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Report of the Secretary-General

I. Introduction

1. The present report is submitted pursuant to paragraph 3 of Security Council resolution 2491 (2019), in which the Council renewed its request to me to report on the implementation of resolution 2240 (2015), in particular the implementation of paragraphs 7 to 10 of that resolution.

2. The report covers developments since my previous report of 6 April 2020 (S/2020/275) until 20 August 2020. The information and observations herein are based on submissions by Member States, relevant international and regional bodies and United Nations entities.

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

Update on developments along the central Mediterranean route

3. The Mediterranean Sea remains a deadly thoroughfare for refugees and migrants trying to reach European shores. During the reporting period, many people have again perished or gone missing at sea on their way to Europe, and thousands have been returned to Libya, where they remain at risk of grave harm. From 1 March to 31 July 2020, the Office of the United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM) estimate that 168 refugees and migrants perished or went missing at sea on the central Mediterranean route, including at least 56 after departing from Libya.¹ During the same period in 2019, UNHCR and IOM estimated that 441 refugees and migrants perished or went missing, including 433 after departing from Libya. IOM estimated that an additional 60 people may have died along the central Mediterranean route in the period from 1 March to 31 July 2020 as a result of so-called “invisible shipwrecks”,² where the final

¹ According to the International Organization for Migration (IOM) Missing Migrants Project, there were 416 deaths for 23,141 attempted crossings in the first seven months of 2020 (1.8 per cent), compared with 921 deaths for 11,373 attempted crossings in the first seven months of 2019 (8.1 per cent).

² “Invisible shipwrecks” refers to situations where the whereabouts of boats carrying refugees and migrants could not be established and no search and rescue operations were carried out, and where no non-governmental organizations (NGOs) or family members have had contact with those on board for at least one month following their disappearance.



whereabouts of boats carrying refugees and migrants could not be established. Those numbers, however, do not account for people who died or went missing after they were returned to Libya. Beyond the central Mediterranean route, from 1 March to 31 July 2020, IOM and UNHCR recorded at least 24 refugees and migrants as having died or gone missing at sea on the western Mediterranean route and 8 on the eastern Mediterranean route, compared with 124 and 54, respectively, during the same period in 2019.

4. From 1 March to 31 July 2020, UNHCR and IOM recorded around 20,000 arrivals of refugees and migrants in Europe via the three main sea routes across the Mediterranean, a roughly 30 per cent decrease as compared with the same period in 2019, when over 28,000 arrivals by sea in Europe were recorded. The central Mediterranean route accounted for roughly 60 per cent of these arrivals, with over 12,410 refugees and migrants coming mainly from Tunisia and Libya, but also from Algeria (of this total over 11,460 arrived in Italy and over 950 in Malta). This represents a 142 per cent increase for this route as compared with the almost 5,140 recorded arrivals from 1 March to 31 July 2019 (approximately 3,605 in Italy and approximately 1,535 in Malta). The increase in arrivals in Europe through the central Mediterranean route was mainly driven by an increase in departures from Libya and Tunisia.³ From 1 March to 31 July 2020, over 3,100 arrivals by sea in Greece through the eastern Mediterranean route were recorded and almost 4,200 arrivals in Spain through the western Mediterranean route, compared with over 14,500 arrivals by sea in Greece and around 7,950 arrivals by sea in Spain during the same period in 2019.

5. From 1 March to 31 July, UNHCR recorded 9,500 people (82 per cent men, 5 per cent women and 13 per cent children) as having departed from Libya, compared with 6,636 people (79 per cent men, 6 per cent women and 15 per cent children) during the same period the year before. The European Union noted that the Tripolitania region was the most active area for departures from Libya during the reporting period. Among those arriving in Italy from Libya during the reporting period, IOM estimated that more than half (57 per cent) departed from Zuwarah, 14 per cent from Zawiyah, 5 per cent from Sabratah, with the rest departing from Qasr al-Qarabulli, Khums, Zlitan and Tripoli.⁴ Of those returned to Libya, IOM estimates that approximately 60 per cent had embarked from the Khums and Qasr al-Qarabulli area and roughly 35 per cent from the Zawiyah and Zuwarah areas.

6. The European Union estimated that, from 1 March to 31 July 2020, approximately 9,050 persons were rescued or intercepted in 128 operations⁵ by various vessels in the areas of operation of its Naval Force military operations in the Southern Central Mediterranean (EUNAVFOR MED operation SOPHIA) and in the Mediterranean (EUNAVFOR MED operation IRINI),⁶ 52 of which were conducted by the Libyan coastguard and navy.

7. According to UNHCR data, from 1 March to 31 July 2020, of those departing from Libya, 45 per cent were rescued or intercepted by the Libyan coastguard in the Libyan and Maltese search and rescue regions, 24 per cent were rescued by Italian authorities, 8 per cent managed to reach Italy on their own, 7 per cent were rescued by non-governmental organization (NGO) vessels, 7 per cent were rescued by the

³ From 1 March to 31 July 2020, IOM recorded 4,796 arrivals via the central Mediterranean route from Libya in Italy and Malta, and 5,216 arrivals from Tunisia in Italy, compared with 2,465 arrivals from Libya in Italy and Malta and 1,226 arrivals from Tunisia in Italy during the same period in 2019.

⁴ For 16 per cent of those who arrived by sea in Italy from Libya, the departure area was unknown.

⁵ 128 safety of life at sea incidents in which a naval unit (civil or military) was involved.

⁶ According to the European Union, the areas of operation of EUNAVFOR MED operations SOPHIA and IRINI are largely the same, with the area of operation of operation IRINI having been expanded northwards up to the 37th parallel north.

Armed Forces of Malta, 4 per cent were rescued or intercepted by merchant vessels (disembarking roughly a quarter of those rescued or intercepted at sea in Libya, and the rest in Italy or Malta) and a small percentage (3 per cent) were rescued or intercepted by fishing boats (some on behalf of the Maltese authorities).

Methods of migrant smugglers and traffickers in persons

8. The European Union reported that the lack of effective State institutions and continued instability in Libya have created a space in which illicit activities, including trafficking in persons and smuggling of people, could thrive. The European Union noted that migrant smugglers and human traffickers continued to use primarily rubber and wooden boats, and secondarily fibreglass boats, with migrant smuggling groups in the western launching area from Tripoli to Abu Kammash predominantly using wooden or fibreglass boats, and groups operating in the eastern launching region from Tripoli to Misratah mainly using rubber boats and occasionally fibreglass boats. The individual fare for transport to Europe remained the same as during the previous reporting periods, with cost of travel by inflatable boat ranging from EUR 500 to EUR 1,400 and by wooden boat from EUR 800 to EUR 1,500, depending on the size of the boat and the number of people on board. With rubber boats able to accommodate up to 120 persons, migrant smugglers and human traffickers could recoup up to EUR 168,000 per boat. IOM and UNHCR noted that, while the boats used for the journey to Europe were often unseaworthy and overcrowded, the overall number of people on each inflatable boat was generally less than during the height of the crisis in 2017. Often, smugglers neither provided migrants and refugees with sufficient food and water nor distributed life jackets.

9. The European Union reported that tactics employed by people smugglers remained the same as during the previous reporting period. The majority of boats smuggling migrants and refugees along the central Mediterranean route were filled with insufficient fuel to reach European shores, but enough to reach waters beyond the 12 nautical mile limit of the territorial sea of Libya. UNHCR observed that, during the reporting period, boats travelled further from the Libyan coast in an attempt to pass beyond the Libyan Search and Rescue Region to avoid interception by the Libyan coastguard and navy, to make rescue by European actors more likely, or to reach Europe directly. The European Union further reported that, to avoid being apprehended by the Libyan coastguard and navy, the smugglers would leave refugees and migrants to travel alone, providing them with basic instructions on how to navigate the sea using a Global Positioning System or directing towards oil rigs off the coast of Libya. In some cases, upon reaching a certain point outside the territorial sea of Libya, as indicated by the Global Positioning System, boat occupants were instructed to use a satellite phone to call the Maritime Rescue Coordination Centre in Rome or NGO entities, to alert them of their situation and await rescue. In other cases, directions given by smugglers were limited to maintaining a straight line in one direction until no fuel was left.

Situation of migrants and refugees in Libya

10. As stressed repeatedly in previous and related reports, including in [S/2020/275](#) and [S/2020/832](#), given the considerable risk of being subjected to human rights abuses and unsafe practices, Libya cannot be considered a place of safety for the disembarkation of refugees and migrants under international law, including international human rights law, international refugee law and the law of the sea. Nevertheless, refugees and migrants continue to be disembarked in Libya, mainly after interception by the Libyan coastguard and navy, but also by private vessels at the direction of Maritime Rescue Coordination Centre or individual Member States, with most of those disembarked in Libya subsequently sent to detention centres.

According to UNHCR, from 1 March to 31 July 2020, around 4,450 refugees and migrants were intercepted and disembarked in Libya, compared with approximately 3,700 during the same period in 2019. According to IOM, 60 per cent of the refugees and migrants disembarked by the Libyan coastguard during the reporting period were disembarked at the Abu Sittah disembarkation point in Tripoli, and 23 per cent at the main port of Tripoli.⁷ There were reports of unsafe interception practices and use of force during disembarkation. On 27 July, three migrants were killed and two others were injured in a shooting at Khums disembarkation point shortly after they and 60 other people had been disembarked by the Libyan coastguard.⁸ On 10 April, artillery shelling on the main port of Tripoli, where a disembarkation operation had just ended, endangered the lives of refugees and migrants, as well as IOM, UNHCR and International Rescue Committee personnel providing humanitarian assistance and the Libyan officials involved.

11. UNHCR reported that those intercepted at sea by the Libyan authorities during the reporting period originated primarily from the Sudan (50 per cent), Bangladesh (19 per cent) and Mali (8 per cent).⁹ On the basis of available data, adult men accounted for about 85 per cent, women for 8 per cent and children for 7 per cent of those disembarked.¹⁰ Information on nationality, age or gender of those disembarked in Libya could not always be gathered, owing to the speed of disembarkation and subsequent transfer, lack of systematic access to monitor disembarkations by some agencies and lack of systematic reporting of those figures by the Libyan authorities. While data on disabilities among intercepted refugees and migrants is not systematically recorded, it is estimated that 15 per cent of those disembarked had some form of disability. Despite challenges, IOM and UNHCR, in cooperation with the International Rescue Committee, continued to provide medical assistance and core relief items to people upon disembarkation and before their transfer by the Libyan authorities to detention centres and other destinations. In the light of the COVID-19 pandemic, IOM supported the Libyan coastguard through the provision of personal protective equipment for its officers, as well as body temperature testing devices. Owing to the paucity of resources and testing capacities, only in some cases, mostly in the Tripoli area, did the National Centre for Disease Control perform medical checks at disembarkation.

12. Libya has acceded to seven of the nine core international human rights instruments, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families in 2004.¹¹ Libya is not a party to the 1951 Convention relating to the Status of Refugees but is a signatory to the 1969 Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa. However, Libya has not yet adopted asylum legislation

⁷ For comparison, during the same period in 2019, according to IOM, 47 per cent of disembarkations by the Libyan coastguard were at Khums disembarkation point, and 34 per cent at the Abu Sittah disembarkation point in Tripoli.

⁸ UNHCR, “UNHCR urges investigation following deadly incident at Libya disembarkation point”, 28 July 2020; and IOM, “IOM deplors killing of two migrants returned from sea to Libya”, dated 28 July 2020.

⁹ Percentages are calculated on the basis of the number of persons whose nationality was known. Data on nationality was not available for 22 per cent of those disembarked.

¹⁰ Percentages are calculated on the basis of the number of persons whose age and gender were known.

¹¹ Libya has ratified several relevant treaty instruments that apply without discrimination to refugees and migrants, including: the International Convention on the Elimination of All Forms of Racial Discrimination; the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; and the Convention on the Rights of Persons with Disabilities.

or established asylum procedures and Libyan authorities continue not to fully recognize the mandate of UNHCR in providing and overseeing the application of international refugee protection. Under Libyan law, all irregular entries, stays or departures continue to be criminalized, and migrants and refugees continue to be subjected to arbitrary and indefinite detention upon disembarkation by the Libyan Directorate for Combating Illegal Migration. With the formal policy of detention remaining in place in Libya, IOM and UNHCR reported that, from 1 March until 31 July 2020, about half of the refugees and migrants disembarked in Libya were transferred to detention centres managed by the Directorate for Combating Illegal Migration. Over 20 per cent were released or escaped immediately after disembarkation. In at least one instance in late July 2020, those seeking to escape were shot at and some were killed.¹² Of those disembarked, over 1,200 individuals were taken to an investigation and transit centre where violations of their human rights are reported to have occurred.

13. As at 31 July 2020, more than 2,780 people, 22 per cent of whom are children, are estimated to be detained in detention centres managed by the Directorate for Combating Illegal Migration throughout Libya. Of this total, 44 per cent are UNHCR persons of concern. Horrific conditions and ill-treatment in detention persist, including reports of torture, enforced disappearances and sexual and gender-based violence at the hands of Directorate officials, together with a lack of food and health care. Men and boys are routinely threatened with violence when they are calling their families, to pressure them to send ransom money. Migrants and refugees have been shot at when they attempted to escape, resulting in injuries and deaths. When it is believed that migrants and refugees are too weak to survive, they are often taken to nearby hospitals and left there or left on the streets or in the bushes to die.

14. Despite overcrowding, Directorate for Combating Illegal Migration detention centres in Tariq al-Sikkah in Tripoli, Nasir in Zawiyah, Dahr al-Jabal, and Suq al-Khamis (Khums 2) continue to receive new detainees following their arrest or interception at sea. In the Suq al-Khamis detention centre, the Directorate and armed police have beaten detainees protesting their deplorable conditions with metal bars, resulting in injuries. In the Dahr al-Jabal in Zintan and Suq al-Khamis detention centres, detainees have been kept in courtyards with no roof, exposed to extreme heat. Others have been held in cells with no ventilation, electricity or any kind of lighting. Many of the detainees have not been provided with mattresses and sleep on the floor. The United Nations continues to receive reports of extortion for money, forced labour, and disappearances of migrants and asylum seekers from the Suq al-Khamis and Nasir and Abu Isa in Zawiyah detention centres. For fear of retaliation and abuse, individuals with diverse sexual orientations and gender identities are believed to be unlikely to come forward to report abuse and seek related protection and urgent assistance. Refugees and migrants with disabilities continue to be at particular risk of violence in detention centres.

15. Detained migrants and refugees in Libya, both women and girls as well as men and boys, remain at high risk of sexual and gender-based violence, including rape, which is used as a form of torture, with some cases resulting in death. Sexual violence has been committed by guards of the Directorate for Combating Illegal Migration and non-State armed groups and used as a routine method for controlling and humiliating migrants and refugees. It continues to be perpetrated with impunity. Women and girls are routinely held in facilities without female guards and strip-searched by, or in front of, male guards. Systematic disregard for their privacy in sanitation facilities

¹² UNHCR, “UNHCR urges investigation following deadly incident at Libya disembarkation point”, 28 July 2020; and IOM, “IOM deplors killing of two migrants returned from sea to Libya”, 8 July 2020.

continues. Women and girls also lack access to sexual and reproductive health services, including menstrual hygiene products and provisions for pregnant or nursing women. Not only do pregnant women face the same threats of rape and other forms of sexual abuse as all other women, they also have very limited or no access to the health care that they need, often leading to miscarriage.¹³ The United Nations also received reports that boys in the Abu Isa detention centre in Zawiyah were sexually abused.

16. The United Nations continues to receive reports of heavy weapons and ammunition being stored at several Libyan detention centres. Refugees and migrants in detention centres continue to be subjected to forced labour, including being forced to load weapons and repair machine guns and cars belonging to armed groups. The Organization has also received credible information of forced recruitment among refugees and migrants. The ongoing clashes between non-State armed groups in Tripoli, which started following the withdrawal of the Libyan National Army from the front lines in greater Tripoli, will likely continue and may further endanger the lives of migrants and refugees, including those in detention centres. More than a year after the air strike on 2 July 2019 by an unmanned aerial vehicle on the Tajura' detention centre outside Tripoli, which resulted in the death of over 50 refugees and migrants and left many more injured, those responsible have still not been held to account.

17. In addition to the violations reported in the detention centres managed by the Directorate for Combating Illegal Migration, there are reports of grave human rights violations, including child rights violations, in detention facilities run by armed groups affiliated with the Government of National Accord, where hundreds were detained. Traffickers in persons and migrant smugglers have detained hundreds of migrants and refugees in camps within and on the outskirts of a number of towns and cities.¹⁴ Some of those camps are under the control of Libyan armed groups, including groups affiliated with the Libyan National Army or the Government of National Accord, and are usually managed by foreign nationals. In late May, in one of these camps situated in the town of Mizdah, south-west of Tripoli, 26 migrants from Bangladesh¹⁵ and 4 from Sub-Saharan Africa were shot dead by relatives of the smugglers, while another 11 sustained severe injuries. IOM medical staff who referred those in critical condition to clinics in Tripoli reported that some of the migrants bore the marks of beatings and physical abuse. As at 31 July 2020, no arrests have been reported in connection with the incident.

18. UNHCR reported that, since June 2020, over 100 individuals had arrived in Tripoli from trafficking camps in Bani Walid, often in very poor physical condition and in dire need of assistance, among them one young asylum seeker who died shortly after reaching Tripoli.¹⁶ The United Nations in Libya further received reports of bodies of migrants and refugees being dumped in dry rivers and in the desert,¹⁷ following their deaths in camps at the hands of traffickers and smugglers as a result of torture, gunshots and disease. Abuse in Libya is in addition to the extreme peril

¹³ United Nations Support Mission in Libya (UNSMIL), Office of the United Nations High Commissioner for Human Rights (OHCHR), *Desperate and Dangerous: Report on the Human Rights Situation of Migrants and Refugees in Libya* (2018).

¹⁴ In Tazirbu, Kufrah, Birak al-Shati', Shuwayrif, Bani Walid, Zawiyah, Nasamah and Mizdah.

¹⁵ The 26 Bangladeshi nationals reportedly travelled to Libya (Benghazi) via several stops between January 2019 and March 2020.

¹⁶ UNHCR, "UNHCR expresses condolences over tragic death of asylum-seeker in Libya, urges more action against criminal smuggling and trafficking", 24 July 2020.

¹⁷ In Mizdah, Shuwayrif, Birak al-Shati' and Bani Walid.

and human rights violations that refugees and migrants experience along the route to Libya from western and eastern Africa.¹⁸

19. On 28 April, the Office of the United Nations High Commissioner for Human Rights (OHCHR) raised serious concerns over collective expulsions and summary deportations of migrants and asylum seekers from Libya without access to due process or respect for the principle of non-refoulement, noting that those practices violated the country's international human rights law obligations.

III. Impact of coronavirus disease (COVID-19) on the situation in the central Mediterranean and migrants and refugees in Libya

20. The coronavirus disease (COVID-19) pandemic has further increased the vulnerabilities of migrants and refugees, including those returned to Libya after interception at sea.¹⁹ On 8 and 9 April, respectively, Italy and Malta declared their ports unsafe for disembarkation owing to the COVID-19 pandemic. Also in April, Malta announced that it could not ensure the rescue of persons in distress at sea and on several occasions asked private fishing boats to rescue boats with refugees and migrants in distress at sea on its behalf. On one occasion in mid-April, a vessel intercepted a boat in the Maltese Search and Rescue Region carrying refugees and migrants who were subsequently disembarked in Libya, with 12 of them having died or gone missing at sea.²⁰ There were reports of delays in response to boats in distress at sea. Some NGO vessels saw their operations temporarily suspended owing to quarantine procedures after disembarkations as part of COVID-19 prevention measures, for administrative or technical reasons. As a consequence, for several weeks during the reporting period, no NGO vessels performed search and rescue missions along the central Mediterranean route, further exacerbating the risks facing refugees and migrants in the central Mediterranean. According to UNHCR, between January and July 2020, the average time between rescue by NGO or merchant vessels and disembarkation was four days or longer, negatively impacting the mental health of those on board, in some cases reportedly leading in some cases to extreme anxiety or suicide attempts.

21. From the end of April, Malta began to transfer people rescued at sea onto commercial tourist vessels off the Maltese coast for quarantine purposes. Those ships remained operational until early June, with some migrants and refugees having spent up to 39 days in quarantine before being disembarked in Malta. Italy also used vessels moored offshore, on which refugees and migrants rescued at sea underwent a 14-day quarantine period before being allowed to disembark.

22. UNHCR denounced the dangers of delayed rescue or failure to promptly disembark boats with migrants and refugees and called for greater solidarity and

¹⁸ UNHCR and Mixed Migration Centre, "On this journey no one cares if you live or die: abuse, protection, and justice along routes between East and West Africa and Africa's Mediterranean coast" (29 July 2020).

¹⁹ UNHCR and IOM, "COVID-19 and mixed population movements", May 2020; Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe (OSCE), United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), *Addressing Emerging Human Trafficking Trends and Consequences of the COVID-19 Pandemic* (July 2020).

²⁰ In a separate incident, on 15 April, a vessel reportedly returned 51 migrants and 5 dead bodies to the Abu Sittah disembarkation point in Libya. There was also a report of a merchant vessel returning migrants and refugees to Libya in late May.

responsibility-sharing with regard to search and rescue in the Mediterranean Sea.²¹ On 8 May, OHCHR expressed deep concern regarding coordinated pushbacks and failure to assist boats of migrants in the central Mediterranean Sea, and about “reports that Maltese authorities requested commercial ships to push boats with migrants in distress back to the high seas”. OHCHR further called for the immediate lifting of restrictions on the life-saving work of NGO vessels.²² After at least 45 migrants and refugees died in the largest recorded shipwreck off the Libyan coast in 2020, on 19 August, IOM and UNHCR called for urgent action to strengthen the search and rescue capacity to respond to distress calls.²³

23. In June and July 2020, more than 100 migrants and refugees rescued at sea after departing Libya tested positive for COVID-19, prompting concerns that the virus could be spreading among refugees and migrants in Libya, who often have no access to health services. There is deep concern over the situation in detention centres amid the pandemic due to overcrowding, which makes social distancing impossible, and substandard sanitary and hygiene conditions. In many cases, detainees’ weak nutritional status and severe medical conditions, including tuberculosis, put them at greater risk of contracting COVID-19. The limited opportunities to temporarily exit detention centres to seek work to support basic needs have been severely reduced amid the pandemic, increasing the socioeconomic pressure for refugees and migrants in Libya. According to IOM, unemployment among migrants in Libya rose from 7 per cent in February to 24 per cent by late April. Closed borders, together with the deteriorating socioeconomic situation in Libya and the lack of access to basic services, have made refugees and migrants in Libya more prone to seek the services of human smugglers. A recent report based on findings from surveys conducted with survivors and front-line organizations working on trafficking in persons found that travel restrictions and loss of economic opportunities are putting migrants, in particular, women migrant workers, at increased risk of trafficking in persons.²⁴ The COVID-19 pandemic has also placed enormous strain on humanitarian resources, affecting the ability of humanitarian actors in Libya to provide assistance to victims of trafficking and refugees and migrants and to carry out important monitoring functions.

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

24. Despite being a destination as well as a transit country for smuggled migrants and trafficked persons, Libya does not have stand-alone legislation criminalizing trafficking in persons. As outlined in my previous report (S/2020/275), many migrant smugglers and human traffickers continue to be protected by well-known militias.²⁵ The volatile political context and security situation in Libya continue to create conditions for the flourishing of networks of migrant smuggling and trafficking in persons, and these networks take advantage of weak border management and rule of law institutions. The continued fighting, in particular in the western and central parts

²¹ UNHCR, “News comment on search and rescue in the central Mediterranean, by Gillian Triggs, Assistant High Commissioner for Protection at UNHCR, the UN refugee agency”, 1 May 2020.

²² OHCHR, press briefing note on migrant rescues in the Mediterranean, 8 May 2020.

²³ IOM and UNHCR, “IOM, UNHCR call for urgent action after 45 die in largest recorded shipwreck off Libya coast in 2020”, 19 August 2020.

²⁴ Office for Democratic Institutions and Human Rights of OSCE and UN-Women, *Addressing Emerging Human Trafficking Trends and Consequences of the COVID-19 Pandemic*.

²⁵ See also S/2019/914.

of the country, has created conditions for the reactivation or strengthening of migrant smuggling networks.²⁶

25. Member States continued their efforts to prevent and combat the smuggling of migrants and trafficking in persons off the coast of Libya, in support of Security Council resolution 2240 (2015) and subsequent resolution 2491 (2019), including through information gathering and capacity-building of and support to Libyan authorities. Six individuals listed on 7 June 2018 by the Security Council Committee established pursuant to resolution 1970 (2011) concerning Libya for involvement in the smuggling of migrants continued to be subject to the travel ban and asset freeze measures.²⁷ In March 2020, two traffickers in persons named in the 2018 final report of the United Nations Panel of Experts on Libya²⁸ were arrested in separate operations in Ethiopia. It remains difficult to ascertain the combined impact of those measures.

26. On 31 March 2020, the European Union closed EUNAVFOR MED operation SOPHIA and launched a new Common Security and Defence Policy operation, EUNAVFOR MED operation IRINI. The primary objective of the new operation is the implementation of the United Nations arms embargo on Libya. The operation's mandate includes, as secondary tasks, efforts to contribute to the implementation of United Nations measures to prevent the illicit export of petroleum from Libya; the disruption of the business model of networks of human smuggling and trafficking in persons in the central Mediterranean region; and capacity-building and training of the Libyan coastguard and navy. While operation IRINI does not have a search and rescue mandate, the European Union stated that the operation vessels would conduct rescue at sea operations if they found someone in distress at sea, in line with their obligations under international law.²⁹

27. Since 2004, Libya has been a State party to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime. As reported previously, to create conditions for the Libyan coastguard and navy to progressively take ownership of the implementation of those Protocols within the territorial sea of Libya, EUNAVFOR MED operation SOPHIA, from June 2017 until its closure on 31 March 2020, gradually assumed a second-line posture that centred on capacity-building efforts supported by the provision of equipment, with the Libyan coastguard and navy increasingly exercising all coastguard functions in the territorial sea of Libya and beyond, including search and rescue within the Libyan Search and Rescue Region. According to the European Union, the Libyan coastguard and navy have proven capable of coordinating several vessels and events at the same time and undertaking law enforcement and coastguard duties, including at night. During the reporting period, under EUNAVFOR MED operation SOPHIA, no training took place from 1 March until its closure on 31 March 2020.³⁰ Since the launch of operation IRINI, capacity-building and training activities, including monitoring, remain frozen

²⁶ Especially in areas like Nasamah, Mizdah, Sabratah and Zawiyah/Abu Isa, Abu Kammash and Abu Surrah.

²⁷ As previously reported (see S/2020/275, para. 16), the Panel of Experts on Libya noted continued difficulties in acquiring information from Member States on the implementation of the targeted sanctions.

²⁸ S/2018/812 and S/2018/812/Corr.1.

²⁹ Remarks by the High Representative of the European Union for Foreign Affairs and Security Policy and Vice-President of the European Commission, Josep Borrell, following the launch of EUNAVFOR MED operation IRINI, 31 March 2020.

³⁰ According to the European Union, operation SOPHIA continued monitoring of the Libyan coastguard and navy until its closure on 31 March.

as at 31 July 2020, pending the agreement of the Libyan Government of National Accord. In the light of COVID-19, operation IRINI developed a series of online courses that could be used by Libyan trainees when training resumes.

28. The European Union reported that, until its closure on 31 March 2020, operation SOPHIA continued air patrols in its area of operation in areas established within the Libyan Search and Rescue Region, primarily to the north of Tripolitania and off the territorial sea of Libya. In March 2020, Operation SOPHIA conducted 40 flights, comprising a total of 161 flight hours. From its launch on 31 March to 31 July 2020, EUNAVFOR MED Operation IRINI conducted 111 flights (620 flight hours) in the mission's area of operation in support of its secondary task, the "disruption of the business model of human smuggling and trafficking networks". The European Union noted that sightings of boats in distress or potential distress (such as unseaworthy boats) were shared with all competent maritime rescue coordination centres. After the closure of operation SOPHIA, its crime information cell,³¹ which contributed to information-sharing in the European Union on criminal activities in the central Mediterranean Sea, was deployed to operation IRINI headquarters.

29. Until its closure on 31 March 2020, EUNAVFOR MED operation SOPHIA shared information and coordinated with several European Union agencies, as well as with national, international and regional organizations and entities, to help develop a common understanding of the smugglers' business model and the key factors and phenomena affecting the area of operation.³² Cooperation between the Operation and the National Anti-Mafia and Counterterrorism Prosecutor's Office of Italy also facilitated more effective prosecution of those involved in people smuggling. With the establishment of EUNAVFOR MED operation IRINI on 31 March 2020, requests for a roll-over of cooperation arrangements were sent to operation SOPHIA key partners.³³ As at 31 July 2020, most of those requests have been granted and implemented.

30. At the end of May, Malta and Libya signed a memorandum of understanding to establish two centres to improve coordination and support in tackling irregular migration. On 13 July, Italy hosted a ministerial summit by videoconference with the participation of the European Union and some European Union member States, as well as Libya and other North African countries. Discussions were focused on the fight against migrant smuggling and an effective return policy.³⁴ Egypt reported that it had enforced stricter measures to combat illegal migration through Egyptian coasts and continued to enhance controls over its maritime borders with Libya.

31. In the context of the COVID-19 pandemic, in July 2020, the African Union launched a new programme on migration and health which recognizes the inadequate access to health services and unfavourable conditions in which many migrants, refugees and internally displaced persons live and work, making them subject to numerous health risks. Participants at a webinar hosted by the African Union stressed the importance for Africa of developing a continental migration and health-themed policy initiative to highlight the key priorities upon which African Union interventions could be anchored. The United Nations continues to support the African Union in these initiatives.

³¹ See also [S/2019/711](#), para. 25.

³² See also [S/2020/275](#), para. 22.

³³ Key partners include Frontex, Europol, Eurojust, IOM, OSCE, INTERPOL, the North Atlantic Treaty Organization (NATO), the national Anti-Mafia and Counterterrorism Prosecutor's Office of Italy, the International Criminal Court, UNSMIL and European Union Border Assistance Mission in Libya.

³⁴ See www.interno.gov.it/it/stampa-e-comunicazione/comunicati-stampa/traffico-migranti-vertice-ministri-dellinterno-lunedì-13-luglio.

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

32. On 29 July 2020, UNHCR and the Mixed Migration Centre at the Danish Refugee Council released a report detailing how most refugees and migrants taking the Mediterranean routes suffer or witness unspeakable brutality and inhumanity at the hands of smugglers, traffickers, militias and even, in some cases, State officials.³⁵ The report contains recommendations on preventing and responding to trafficking, exploitation and other protection risks faced by refugees and migrants on the move.

33. In June 2020, the United Nations Office on Drugs and Crime, IOM and the United Nations Children's Fund (UNICEF) commenced a joint study on the smuggling of migrants and trafficking in persons in Libya. In June 2020, UNHCR launched two research and mapping projects to promote the establishment of protection networks and a "communication with communities" hub across northern Africa to raise awareness of trafficking and exploitation risks, facilitate disclosure of victims of trafficking and persons at risk of being trafficked and enhance their access to documentation, international protection, justice and solutions.

34. The Observatory on Smuggling of Migrants³⁶ continued to collect data, information and analysis on the smuggling of migrants, with research activities carried out in West Africa, North Africa and Southern Europe to provide an updated overview of smuggling trends in the regions. The information gathered for the Observatory will be accessible through an online platform set to go live by the end of 2020. In May 2020, several IOM country offices initiated a joint study on smuggling practices along the central Mediterranean route, in particular in Algeria, Libya, Mali and the Niger, which is set to be completed by October 2020. IOM has commissioned the development of a practical guide on existing counter-trafficking and smuggling mechanisms in the region, aimed at strengthening cooperation between State authorities.³⁷

35. UNHCR and its partners, the International Rescue Committee, Première Urgence-aide Humanitaire Internationale and the Libyan Humanitarian Relief Agency, conducted 43 protection monitoring or medical visits to detention centres managed by the Directorate for Combating Illegal Migration from 1 March until 31 July 2020. Nevertheless, access by UNHCR, as well as United Nations Support Mission in Libya (UNSMIL) human rights personnel to Directorate-managed detention centres has not been consistent, owing to security restrictions, as well as bureaucratic obstacles posed by the detaining authorities. IOM continued to provide humanitarian assistance to migrants in Directorate-managed detention centres. Since April, as part of the humanitarian response to COVID-19, IOM migration health teams, UNHCR and humanitarian partners have provided life-saving assistance, in particular, health care and hygiene kits, on humanitarian grounds in detention centres. Communication with communities has also been strengthened to ensure more effective risk communication, as well as access to information and services for the most vulnerable. IOM also performed health prevention and COVID-19 awareness campaigns in detention centres, as well as regular fumigation and disinfection interventions. It also provided personal protective equipment for the use of detainees and Directorate staff.

36. During the reporting period, the United Nations continued to advocate for and work with authorities on the release of refugees and migrants from detention and the

³⁵ UNHCR and Mixed Migration Centre, "On this journey no one cares if you live or die".

³⁶ See S/2020/275, para. 33.

³⁷ The project covers 18 countries and regional institutions, including major countries and major countries of origin, transit and destination.

establishment of alternatives to detention following interception or rescue at sea.³⁸ The United Nations country team in Libya continued to engage with relevant national authorities to support the release of persons of concern from detention, also in consideration of the risks posed by the COVID-19 pandemic. UNHCR advocated for the release of all refugees and asylum-seekers identified in detention and undertook specific interventions with regard to the release of particularly vulnerable individuals, including women and children at risk of being trafficked, exploited or abused and those with serious medical needs. UNHCR supported those released with cash and other services. UNICEF worked with the authorities to develop alternatives to detention and provided life-saving assistance to detained children. To facilitate long-term solutions, UNICEF, together with UNHCR and IOM, put in place a “best interest determination” panel for unaccompanied and separated children to identify durable solutions for them.³⁹ UNICEF has also worked with Libyan authorities and partners to establish temporary centres for children as an alternative to detention through the provision of services to vulnerable children. UNHCR, together with the International Refugee Assistant Project, continued the implementation of a family reunification project for unaccompanied and separated children on the central Mediterranean route. In 2020, it profiled 299 children, referred 151 for resettlement and 2 for voluntary repatriation.

37. In June 2020, the World Food Programme (WFP) and UNHCR began providing food assistance to refugees and asylum-seekers released from detention, prioritizing support for survivors of trafficking or individuals at risk of being trafficked. Under the project, those released from detention centres received emergency life-saving food rations to help sustain them until they settled in urban settings. During the pilot phase of a separate project implemented from November 2019 to May 2020, WFP and IOM assisted some 21,000 migrants outside of detention centres with ready-to-eat rations.

38. UNICEF has continued to provide critical child protection and psychosocial support services to vulnerable children, including children on the move and children affected by armed conflict and displacement, to enhance their psychosocial well-being and resilience. From January to June 2020, more than 13,000 children (about 45 per cent boys, 55 per cent girls) benefited from child protection services, including mental health and psychosocial support activities and case management through schools, Bayti (“home”) centres, internally displaced person shelters and other urban settings across Libya. Moreover, UNICEF and partners provided gender-based violence response services to more than 2,500 individuals (over 1,900 women and girls and 600 men and boys), as well as prevention and risk mitigation.

39. According to the latest IOM Displacement Tracking Matrix from June 2020, there are at least 600,300 migrants in Libya. As at 31 July 2020, 48,826 refugees and asylum-seekers were registered with UNHCR in Libya, primarily from the Syrian Arab Republic (34.3 per cent), the Sudan (31.9 per cent) and Eritrea (12.1 per cent). In March 2020, UNHCR evacuated 128 refugees through the emergency transit mechanism to Niger. On 18 March, UNHCR evacuation and third-country resettlement departures were suspended globally owing to COVID-19. Evacuation flights remain suspended as at 31 July 2020. Because of the closure of international borders as part of COVID-19 preventive measures, the IOM voluntary humanitarian

³⁸ OHCHR, IOM, UNHCR and World Health Organization, joint press release, “The rights and health of refugees, migrants and stateless must be protected in COVID-19 response”, 31 March 2020.

³⁹ Including voluntary repatriation, local integration resettlement or access to a complementary pathway for admission.

return programme was suspended during most of the reporting period but was finally able to resume on 20 August with the first flight in five months.⁴⁰

40. Of the 1 million people identified by the Office for the Coordination of Humanitarian Affairs as needing humanitarian assistance in Libya in 2020, over one third (358,000) are migrants and refugees and roughly 30 per cent are children. Humanitarian partners planned to target 134,000 of the migrants and refugees for assistance under the 2020 Libya Humanitarian Response Plan, including through protection services and the provision of life-saving food, non-food, shelter, health and education assistance. To date, in 2020, the United Nations has facilitated humanitarian assistance to more than 49,000 migrants and refugees in the country.

41. In May 2020, the Prosecutor of the International Criminal Court reported to the Security Council that her Office continued to investigate arbitrary detention and serious mistreatment of migrants and refugees attempting to transit through Libya.⁴¹

42. On 22 June, the Human Rights Council adopted a resolution establishing an international fact-finding mission to Libya, with the mandate to establish the facts and circumstances of the human rights situation throughout Libya and to document alleged violations and abuses of international human rights law and international humanitarian law by all parties in Libya since the beginning of 2016.

VI. Observations

43. Many people have once again perished in the Mediterranean Sea in their desperate attempt to reach safe shores. We mourn them. I am deeply alarmed by reports of delays in responses to distress calls, coordinated pushbacks and private vessels being used for returning refugees and migrants to Libya. I call upon all Member States to comply with their obligations under international law to promptly rescue people in distress at sea.

44. I would like to stress once again that Libya does not qualify as a place of safety or as a safe third country for the purpose of disembarkation of refugees and migrants. Member States are obliged under international law to ensure that persons rescued at sea are delivered to a place of safety and in conditions that uphold their human rights, including the principle of non-refoulement. In this regard, I echo the call of the United Nations High Commissioner for Human Rights for a moratorium on all interceptions at sea and returns to Libya.⁴² An alternative scheme whereby those rescued and intercepted at sea are brought to safe ports must be established as a matter of urgency.

45. I am grateful to the many people who continue to risk their lives searching for and rescuing people in the central Mediterranean Sea. They deserve our solidarity and full support. Restrictions impeding their work must be rescinded immediately. Delays in vessels' entry into ports and in disembarkation of migrants and refugees may deter other ships from fulfilling their rescue at sea obligations, with grave implications for anyone in distress at sea, in the central Mediterranean and beyond. Legitimate public health concerns amid the COVID-19 pandemic can be addressed through time-limited quarantine, health checks and other measures. Such measures should be applied without discrimination and within the specified national health protocols. The United Nations stands ready to support the effective and speedy processing of disembarked refugees and migrants.

⁴⁰ IOM, "First IOM Libya voluntary return charter in five months assists over 100 Ghanaian migrants", 21 August 2020.

⁴¹ See www.icc-cpi.int/Pages/item.aspx?name=200505-statement-prosecutor-unsc-libya.

⁴² OHCHR, press briefing note on migrant rescues in the Mediterranean Sea, 8 May 2020.

46. As I have stressed before, European Union member States receiving the majority of refugees and migrants arriving by sea deserve the solidarity of their fellow European Union countries. The current ad hoc arrangements under which relocation of rescued persons within the European Union is negotiated on a boat-by-boat basis are unsustainable. I renew my call for a credible and predictable agreement for disembarkation encompassing all European Union members, guided by solidarity and responsibility-sharing, and hope that such an arrangement can be found through the ongoing discussions on a possible European Commission pact on migration and asylum.⁴³ I hope that such an agreement would ultimately lead towards a predictable disembarkation agreement encompassing all coastal States in the Mediterranean basin. I reiterate the availability of the United Nations system to support the development of a predictable regional disembarkation and solidarity mechanism based on the 2018 joint proposal by UNHCR and IOM.

47. I would like to thank the European Union for its efforts since 2015 in support of Security Council resolution 2240 (2015) and subsequent resolutions through EUNAVFOR MED operation SOPHIA. I take note that the disruption of the business model of migrant smugglers and human traffickers and capacity-building and training of the Libyan coastguard and navy remain tasks of the new EUNAVFOR MED operation IRINI.

48. Libyan authorities have shown commitment to save those in danger at sea, even in very challenging circumstances. Reports of unsafe interception practices and violence during disembarkation in Libya are troubling. The safety of migrants and refugees should be the utmost priority at interception, rescue, disembarkation and beyond. I thank all those that have supported the Libyan coastguard and navy and call on all actors to ensure that support to the Libyan coastguard entails clear and effective measures to mitigate the risk of human rights violations. Enhanced coordination and information flow between all actors involved in disembarkations is urgently needed. I call on Libyan authorities to allow unhindered access for the United Nations to disembarkation points and investigation and transit centres. A national registration system for refugees and migrants, including at disembarkation points, in detention centres and in urban areas, is urgently needed to avoid refugees and migrants going missing.

49. Nothing can justify the horrendous conditions under which refugees and migrants are detained in Libya. The sexual and gender-based violence they face is a severe violation of their human rights and needs to be addressed as a matter of urgency. I renew my appeal to the Libyan authorities, even more urgent now amid the COVID-19 pandemic, to fulfil their obligations under international law and to close all detention centres, in close coordination with United Nations entities. As a matter of urgency, human rights-compliant and non-custodial alternatives to detention need to be established. Children should never be detained, in particular when they are unaccompanied or separated from their parents. I urge the Libyan authorities to ensure that these children are referred to adequate protection services and appropriate care options until long-term solutions are identified. Their transfer to safer locations out of detention centres is critical. In the meantime, I call for unhindered and unconditional access to the detention centres for United Nations personnel.

50. Human traffickers and migrant smugglers continue to exploit the volatile security situation in Libya. Finding lasting, sustainable solutions to the Libyan conflict remains the overarching goal. A lasting ceasefire and a return to the political dialogue remains essential. I am alarmed at the increase in direct foreign interference in the conflict, with military support for the fighting parties arriving by land, air and

⁴³ UNHCR recommendations for the European Commission's proposed pact on migration and asylum, January 2020.

sea. The full implementation of the arms embargo remains of utmost priority and I urge members of the international community to fully support it, in line with the outcomes of the Berlin Conference and Security Council resolution 2510 (2020). In this regard, I welcome the efforts of the new EUNAVFOR MED operation IRINI in supporting the implementation of United Nations arms embargo on Libya. I also hope for progress towards greater respect for international humanitarian law and human rights by all parties in Libya, including facilitating humanitarian access, as agreed under the Berlin process.

51. Current practices in human trafficking and migrant smuggling as detailed in the present report constitute grave violations of international human rights law, with such conduct explicitly recognized as criminal acts in the national law of most States. The impunity with which smugglers and traffickers operate in Libya and beyond must end. I urge the Libyan authorities to ensure that the heinous acts committed in Mizdah are investigated promptly, and that those responsible are held to account. Greater cooperation between States on both sides of the Mediterranean, in line with international human rights and refugee law, is needed to ensure that perpetrators are identified and held accountable. Coordination and cooperation between law enforcement, protection and community actors, including across borders, as well as enhanced efforts to investigate financial transactions associated with migrant smuggling and trafficking in persons, are important steps towards identifying and disbanding smuggling and trafficking networks. I call upon Member States to support the work of relevant United Nations panels of experts to identify those engaged in migrant smuggling and human trafficking and to consider designating migrant smugglers and human traffickers who meet sanctions designation criteria. Communities and civil society play an important role in the prevention of and the response to trafficking in persons and migrant smuggling, and their role should be enhanced. More needs to be done to strengthen protection and access to justice for victims along the central Mediterranean route, in particular in Libya.

52. It is disconcerting that the COVID-19 pandemic has further increased the vulnerabilities of migrants and refugees along the central Mediterranean route, including in Libya.⁴⁴ With many borders closed, legal pathways severely restricted, access to asylum curtailed and the socioeconomic situation deteriorating, refugees fleeing war and persecution and stranded migrants are prone, in their desperation, to turn in even greater numbers to migrant smugglers. Owing to COVID-19 related restrictions, migrant smugglers and human traffickers may also be inclined to take riskier routes to avoid checkpoints and medical checks, increasing the risks for refugees and migrants. With resources focused on the COVID-19 response, the capacity of State authorities and humanitarian actors to provide essential services to victims of human traffickers and abuses by migrant smugglers, including those along the central Mediterranean route, is further reduced. I call upon all Member States to remain vigilant in addressing new and evolving crime patterns to prevent impunity for migrant smugglers and human traffickers amid the pandemic and to ensure assistance to victims.

53. The root causes of displacement in the Mediterranean must be addressed in a holistic manner. The Sustainable Development Goals lead the way, by facilitating the strengthening of democratic governance, rule of law and human rights; by working towards stronger, more resilient and accountable State institutions; and by fostering sustainable and equitable economic development. Measures to combat climate change and build the resilience of countries in the face of natural disasters also contribute to prevention. The United Nations will continue to make every effort to support Member

⁴⁴ United Nations, “Policy brief: Covid-19 and people on the move” (June 2020); and UNHCR and IOM, “Covid-19 and mixed population movements” (May 2020).

States in addressing the causes of forced displacement and the drivers of irregular migration, while assisting origin, transit and destination countries. The Global Compact for Safe, Orderly and Regular Migration and the global compact on refugees highlight the need to address the root causes of refugee and migrant situations through enhanced cooperation and solidarity and offer important guidance in this regard. Addressing the root causes that drive refugees and migrants to attempt these precarious journeys along the central Mediterranean route require urgent investments in strengthened asylum systems, legal pathways for refugees and migrants in vulnerable situations, including family reunification, education and labour mobility. Without those legal pathways, refugees and migrants will continue to attempt these dangerous journeys, putting them at heightened risk of human trafficking and abuse by smugglers.
