libyan National Army claimed to be fighting crimes related to illegal migration, prostitution, smuggling of migrants and trafficking in persons. According to information received by UNSMIL, groups of migrants were usually detained at the Tamanhint military airbase of the Libyan National Army in Umm al-Aranib. Video recordings and pictures circulated on social media between November 2021 and March 2022 showed migrants being carried in trucks and driven to the Thum border crossing.

35. During the reporting period, at least 550 migrants and refugees were collectively expelled to Chad and the Sudan. According to information received by UNSMIL, expulsions to Chad and the Sudan were carried out mainly by the Libyan National Army-affiliated Subul al-Salam armed group and local transporters hired by the group. Those forcibly expelled were reportedly left at borders in dire and unsafe conditions and at high risk of further abuses.

36. Four Sudanese nationals fell from a vehicle during their expulsion to the Sudan and required hospitalization in Kufrah. Reportedly, migrants and refugees expelled to the Sudan and Chad were forced by border officials to pay for their own expulsions, including payments for the provision of food, water, medical care and transportation. Those expelled to Egypt were transferred from Libyan detention centres in the east of Libya under the control of the Benghazi branch of the Department for Combating Illegal Migration, including Qanfudah, Bayda', Tubruq, Shahhat, Ajdabiya and Tulmaythah, to the Emsaed border crossing station at the border with Egypt. Other expulsions were carried through Benina and Mitiga airports to Egypt, Iraq and the Sudan.

37. Migrants willing to voluntarily return to their countries of origin faced administrative challenges, such as lack of travel documents, unavailability of required consular services and exit visas. The political situation in Libya represented a challenge to the identification of and support to migrants stranded in Libya, which also led to the suspension of humanitarian and evacuation flights out of Libya from early March to 21 October 2021.

38. The investigations of the Independent Fact-Finding Mission on Libya showed that little was done by Libyan authorities to reform their practices and address the crimes against migrants and refugees, or by their international partners who have cooperation agreements with Libya in the field of migration control.

### **III. Impact of coronavirus disease on the situation in the central Mediterranean and migrants and refugees in Libya**

39. During the reporting period, the pandemic had less of an impact on the evacuation and resettlement of refugees than during the previous reporting period, as travel restrictions had been removed by most countries. The only obstacle to evacuation during the reporting period was a decision by the Department for Combating Illegal Migration, which was not related to the pandemic, to stop all evacuation flights out of Libya from early March to 21 October 2021. UNHCR continued to conduct polymerase chain reaction (PCR) tests for all refugees departing Libya on evacuation and resettlement flights.

40. UNODC provided personal protective equipment in order to prevent COVID-19 transmission to the Ministry of Health, the Ministry of Social Affairs, the Ministry of Interior and the Ministry of Justice to be used by frontline officers, health professionals and social workers working with migrant populations and potential victims of trafficking in persons and smuggling of migrants.

41. In addition, IOM supported the vaccination campaign managed by the National Centre for Disease Control for migrants and refugees. From October 2021 to the end of July 2022, a total of 8,186 migrants (7,503 men and 683 women) were vaccinated in 13 detention centres in Libya (Qanfudah, Daraj, Abu Rashadah, Abu Salim, Ayn Zarah, Abu Isa in Zawiyah, Baten Al Jabal, Mabani, Shari' al-Zawiya, Tulmaythah, Tariq al-Matar, Tariq al-Sikkah and Wadi al-Hay detention centres). In addition, the United Nations Children's Fund (UNICEF), IOM, UNHCR and the World Health Organization (WHO) joined efforts in support of the National Centre for Disease Control to ensure the inclusion of migrants and refugees in the National Vaccination Deployment Plan. Owing to these concerted efforts, access to COVID-19 vaccines was improved for migrants and refugees residing in urban settings. In addition, information, education and communication materials were developed in different languages to raise awareness about COVID-19 among migrants and refugees.

#### **IV. Measures to counter migrant smuggling and trafficking in persons off the coast of Libya and related efforts**

42. Member States continued their efforts to prevent and combat the smuggling of migrants and trafficking in persons off the coast of Libya in line with Security Council resolutions [2240 \(2015\)](#) and [2598 \(2021\)](#), including by gathering information and providing support to the Libyan authorities.

43. The mandate of operation IRINI includes the secondary task of disrupting networks of smuggling and trafficking in persons in the central Mediterranean region. This task was carried out from the air only, as required under the operation's mandate, and mostly in the western portion of the area of operation. From 1 August 2021 to 19 July 2022, 486 flights (more than 1,829 flight hours) were conducted under the operation, of which 73 flights (more than 491 flights hours) were conducted in support of this task.

44. Also as part of the operation, data on smuggling of migrants and trafficking in persons off the coast of Libya were collected, stored and shared with the authorities of relevant member States of the European Union, European Union agencies, including the European Union Agency for Law Enforcement Cooperation (Europol) and the European Border and Coast Guard Agency (Frontex), and others. Since September 2021, operation IRINI has made one recommendation for inspection and one request for information to Europol with regard to the smuggling of persons.

45. The European Union Integrated Border Management Assistance Mission in Libya continued to assist Libyan authorities in developing an integrated border management framework and in increasing their capacity for surveillance, border security and border management. The European Union Border Assistance Mission also continued to support the efforts of the Libyan law enforcement and criminal justice sectors to disrupt criminal groups involved in human trafficking and migrant smuggling.

46. In December 2021, the Libyan Presidential Council issued decree No. 233/2021, establishing a Steering Committee to address the issue of migrants and refugees, including the provision of specific shelters for women and children and of protection and health services to migrants in detention. During the reporting period, the



Committee started reviewing a road map and minimum standards on interim care centres for women and children. Libyan authorities also reported the interim establishment of a shelter for women and children in Abu Salim.

47. UNHCR noted an increase in the arrest of smugglers and traffickers by the Libyan law enforcement authorities during the reporting period, including the arrest of an alleged smuggler by the Internal Security Agency in Sabratah on the west coast of Libya. On 20 March 2022, the Internal Security Agency released a confession video of the arrested smuggler, a boat-yard owner from Sabratah.

48. Most smugglers and traffickers detained by Libyan authorities were foreigners. Very few Libyan traffickers were detained since they often managed to flee as they were aware or notified of raids through their contacts in the security agencies. State actors involved in trafficking and smuggling enjoyed impunity.

49. Seven individuals were listed by the Security Council Committee established pursuant to resolution [1970 \(2011\)](#) concerning Libya for human rights abuses against migrants and their involvement in trafficking and smuggling of migrants. The most recent inclusion was that of Ibrahim Osama Al Kuni (LYi.029) on 25 October 2021, who was identified as the de facto manager of the Nasr detention centre and as being directly and/or indirectly engaged in acts that violated international human rights law or that constituted human rights abuses in Libya. Mr. Osama Al Kuni also acted for, on behalf of, or at the direction of two listed individuals linked to the human trafficking activities of the Zawiyah network. For years, the Nasr detention centre in Zawiyah was singled out in reports by the United Nations for acts of torture, sexual and gender-based violence and human trafficking against migrants and refugees in Libya. Three individuals who had been working in the Nasr detention centre were sentenced to prison by an Italian court for torturing migrants in detention centres.

50. The European Union continued to encourage the establishment of safe and regular pathways for migration out of Libya, without prejudice to the national competences of member States, including by increasing the capacities of the emergency transit mechanisms, replicating the existing good practice of humanitarian corridors and increasing direct voluntary resettlement pledges.

51. Egypt reportedly continued to intercept irregular migrants along its border with Libya. It was also participating in a regional project aimed at dismantling networks involved in smuggling migrants and trafficking in persons in North Africa, in particular in Egypt, Libya, Morocco and Tunisia, in cooperation with UNODC.

52. While Libya has not adopted the Global Compact for Safe, Orderly and Regular Migration, Libyan authorities participated in the first International Migration Review Forum, held in New York from 17 to 20 May 2022, to assess progress towards the implementation of the Global Compact. A United Nations Network on Migration was also established in Libya in May 2022, under the leadership of IOM. The Network is expected to be instrumental in supporting the implementation of the collective outcome on migration management included in the United Nations Sustainable Development Cooperation Framework for Libya.

53. The joint African Union-European Union-United Nations tripartite task force, which aims to protect the lives of migrants and refugees along the migratory routes, particularly within Libya, continued to focus its advocacy on the facilitation of solutions for migrants and refugees outside Libya. It facilitated the large-scale voluntary return and humanitarian evacuation operations from Libya. The task force also repeatedly raised its concerns with the Libyan authorities about the treatment of migrants and refugees in Libya, both inside and outside detention centres, and the continued challenges faced by UNHCR, IOM and other agencies in obtaining

humanitarian access to undertake critical protection and assistance activities for migrants and refugees.

54. According to the African Union, the emergency transit mechanism established by the African Union, the Government of Rwanda and UNHCR, which relocates refugees and asylum-seekers to Rwanda, was extended until 2023. The African Union initiated consultations with member States to put in place policies on the prevention of trafficking in persons and of smuggling of migrants in Africa, which are expected to be adopted in 2023.

## **V. Support for Libya and related efforts to combat migrant smuggling and trafficking in persons**

55. UNODC has been providing technical assistance to Libya since July 2021 under its project entitled “Dismantling human trafficking and migrant smuggling criminal networks in North Africa”. This included support to Libyan counterparts in the review and development of legislation against trafficking in persons and smuggling of migrants, in line with the United Nations Convention against Transnational Organized Crime, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and the Protocol against the Smuggling of Migrants by Land, Sea and Air.

56. During the reporting period, UNODC trained 65 health and social workers from the Ministry of Health and the Ministry of Social Affairs of Libya on the protection of, and assistance to, victims of trafficking and vulnerable migrants. UNODC also trained 85 staff from the Ministry of Interior and the Ministry of Justice on special investigation techniques to dismantle criminal networks, including crime scene management, criminal intelligence analysis and the handling of evidence in human trafficking and migrant smuggling criminal cases; and forensics software and international cooperation and best practices in combating cybercrime and handling digital evidence.

57. During the reporting period, UNHCR and its implementing partners continued to conduct protection monitoring visits to detention centres across Libya run by the Department for Combating Illegal Migration and provided life-saving assistance in the form of non-food items and medical assistance to all detainees (migrants and refugees). UNHCR continued its advocacy on ending the arbitrary detention of asylum-seekers and refugees in Libya. From 1 January to 20 July 2022, UNHCR and implementing partners conducted 260 visits to detention centres run by the Department for Combating Illegal Migration across Libya and facilitated the release of 380 asylum-seekers and refugees as a result of direct advocacy with the Department for Combating Illegal Migration.

58. UNHCR continued its advocacy with the Libyan authorities to ensure respect for the principle of non-refoulement. Through joint inter-agency work, including within the protection sector and the humanitarian country team, UNHCR continued to advocate alternatives to detention, while engaging in facilitating the release of individuals with extreme vulnerabilities from the detention centres in Libya. Protection interventions in detention centres were conducted through the distribution of non-food items, hygiene kits and health services and counselling.

59. On 1 October, Libyan security forces raided areas where migrants and refugees lived in Tripoli, triggering protests and the subsequent detention of around 5,000 individuals, as well as further escapes from the Mabani detention centre. During the period from October to December 2021, UNHCR managed to secure the release of 596 vulnerable persons of concern from several detention centres, including Ayn Zarah, Tariq al-Sikkah, Daher Al-Jabel (Zintan), Shari' al-Zawiya, Qanfudah and Kufrah. UNHCR also arranged for safe and dignified transfers to urban areas of all

officially released persons of concern through the provision of transportation and an assistance package to meet essential needs, including food, non-food items and cash. In its efforts to end the arbitrary or unlawful detention of all possible persons of concern, UNHCR submitted to the Libyan authorities 40 notes verbales requesting the release of around 5,000 individuals. In 2021, UNHCR witnessed the closing of approximately 10 detention centres by the Department for Combating Illegal Migration, including Daher Al-Jabel (Zintan), Abu Isa, and Sabha.

60. UNICEF continued to provide migrant and refugee children with multisectoral services in Tripoli, Misratah, Sabha, Zuwarah, Benghazi and Ajdabiya. Child protection services, namely mental health and psychosocial support, were provided to at least 305 migrant children (159 girls and 146 boys) and 592 refugee children (271 girls and 321 boys). Of those children, 149 migrant children (66 girls and 83 boys) and 403 refugee children (123 girls and 280 boys) received case management services, as well as provision of and referrals to specialized services. In addition, non-formal education services were provided to 441 migrant children (221 girls and 220 boys) and 613 refugee children (313 girls and 300 boys). At least 576 child migrants and refugees (306 girls and 270 boys) benefited from essential packages of preventive and curative health services.

61. During the reporting period, UNICEF provided light repairs to water, sanitation and hygiene facilities at the Mabani, Ayn Zarah and Abu Salim detention centres. Through these interventions, UNICEF provided support to 7,546 migrants and refugees (143 children, 798 women and 6,605 men), with improved access to water, sanitation and hygiene facilities, thereby reducing their risk of infections. In November 2021, UNICEF conducted light rehabilitation for water, sanitation and hygiene facilities in Shari' al-Zawiya to ensure improved life-saving access.

62. The United Nations Population Fund (UNFPA), with support from the European Union, provided protective services to vulnerable and at-risk migrants, refugees and host communities. During the reporting period, 10,521 people (7,288 women and 3,233 men), including 3,057 migrants and 2,325 internally displaced persons, received essential reproductive, maternal, newborn, child and adolescent services and gender-based violence prevention and response services through UNFPA and its partners. Awareness-raising sessions related to sexual and reproductive health and COVID-19 infection prevention and control were provided to 1,780 migrants. More than 239 migrants in detention (78 women and 161 men) were provided with sexual and reproductive health consultations. One hundred migrant women detained in Judaydah prison were provided with dignity kits, while 339 (99 women and 240 men) were reached through community health workers in the Qanfudah detention centre in Benghazi. UNFPA continued to operate mobile teams in Tripoli, Benghazi and Sabha to provide essential reproductive health services to migrants, refugees and internally displaced persons, and build the capacities of a roster of 15 health service providers in Benghazi to sustain the mobile health team services.

63. UNFPA continued to operate four safe spaces for women and girls in Tripoli, Benghazi and Sabha, where vulnerable women and girls, including migrants and refugees, received information on gender-based violence, attended livelihood activities and obtained access to psychosocial support, case management services and legal consultations. UNFPA worked jointly with UNICEF, UNHCR and IOM, under the leadership of the Resident Coordinator Office, to provide technical assistance and guidance to the authorities to operationalize the commitments made for the protection of migrant women and children.

64. IOM facilitated the voluntary humanitarian return of 10,880 migrants (8,234 men and 2,646 women), of whom 1,025 were detained in detention centres. All migrants were supported with exit visas and provided with medical checks,

vulnerability screenings, and pre-embarkation assistance, including COVID-19 PCR tests, masks, gloves and hand sanitizer. All migrants were provided with reintegration assistance upon return to their countries of origin.

65. IOM supported migrants in detention centres managed by the Department for Combating Illegal Migration through humanitarian and protection interventions. This included the provision of non-food items to 15,654 migrants, medical consultations for 27,807 migrants, psychological first aid and psychosocial assessments for 829 migrants and protection services. Moreover, IOM conducted 138 fumigation, disinfection and thorough cleaning interventions in 22 detention centres and 16 sanitary cleaning and/or garbage removal interventions in 7 detention centres. IOM also provided humanitarian assistance, including food and non-food items, mental health and psychosocial support, protection, and health services, to 15,516 migrants (14,094 men and 1,422 women) upon disembarkation following interceptions at sea.

66. During the reporting period, IOM conducted 1,099 counter-trafficking assessments, in which a total of 1,072 migrants (25 girls, 392 women, 57 boys and 598 men), mostly from Nigeria, Somalia and the Sudan, were identified as victims of trafficking. IOM provided protection case management services to victims of trafficking identified in Libya, including medical assistance, psychosocial support and counselling, food and non-food items, family tracing and linking, advocacy for release from detention, placement in community-based care arrangements, transport services, referral for legal assistance and for consular assistance, support and voluntary humanitarian return and tailored reintegration assistance in country of return.

## VI. Observations

67. Another year has passed during which men, women and children lost their lives in the Mediterranean Sea in a desperate attempt to search for better lives for themselves and their families. Every life lost is one too many. I welcome the crucial efforts deployed by Member States, civil society and private actors to conduct search and rescue operations in the Mediterranean Sea. At the same time, I remain concerned about ongoing delays in responding to distress calls and reports of dangerous and coercive measures taken by Libyan authorities during interception operations.

68. I welcome the establishment by the Libyan Presidency Council in December 2021 of a Steering Committee to address the issue of migrants and refugees. I call upon Libyan authorities to uphold international standards related to safe search and rescue practices and to ensure that intercepted persons are disembarked in a place of safety, where their basic needs can be met. At the same time, I urge parties not to return intercepted persons to Libya following interception at sea in operations conducted in waters beyond the Libyan territorial sea, as Libya cannot be considered a safe port for disembarkation. All rescued intercepted persons should be assigned a safe port of disembarkation, in accordance with the law of the sea, international maritime law, international human rights law and refugee law.

69. I reiterate my call for a predictable and credible agreement for disembarkation encompassing all member States of the European Union based on the principles of solidarity and shared responsibility. The United Nations stands ready to assist in the development of a predictable regional disembarkation and solidarity mechanism on both coasts of the Mediterranean.<sup>8</sup>

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<sup>8</sup> IOM and UNHCR, “Proposal for a regional cooperative arrangement ensuring predictable disembarkation and subsequent processing of persons rescued-at-sea”, 27 June 2018. Available at [www.unhcr.org/partners/eu/5b35e60f4/proposal-regional-cooperative-arrangement-ensuring-predictable-disembarkation.html](http://www.unhcr.org/partners/eu/5b35e60f4/proposal-regional-cooperative-arrangement-ensuring-predictable-disembarkation.html).

70. Migrant smuggling and trafficking in persons constitute violations of international human rights law. I welcome the increased arrests of migrant smugglers and human traffickers by Libyan authorities during the reporting period and encourage all Member States to strengthen their efforts to end impunity for smugglers and traffickers. I also call upon Member States to ensure that their efforts to prevent and counter smuggling and trafficking operations are deployed taking full account of the human rights and immediate needs of migrants and refugees. All Member States operating in the Mediterranean Sea should place such considerations at the core of their response efforts at all levels.

71. Throughout their journey, before and after they cross the Mediterranean Sea, men, women and children continue to be at high risk of abuse. The rights of refugees and migrants, including women, children and victims of trafficking, must be upheld. In this respect, I highlight the importance of decriminalizing irregular entry into, stay in and exit from Libya.

72. Noting that arbitrary detention is prohibited under international human rights law, detained migrants and refugees in Libya should be released, and alternative human rights-based solutions should be developed. Meanwhile, detention conditions must comply with international human rights standards with a view to meeting the basic needs of detainees, including food and medical care. Also, detainees should not be subjected to violence, including sexual violence and extortion. I wish to stress that children should never be detained for reasons related to their or their parents' or guardians' legal status, and that non-custodial, community-based alternative care arrangements should be provided for all children and their family members. Unimpeded access to all facilities where migrants are detained, should be granted to the United Nations, international non-governmental organizations, humanitarian actors and human rights monitors.

73. I wish to further stress that collective expulsions are prohibited under international law and must end. No returns from Libya should violate the principle of non-refoulement.

74. Access to justice, accountability and redress must be ensured for all victims of human rights violations and abuses, including all migrants and refugees. I call for the conduct of transparent and prompt investigations into incidents of excessive use of force against migrants and refugees and into reckless treatment resulting in death and injury. Perpetrators of human rights violations and abuses against migrants and refugees, whether State or non-State actors, should be brought to justice to ensure accountability.

75. All Member States along the migrant smuggling routes that cross Libyan territory are encouraged to further enhance the protection of survivors of smuggling and trafficking and to criminalize the smuggling of migrants and trafficking in persons in accordance with the definitions established in applicable international instruments, including the United Nations Convention against Transnational Organized Crime and the Protocols thereto. I welcome the advocacy efforts of the joint African Union-European Union-United Nations tripartite task force, which were focused on the facilitation of solutions for migrants and refugees outside Libya. I welcome the ongoing consultations with Member States to put in place policies on prevention of trafficking in persons and of smuggling of migrants in Africa and encourage the African Union to continue to work with Libyan authorities on migration management.

76. There is an urgent need for a holistic approach to addressing the root causes of irregular migration and flight through enhanced cooperation and solidarity. Safe and dignified pathways for regular migration should urgently be expanded and made more accessible. With a view to sharing responsibilities with Libya, the international

community should offer more resettlement opportunities and humanitarian evacuations of refugees from Libya. Humanitarian visas and other safe and regular pathways for refugees and migrants in vulnerable situations should be increased. The Global Compact for Safe, Orderly and Regular Migration and the global compact on refugees offer important guidance in this regard.

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