

## **World Day Against Trafficking in Persons <sup>1</sup>**

“Trafficking in persons is a serious crime and a grave violation of human rights. Every year, thousands of men, women and children fall into the hands of traffickers, in their own countries and abroad”

For many people, when hearing the term "trafficking in persons"; they think it is confined to the sale of human beings to humans. But real concept of human trafficking usually refers to the process through which individuals are placed or maintained in an exploitative situation for economic gain, including the crime of exploiting women, children and men for various purposes, including forced labor, unpaid labor and prostitution. The adoption of the Protocol to Prevent, Suppress and Punish the Trafficking in Persons, especially women and children, supplementing the United Nations Convention against Transnational Organized Crime in 2000 was a milestone that provided the first internationally agreed definition of "trafficking in persons" <sup>2</sup>.

Despite the existence of a comprehensive international legal framework, millions of children, women and men continue to be trafficked each year, in all regions and in most countries of the world. The clandestine nature of trafficking makes it difficult to quantify the phenomenon. According to Global Estimates <sup>3</sup>, 25 million people were subjected to forced labour and sexual exploitation in 2016 worldwide. Data collected for the "Global Report on Trafficking in Persons 2020" <sup>4</sup> show that in 2018, about 50,000 victims of human trafficking were detected and reported by 148 countries. Europe, the Middle East, North America and some countries in East Asia and the Pacific are destinations for victims of trafficking in persons.

Every country in the world is affected by human trafficking, whether as a country of origin, transit, or destination for victims. Armed conflicts exacerbate this phenomenon, as armed groups take advantage of weakened rule of law and oversight and become active in this criminal activity. Among the countries, in which the activity of trafficking in persons has grown in recent years is Libya, especially since the increase of armed conflicts after the launch of the so-called "Operation Dignity" in 2014 and the derailment of the political process of rebuilding the State institutions of Libya.

The proliferation of armed militias, the weakness of rule of law and law enforcement institutions have made Libya the easiest transit country for transnational organized gangs, involved in human trafficking of persons from North African and Sahel and sub-Saharan countries, to operate. These criminal gangs exploit people who wish to emigrate from their countries to Europe, to flee conflicts, or because of the policies of their authoritarian regimes, or simply because they want to improve their living conditions.

Most migrants fall into the hands of smuggling gangs in the country of origin, or in a third country <sup>5</sup>, before entering Libya. The transit journey is risky, and they are often taken hostage by smuggling networks and tortured to force their families in their home countries, or relatives in other countries, to pay ransom <sup>6</sup>. If they fail to pay the ransom, they "sell" them to another smuggler, in some cases they were "sold" three times, from one smuggler to another, before they even reach shores of the Mediterranean Sea, the starting point for their Mediterranean crossing to the shores of Italy and Malta. Migrants are subjected to grave violations of forced labor, unpaid labor, and women are subjected to sexual assault in many cases <sup>7</sup>.

Human trafficking networks are active in several regions of Libya, including Tobruk in the east, Kufra in the southeast, ash-Shwaerif in the center, Bani Walid, az-Zawiya, Sabratha and Zuwara in the west. Despite some reports of campaigns <sup>8</sup> against these networks, they are limited, and the vast majority of those involved in these activities are not detained or held accountable. In addition, serious violations are committed in many of the the Anti-Illegal Immigration Authority (AIIA) <sup>9</sup> detention centers <sup>10</sup>, including the detention center in az-Zawiya Street <sup>11</sup>, Abu Salim detention center, and the detention center in Janzour <sup>12</sup>. When the Ministry of Interior of the Government of National Accord arrested <sup>13</sup> Abd Al Rahman Al-Milad "Al-Bidja", listed by the UN Libya Sanctions Committee for human trafficking and human rights violations, in October 2020, the National Unity Government released <sup>14</sup> him in April 2021 without trial and promoted <sup>15</sup> him, although he is considered one of the main suspects in running human trafficking networks.

Migration from the countries of the South to the countries of the North (Europe), is caused by issues related to the source countries, and by the vast disparity in the standard of living between the countries of the South and the countries of the North. Addressing the causes of migration - the issues that drive people to leave their homes and risk their lives by placing themselves at the mercy of the human trafficking networks - requires political will, international and regional cooperation, and significant resources. Until these manifest, there must be efforts and resources to combat the human trafficking networks. However, in previous years, no attention was paid to the

aspect of combating human trafficking in the agreements and joint projects, related to illegal immigration, between the countries of the European Union and the State of Libya.

On July 13, 2021, the United Nations Office on Drugs and Crime (UNODC) announced in press release <sup>16</sup> that “the State of Libya in partnership with the EU and the UN are launching the Libya project under the regional programme “Dismantling human trafficking and migrant criminal networks in North Africa””. According to the press release, the project “aims at strengthening the capacities of Libyan authorities to prevent all forms of organized crime, including human trafficking and migrant smuggling”, and will be funded by the EU and implemented by UNODC.

Combatting and dismantling human trafficking networks within the framework of the regional project is an opportunity for the Libyan authorities to prove that they are a serious partner in promoting and protecting human rights in general and migrant rights in particular. These cross-border networks pose a serious threat to the security and stability of the countries of the region, in addition to eliminating them or eroding diminishing their activities, will contribute to putting an end to the grave violations of thousands of migrants. But this project alone is not enough.

For the EU, this project should be in the context of comprehensive policies to address irregular migration, and it should seriously consider facilitating greater opportunities for safe, orderly, and legal migration.

For Libya, the national authorities should start with ending the criminalization of migration and deal with migrants, especially children and women, as victims of human trafficking gangs, not to treat them as criminals and locking them up in detention centers. It should also close immigration detention centers to end gross human rights abuses. For the local authorities, and the society in general, there should be local and social efforts in their communities to dissuade people, especially the young, from involvement in these criminal and immoral activities <sup>17</sup>.

## **Human Rights Solidarity Tripoli – Libya**

July 30, 2021

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<sup>1</sup> United Nations: “[World Day Against Trafficking in Persons, 30 July](#)”.

<sup>2</sup> Office of the United Nations High Commissioner for Human Rights: "[Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime](#)", Adopted and opened for signature, ratification and accession by General Assembly resolution 55/25 of 15 November 2000. Article (3-a): "*Trafficking in persons*" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs".

<sup>3</sup> The Walk Free Foundation ([Global Slavery Index](#)), International Labor Organization ([Forced labour, modern slavery and human trafficking](#)), and Alliance 8.7 ([Latest Global Estimates](#)). At any given time in 2016, an estimated 40.3 million people were in modern slavery, including 24.9 million in forced labour and 15.4 million in forced marriage. Children accounted for 25% of victims of modern slavery. Out of the 24.9 million people trapped in forced labour, 16 million people were exploited in the private sector such as domestic work, construction or agriculture; 4.8 million persons in forced sexual exploitation, and 4 million persons in forced labour imposed by state authorities. Women and girls are disproportionately affected by forced labour, accounting for 99% of victims in the commercial sex industry, and 58% in other sectors.

<sup>4</sup> United Nations Office on Drugs and Crime (UNODC): "[Global Report on Trafficking in Persons 2020](#)". The report shows that of the detected victims in 2018, 46% are women, 20% men, 19% girls and 15% boys. Among those victims, 45% have been trafficked for sexual exploitation and 38% for forced labour, "[Global Report on Trafficking in Persons 2020, Global Overview](#)".

<sup>5</sup> For example, most migrants from Somalia and Eritria get picked up by traffickers in Sudan, to smuggle them via Egypt then to Libya, or directly from Sudan to Libya.

<sup>6</sup> In December 2018, the Office of the High Commissioner for Human Rights (OHCHR) and the United Nations Support Mission in Libya (UNSMIL) published a report detailing a horrific series of violations and abuses against migrants and refugees in DCIM detention centers, "[Desperate and Dangerous: Report on the human rights situation of migrants and refugees in Libya](#)", December 18, 2018. The report concluded that detainees are "systematically held captive in abusive conditions, including starvation, severe beatings, burning with hot metals, electrocution, and sexual abuses of women and girls, with the aim of extorting money from their families through a complex system of money transfers, extending to a number of countries". The report added that "The overwhelming majority of women and older teenage girls interviewed by UNSMIL reported being gang raped by smugglers or traffickers or witnessing others being taken out of collective accommodations to be abused" and "UNSMIL has also documented torture and other ill-treatment, forced labour, rape and other forms of sexual violence perpetrated by DCIM guards with impunity".

<sup>7</sup> United Nations Human Rights: "[Unconscionable sexual violence against migrant women and girls in Tripoli's Shara' al-Zawiya detention centre – suicide attempts out of desperation & starvation. We urge their immediate release and protection](#)", June 8, 2021.

<sup>8</sup> Criminal Investigation Department, al-Bardiyah: "12 Egyptian Illegal Immigrants rescued", January 13, 2021. Brigade 444 of the Tripoli Military Area conducted raids on the hideouts of human traffickers in Bani Walid. In one of the raids, "[about 120 hostages were freed, who were subjected to torture and extortion, according to their testimony, and most of them were Egyptians](#)", March 11, 2021. The Security Directorate of Kufra, southeast of Libya, announced that the security forces there "[liberated 156 people of Somali, Eritrean and Sudanese nationalities, including 15 women and 5 children, from a house used by human traffickers as a prison to detain and torture migrants](#)", February 21, 2021.

<sup>9</sup> The Anti-Illegal Immigration Authority was established by [Cabinet Resolution No. \(386\)](#) on June 4, 2014. It is under the authority of Ministry of Interior.

<sup>10</sup> Many detention centers are nominally affiliated AIIA, but in reality they are run by armed militias over which neither AIIA nor the Ministry of Interior has any authority.

<sup>11</sup> Amnesty International: "[Libya: Horrific violations in detention highlight Europe's shameful role in forced returns](#)", July 15, 2021. Excerpt "Tripoli's Shara' al-Zawiya centre is a facility which was also previously run by non-affiliated militias and was recently integrated under DCIM and designated for people in vulnerable situations. Former detainees there said that guards raped women and some were coerced into sex in exchange for their release or for essentials such as clean water. "Grace" said she was heavily beaten for refusing to comply with such a demand: "I told [the guard] no. He used a gun to knock me back. He used a leather soldier's shoe ... to [kick] me from my waist." ... Two young women at the facility attempted to commit suicide as a result of such abuse". Reuters: "[Amnesty says migrants in Libyan camps forced to trade sex for clean water](#)", July 15, 2021.

<sup>12</sup> Following repeated incidents of violence towards refugees and migrants held in two detention centres in Tripoli, Libya, Doctors without Borders organization (MSF) has announced that we feel obliged to temporarily suspend our activities in Mabani [Janzour] and Abu Salim detention centres. The head of the MSF mission in Libya, Beatrice Lau, said "This is not an easy decision to make, as it means we won't be present in detention centres where we know people are suffering on a daily basis. However, the persistent pattern of violent incidents and serious harm to refugees and migrants, as well as the risk to the safety of our staff, has reached a level that we are no longer able to accept". She added "until the violence stops, and conditions improve, MSF can no longer provide humanitarian and medical care in these facilities". Médecins Sans Frontières (MSF): "[Ongoing violence against detained migrants forces MSF to suspend Tripoli detention centre activities](#)", June 22, 2021.

<sup>13</sup> BBC News: "[Libya detains notorious people smuggler Abd al-Rahman al-Milad](#)", October 15, 2020. UNSC "[Libya Sanctions Committee](#)" listed Abd al-Rahman al-Milad in 2018, for allegedly involvement in human smuggling in Libya, being involved in torturing migrants and committing human rights violations. Al-Bidja is the coast guard commander in az-Zawiya and runs the "Shuhada al-Nasr" detention center for illegal immigration.

<sup>14</sup> Info Migrants: "[Libya: Alleged migrant trafficker Al-Milad freed](#)", April 13, 2021.

<sup>15</sup> Alwasat News Website: "[An Italian Legislator: the release and promotion of "al-Bidja" is disturbing news](#)", April 13, 2021.

<sup>16</sup> United Nations Office on Drugs and Crime (UNODC): "[Press Release: State of Libya, EU and UN launch the Libya project under the Regional Programme: Dismantling Human Trafficking and Migrant Smuggling Criminal Networks in North Africa](#)", July 13, 2021.

<sup>17</sup> The scenes of solidarity with Abd al Rahman al-Milad and the celebration of his release and extravagant wedding in az-Zawiyah were very disturbing. Such stances create from him, a person strongly suspected of involvement in criminal activities, a role model for the young generation.