



# Security Council

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## Implementation of resolution [2546 \(2020\)](#)

### Report of the Secretary-General

#### I. Introduction

1. The present report is submitted pursuant to paragraph 3 of Security Council resolution [2546 \(2020\)](#), in which the Council renewed its request 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 the previous report of 2 September 2020 ([S/2020/876](#)) until 20 August 2021. 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

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

3. The Mediterranean Sea remains one of the deadliest thoroughfares for refugees and migrants trying to reach European shores. 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 1,595 refugees and migrants perished or went missing on the central Mediterranean route. That number, however, does not account for people who died or went missing after they had been returned to Libya, nor for other deaths of migrants in Libyan territory.
4. The number is considerably higher than that for the previous reporting year (1 August 2019–31 July 2020), when at least 919 people died or went missing in the Mediterranean Sea.
5. IOM estimates that, in addition, more than 80 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.
6. During the reporting period, IOM and UNHCR logged at least 417 refugees and migrants as having died or gone missing at sea along the western Mediterranean route (against 431 in the previous reporting year), and 45 along the eastern Mediterranean route (against 90).



7. UNHCR and IOM recorded more than 74,000 people (72 per cent men, 7 per cent women and 21 per cent children) arriving in Europe along the three main sea routes across the Mediterranean, a decrease of roughly 21 per cent as compared with the previous reporting year. The central Mediterranean route accounted for about 50,300 refugees and migrants arriving by sea in Europe (around 49,600 to Italy and 690 to Malta). They departed mainly from Libya, but also from Tunisia, Algeria, Turkey, Greece and Egypt. These figures represent an increase of 98 per cent compared with the previous reporting year, when approximately 25,400 arrivals by sea were recorded (more than 21,600 in Italy and 3,780 in Malta).

8. The increase in the number of arrivals in Europe through the central Mediterranean route was mainly driven by an increase in the number of departures from Libya and Tunisia. Although only tentative estimates of the number of people departing to Europe along the central Mediterranean route are possible, data from Italy and Malta indicate that more than 20,700 people (73 per cent men, 5 per cent women and 22 per cent children) who departed from Libya reached Europe between August 2020 and July 2021, including more than 4,350 children, compared with more than 12,530 (including more than 2,730 children) during the previous reporting year.

9. IOM estimates that the majority of those arriving in Italy from Libya during the reporting period, had departed from the coast to the west of Tripoli. Over 60 per cent departed from Zuwarah, 24 per cent from Zawiyah, 6 per cent from Abu Kammash, 3 per cent from Sabratah, 2 per cent from Tripoli, and the remaining 3 per cent from other locations. IOM noted that, in June 2021, two small boats had departed from eastern Libya (Benghazi and Tubruq). Furthermore, UNHCR reported that over 1,800 people who had departed from Libya disembarked in Tunisia after having been rescued at sea by Tunisian authorities.

10. The European Union estimated that approximately 17,380 people were rescued or intercepted in 593 operations<sup>1</sup> by various vessels in the area of operation of its Naval Force military operation in the Mediterranean (EUNAVFOR MED operation IRINI). Of these, 208 operations were conducted by the Libyan coastguard and navy with more than 16,000 people intercepted and brought back to Libya. In addition, the country's General Administration for Coastal Security was involved in 15 operations (mainly in Libyan territorial waters) with more than 1,330 migrants intercepted and brought back to Libya.

11. According to UNHCR, from 1 August 2020 until 31 July 2021, of those departing from Libya and disembarking back in Libya, 97 per cent were rescued or intercepted by the Libyan coastguard and General Administration for Coastal Security. The remaining rescue operations were carried out by merchant vessels and fishing boats.

12. Of the persons who departed from Libya and disembarked in Europe, 61 per cent were rescued by Italian authorities, 23 per cent were rescued by non-governmental organizations (NGOs), 10 per cent managed to reach Italy on their own, 4 per cent were rescued by merchant vessels, and 2 per cent were rescued by the Armed Forces of Malta. Search-and-rescue NGOs reported several cases in which actors delayed search-and-rescue assistance, which resulted in incidents involving loss of life.<sup>2</sup>

### Returns to Libya

13. According to IOM and UNHCR, between 1 August 2020 and 31 July 2021, at least 24,670 migrants and refugees (89 per cent men, 6 per cent women, 4 per cent children and 1 per cent unknown) were returned to Libya. This number represents an

<sup>1</sup> Safety of life at sea incidents in which a naval unit (civil or military) was involved.

<sup>2</sup> See Office of the United Nations High Commissioner for Human Rights (OHCHR), “‘Lethal disregard’: search and rescue and the protection of migrants in the central Mediterranean sea”, May 2021.

increase of 120 per cent compared with the previous reporting year, when more than 11,250 migrants were returned to Libya.

14. A recent example illustrated the danger facing refugees and migrants who are returned to Libya. In June 2021, a commercial vessel registered in Gibraltar rescued 270 people in international waters and handed them over to the Libyan coastguard, at the coastguard's request.<sup>3</sup> The Office of the United Nations High Commissioner for Human Rights (OHCHR) and the United Nations Support Mission in Libya (UNSMIL) later verified that these individuals were taken to the Gharyan/Abu Rashadah detention centre of the Directorate for Combating Illegal Migration, which was already overcrowded. A few days later, several migrants held in the centre were shot at and killed or injured by guards as they attempted to escape a fire.

15. According to the United Nations Children's Fund (UNICEF), there was an increase in the proportion of children being intercepted and returned to Libya during the reporting period. Between 1 August 2020 and 31 July 2021, close to 900 children were intercepted and returned to Libya (close to 650 boys and 250 girls).<sup>4</sup> In comparison, between 1 August 2019 and 31 July 2020, at least 430 children (out of a total of about 8,620 people) were returned to Libya. Such returns are a violation of children's rights, as they are taking place in the absence of an independent and impartial procedure to determine the children's best interests and without the central involvement of child protection officials.

16. In May 2021, the United Nations High Commissioner for Human Rights expressed concern for the lethal disregard for desperate people that was borne out by the actions of several countries to criminalize, impede or halt the work of humanitarian search and rescue organization.<sup>5</sup> She noted that such actions had deadly consequences for migrants crossing the central Mediterranean Sea. In recent years, States have increasingly used administrative regulations or the adoption of public health or other emergency legislation to impede or delay search and rescue operations. For instance, NGO vessels always undergo administrative inspections after disembarking and, unlike other vessels in similar operational conditions, are often seized for weeks or months before being allowed to take to the sea again.

### **Methods of migrant smugglers and traffickers in persons**

17. The European Union reported that migrant smugglers had increased their activities in Libya. Tactics employed by migrant smugglers remained the same as during the previous reporting periods. Boats were launched directly from the coastline in an attempt to cross the northern line of the Libyan Search and Rescue region. The smugglers instructed the occupants of the boats to make a distress call by satellite telephone after reaching international waters. Migrant smugglers were launching operations in the same region every 10 to 20 days. UNHCR noted that they employed a range of vessel types for journeys by sea from Libya. Many continued to make use of flimsy inflatable boats that face a high risk of capsizing or deflation. Some observers noted that the destruction of wooden boats by law enforcement and border protection agencies may have contributed to the increased precarity of the journey and rising mortality rate. Other smugglers made use of wooden vessels that appeared capable of traveling further from the Libyan coast, thus increasing the chance of rescue and disembarkation in Europe. They also made use of large boats capable of carrying 200 or more people; in May 2021, one boat arrived in Italy from Libya

<sup>3</sup> See International Organization for Migration (IOM) and Office of the United Nations High Commissioner for Refugees (UNHCR), "IOM and UNHCR condemn the return of migrants and refugees to Libya", joint press release, 16 June 2021.

<sup>4</sup> See maritime updates in IOM Libya, "Monthly update" (August–December 2020 and July 2021).

<sup>5</sup> See OHCHR, "Lethal disregard".

carrying almost 400 people. In many cases, smugglers did not provide migrants and refugees with sufficient food and water, nor did they distribute life jackets. The European Union reported that migrant smugglers were using social media and digital applications to advertise and sell “trips” to Europe, and to connect smugglers and migrants more easily. Smugglers shifted their online activities to private access platforms to hide their illegal activities.

18. Traffickers and smugglers have continued to hold migrants, asylum seekers and refugees captive in abusive conditions. UNSMIL and OHCHR have documented serious human rights violations committed against migrants and refugees in Libya in places of detention controlled by criminal groups. Traffickers and smugglers across Libya detained hundreds of migrants and refugees in compounds within and on the outskirts of towns under the control of armed criminal gangs led by Libyan nationals.<sup>6</sup>

19. UNSMIL and OHCHR received reports of bodies of deceased migrants being abandoned in the desert or other unpopulated areas in the vicinity of Abu Isa, Khums, Shuwayrif, Bani Walid, Qasr al-Qarabulli, Sabha, Tazirbu and Zawiyah. The migrants were believed to have died in places of detention controlled by traffickers and smugglers, as a result of torture or disease. Others had been killed by small arms fire.

20. In May 2021, the United Nations Office on Drugs and Crime (UNODC) launched its online Observatory on Smuggling of Migrants.<sup>7</sup> According to the Observatory, several criminal groups in Libya have specialized in smuggling by sea from Libya, carrying out numerous crossing operations per month. In some cases, migrants are smuggled from Libya who had originally entered that country for better economic opportunities, but had subsequently decided to migrate to Europe to escape exploitation and other forms of abuse, as well as the intensification of the conflict there. Traffickers and smugglers often take advantage of the vulnerability of migrants and refugees and of the gaps in the national legal framework on irregular migration, which lacks a clear distinction between migrants, refugees, victims of aggravated smuggling offences and victims of trafficking. Women and girls are at a heightened risk of being trafficked for sexual exploitation, while men and boys are at a heightened risk of abduction, arbitrary detention and forced labour.

21. According to the Observatory, overland smuggling into Libya from West African countries tended to involve fewer coordinated networks compared with smuggling by sea across the central Mediterranean. Sea crossings were mostly paid separately from the rest of the journey, and usually to different actors. According to the Observatory, while the scale of smuggling operations on the central Mediterranean route had generally been small, tighter border controls and the deterioration of the security situation in Libya were likely to have pushed small-scale operators out of the local “market” in favour of larger, more organized groups.

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

22. In September 2020, UNHCR issued a position in which it noted that Libya did not meet the criteria for being designated as a place of safety for the purpose of disembarkation following rescue at sea.<sup>8</sup> The reasons for its position were the volatile security situation in general and the protection risks for foreign nationals in particular, including arbitrary and unlawful detention in substandard conditions in State-run detention centres and reports of serious violations and abuses against asylum seekers,

<sup>6</sup> In particular in or near Al Ajaylat, Kufrah, Shuwayrif, Zawiyah, Bani Walid, Qasr al-Qarabulli, Nasamah, Sabha and Tazirbu.

<sup>7</sup> Available at [www.unodc.org/res/som/index.html](https://www.unodc.org/res/som/index.html).

<sup>8</sup> See UNHCR, “UNHCR position on the designations of Libya as a safe third country and as a place of safety for the purpose of disembarkation following rescue at sea”, September 2020.

refugees and migrants by, among others, militias, traffickers, and smugglers. OHCHR also highlighted that Libya could not be considered a safe place for the return or disembarkation of migrants rescued at sea and that such returns to Libya could violate the principle of non-refoulement.<sup>9,10</sup>

23. In June 2021, UNHCR and IOM condemned the return of refugees and migrants rescued by a merchant vessel in the Libyan Search and Rescue Region to Libya, reiterating that Libya was not a safe place for the disembarkation of persons rescued at sea.<sup>11</sup>

24. Migrants and refugees in Libya continued to be detained arbitrarily. Their detention was often prolonged and sometimes indefinite, with no judicial due process, 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. Detention facilities were extremely overcrowded and were marked by an absence of women guards. There was also a lack of adequate gender-sensitive training for male guards, which could pose an additional risk of sexual and gender-based violence. UNSMIL continued to document a number of incidents of sexual violence against female and male detainees in migrant detention facilities. UNHCR and IOM further reported that migrants and refugees were subjected to rape, sexual assault and demands for sex in exchange for food or access to essential services. Alleged perpetrators included guards. UNSMIL has documented serious human rights violations committed against migrants and refugees by certain State officials affiliated with the Directorate for Combating Illegal Migration.

25. During the reporting period, a significant number of migrants who disembarked in Libya were transferred to detention centres operated by the Directorate. As at 31 July 2021, of the close to 25,000 migrants who disembarked in Libya, more than 22,220 were transferred to detention centres (about 90 per cent of the total). More than 2,130 people were released immediately upon disembarking and over 320 managed to escape.

26. As at mid-July, more than 6,450 migrants and refugees were estimated to be in detention in Libya. Of those, 1,068 were people of concern to UNHCR, most of whom had been rescued or intercepted while attempting to cross the Mediterranean. It remains challenging for humanitarian actors, including UNHCR and IOM, to gain access to detention centres because processes to facilitate access are unclear and access is frequently denied. Restrictions on access to detention centres have also significantly constrained the work of human rights monitors, as well as severely limited the provision by the United Nations and others of basic items, humanitarian assistance and life-saving interventions for detained migrants and refugees.

27. Of the more than 6,450 detained migrants and refugees, an estimated 12 per cent were women and girls, and one in four were children, the vast majority unaccompanied. Children were being held in the same cells, with no distinction made between children and adults in detention or treatment. Despite the opening of a detention centre specifically for women and children in Shara Sawya (Tripoli) in October 2020, former detainees report experiencing and witnessing human rights violations including extortion, beatings, and rape and other forms of sexual violence. Migrants and refugees were also shot at when attempting to escape the centre, which has resulted in injuries and deaths.

28. According to former detainees, abuse in detention centres has included beatings with objects such as water hoses, metallic bars and gun butts. Migrants and refugees

<sup>9</sup> See OHCHR, “‘Shocking’ cycle of violence for migrants departing Libya to seek safety in Europe”, 2 October 2020.

<sup>10</sup> See OHCHR, “Lethal disregard”.

<sup>11</sup> See IOM and UNHCR, “IOM and UNHCR condemn the return of migrants and refugees to Libya”.

have been burned with hot metal and plastic fluids, exposed to stress positions, such as having their hands and legs tied for days, and deprived of food and drinking water despite showing signs of starvation. Sexual violence against men, women, boys, and girls continues to be documented. Migrants and refugees have recounted how they had been electrocuted through their genitals. Others have been subjected to sexual violence as a means of extorting money from their families.

29. Migrants and refugees have also been exposed to excessive use of force, sometimes resulting in their deaths. Men and boys have told UNSMIL and OHCHR that they had been shot at while calling their families to pressure those family into sending a ransom to a particular address. Men and boys have also reportedly been shot at when attempting to escape, as a result of which some have been injured or killed. Migrants and refugees injured as a result of abusive treatment in detention frequently had not received medical care, with some being left to die. Some reports indicated that individuals who were unlikely to survive their injuries had been taken to nearby hospitals. In other cases, the bodies were reportedly disposed of in unknown locations.

30. The United Nations country team in Libya, UNSMIL and OHCHR have continued to advocate for an immediate end to the systematic use of blanket, arbitrary and indefinite detention in respect of migrants and refugees, and for the gradual closure of all immigration detention centres in the country. United Nations system entities in Libya have taken steps to ensure that the human rights due diligence policy on United Nations support to non-United Nations security forces is fully complied with whenever support is provided to Libyan detention facilities for migrants and refugees, and to non-United Nations security forces, so as to ensure that no United Nations support is rendered to actors responsible for violations of international law.

31. The coronavirus disease (COVID-19) pandemic has led to a further reduction of life-saving support for those detained by the Libyan authorities. Continuous restrictions on access by humanitarian organizations to detention centres has prevented the delivery of assistance and increased the risk that lives will be lost.

32. As at July 2021, UNSMIL and OHCHR were aware of 20 official detention centres for migrants and refugees operating in the country under the control of either the Directorate for Combating Illegal Migration or the Ministry of Interior.<sup>12</sup> In some cases, detention centres had been reopened after having been closed because of past human rights violations and abuses committed against migrants by State agents or other staff.<sup>13</sup> Staff of the Directorate suspected of having committed violations and abuses against migrant detainees had been reinstated.

33. Despite overcrowding, detention centres operated by the Directorate for Combating Illegal Migration have continued to receive new detainees, many following their arrest after being intercepted at sea. Hundreds of migrants were detained at the Criminal Investigation Department in Zawiyah, west of Tripoli, in prisons under the authority of the judicial and military police in Tripoli, Misratah and eastern Libya.

34. Thousands of refugees and migrants who had disembarked along the Libyan shore following interception at sea have been subjected to enforced disappearance or have otherwise gone missing. The Libyan coastguard had transferred the individuals in question to detention facilities controlled by armed groups affiliated with the Ministry of Interior. Hundreds have been taken to, and forcibly disappeared at, an

<sup>12</sup> The centres were in Dirj, Tiji, Surman, Zuwarah, Sabratah, Tripoli (Mabani and Ayn Zarah detention centres) and Kufrah.

<sup>13</sup> Those included the Abu Rashadah detention centre in Gharyan and the Shara' al-Zawiyah detention centre in Tripoli, which has been rebranded as a centre for vulnerable groups.

unofficial detention site located in Tripoli that is known as the tobacco factory, which was opened in January 2021.<sup>14</sup>

35. Former migrants and asylum seekers who have been detained have reported systematic sexual violence against women, girls, men and boys in some detention centres under the control of the Directorate for Combating Illegal Migration. Survivors have reported that women and girls, boys and men were chosen by Directorate officials and were offered food and non-food items, or release, in exchange for sexual favours.

36. In other detention facilities, it was reported that armed men and officials of the Directorate for Combating Illegal Migration used excessive force on a number of occasions, such as after escape attempts. According to survivors and government officials, a number of migrants have been killed and injured, and others have gone missing as a result of such incidents. UNSMIL has received consistent information from migrants, asylum seekers and government officials suggesting that ammunitions and heavy weaponry are being stored in detention centres operated by the Directorate.

37. During the reporting period, Libyan authorities reported the expulsion of some 1,400 people to the Sudan. Others were expelled to Egypt and Chad. Those expelled had no access to asylum or individual procedures and were often transported across the desert using dangerous methods.

38. UNICEF continued to provide migrants and refugees with specialized child protection services, mental health and psychosocial support, and non-formal education services through multisectorial centres based in Tripoli, Misratah, Zuwarah and Sabha.

39. The World Health Organization (WHO) coordinated the health sector response in 12 functional detention centres and continued to advocate for access to diagnostic, treatment and follow-up care for migrants, refugees, and people detained in “formal” detention centres, prisons, and smuggling facilities. WHO also advocated against sexual exploitation and abuse, and for increased access to services for gender-based violence survivors, which remained very limited.

40. WHO further advocated for the continuity of essential services for displaced populations and migrants, including mental health and psychosocial support, and the management of non-communicable diseases. WHO called for initiatives against gender-based violence to be enhanced during the pandemic, seeking to both stem the rise in violence and provide support for victims and survivors. WHO also advocated for the establishment of a health screening system at disembarkation points with Libyan health authorities present and working in cooperation with humanitarian organizations.

41. The World Food Programme (WFP), in partnership with IOM and UNHCR, supported 3,500 vulnerable migrants in urban settings by distributing ready-to-eat food rations from door to door, as well as almost 1,000 refugees released from detention centres and more than 13,000 vulnerable refugees.

42. The United Nations Population Fund (UNFPA) strengthened the protection and resilience of vulnerable and at-risk migrants, refugees and host communities while supporting efforts to improve migration management. That work was supported by the European Union.

43. The United Nations supported capacity-building for municipal service providers to deliver sexual and reproductive health-care services and services aimed at preventing and addressing gender-based violence; to ensure the successful and

<sup>14</sup> The site is located in the Ghawt al-Sha'al neighbourhood in Tripoli, adjacent to the Mabani detention centre.

mutually beneficial integration of migrants and refugees; and to support the stabilization of local Libyan communities through the training of health workers, social workers, and members of health-care facilities. In addition, United Nations agencies, funds and programmes facilitated training programmes for law enforcement officials and service providers on gender-sensitive and principled assistance to migrants and refugees in detention centres.

44. In a study published in July 2021 on the abuse and violence committed against smuggled migrants and refugees from West and North Africa, including Libya, UNODC found that, despite recurring cases in which smuggled people's lives and safety were put at risk or in which they were subjected to inhuman or degrading treatment by smugglers and other perpetrators, including public officials, there was little to no evidence of judicial responses to put an end to the impunity of the perpetrators and give the victims access to justice.<sup>15</sup>

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

45. As previously reported, Italy and Malta declared their ports unsafe for disembarkation, owing to the COVID-19 pandemic in April 2020.<sup>16</sup> As at August 2021, Italy continued to use so-called quarantine ships – ferries rented by State authorities to house migrants and refugees rescued at sea for a 14-day quarantine before they are allowed to disembark. Malta discontinued their use in September 2020.

46. In October 2020, following requests from the United Nations and civil society organizations, the Italian Ministry of Interior decided that unaccompanied or separated children should not be placed on quarantine ships but instead should disembark and spend a quarantine period on land.

47. The COVID-19 pandemic continued to have a major effect on the lives of refugees and migrants in Libya. According to OHCHR, the socioeconomic impact of COVID-19 has exacerbated social inequalities and deepened exclusion, compounding the situation of already vulnerable communities in Libya. The pandemic has aggravated the multiple human rights challenges already faced by refugees and migrants, because it has constrained their access to health care and essential services, and confronted them with unsanitary conditions and health risks in detention centres. According to OHCHR, migrants and refugees in Libya urgently need to be included in humanitarian responses and recovery efforts to protect the human rights of the most vulnerable and to avoid fuelling xenophobia and stigmatization, thereby safeguarding the country's social fabric as a whole.<sup>17</sup> Detention centres continued to pose a major health risk because of overcrowding and unsanitary conditions. UNHCR and partners regularly distributed hygiene kits to several detention centres to reduce the risk of infection with COVID-19.

48. The COVID-19 pandemic also continued to affect efforts to evacuate and resettle migrants and refugees from Libya, with just over 490 asylum seekers evacuated in the reporting period, compared with over 650 in the previous reporting period. Similarly, more than 350 refugees were resettled, compared with more than 740 in the previous reporting period. The global suspension of refugee travel in March

<sup>15</sup> See United Nations Office on Drugs and Crime, *Abused and Neglected: a Gender Perspective on Aggravated Migrant Smuggling Offences and Response* (2021).

<sup>16</sup> S/2020/876, para. 20.

<sup>17</sup> See OHCHR, "COVID-19 and the human rights of migrants: guidance", 7 April 2020. Available at [www.ohchr.org/Documents/Issues/Migration/OHCHRGuidance\\_COVID19\\_Migrants.pdf](http://www.ohchr.org/Documents/Issues/Migration/OHCHRGuidance_COVID19_Migrants.pdf).



2020 due to COVID-19 had a considerable impact on departures. Although the suspension was lifted in June 2020, travel was slowed by restrictions on entry or transit imposed by receiving countries. Polymerase chain reaction testing was introduced in Libya for departing refugees and migrants as required by destination countries. In 2021, evacuation and resettlement efforts were further delayed because the Government of Libya did not authorize departing flights. That further reduced the availability of legal pathways out of Libya for those most in need, including previously detained refugees and asylum seekers and victims of trafficking. UNHCR welcomed the commitment taken by resettlement countries to provide additional opportunities for persons in Libya, as well as the maintenance of emergency transit mechanisms in the Niger and Rwanda<sup>18</sup> and the continuation of a humanitarian corridor to Italy,<sup>19</sup> all of which provided critical legal pathways to long-term solutions for refugees and asylum seekers in Libya.

49. The COVID-19 pandemic also exacerbated threats to migrants' mental and psychosocial health, as many lost their jobs and were unable to provide for themselves or their families in their countries of origin. WHO noted that they were often discriminated against and stigmatized for that reason.

50. While the majority of primary health centres and maternity hospitals in Libya remained closed owing to the pandemic, UNFPA continued to deploy mobile teams to provide health-care services. As part of those efforts, UNFPA donated personal protective equipment and information materials on COVID-19 to frontline health-care facilities and migrants, refugees and internally displaced people.

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

51. 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 2546 (2020), including by gathering information and providing support to the Libyan authorities.

52. In March 2021, the European Union extended the mandate of EUNAVFOR MED operation IRINI until 31 March 2023. Operation IRINI achieved full operational capability on 10 September 2020. Its mandate includes, as secondary tasks, efforts to contribute to United Nations measures to disrupt the business model of networks of human smuggling and trafficking in persons in the central Mediterranean region and capacity-building and training for the Libyan coastguard and navy.

53. The secondary task of disrupting the business model of networks of human smuggling and trafficking in persons in the central Mediterranean region has been carried out under operation IRINI from the air only, as required under the operation's mandate, and mostly in the western portion of the area of operation.<sup>20</sup> In that regard, from 1 August 2020 to 31 July 2021, a total of 391 flights were conducted under the operation, of which 72 flights (more than 483 flight hours) were conducted in support of this secondary task.

<sup>18</sup> See UNHCR, "Life-saving evacuations from Libya to Rwanda resume after nearly a year", briefing note, 20 November 2020.

<sup>19</sup> See Agenzia Nazionale Stampa Associata (ANSA), "Migrants: Italy to resume evacuations Libya, Grandi (UNHCR)", 16 April 2021. Available at [www.ansamed.info/ansamed/en/news/sections/politics/2021/04/16/migrants-italy-to-resume-evacuations-libya-grandi-unhcr\\_33310816-cf8f-4253-bd9f-5fefcd76fe92.html](http://www.ansamed.info/ansamed/en/news/sections/politics/2021/04/16/migrants-italy-to-resume-evacuations-libya-grandi-unhcr_33310816-cf8f-4253-bd9f-5fefcd76fe92.html).

<sup>20</sup> According to the European Union, operation IRINI has an area of operation extending northwards up to the 37th parallel north.

54. Also as part of the operation, data on human smuggling and trafficking off the coast of Libya have been collected, stored and shared with the authorities of the relevant States members of the European Union and with competent European Union bodies and agencies, including European Union Agency for Law Enforcement Cooperation (Europol) and European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex). The sharing of information on criminal activities in the central Mediterranean Sea has continued through the crime information cell at IRINI headquarters.

55. During the reporting period, operation IRINI recorded 593 safety of life at sea events in its area of operation, almost all of occurred in the western part of its area of operation. Of those events, 208 were managed by the Libyan coastguard and navy with more than 16,040 migrants rescued and brought back to Libya. In addition, according to the operation's data, from 1 August 2020 to 31 July 2021, the Libyan General Administration for Coastal Security responded to 15 safety of life at sea events in Libyan territorial waters, with more than 1,330 migrants rescued and brought back to Libya.

56. The first operation IRINI conference on shared awareness and deconfliction in the Mediterranean was held in November 2020, entirely online because of the COVID-19 restrictions. Participants analysed the role of the operation in conjunction with other missions, operations and civil society initiatives in the context of instability in the Mediterranean region and its neighbouring areas. Participants included members of the armed forces and coastguards of Mediterranean States, as well as representatives of UNSMIL, NATO, the European Union, shipping associations and NGOs. The next conference will be held in October 2021.

57. The European Union noted that the planned capacity-building and monitoring activities with Libya under operation IRINI had not yet been held because the operation and the Libyan authorities had not come to an arrangement.

58. In Libya, two security entities have gained increased prominence in efforts to counter smuggling and trafficking, the General Administration for Coastal Security and the Desert Patrol Department of the Directorate for Combating Illegal Migration. The former was active at sea and on land, detaining migrants and refugees, while the latter expanded the reach of Libyan anti-smuggling efforts into the southern and western desert areas. It was reported that the Libyan security forces had stepped up military actions in which they targeted the informal places of detention and safehouses operated by traffickers in persons in areas such as Bani Walid (south-east of Tripoli), and Mizdah and Shuwayrif (both south of Tripoli). Those actions resulted in the release of several hundred people, who were then transferred to formal detention centres. It was also reported that Libyan security forces had arrested several alleged traffickers. Similarly, there were raids in Kufrah and Tazirbu in the south-east of the country in which refugees and migrants were freed from alleged trafficking camps. In most cases, the migrants and refugees held in raided camps were then arbitrarily detained by the Directorate for Combating Illegal Migration or other authorities, or deported. The location of some persons freed during raids is unknown, and their re-entry into trafficking channels is suspected.

59. As reported by UNSMIL, in October 2020, Libyan authorities arrested Abd al-Rahman Milad, known by his alias Bija, a notorious alleged trafficker from the Zawiyah area. He was freed in April 2021, when charges against him were dropped, allegedly for lack of evidence. In March 2021, Libyan authorities announced the arrest of a primary suspect in the killing in Mizdah of migrants from Bangladesh in May 2020.

60. Six individuals listed on 7 June 2018 by the Security Council Committee established pursuant to resolution [1970 \(2011\)](#) concerning Libya for their

involvement in the smuggling of migrants, continued to be subject to travel bans and asset freeze measures. In March 2021, the Panel of Experts on Libya established pursuant to Security Council resolution 1973 (2011) reported to the Security Council that it had pursued its investigations into the Nasr detention centre in Zawiyah and had found that its de facto manager had committed several violations of international humanitarian law and international human rights law.<sup>21</sup>

61. UNODC continued to provide technical assistance to relevant stakeholders in responding to trafficking in persons in the context of armed conflict, in particular through targeted special training for law enforcement agencies and humanitarian aid personnel, in line with Security Council resolution 2388 (2017).

62. UNHCR published a report in which it gave details about protection services available for victims of trafficking and other vulnerable people on the move travelling through the Sahel, East Africa and the Horn of Africa towards North Africa, Europe, and the Gulf.<sup>22</sup>

63. In February 2021, UNHCR and the Mixed Migration Centre jointly organized a workshop on protection challenges along the central and western Mediterranean routes, in which they brought together persons of concern, researchers and academics, protection actors, policymakers, and journalists. The workshop resulted in a roadmap, which was published in June 2021 that contained recommendations regarding the significant role of local authorities, community-based approaches and the need for a stronger focus on children and young people on the move.<sup>23</sup>

64. In September 2020, the European Commission proposed its New Pact on Migration and Asylum with the goal of creating a comprehensive approach to migration and asylum at the level of the European Union. In addition to an integrated border procedure to enable swifter decisions on asylum or return, the New Pact would introduce the concept of flexible solidarity, which would make it mandatory to support European Union countries that found themselves under migratory pressure, but would leave the choice of the form of support open. No agreement has been reached as yet, owing to, in particular, concerns that some European Union countries have about flexible solidarity. Meanwhile, on 29 June, the Council of the European Union and the European Parliament agreed to transform the European Asylum Support Office into an agency to be named European Union Agency for Asylum. The newly created agency is set to make European Union asylum procedures quicker and more uniform.

65. The Council of Europe, for its part, remained concerned about the smuggling of migrants, particularly as many States members of that Council were both transit and destination countries along the routes from Libya. In August 2020, the Council's European Committee on Crime Problems adopted an action plan on fostering international cooperation and investigative strategies in fighting the smuggling of migrants. The aim of the action plan is to help to overcome investigative, prosecutorial, and judicial challenges in cases related to migrant smuggling, facilitate the exchange of knowledge and information among relevant stakeholders and boost cooperation among source, transit and destination countries.

<sup>21</sup> See S/2021/229. See also S/2019/914, in which the Panel emphasized the link between the Nasr detention centre and the Zawiyah oil complex, both controlled by the Al-Nasr Brigade under the command of Mohammed Al Amin Al-Arabi Kashlaf (individual LYi.025 on the Libya sanctions list).

<sup>22</sup> See UNHCR, "Mapping of protection services for victims of trafficking and other vulnerable people on the move in the Sahel and East Africa", June 2021.

<sup>23</sup> See UNHCR and Mixed Migration Centre, *A Roadmap for Advocacy, Policy Development, and Programming: Protection in Mixed Movements along the Central and Western Mediterranean Routes 2021*, See also <https://mixedmigration.org/roadmap-protection-2021/>.

66. The Council of Europe further reported that it was exploring ways to address discrepancies in the way the smuggling of migrants was defined and criminalized in its member States and beyond, as well as the lack of consistency regarding the protection of smuggled people and their human rights. The Council was also planning to foster international cooperation and investigative strategies in fighting the smuggling of migrants in accordance with its new action plan on protecting vulnerable persons in the context of migration and asylum in Europe for the period 2021–2025, adopted in May 2021.

67. Egypt reported that it had imposed stricter measures to combat irregular migration along its coast and continued to enhance controls over its maritime borders with Libya. Egypt participated in activities under a regional project aimed at dismantling networks involved in the smuggling of migrants and trafficking in persons in North Africa (in particular Egypt, Libya, Morocco and Tunisia), with the cooperation of UNODC.

68. The Sovereign Military Hospitaller Order of St. John of Jerusalem of Rhodes and of Malta reported that, in September 2020, the Grand Chancellor of the Order had signed an agreement with the Minister of Transport of Italy to renew the presence of doctors of the Order's Italian Relief Corps on vessels of the country's coastguard to provide first-responder support to migrants and refugees rescued at sea. The Order also provided special assistance on board Italian coastguard aircraft.

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

69. Despite challenges in gaining access to detention centres, UNHCR and its partners, the International Rescue Committee and Libyan Humanitarian Relief Agency, conducted 148 protection monitoring visits to detention centres during the reporting period. UNHCR did not have access to the newly opened detention centre in Daraj.

70. Partly because of the risks posed by the COVID-19 pandemic, UNHCR advocated for the release of all refugees and asylum seekers known to be in detention in Libya. UNHCR also intervened specifically to secure the release of particularly vulnerable individuals, including women and children at risk of being trafficked, exploited or abused, and those with serious medical conditions. During the reporting period, UNHCR secured the release from detention of 299 refugees and asylum seekers, providing those released with core relief items, medical assistance, UNHCR refugee and asylum seeker certificates, and emergency food and cash assistance. Requests for the release of highly vulnerable individuals, in part to find solutions for them outside Libya, were not responded to in many cases, and the individuals concerned remained detained.

71. On 14 July, the United Nations-African Union-European Union task force on Libya issued a communiqué in which it reiterated its continued commitment to working with Libya and supporting the overall efforts of the interim Government of National Unity on migration management. It expressed concern about, in particular, the most vulnerable migrants and asylum seekers whom the Libyan authorities were currently holding arbitrarily in detention centres. In line with the conclusions of the second Berlin Conference on Libya, the task force urged the Libyan authorities to end the current system of arbitrary detentions and called for the immediate release of women and children and for a substantial improvement in the conditions of detention in the centres. It further called on the Libyan authorities to ensure the full resumption of humanitarian evacuations and voluntary return flights for refugees and migrants from Libya without

delay, and to provide humanitarian organizations with unimpeded access to all migrants and refugees in all detention centres, irrespective of their nationalities.

## VI. Observations

72. Once again, many people have lost their lives in the Mediterranean Sea in their desperate attempts to reach safe shores. Every life lost is a tragedy. I am alarmed by continuing reports of delays in responding to distress calls and launching rescue operations, of coordinated pushbacks by various actors in the central Mediterranean region, and of private vessels being used for returning refugees and migrants to Libya.

73. The migrant smuggling and trafficking in persons as detailed in the present report constitute grave violations of international human rights law.

74. Children and women in vulnerable situations are particularly exposed to risks throughout all sections of their movement, including rescue operations, inspections and seizures of vessels, and transfers to and disembarkations at places of safety, as well as throughout the process of status determination. There are concerning reports of coercive and dangerous manoeuvres carried out by the Libyan coastguard while intercepting boats, and I call on Libya to conform to its international obligations related to prompt and safe search and rescue practices.

75. I welcome the important and life-saving efforts deployed by Member States, civil society and private actors to conduct search and rescue operations in the Mediterranean Sea.

76. The continued support provided by the international community to the Libyan coastguard in engaging in search and rescue operations off the coasts of Libya is reducing the loss of life at sea. However, the return of migrants and refugees to Libya and their transfer to the Directorate for Combating Illegal Migration and its detention centres continue to be of serious concern. In 2021 alone, thousands of persons transferred to detention facilities remained unaccounted for. Support should therefore be contingent on the respect for human rights. Their protection should be guaranteed.

77. I would like to stress again that Libya is not considered to be a safe port of disembarkation for refugees and migrants. The present report illustrates why that is the case. Third parties should not assist in any return of migrants and refugees to Libya from areas beyond its territorial sea. All rescued migrants and refugees should be assigned a safe port of disembarkation in accordance with the law of the sea, international maritime law, and international human rights and refugee law.

78. I renew my call for a credible and predictable agreement for disembarkation encompassing all States members of the European Union, guided by solidarity and the sharing of responsibility. I hope that such an arrangement can be found through the ongoing discussions on a possible European Union pact on migration and asylum. I reiterate that the United Nations system is ready to support the development of a predictable regional disembarkation and solidarity mechanism on both sides of the Mediterranean Sea.<sup>24</sup>

79. I would like to thank the European Union for its efforts to implement Security Council resolution [2546 \(2020\)](#), in particular through EUNAVFOR MED operation IRINI. I take note of the assessment of the European Union that the improved interception of migrants and refugees at sea by the Libyan coastguard and navy has shown that the training provided has been effective, and that the Libyan coastguard

<sup>24</sup> See UNHCR, “Proposal for a regional cooperative arrangement ensuring predictable disembarkation and subsequent processing of persons rescued-at-sea”, 27 June 2018.

and navy have been playing an increasing role in disrupting the business model of networks of trafficking in persons operating on the central Mediterranean route.

80. At the same time, I wish to echo the United Nations High Commissioner for Human Rights in urging that the European Union and its member States ensure that all agreements and measures of cooperation with Libya on migration governance are consistent with obligations under international law, including international human rights law.

81. The detention centres in Libya should be closed as a matter of urgency, and detained migrants and refugees should be released. Libyan legislation needs to be amended to decriminalize irregular entry, stay and exit from the country, while ensuring that any immigration infractions are treated as administrative rather than criminal offences.

82. The continued arbitrary detention of migrants in detention centres and informal smuggler sites, in inhumane conditions, remains deeply troubling and must end. I expect that full, transparent and prompt investigations be conducted into incidents of excessive use of force against migrants and refugees and into reckless treatment resulting in death and injury. Detainees' basic needs should be met, including food and medical care, and detainees should not be subjected to violence, including sexual violence, and extortion.

83. I hope that my continuing calls for free and unrestricted access to all detention centres for humanitarian actors and human rights monitors will be heeded, and that Libyan authorities will provide administrative support to facilitate their work.

84. I emphasize again that children should not be detained, especially not when they are unaccompanied or have been separated from their parents. Libyan authorities need to ensure that those children are referred to adequate protection services and appropriate care options until long-term solutions are identified. Their urgent transfer to safer locations outside detention centres is critical.

85. In all efforts to prevent and counter smuggling and trafficking, it is important to adopt policies and legislation that are sensitive to the immediate needs and protect the human rights of all persons who have been exposed to physical or psychological danger during their journey, whether by land or by sea, regardless of their migration status. Special emphasis should be placed on the situation of women and children. Protection from refoulement and the particular needs of those seeking asylum are likewise vital considerations in improving the situation.

86. I call upon Member States, in particular those taking action in the Mediterranean Sea, to place those concerns at the heart of their operational response in all its aspects, examine their existing policies, and integrate those considerations into their efforts to strengthen capacity to counter smuggling and trafficking by sea.

87. I appeal for renewed efforts to end the impunity with which smugglers and traffickers operate in Libya, while taking note of the raids conducted on trafficking dens by the Libyan authorities in 2021. I urge the Libyan authorities to ensure that the traffickers arrested during those raids are duly prosecuted.

88. Greater cooperation is needed between States on both sides of the Mediterranean Sea in line with international human rights standards to ensure that more perpetrators are identified and held accountable.

89. In a spirit of responsibility-sharing with Libya, the international community should provide for more resettlement opportunities and for complementary pathways for admission to third countries targeted at the most vulnerable refugees in Libya.

90. I encourage Member States along the migrant smuggling routes through and from Libyan territory to enhance their efforts to protect victims of aggravated forms of smuggling and trafficking in persons, and to criminalize migrant smuggling and trafficking in persons in line with the definitions contained in the United Nations Convention against Transnational Organized Crime, the Protocol against the Smuggling of Migrants by Land, Sea and Air and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. Doing so will facilitate collaboration among relevant judiciary and law enforcement authorities along migrant smuggling routes in investigating crimes and apprehending perpetrators, and the closing of jurisdictional loopholes.

91. The COVID-19 pandemic has had an adverse impact on refugees and migrants. I strongly encourage the Libyan authorities to provide refugees and migrants with voluntary access to testing and, for those who are diagnosed as positive, isolation and treatment, with full respect for their dignity, human rights and fundamental freedoms. In addition, to avoid the further spread of the disease, all migrants set to return to their countries of origin should be tested prior to their departure and, if found positive, provided treatment.

92. I welcome the communiqué issued by the United Nations-African Union-European Union task force on Libya in which it reiterated the continued commitment to working with Libya and supporting the overall efforts of the interim Government of National Unity on migration management.

93. The need for holistic approaches to addressing the root causes of flight and migration is greater than ever. In an interconnected world, peace, stability, human rights and sustainable development are at the heart of prevention strategies. 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 that regard. Addressing the root causes requires urgency as well as investments on the part of States in stronger asylum systems and legal pathways for refugees and migrants in vulnerable situations that include family reunification, education and labour mobility.

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