

Protection risks in eastern and western Libya

Protection risks in Libya stem from over a decade of conflict, as well as repressive practices and policies that date to the 1969–2011 regime of Muammar Gaddafi. On 9–11 September 2023, Storm Daniel caused flooding and associated destruction and displacement, including the collapse of dams in Derna, which created new protection risks and aggravated existing threats, primarily in eastern Libya (OCHA 14/09/2023; IOM 17/11/2023; IOM/UNHCR 28/11/2023).

Key findings on protection risks before and after Storm Daniel include the following:

- Impeded access to civil documentation and discriminatory norms and policies prevent minorities and other groups, such as single and widowed women, from accessing basic services, resources, and opportunities. People displaced by Storm Daniel have also lost or lost access to documentation.
- Both Libyan nationals and non-Libyans are at risk of arbitrary arrest and detention in official and unofficial prisons and detention centres across the country. Denial of basic services, abuse, cruel treatment, and human rights violations are frequently reported within these centres and prisons.
- Conflict, Gaddafi-era laws, and discriminatory policies and attitudes have led to insecure tenure, including evictions, among segments of the Libyan population, including IDPs, refugees, migrants, and single or widowed women.
- Trafficking for extortion, labour exploitation, and sexual exploitation affects both Libyans and non-Libyans. Migrants, refugees, asylum seekers, and stateless people are particularly at risk.
- Women, especially single mothers, widows, and female heads of households, face a significant risk of gender-based violence (GBV) across Libya. There is concern about increased domestic violence and early marriage in communities affected by Storm Daniel.
- Child protection concerns include an increase in the number of unaccompanied and separated children (UASC) following Storm Daniel, although the scale of this issue is currently unknown; the denial of citizenship rights and associated services to children with non-Libyan fathers; and child labour.

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ABOUT THIS REPORT

Aim

There is a lack of comprehensive, publicly available information on protection in Libya, both before and after Storm Daniel, largely because of significant humanitarian access constraints (KII 07/11/2023; KII 21/11/2023). This report aims to address this gap by:

- analysing available information on protection risks prior to Storm Daniel
- identifying any new or changed protection threats following the storm.

The report focuses on eastern Libya, where the storm hit and the majority of IDPs are concentrated, and western Libya, where there is also a small population of IDPs displaced by Storm Daniel (IOM 17/11/2023).

Methodology

This report is based on a secondary data review and key informant interviews with humanitarian responders working on the protection response in Libya, both before and after Storm Daniel.

The most recent Protection Analysis Update on Libya was issued in April 2022 and identified the following most significant protection risks between January–April:

- denial of resources, opportunities, and services
- unlawful impediments and/or restrictions to freedom of movement
- inhumane, cruel, and degrading treatment in detention centres
- evictions and/or destruction of personal property
- trafficking in persons (Protection Cluster 30/04/2022).

These risks were used as a starting point for pre-Storm Daniel analysis. Additional risks and threats have been added based on data gathering to reflect the current context.

Limitations

Information on post-Storm Daniel protection risks is limited by political, bureaucratic, and physical access constraints, many of which also affected humanitarian responders prior to the storm (KII 05/12/2023; KII 21/11/2023).

The report does not provide comprehensive insight into all protection risks and affected populations in eastern and western Libya, focusing on priority pre-storm risks and those that have been aggravated by or that emerged following the storm.

Terminology

Many secondary sources reviewed for this report refer to ‘migrants’ in Libya without distinguishing based on legal status, using the term as a catch-all to include economic migrants in regular or irregular situations, asylum seekers, and refugees. In some instances, this general usage of ‘migrants’ reflects the lack of de jure and de facto distinction in the treatment of refugees, asylum seekers, and migrants without regularised status by Libyan authorities.

BACKGROUND

Political

Libya’s government is divided between the western Government of National Unity (GNU), led by Prime Minister Abdulhamid al-Dbeibah in Tripoli, and the eastern Government of National Stability (GNS), led by Oussama Hamad in Sirte. The GNS is aligned with Libya’s House of Representatives in Tobruk (CFR 19/09/2023; SCR 21/08/2023). Many of Libya’s key institutions and ministries have been split into eastern and western branches, corresponding to the rival governments, which broadly represent opposite sides of a civil war that broke out in 2014 (WB 18/05/2023). When the current GNS was created in March 2022, it took control of government institutions in the east and south (HRW accessed 11/12/2023).

The GNS and the House of Representatives are supported by the Haftar-Affiliated Forces (HAF), including the self-titled Libyan National Army (LNA), also referred to as the Libyan Arab Armed Forces, which is under the control of eastern powerbroker General Khalifa Haftar (Chatham House 17/03/2020; Ministry of Foreign Affairs of the Netherlands 28/02/2023). The HAF also control most of southern Libya, where General Haftar has formed alliances with local armed groups (HRW accessed 11/12/2023; SWP 31/07/2023).

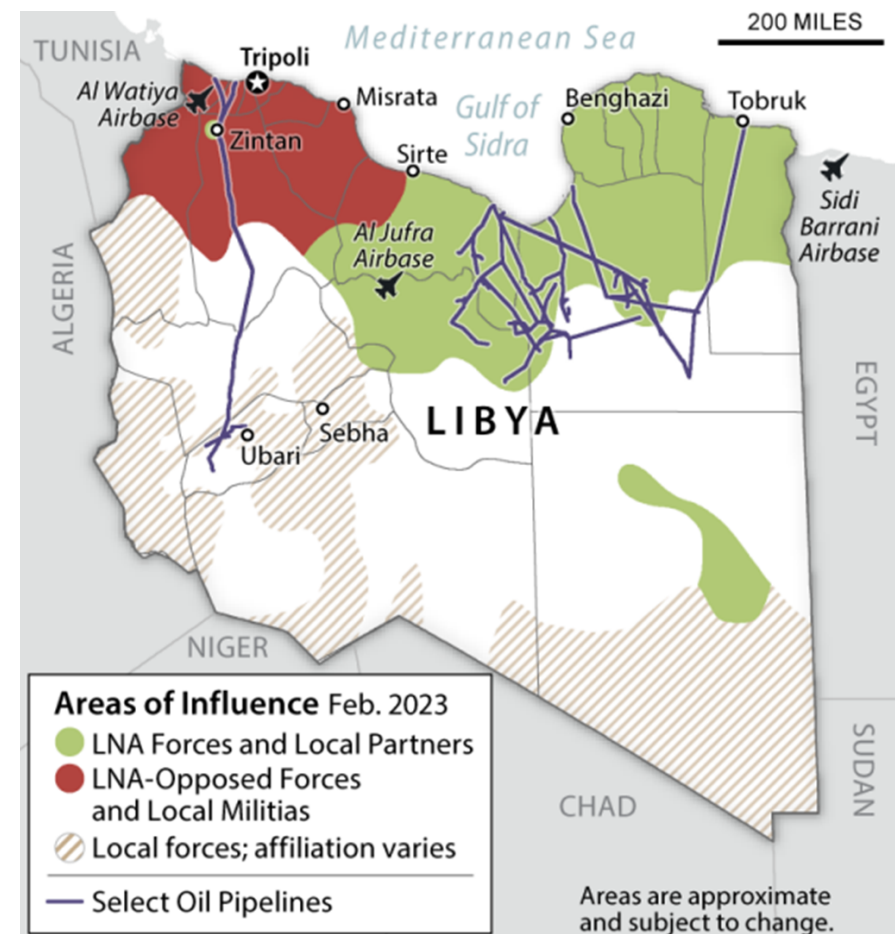
Security

Following the 2011 overthrow of Muammar Gaddafi, assassinations and other forms of political violence beset Derna, Benghazi, and other eastern cities. Many of the attacks were attributed to Islamist groups, including Ansar Al-Sharia and the Islamic State (IS) (Chatham House 17/03/2020). In mid-2014, the HAF launched a violent operation to recapture eastern cities from Islamist militias, including the IS, which established a base in Derna in October 2014. In June 2015, the HAF collaborated with the Derna Mujahideen Shura Council to expel the IS from Derna and subsequently besieged the city before taking over in July 2018 (Chatham House 17/03/2020; Geneva Academy 07/06/2017; MEI 10/2017; CFR 19/09/2023). During the three-year siege, indiscriminate aerial and heavy weapon attacks caused civilian casualties and damaged civilian structures. The HAF blockade of all access points to the city disrupted markets and services, with significant humanitarian consequences (Protection Cluster 15/01/2019).

Violence has decreased across Libya since an October 2020 ceasefire between the former western Government of National Accord and the eastern LNA (CFR 19/09/2023; ICG 04/11/2020). That said, low-level clashes between militias affiliated with eastern and western authorities continue, with a marked deterioration in the security situation in the west from April 2023 (IOM 31/10/2023). The most recent large-scale outbreak of violence since the ceasefire occurred in Tripoli in August 2022, after eastern-aligned forces attempted to take control of the capital (Reuters 29/08/2022). In general, since the ceasefire, fewer clashes have occurred in eastern Libya than in Tripoli and surrounding western regions, except for Benghazi and Al Wahat, where rival factions of GNS-aligned militias sometimes engage in fighting (Insecurity Insight 14/11/2023).

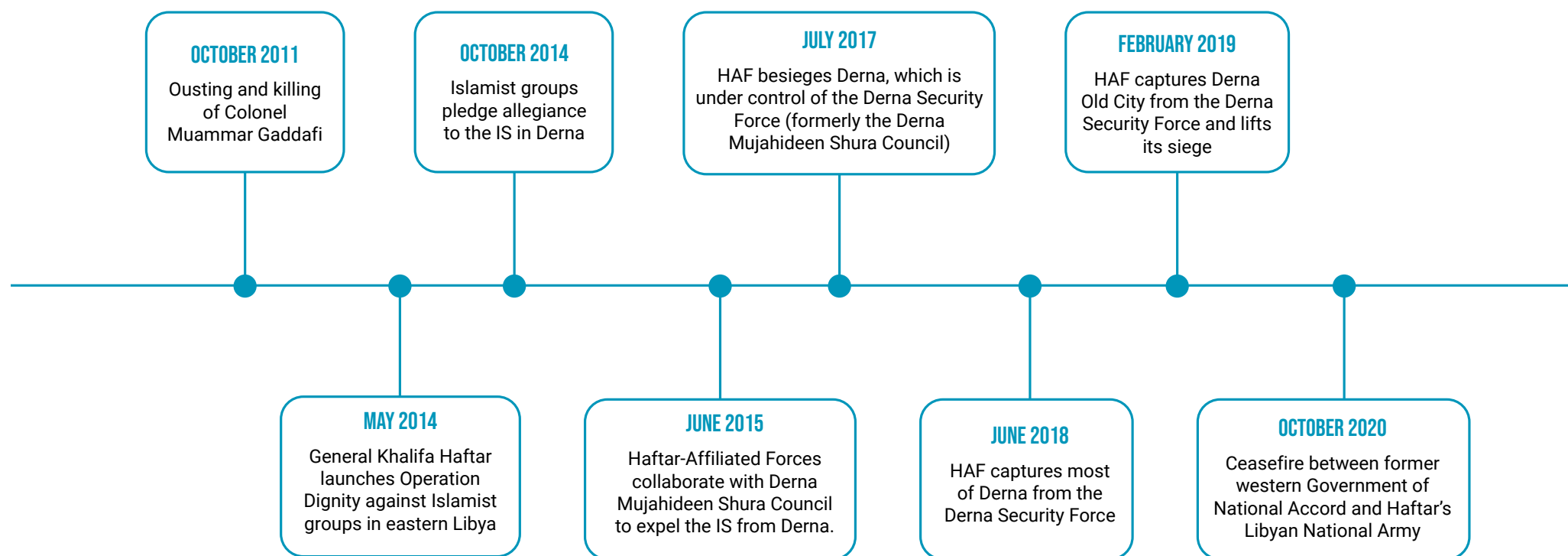
The GNU has minimal control over its security forces, which include semiregular units, armed groups representing different tribes, and armed civilian volunteers. Armed groups carry out most police work for the GNU, receiving payment but no training or oversight, which facilitates the abuse of police power with impunity (Ministry of Foreign Affairs of the Netherlands 28/02/2023). Similarly, while General Haftar has consolidated control over militias in the east, integrating many of them into units controlled by his close allies, some militias belonging to the HAF operate with relative independence (Wilson Center 13/07/2023; SWP 31/07/2023).

Map 1. Areas of armed group and security force influence across Libya as at February 2023



Source: Congressional Research Service (19/07/2023)

Figure 1: Timeline of key political and security events in northeast Libya, 2011-2020



Sources: Chatham House (17/03/2020); Geneva Academy (07/06/2017); MEI (10/2017); CFR (19/09/2023); HRW (22/02/2019); AI (11/06/2018); Protection Cluster/UNHCR (15/01/2019); REACH (28/03/2019).

Displacement and migration

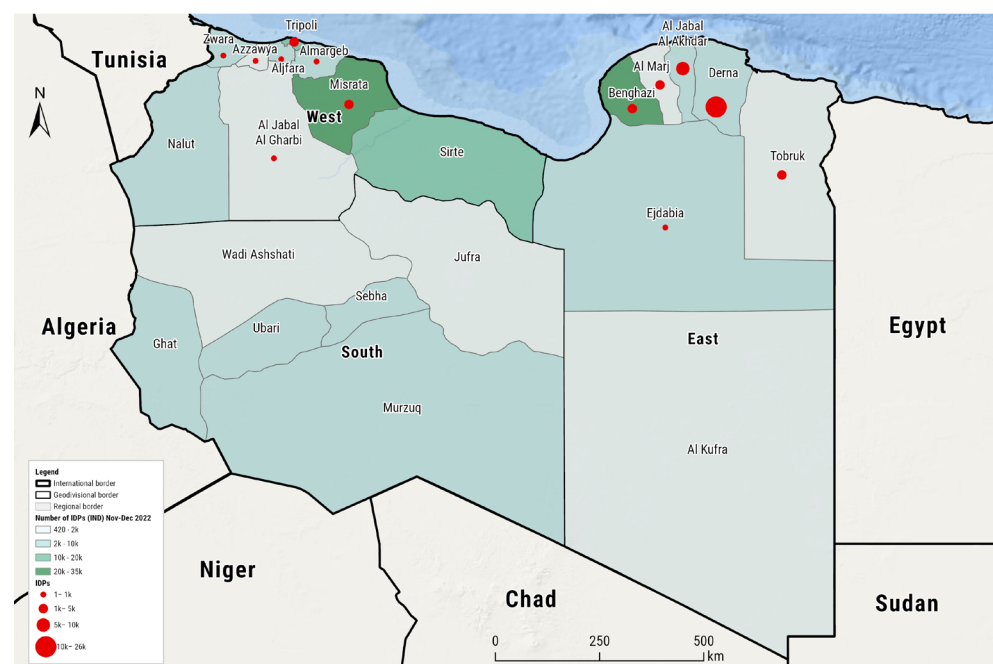
IDPs: there have been several waves of internal displacement in Libya since the outbreak of conflict in 2011 (IOM 24/08/2023). Most civilians displaced in 2011 were able to return home relatively quickly, but the 2014 conflict in Benghazi, Misrata, and Tripoli and the 2019–2020 conflict in Tripoli and Murzuq caused additional internal displacement (Protection Cluster 30/04/2022). As at August 2023, prior to Storm Daniel, there were 125,802 IDPs in Libya (IOM 24/08/2023). As at 28 November, Storm Daniel had displaced over 44,800 additional people, with around 23,500 of these newly displaced IDPs in Derna municipality alone (OCHA 28/11/2023).

Some minority groups in eastern, western, and southern Libya are particularly at risk of protracted displacement. In 2011, around 48,000 members of the majority-black, historically marginalised Tawerghan community fled anti-Gaddafi armed groups, primarily from neighbouring Misrata, which targeted Tawerghans that they considered pro-Gaddafi (HRW 24/01/2019). A 2017 Misrata-Tawergha reconciliation agreement failed to incorporate genuine provisions for reconciliation; around 17,000 Tawerghans were still displaced as at August 2023 (CEIP 09/05/2023; IOM 24/08/2023). The Tuareg community has also experienced significant displacement from the south to the north because of alleged pro-Gaddafi allegiances. A large number of Tebu people were displaced from Murzuq in 2019 following alleged racially motivated tensions and violence with the Alahali minority (Protection Cluster 30/04/2022; OMCT/LAN accessed 11/12/2023; REACH 30/08/2019).

Improvements in the security situation since the end of 2021 have increased the total number of IDPs returning to their previous places of residence in Libya. That said, IDPs continue to face systemic barriers to return, including damaged housing and public infrastructure, contamination with explosive remnants of war (ERW), and a lack of security and social cohesion (OCHA 26/01/2023; Protection Cluster 30/04/2022). The 2022 REACH Multi-Sector Needs Assessment (MSNA) found that protection needs were relatively higher among IDP household respondents (11%) and IDPs who had returned to their previous residence (8%) than among other Libyan nationals (REACH 02/03/2023).

As at July 2022, the GNU had finalised the National Strategy for Durable Solutions for IDPs (OCHA 26/01/2023; OCHA accessed 11/12/2023). As at 8 December 2023, the GNU had reportedly not yet begun implementing the strategy (KII 08/12/2023). The GNS does not appear to have had a role in developing the strategy.

Map 2. Distribution per district of displaced people pre- and post-Storm Daniel



Sources: ACAPS using data from IOM (31/10/2023); UNHCR (accessed 19/10/2023); IDMC (accessed 19/10/2023); Kontur (accessed 19/10/2023)

Refugees, asylum seekers, and migrants: in May–June 2023, IOM’s Displacement Tracking Matrix identified over 704,300 migrants in Libya. The top three nationalities of migrants as at June 2023 were Nigerien (25%), Egyptian (24%), and Sudanese (18%). 53% were located in the west, and 34% were in the east. 90% of the migrants were adults, of whom 79% were men and 11% were women (IOM 31/10/2023). As at August 2023, UNHCR registered over 47,200 refugees and asylum seekers in Libya (UNHCR 30/08/2023). Migrants, refugees, and asylum seekers continue to use Libya as a departure point for Europe. Between January–November 2022, the Libyan Coast Guard intercepted or rescued more than 21,000 people attempting to cross the Mediterranean (OCHA 26/01/2023).

Prior to Storm Daniel, almost 20,000 migrants lived in the most storm-affected areas of Derna. An estimated 930 migrants were killed or missing following the rainfall and flooding (IOM 21/11/2023). As at 17 November, the floods had displaced 1,715 migrants (IOM 17/11/2023). Many are located in Al Bayda municipality (USAID 06/12/2023).

In general, harsh policies on and treatment of refugees, asylum seekers, and migrants appear to carry political capital in Libya, which is not party to the 1951 Refugee Convention and its 1967 Protocol (Protection Cluster 30/04/2022). The 2011 Constitutional Declaration, which remains in force, recognises a universal right to asylum, but there is no national asylum law nor mechanisms responsible for refugee status determination. As a result, all non-Libyans are subject to Libyan immigration law, which does not recognise the status of refugees or asylum seekers (Protection Cluster 30/04/2022; UNHCR 2022).

There is no legal basis for UNHCR’s presence in Libya, which does not officially recognise the agency (MSF 20/06/2022). Regardless, UNHCR carries out operations in part of the country, although it is not permitted to establish offices or register asylum seekers, referred to as “persons of concern,” outside Tripoli; as at September 2023, it only conducted registration in Serraj, near Tripoli (UNHCR 30/09/2023; KII b 13/12/2023). In April 2022, Libya restricted the registration of asylum seekers with UNHCR to nationals from Eritrea, Ethiopia, Iraq, Palestine, Somalia, South Sudan, Sudan, Syria, and Yemen (Protection Cluster 30/04/2022). Registration is a prerequisite to accessing services from UNHCR in Libya (MSF 20/06/2022; Protection Cluster 30/04/2022). There is no domestic legal framework that guarantees humanitarian access and assistance to refugees, migrants, and asylum seekers regardless of their legal status (Protection Cluster 30/04/2022).

DENIAL OF RESOURCES, SERVICES, AND OPPORTUNITIES

Over a decade of conflict and instability has decreased the quality, availability, and accessibility of public services for all Libyans, reducing their coping capacities in the face of protracted threats to livelihoods, health, education, and other key needs (OCHA 31/01/2020).

The impact of Storm Daniel has aggravated this situation, particularly in the northeast (OCHA 19/11/2023). Post-storm assessments have found that the main barriers parents face when trying to access post-storm services for their children are a lack of available services and poor quality of services. A small number of respondents have reported that a lack of female staff poses a barrier to accessing services (KII 11/12/2023). One source reported that the Tebu minority community in Derna has not had comprehensive access to assistance following Storm Daniel, although the reasons for this are unclear (KII 08/12/2023).

Impeded access to civil documentation and discriminatory norms and attitudes, both of which affect minority and other specific groups, pose additional barriers to accessing resources, services, and opportunities.

Impeded access to civil documentation

IDPs commonly face challenges in obtaining or replacing civil documentation for themselves and their children (Protection Cluster 30/04/2022). The Civil Registry Authority at the municipal level may refuse to provide IDPs with national identity registration, requiring their registration in their municipality of origin (Ministry of Foreign Affairs of the Netherlands 28/02/2023). A 2022 MSNA found that at least one household member lacked an identification document in 6% of IDP households (REACH 02/03/2023).

Many Storm Daniel IDPs have lost essential documents, including birth certificates and identity cards, which may limit their access to basic services and social protection (IFRC 23/11/2023). As at 21 November, the GNS was reported to be facilitating free access to documentation for all storm-affected communities. This programme did not appear to be functioning in practice as at 13 December (KII 21/11/2023; KII 12/12/2023; KII b 13/12/2023). Considering the restricted capacity of many municipal Civil Registry Authority offices and the large number of post-storm IDPs, barriers to accessing documentation for affected IDPs will likely persist (KII 21/11/2023; KII 12/12/2023; KII b 13/12/2023).

Refugees, asylum seekers, and migrants: Many migrants, refugees and asylum seekers in Libya lack any kind of documentation. Legal stay is a prerequisite for many civil registration processes within Libya, which generally bars refugees and migrants with irregular status from obtaining civil documentation. Most refugees and migrants with irregular status also face difficulties registering vital events in Libya, including births, deaths, and marriages, because

of requirements for legal stay, as well as discrimination and corruption (KII b 13/12/2023; IOM 16/03/2022; UNHCR 04/2021). The 2022 REACH MSNA found that 63% of migrant respondents faced at least one barrier to obtaining documentation. The most frequently reported barrier (35%) was unfamiliarity with the process required to obtain documents (REACH 02/03/2023).

Without identity documents, refugees, asylum seekers, and migrants generally have no access to public services, and limited access to private services (Protection Cluster 30/04/2022; OMCT/LAN accessed 11/12/2023). In the 2022 MSNA, the most commonly reported inaccessible service among migrants was movement and transportation (39%), followed by a SIM card (24%) and government assistance (21%). Among refugees, a lack of legal documentation prevented access to health services (19%), movement and travel (14%), education (7%), and government assistance (7%) (REACH 02/03/2023). Refugees, asylum seekers and migrants may access private healthcare if they are able to pay, but are exposed to arrest, detention, and confiscation of documents when visiting private health facilities (KII b 13/12/2023; Protection Cluster 30/04/2022). Non-Libyan students without legal residency have limited access to formal education, as many lack required documents, such as guarantor letters from a Libyan male sponsor. There are private community schools available to non-Libyan children, which are accredited by the Ministry of Education, but these have limited enrolment capacity (KII b 13/12/2023). Lack of official documentation also prevents refugees, asylum seekers, and migrants from accessing the rental market (IOM 15/03/2023). (REACH 2022).

This problem has persisted following Storm Daniel, as many migrants and refugees are unable to or are afraid of accessing assistance, housing, and livelihoods because they are not registered or lack documents (KII 21/11/2023; KII 07/11/2023; KII b 13/12/2023). There is a possibility that documented migrants who lost their documentation in the storm will risk arrest and detention if they attempt to claim new documents (KII 12/12/2023).

In lieu of public services, community networks provide primary social support to refugees, asylum seekers, and migrants (Protection Cluster 30/04/2022; OMCT/LAN accessed 11/12/2023).

Women who are widowed, divorced, married to a non-Libyan man, or otherwise unaccompanied by a man have difficulty obtaining identity documentation without a family document status number, a digital certificate issued by the local registry office that names the head of the family and provides the details of all family members (Protection Cluster 30/04/2022; Ministry of Foreign Affairs of the Netherlands 28/02/2023). It is particularly complicated for women to obtain documentation and services when their husband or closest male relative is missing, as lengthy legal and administrative procedures are required to establish that an individual is missing in Libya (KII b 13/12/2023; ICMP 04/2021). Women in Libya also may have difficulty registering newborns without the child's father present (Protection Cluster 30/04/2022; KII b 13/12/2023). These challenges will likely affect women widowed by Storm Daniel (IFRC 23/11/2023).

A lack of civil documentation prevents women from accessing services. For example, in the western city of Tarhouna, authorities have refused to issue death certificates for mass killings that occurred during the civil war, preventing widows and children from accessing social support (Protection Cluster 30/04/2022; ICMP 04/2021).

Children born of a Libyan mother and non-Libyan father are not legally considered Libyan nationals, which complicates their access to social services. This has a particularly severe impact on children with disabilities (Protection Cluster 30/04/2022). While the GNU issued a policy in October 2022 granting children born to a Libyan mother and non-Libyan father free access to healthcare and education, these children still lack Libyan nationality and face difficulties in obtaining identity documents, which are necessary for access to many services. As this is a GNU decree, it is also unlikely to be uniformly respected or implemented by authorities in the east (UNHRC 04/05/2023; Ministry of Foreign Affairs of the Netherlands 28/02/2023).

A May–June 2023 IOM assessment found that 70% of refugee and migrant respondents reported a lack of documentation as a barrier to enrolling their children in school (IOM 31/01/2023).

Racial and ethnic minorities: discrimination against racial and ethnic minorities prevents access to basic rights, such as documentation and services. Berbers displaced from the south to the north often lack legal documentation, meaning they are considered non-Libyan and denied access to services (OMCT/LAN accessed 11/12/2023). The government also does not consider members of tribes living between Libya and neighbouring countries, including the Tuareg and Toubou, Libyan citizens. These tribes rarely possess identity documents (Ministry of Foreign Affairs of the Netherlands 28/02/2023). Many members of the majority-black Tawergha community remain displaced because the government does not provide basic services in Tawergha (CEIP 09/05/2023; IOM 24/08/2023; OMCT/LAN accessed 11/12/2023). Discrimination also prevents black Tebu communities from accessing services (Protection Cluster 30/04/2022; OMCT/LAN accessed 11/12/2023; REACH 30/08/2019).

Stateless people: while there are no official statistics on the number of stateless minorities in Libya, many racial and ethnic minority communities are at a high risk of statelessness because of Gaddafi-era policies that restrict nationality, and because of low institutional pervasion in southern border areas, making it difficult for them to obtain identity documents (ISI/GCENR accessed 11/12/2023; Al Jazeera 28/06/2021; MEE 11/09/2021).

DETENTION, DEPORTATION, AND ASSOCIATED VIOLATIONS

As at May 2023, the GNU's Ministry of the Interior ran 28 official prisons in Libya that held 19,103 people, 216 of whom were women (UNSC 08/08/2023). Many prisoners are held in pre-trial detention without access to legal assistance. UN agencies have estimated that thousands of other detainees are kept in unofficial sites under armed group control, to which humanitarian responders are routinely denied access (OCHA 26/01/2023; US DOS 2023; UNHRC 04/05/2023; Ministry of Foreign Affairs of the Netherlands 28/02/2023). It is common for people to be arrested without a warrant, often by armed groups, some of which operate independently of the state and detain people incognito in unofficial detention sites (Ministry of Foreign Affairs of the Netherlands 28/02/2023).

In September 2023, IOM reported that the Directorate for Combatting Illegal Migration (DCIM), under the GNU's Ministry of the Interior, was running 12 official detention centres. Four of these facilities contained no detainees as at September. There were an estimated 3,700 detainees in the other eight facilities (IOM 30/10/2023). Migrant detention centres are closed and reopened regularly, with both migrants and guards sent between the different sites. For example, when the notorious Tajoura detention centre was closed in 2019, its staff was transferred to Al-Mabani detention centre, which became equally known for abusive conditions and was shut in January 2022 (The New Yorker 23/02/2022; US DOS 2023). Militias and traffickers also run unofficial migrant detention sites (AI accessed 08/11/2023; OHCHR 02/05/2023). In December 2022, Mohamed al-Khoja was appointed head of the DCIM. Al-Khoja is a former militia member who previously ran the Tariq al-Sikka prison in Tripoli, where there were extensive allegations of violations against detainees (The Outlaw Ocean Project 22/12/2021).

Since the beginning of 2022, the Stability Support Apparatus (SSA), a powerful GNU-aligned militia, has been increasingly involved in intercepting and detaining migrants, refugees, and asylum seekers. As at April 2022, SSA managed at least three detention facilities formerly managed by the DCIM, thought to hold about 5,500 people in total. The SSA reports directly to the Prime Minister on its migration-related operations, with no oversight by the GNU Ministry of the Interior. Humanitarian responders do not have access to SSA-run detention centres, in which detainees are denied basic services and subjected to human rights abuse (Protection Cluster 30/04/2022; OCHA 26/01/2023; AI 04/05/2022).

In eastern parts of Libya under the control of the GNS, the HAF have de facto control and jurisdiction over migration-related detention. They have expelled, detained, or intercepted migrants through the desert in the south and trafficked others overseas (OMCT 18/04/2023).

There were no detention centres operational in Derna at the time of Storm Daniel (KII 08/12/2023; KII 12/12/2023).

Raids and detentions

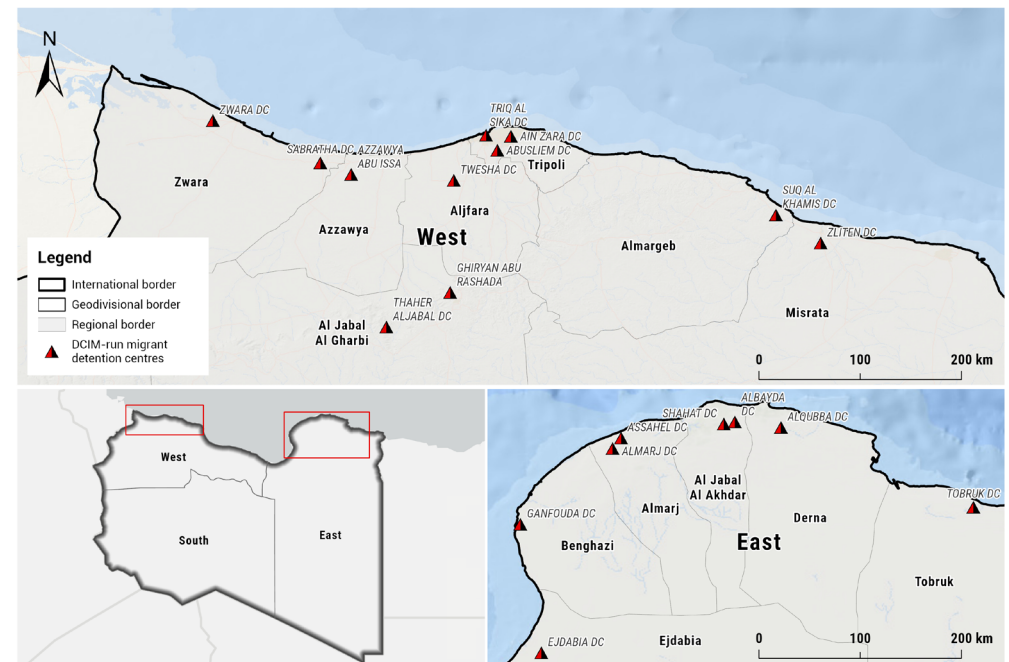
While both Libyans and non-Libyans are subject to arbitrary detention and enforced disappearances, migrants, refugees, and asylum seekers are at particularly high risk (UNSC 08/08/2023). Irregular entry is a criminal offence in Libya, and there is no regularisation framework available to migrants entering through irregular channels (Protection Cluster 30/04/2022). Migrants carrying a visa issued by eastern authorities are considered irregular in the west (OMCT/LAN accessed 11/12/2023). In practice, registration with UNHCR does little to prevent a refugee or asylum seeker from arrest and detention (MSF 20/06/2022; Protection Cluster 30/04/2022; KII b 13/12/2023).

On 1 May 2023, the DCIM announced a national campaign to arrest migrants (which, in reality, included refugees and asylum seekers), raiding their homes, arresting, and arbitrarily detaining them. Hundreds of refugees, asylum seekers, and migrants were deported to Chad, Egypt, Niger, Sudan, and Tunisia, while others were detained without due process in Libya (UNSC 08/08/2023). Authorities often destroy migrant, asylum seeker, and refugee shelters during raids, exposing them to homelessness and associated security risks (UNHCR 14/10/2022).

When travelling within Libya, people without regularised legal status, including migrants, refugees, and asylum seekers, and people without documentation are at risk of detention and extortion at checkpoints. Men are at a higher risk of arbitrary arrest than women, likely because their livelihood activities often require travel and presence in public spaces. Attempting to access public services can also expose refugees, asylum seekers, and migrants, particularly non-Arabic speakers and non-Muslims, to arbitrary detention. Fear of arrest and detention prompts refugees and migrants to maintain a low profile, including by restricting their movement, changing their contact details, and avoiding humanitarian assistance, which also complicates humanitarian efforts to access these communities. This is particularly common in eastern and southern Libya (Protection Cluster 30/04/2022; IOM 26/07/2023).

Migrants, refugees, and asylum seekers arrested while attempting to cross the Mediterranean are also subject to arbitrary detention (Protection Cluster 30/04/2022; OCHA 26/01/2023).

Map 3. DCIM-run detention centres in the northeast and northwest, September 2023



Source: ACAPS using data from IOM (16/10/2023) and IOM (05/04/2023).

Violations in detention

The killing and cruel, inhumane, and degrading treatment of detainees, including torture and sexual violence, are common in official prisons, other detention facilities, migrant detention centres, and in detention centres run by armed groups (OCHA 26/01/2023; Protection Cluster 30/04/2022). Prisons and other detention facilities in which serious violations of international human rights and humanitarian law have occurred in recent years include Mitiga prison (Tripoli), run by the Special Deterrence Force armed group; Al Jadida prison, run by the GNU's Ministry of Justice; and Al-Kuwayfiyah (Benghazi) and Garnada (Al Bayda) prisons, run by the LNA (Ministry of Foreign Affairs of the Netherlands 28/02/2023). In 2023, MSF recorded particularly concerning human rights abuse in Abu Salim and Ain Zara migrant detention centres. There is often significant overcrowding in Ain Zara, with as many as 675 detainees located in a single cell at one time (MSF 06/12/2023).

There are recent reports of migrants, refugees, and trafficking survivors being detained in secret detention sites, where they are held captive for ransom and subject to torture and other forms of violence and mistreatment. These sites are controlled by traffickers and sometimes by members of Libyan militias and security forces. In 2022, the DCIM raided several warehouses and farms in Tarzibu, in southeastern Libya, where more than 700 migrants, refugees, and potential trafficking victims, including children, were detained. The DCIM returned 400 of the migrants to Sudan, while others were sent to the official Al Kufra detention centre or back to the warehouse (OHCHR 02/05/2023).

Children: hundreds of minors, including newborns, infants, and unaccompanied children under the age of 10 are held in detention centres managed by the DCIM or armed groups, where they are subject to lengthy detention without due process (UNSC 08/08/2023; OCHA 26/01/2023; MSF 06/12/2023). Poor conditions and inadequate access to healthcare in detention contribute to malnutrition (OMCT/LAN accessed 11/12/2023). In most facilities, there are no separate spaces for children (Protection Cluster 30/04/2022; OCHA 26/01/2023).

Women: There is limited gender separation and frequent reports of sexual violence against women in Libyan detention centres. Armed groups may traffic and sexually exploit women out of detention centres (Protection Cluster 30/04/2022; OMCT/LAN accessed 11/12/2023). Some detainees are sexually exploited in exchange for access to basic goods and services (UNSC 08/08/2023). Women also lack access to emergency natal care (OMCT/LAN accessed 11/12/2023). Al Jadida women's prison in Tripoli was the only official prison known to employ female guards as at May 2023 (UNHRC 31/05/2023).

In October 2022, the GNU opened the Abu Salim centre for migrant women and children. Women and girls in this facility have been subject to violations including strip searches, sexual assault, and rape (MSF 06/12/2023).

Stateless people are particularly at risk of long-term detention in Libya, as the government cannot repatriate them, which is the government's preferred policy for migrants with irregular status. Many stateless people opt to be trafficked or smuggled rather than face indefinite immigration detention (OMCT/LAN accessed 11/12/2023).

Migrants with disabilities, including chronic illness, are subject to detention and may be denied access to necessary healthcare (MSF 06/12/2023).

Deportation

There have been reports of the expulsion of migrants from eastern Libya to Sudan and from Sebha in southern Libya to Niger (Protection Cluster 30/04/2022). A rise in migrant expulsion following Storm Daniel has been reported, although the reasons are unclear (IFRC 12/11/2023).

INSECURE TENURE AND FORCED EVICTION

Gaddafi-era laws significantly restricting private land ownership have created a legacy of squatting and private land disputes, increasing present-day vulnerability to eviction (Freedom House accessed 11/12/2023; LandLinks accessed 13/12/2023). Libya's 2011 Constitutional Declaration safeguards the right to private property, and the Penal Code prohibits expropriation of property and eviction. However, the rental market remains high unregulated (LandLinks accessed 13/12/2023; KII b 13/12/2023). Since the outbreak of conflict, armed groups have also confiscated or destroyed homes, particularly in the east (Freedom House accessed 11/12/2023).

In its most recent update covering April–August 2023, UNSMIL recorded the forced eviction, with minimal or no compensation, of at least 100 individuals from their homes in Benghazi. In the same period, UNSMIL received reports of the forced eviction of 350 eastern IDP families from Abu Salim neighbourhood in Tripoli (UNSC 08/08/2023). The HAF have also played a role in demolitions and forced evictions in Benghazi, including the arrest of a Benghazi government official who criticised the unofficial destruction of historic buildings and displacement of residents (CEIP 09/05/2023).

IDPs: without official IDP sites in the country, most IDPs live in private accommodation in urban centres. As at April 2022, 14,000 IDPs lived in collective sites (Protection Cluster 30/04/2022). By mid-2023, many of these collective sites in public buildings and informal IDP settlements on private property had been closed or merged into surrounding neighbourhoods (IOM 24/08/2023). There is no public information on the number of IDPs living in collective sites and informal settlements following the closures. Any who remain in these sites, most of which are on government land, risk forced eviction if the state decides to use the land. IDPs are also at risk of forced eviction in private properties. 70% of the forced evictions recorded by the Protection Sector's Eviction Tracker between April 2021 and April 2022 were related to IDPs' inability to pay rent or utilities. A perceived improvement in security since the October 2020 ceasefire has also contributed to a recent increase in forced evictions, as land is repurposed for its original use. These forced evictions have particularly targeted IDPs from Tawergha and Misrata (Protection Cluster 30/04/2022).

As at 31 October 2023, 44% of the 44,862 people displaced by Storm Daniel were living with host families and were not paying rent (IOM 20/11/2023). This potentially reduces their security of tenure, depending on the capacity of host communities and the pace of reconstruction. Rental subsidies have reportedly been provided to some IDPs who were previously sheltering in schools, while others are registered for cash-for-rent assistance (USAID 06/12/2023). However, the price of rental accommodation is high because storm-related destruction has limited supply of housing, which may prevent IDPs from securing sustainable housing (KII a 13/12/2023). Because of the extent of reconstruction required in eastern towns, particularly Derna, IDPs may be subject to protracted displacement (KII 12/12/2023).

As at 28 November, only 640 Storm Daniel IDPs were still sheltering in collective sites, including schools (OCHA 02/12/2023). This may expose them to eventual eviction as schools reopen (KII 07/11/2023). There are reports that a group of Tawerghans sheltering in schools may be evacuated in exchange for compensation payments (KII 12/12/2023; KII 08/12/2023).

Refugees and migrants: a May–June IOM assessment found that the majority (80%) of surveyed refugees and migrants lived in rented accommodation, most of which they paid for themselves. Nearly all migrants in Libya are estimated to have no rental agreement or have an undocumented rental agreement with housing providers, leaving them vulnerable to eviction without legal recourse. Around 110 respondents, or 2% of the 5,426 refugees and migrants interviewed, reported being evicted or threatened with eviction in the three months prior to the interview. Actual and threatened evictions disproportionately affected female migrants, unemployed migrants, and migrants over the age of 50 (IOM 31/10/2023). In the same March–April 2023 IOM assessment, 13% of evicted migrants reported having been evicted in Al-Bayda, followed by 10% in Zwara, 7% in Swani Bin Adam, and 5% in Tripoli (IOM 08/08/2023). An October 2021 mass arrest and eviction campaign in Tripoli was reported to have increased the willingness of landlords to evict refugee and migrant tenants (KII b 13/12/2023; Mixed Migration Centre 01/2022).

Some private landlords are reluctant to rent to non-Libyans with irregular status for fear of being accused of supporting illegal migration. They may be more willing to rent to those who are Arabic-speaking and of a higher socioeconomic status (Protection Cluster 30/04/2022; IOM 15/03/2023).

Women, particularly those who are unmarried, generally face greater obstacles than men when seeking rental accommodation. This is attributed to gender norms that require the involvement of a male guardian, social perceptions of women as less affluent or less likely to be in stable employment situations, and a higher likelihood of harassment or abuse by landlords. Some landlords refuse to rent to unmarried women or men. Women may also be forced to accept higher rent or to pay a male mediator or broker. This increased financial burden and other difficulties in obtaining adequate shelter may force women to accept accommodation that is unsafe or unsustainable, and increase their risk of forced eviction (IOM 15/03/2023).

TRAFFICKING IN PERSONS AND EXPLOITATION

Libya has no comprehensive anti-trafficking legislation (UNDP et al. 12/2019). Libya's penal code criminalises some forms of sexual exploitation involving women, but not men. It only applies to transnational trafficking for sexual exploitation and does not criminalise sex trafficking acts that result from fraud or coercion. Libyan law in general does not criminalise labour trafficking. There are no administrative units or judicial mechanisms dedicated to handling trafficking cases. While the Ministries of Interior and Justice have issued arrest warrants for traffickers, the government has never reported the prosecution or conviction of anyone for labour or sex trafficking (US DOS 2023).

There is a lack of information on the extent of trafficking in persons in Libya. It appears that, in most cases, trafficking is motivated by extortion. Trafficking for labour and sexual exploitation also occurs. Smugglers and traffickers often exploit and abuse the people they transport from Libya to Europe. They also provide one of the sole means of escape for migrants and refugees in detention centres in Libya (Protection Cluster 30/04/2022). The criminalisation of all irregular entrants to Libya means that trafficked individuals intercepted by the Libyan Coast Guard are generally criminalised instead of receiving protection (US DOS 2023).

The DCIM has been directly and indirectly implicated in trafficking by selling detained migrants, including refugees and asylum seekers, to smugglers and traffickers or exploiting them for forced labour in detention facilities or private homes. This includes selling female detainees for sexual exploitation (OMCT/LAN accessed 11/12/2023; US DOS 2023). Libyan Coast Guard officials, other GNU officials, and members of armed groups that have been integrated into Libyan institutions have also been implicated in trafficking (US DOS 2023).

In June 2023, the Libyan Attorney General's Office announced investigations into several cases of trafficking. While Sudanese guards at a farm used for trafficking in Al Kufra were arrested, there were no publicised arrests of Libyan perpetrators (OMCT/LAN accessed 11/12/2023).

Most refugees, asylum seekers and migrants in Libya do not have legal employment contracts, which require legal status and civil documentation. They are therefore vulnerable to labour exploitation (KII b 13/12/2023). Black and non-Arabic speaking migrants are particularly at risk of trafficking, including labour exploitation, because many are of lower socioeconomic status and because of racial stereotypes that discriminate against black communities in Libya (OMCT/LAN accessed 11/12/2023; IOM 15/03/2023).

GENDER-BASED VIOLENCE THREATS AND BARRIERS TO SERVICES

Gender-based violence threats

Women (especially single mothers, widows, and female heads of household) face significant GBV risks in Libya, including as a result of conflict (REACH 22/03/2023; OCHA 26/01/2023). As at December 2022, femicide in Libya was increasing, along with other forms of physical, economic, and political violence against women. Of the girls surveyed for a 2017–2018 UNICEF study, 88% reported experiencing some form of violence, including sexual violence. These were often perpetrated by family or community members, including armed groups present in communities (UNHRC 04/05/2023).

Humanitarian responders are concerned about increased domestic violence among Storm Daniel-affected communities, which face pressures from the loss of their livelihoods, grief, uncertainty, and confinement to one space. Families with members, particularly male breadwinners, who were killed or are missing because of the storm face increased risk of GBV outside the home. There are also concerns about the use of early marriage as a coping strategy for restricted livelihoods and the loss of breadwinners (KII 07/11/2023; IFRC 30/11/2023). Prior to Storm Daniel, cases of early marriage had already increased following the 2011 outbreak of conflict in Libya, particularly as a coping strategy in response to insecurity and poverty among non-Libyan and IDP communities. A 2021 GNU initiative providing LYD 40,000 (around USD 8,700) to all newly married couples led to a significant increase in early marriage (UNHRC 04/05/2023; UN Women 01/2020; CSIS 13/12/2021).

As at December 2022, Libya did not have a comprehensive domestic violence law (HRW accessed 11/12/2023). Law No. 10 of 1984 stipulates that a woman has the right to expect that her husband will not cause her physical or psychological harm, but does not provide for enforcement mechanisms (UNHRC 04/05/2023). In June 2021, a group of national experts developed a draft law on combatting violence against women (UNSMIL 19/06/2021). As at December 2022, the legislative process had stalled because of GNU division and opposition (UNHRC 04/05/2023). There does not appear to have been any progress in the legislative process since this date. Various criminal laws expose women to rights violations and protection threats, including the use of mandatory protective detention for rape survivors, the exoneration of rape perpetrators if they marry survivors, and the imposition of reduced penalties for femicide (UNHRC 04/05/2023; UNDP et al. 12/2019). Law No. 7 (1973), which criminalises extramarital sexual relations, places the burden on women to prove that sexual relations are non-consensual (UN Women 01/2020).

Limited access to GBV-related support and services

There is limited availability of public sector health and GBV services to mitigate the harmful effects of GBV, particularly for women and girls in remote areas (REACH 22/03/2023; OCHA 26/01/2023). GBV case management services are also limited, and there are no women's shelters (KII 07/11/2023; KII 21/11/2023). There are also significant social barriers to accessing GBV services in Libya. Rape is considered a crime against the survivor's honour, which allows the perpetrator to marry the survivor as a remedy and exposes survivors to accusations of engaging in commercial sex work. Health service providers are mandated to report sexual violence and other forms of GBV, discouraging survivors from seeking assistance (Protection Cluster 30/04/2022). A lack of female service providers in the public sector also often prevents women from accessing services, particularly if they are seeking help without a male companion (KII 07/11/2023).

Social norms may also prevent GBV survivors in Storm Daniel-affected communities from accessing humanitarian assistance. Both before and after the storm, women in communities with conservative norms, particularly in the east, have not been allowed to meet with male or even female humanitarian responders alone. Instead, men share information and request assistance from humanitarian organisations on behalf of female relatives (KII 07/11/2023; KII 12/12/2023). Further, many female Storm Daniel IDPs are staying in households with host communities, which makes it difficult for case workers to access them directly (KII a 13/12/2023). In general, there is limited help-seeking behaviour among both IDP women and children after Storm Daniel (KII a 13/12/2023). If women do meet with humanitarian responders, stigmatisation and fear of retaliation may prevent them from openly speaking about protection concerns, particularly GBV (UNHRC 04/05/2023).

Migrant, refugee, and asylum seeker women are particularly at risk of GBV, including the denial of resources, opportunities, and services. In response to perceived or previously experienced safety and security threats, many women are encouraged or required by male family members to remain at home, limiting their access to services. Members of women-headed migrant households may also be more likely to accept dangerous or exploitative work in the informal market, exposing them to safety risks (IOM 30/04/2023).

There are reports of sexual exploitation and abuse in the public sector in Libya. There is no data on whether this prevents or deters access to the public sector. There is also a risk of sexual abuse and exploitation as the humanitarian presence increases in the northeast following Storm Daniel. As at 7 November, there was no information on whether this risk had eventuated, partly because of reluctance to report to local authorities for fear of further harassment (KII 07/11/2023).



CHILD PROTECTION THREATS

A Child Protection Rapid Assessment conducted after Storm Daniel found that boys between five and 12 years old, adolescent girls aged 12-17, and girls under five were most at risk of varied protection risks. The main types of child protection risks identified were psychological distress, followed by missing children and separated children (KII 11/12/2023; UNICEF 07/11/2023). Displacement, family separation, and loss of family members led many children to lose their primary caregivers following Storm Daniel, exposing them to exploitation, abuse, and trafficking (OCHA 19/11/2023). Disruptions to education and livelihoods may also increase negative coping mechanisms among children, with anecdotes of children begging on the streets in affected eastern cities being reported (KII a 13/12/2023).

Post-storm UASC numbers are likely higher than reported and registered cases. This discrepancy may be attributed to uncertainty about the definition of UASC or underreporting (OCHA 19/11/2023). It is difficult for humanitarian responders to access UASCs in Derna and other eastern cities, because most are living with relatives or in locations run by the GNS Ministry of Social Affairs (KII 08/12/2023; KII 11/12/2023). Existing child protection systems for dealing with UASC are weak and have struggled to identify, register, and provide assistance to UASC following the storm (UNICEF 17/10/2023). Institutions mandated to work on child protection, including the Higher Council for Childhood, suffer from chronically irregular funding and lack of specialised knowledge and staff (UNHRC 04/05/2023).

Prior to Storm Daniel, a major child protection issue was unaccompanied and separated migrant children in the east. Many came across the desert from the south and were concentrated in Benghazi (KII a 12/12/2023). Violence against children at home and in schools was also a concern (KII b 12/12/2023). Another risk was the denial of Libyan nationality to children born of a Libyan woman and non-Libyan man (HRW accessed 11/12/2023; UN Women 01/2020). Children in Libya are also vulnerable to child labour. The 2022 REACH MSNA found that 79% of surveyed Libyan households resorted to livelihood coping strategies in the 30 days prior to data collection, 5% of which included child labour (5%) (REACH 23/05/2023). Refugee, asylum seeker, and migrant children are particularly at risk of child labour, as they often lack access to education and are required to assist with livelihood activities (IOM 30/04/2023).

THREATS TO SAFETY FROM EXPLOSIVE REMNANTS OF WAR

Despite clearance efforts, ERW continue to pose a threat to people's safety in Benghazi, Misrata, Sirte, Tripoli, and other coastal urban centres (Protection Cluster 30/04/2022). In 2022, humanitarian responders identified over 15 million square metres of hazardous land and disposed of over 27,000 pieces of ERW. These included unexploded ordnance, landmines, booby traps, and improvised explosive devices (OCHA 26/01/2023).

In 2021, the UN estimated that between 2.9–14.3% of Libya's population of 6.8 million were people with disabilities, many of which were attributed to ERW and other conflict-related injuries (UNSMIL 03/12/2022; HI 2022; WB accessed 08/12/2023).

While there is minimal public information on ERW risks following Storm Daniel, issues with ERW contamination may not appear until two to three months after a natural disaster (KII 08/12/2023).

HUMANITARIAN ACCESS CONSTRAINTS

The Civil Society Commission oversees most domestic and foreign organisation activity and has relatively unchecked powers to cancel an organisation's registration and activities (HRW accessed 11/12/2023; Ministry of Foreign Affairs of the Netherlands 28/02/2023). Commission administration often differs between eastern and western Libya, potentially posing bureaucratic challenges for humanitarian responders, who have to coordinate with both eastern and western entities (Freedom House accessed 11/12/2023).

On 13 March 2023, the GNU issued Circular No. 5803, which instructs the Civil Society Commission to cancel the licences of all NGOs established since 2011. On 21 March 2023, Prime Minister Abdulhamid al-Dbeibah issued Ministerial Circular No. 7, which appeared to modify Circular No. 5803 by allowing national and international NGOs to continue their work after regularising their status with the newly established Committee for the Study of the Registration of Civil Associations. The GNU has not published guidelines or criteria for approval by the committee (Insecurity Insight 14/11/2023; LFJL 06/04/2023).

Additional bureaucratic barriers to humanitarian operations in Libya include restrictions on cash withdrawals, visas, and international transfers. There was an increase in bureaucratic and administrative barriers to humanitarian operations in the first quarter of 2023. There was also a marked rise in the oversight of humanitarian work, particularly NGO activities, by security entities, including the temporary detention of NGO personnel (UNSC 08/08/2023). Security representatives and local authorities also require both national and international NGOs to submit extensive information on programme activities and data gathering for pre-approval (KII 04/12/2023). Heightened GNS and GNU scrutiny of humanitarian responders has specifically targeted NGOs and INGOs working on protection (Protection Cluster 30/04/2022).

Following Storm Daniel, humanitarian responders, including those working in protection, have had limited access to populations, partly because of bureaucratic constraints, including visa denial and the requirement to undergo a lengthy permissions process prior to conducting activities or using surveys and other data collection tools (KII 07/11/2023; KII 21/11/2023; KII 12/12/2023). The GNU has not issued humanitarian visas since March 2022, although exceptions were briefly made following Storm Daniel (ACAPS 05/07/2023). One source reported that as at 21 November, it was challenging or impossible for humanitarian responders to obtain visas (KII 21/11/2023). Another reported that as at 29 November, the Prime Minister's Office had circulated a statement announcing that they would facilitate INGO access to affected areas (KII 29/11/2023). It is unclear whether this statement has translated into practice.

Humanitarian responders to Storm Daniel are also required to navigate multiple layers of permissions and approvals, from eastern, western, and municipal authorities, which create prolonged delays to humanitarian activities. Obtaining permission from one branch of authorities does not necessarily grant access to areas controlled by different branches, requiring individualised networking (KII a 13/12/2023; KII 08/12/2023). Access may differ between organisations, and often depends on the organisation's previous activities and relationships in a particular area (KII 08/12/2023). Some organisations have been denied permission to visit collective IDP sites and must wait for the GNS Ministry of Social Affairs to transport populations to locations where they can access assistance (KII 12/12/2023). Few people are staying in collective centres, which also limits the observation of protection issues (KII 07/11/2023; KII 29/11/2023).

Both before and after Storm Daniel, government officials and some communities have been reluctant to accept protection programming, particularly programming related to gender and women's rights. More conservative religious and social norms in some parts of the east may contribute to restrictions on protection programming targeted at women, including opposition to the discussion of gender norms and GBV (KII 07/11/2023; KII 12/12/2023; KII a 13/12/2023; USAID 01/06/2020; Freedom House accessed 11/12/2023; UNHRC 04/05/2023; AR 13/07/2023). Law No. 6 of 1987, which criminalises the facilitation of irregular migration, creates a grey area surrounding the provision of assistance to migrants without regular status, leading to fear among humanitarian responders about openly engaging with these communities (KII b 13/12/2023).

Following the storm, an inadequate supply of physical Libyan dinars has required the Libyan Central Bank to restrict cash distribution, limiting the amount of cash that Libyan bank account holders can access. Foreign currency supplies are also limited (IFRC 30/11/2023).

A decrease in security incidents at the end of 2022 and during the first half of 2023 improved humanitarian access in Libya, but a deterioration in the security situation from April 2023 onwards may have reversed this trend (ACAPS 05/07/2023; IOM 31/10/2023). A large number of both official and unofficial checkpoints remain in and around Derna, which are often controlled by different armed groups, posing potential security and bureaucratic risks to humanitarian access (KII a 13/12/2023; KII b 13/12/2023).

As at October 2023, road closures and damaged infrastructure continued to prevent easy movement in Derna municipality (IOM 17/11/2023). Transport routes have been restored in most other areas affected by Storm Daniel. However, challenging terrain continues to complicate access some flood-affected areas. These physical access constraints may increase during the current rainy season (IFRC 30/11/2023).