



# Security Council

Distr.: General  
6 April 2020

Original: English

---

## Implementation of resolution 2491 (2019)

### Report of the Secretary-General

#### I. Introduction

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

2. The report covers developments since my previous report of 5 September 2019 (S/2019/711) until 20 March 2020. The information and observations herein are based on submissions by Member States, relevant international and regional bodies and United Nations entities.

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

3. The Mediterranean Sea remains a high-volume and deadly thoroughfare for the smuggling of, and trafficking in, refugees and migrants. During the reporting period, hundreds of men, women and children have again perished or gone missing at sea on their way to Europe. Many more have been returned to situations where they were at risk of grave harm and human rights violations. In the period from 1 September 2019 to 29 February 2020, the Office of the United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM) recorded a total of 65,797 arrivals of refugees and migrants by sea in Europe, an almost 20 per cent increase compared with the same period in 2018/19, when approximately 55,017 arrivals by sea in Europe were recorded. Among those, IOM and UNHCR recorded the arrival of 11,043 refugees and migrants in Europe through the central Mediterranean route (8,889 in Italy and 2,154 in Malta), compared with 4,329 in the same period in 2018/19. These arrivals were mainly from Libya but also from Tunisia and Algeria. During the same period, IOM and UNHCR recorded some 39,339 arrivals by sea in Greece through the eastern Mediterranean route and some 14,326 arrivals by sea in Spain through the western Mediterranean route.

4. In addition to the significant increase in the number of refugees and migrants using the central Mediterranean route, there is evidence that the journey along this route remains dangerous. From September 2019 to February 2020, UNHCR estimated that 124 refugees and migrants perished or went missing at sea on the central



Mediterranean route, including 63 after departing from Libya. This represents a decrease compared with the same period in 2018/19, when 314 perished or went missing, including 298 after departing from Libya. IOM estimated that an additional 318 people may have died along the central Mediterranean route in the period from September 2019 to February 2020 as a result of so-called “invisible shipwrecks”, where the final whereabouts of boats carrying refugees and migrants could not be established.<sup>1</sup> Those numbers do not account for people who died or went missing after they were returned to Libya, however. Beyond the central Mediterranean route, IOM and UNHCR recorded over 330 refugees and migrants as having died or gone missing at sea on the western Mediterranean route and almost 80 on the eastern Mediterranean route, compared with over 500 and over 70, respectively, during the same period in 2018/19.

5. The European Union military operation in the southern central Mediterranean, EUNAVFOR MED operation SOPHIA, recorded 143 departures of boats with refugees and migrants along the central Mediterranean route from 1 September 2019 to 29 February 2020. Of those departures, 72 per cent took place west of Tripoli between Abu Kammash and Zawiyah, with Zuwarah being the most active area with 40 departures. Other departures were recorded east of Tripoli between Qasr al-Qarabulli and Khums. The operation estimated that, from 1 September 2019 to 29 February 2020, some 9,595 persons were rescued or intercepted in 146 operations by various vessels in its area of operation.<sup>2</sup> According to the operation, the Libyan coastguard conducted 69 of those operations. This represents a significant increase from the same period in 2018/19, when the operation recorded 2,252 persons as having been rescued or intercepted in 30 operations in its area of operation, of which 18 had been conducted by the Libyan coastguard and navy.<sup>3</sup> The operation noted an enhanced presence of vessels of non-governmental organizations (NGOs) in its area of operation in the reporting period compared with the same period in 2018/19, recording 51 rescue operations by NGO vessels in its area of operation, compared with four during the same period in 2018/19.

6. EUNAVFOR MED operation SOPHIA continued its efforts in support of resolution 2240 (2015) and subsequent resolutions, while noting that challenges remained and that conditions in Libya allowed trafficking in, and smuggling of, refugees and migrants to thrive. According to the operation, migrant smugglers and human traffickers continued to use primarily rubber boats, with migrant smuggling groups in the western launching area from Tripoli to Abu Kammash using predominantly wooden boats and groups operating in the eastern launching region from Tripoli to Misratah operating mainly rubber boats and occasionally fibreglass boats. The operation reported that the individual fare for transport to Europe remained the same as during the previous reporting period. The cost of travel by inflatable boat ranged from €500 to €1,400 and by wooden boat from €800 to €1,500. With each

<sup>1</sup> “Invisible shipwrecks” refer to situations where the whereabouts of boats carrying refugees and migrants could not be established and no search and rescue operations were carried out, and where no non-governmental organizations (NGOs) or family members have had contact with those on board for at least one month following their disappearance.

<sup>2</sup> According to EUNAVFOR MED operation SOPHIA, from 1 September 2019 to 29 February 2020, 125 operations were conducted inside and 21 outside the Libyan Search and Rescue Region. The 125 operations inside the Region were conducted by the Libyan coastguard and navy (69), NGOs (44), Italian assets (2) and the armed forces of Malta (10). The 21 operations outside the Region were conducted by NGOs (7), Italian assets (4), the armed forces of Malta (9) and a merchant vessel (1). The operation noted that the location of operations was often recorded as the location where the boat was first spotted and/or reported, as the locations of the operations were not systematically recorded.

<sup>3</sup> According to the operation, the other operations were conducted by Italian assets (5), NGOs (4), the armed forces of Malta (1) and merchant vessels (2).

rubber boat capable of accommodating up to approximately 120 refugees and migrants, smugglers can thus recoup up to €168,000 per boat.

7. In terms of tactics employed by smugglers, EUNAVFOR MED operation SOPHIA reported that, as in the previous reporting period, the majority of boats smuggling persons along the central Mediterranean route were filled with insufficient fuel to reach European shores, but enough to reach waters beyond the 12-nautical-mile limit of the territorial sea of Libya. UNHCR observed that, during the reporting period, many rescues and interceptions were reported as having taken place far beyond Libyan territorial waters, with over a third of rescues and interceptions reported as having taken place beyond the Libyan Search and Rescue Region, which extends just over 90 nautical miles north of Tripoli. The operation reported that migrant smugglers continued to employ tactics, techniques and procedures to avoid being apprehended by the Libyan coastguard and navy. In a number of cases, refugees and migrants were left to travel alone, provided with basic instructions on how to navigate the sea using a Global Positioning System or directed towards oil rigs off the coast of Libya. Upon reaching a certain point outside the territorial sea, as indicated by the Global Positioning System, boat occupants were instructed to use a satellite phone to make a phone call to the Maritime Rescue Coordination Centre in Rome or others to alert them of their situation and await rescue. During the reporting period, the operation did not observe smuggling tactics involving fishing vessels (contrary to the previous reporting period, when such tactics were observed in particular on the route from Zuwarah to Lampedusa).

8. I have repeatedly emphasized, including in my previous and related reports ([S/2019/711](#) and [S/2020/41](#)), that Libya cannot be considered a place of safety for the disembarkation of refugees and migrants rescued at sea under international law, including international human rights law, international refugee law and the law of the sea. However, refugees and migrants continued to be disembarked in Libya, mainly after interception by the Libyan coastguard. There have also been reports of Member State and merchant vessels handing over people rescued in the central Mediterranean to the Libyan coastguard, sometimes on the instructions of relevant Maritime Rescue Coordination Centres. Several humanitarian NGOs that were instructed to do so refused to comply, noting their obligations under international law to disembark rescued persons to a place of safety. In March 2020, IOM raised concerns over an incident in which migrants and refugees were reportedly returned to Libya by the Libyan coastguard from the Maltese search and rescue zone.

9. According to IOM and UNHCR, from 1 September 2019 to 29 February 2020, 5,156 refugees and migrants were disembarked in Libya after being intercepted or rescued at sea, mostly by the Libyan coastguard and navy, which represents 43 per cent of all those who departed from Libya to Europe. The boats used for the journey to Europe were often unseaworthy and overcrowded, and smugglers often neither provided sufficient food and water, nor distributed life jackets. There were also reports of unsafe interception and disembarkation practices, including through the use of force.

10. Disembarkation in Libya remained dangerous. After a shooting incident in September 2019, during which one migrant was killed at the Abu Sittah military port, the Libyan coastguard diverted all disembarkation operations to the main port of Tripoli, a civilian port. Furthermore, in February 2020, about 200 refugees and migrants were disembarked in Tripoli hours after the city's main port had been heavily shelled. IOM and UNHCR, in cooperation with the International Medical Corps, continued to provide medical assistance and core relief items to people upon disembarkation and before their transfer by the Libyan authorities to detention centres and other destinations. UNHCR reported that those intercepted at sea by the Libyan authorities originated primarily from the Sudan (25 per cent), Mali (11 per cent),

Bangladesh (8 per cent), Côte d'Ivoire (8 per cent), Nigeria (6 per cent) and Somalia (6 per cent).<sup>4</sup> The remaining persons originated from sub-Saharan Africa, mainly Guinea, Ghana, Senegal, Cameroon and Eritrea. The country of origin of over 12 per cent of the individuals was unknown. On the basis of available data, adult men accounted for about 81 per cent, women for 11 per cent and children for 8 per cent of those disembarked.<sup>5</sup> No age or gender information was available for 9 per cent of those disembarked in Libya owing to the speed of disembarkation and subsequent transfer. While data on disabilities among intercepted refugees and migrants are not systematically recorded, it was estimated that 15 per cent of those disembarked had some form of disability.

11. Migrants and refugees, including victims of aggravated migrant smuggling<sup>6</sup> and trafficking in persons, continued to be subjected to arbitrary and indefinite detention upon disembarkation by the Libyan Directorate for Combating Illegal Migration. While the formal policy of detention remains in place in Libya, IOM reported that, in the period from 1 September to 31 December 2019, about 29 per cent of the refugees and migrants disembarked in Libya were released or escaped from their disembarkation points or were sold to human traffickers. According to UNHCR, from 1 September 2019 to 29 February 2020, about 36.5 per cent of refugees and migrants intercepted at sea and disembarked were transferred to an urban community or taken to locations other than detention centres. However, as reported by IOM, there was an increase in the use of the so-called “investigation units”, in which about 41 per cent of persons rescued during the reporting period were transferred and temporarily housed. Humanitarian actors have had limited access to such facilities.

12. Despite being an important destination as well as a transit country for smuggled refugees and migrants, Libya does not have stand-alone legislation criminalizing trafficking in persons, and many migrant smugglers and human traffickers have continued to be protected by well-known militias. The Panel of Experts on Libya, in its most recent report to the Security Council (S/2019/914), noted that migrant smuggling and human trafficking to and through Libya onward to Europe remained profitable, but that the trade had all but collapsed compared with the pre-2018 period. Changing regulations in neighbouring countries and localized clashes along trafficking routes had forced changes to established routes. This had made migration to Libya longer, costlier and more dangerous. Most of those who had reached Libya had become victims of human trafficking networks within the country. The Panel also reported that human trafficking in Libya had become a far more fragmented process, whereby individuals, armed groups and criminal networks alike had been able to exploit vulnerable individuals for low-cost labour or other personal or financial gain. Individuals and armed groups had been operating detention centres and other informal holding facilities throughout Libya. They had acted as nodes along the human trafficking routes, where refugees and migrants had been financially, physically and psychologically abused.<sup>7</sup>

---

<sup>4</sup> Percentages are calculated on the basis of the number of persons whose nationality was known.

<sup>5</sup> Percentages are calculated on the basis of the number of persons whose age and gender were known.

<sup>6</sup> As set out in article 6, paragraph 3, of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime.

<sup>7</sup> For more information, see S/2019/914, paras. 46–57.

### III. Inspection and seizure of vessels off the coast of Libya and related efforts

13. Member States continued their efforts to prevent and combat the smuggling of migrants and trafficking in persons off the coast of Libya, in support of Security Council resolution [2240 \(2015\)](#) and subsequent resolutions, including resolution [2491 \(2019\)](#).

14. In September 2019, the Council of the European Union decided to extend the mandate of EUNAVFOR MED operation SOPHIA until 31 March 2020. The temporary suspension of the operation's naval assets, however, remained in place, resulting in continued reduced search and rescue capacity. The operation maintained naval vessels with 14 days' notice to move, so as to provide a maritime response if required and directed by the Political and Security Committee of the Council of the European Union. The operation reported that it continued to employ air assets in support of its core mandate to disrupt the business model of migrant smugglers and human traffickers in the southern central Mediterranean.<sup>8</sup> Air patrols were conducted within the Libyan Search and Rescue Region, primarily to the north of Tripolitania and Cyrenaica. The air assets on patrol did not interact directly with other stakeholders. When vessels in distress were observed in the central Mediterranean, all information was relayed through the relevant Maritime Rescue Coordination Centres. UNHCR noted that the vessels in distress detected by the operation in the Libyan Search and Rescue Region were frequently intercepted by the Libyan coastguard and navy and disembarked in Libya.

15. On 17 February 2020, the European Union Foreign Affairs Council reached an agreement to close EUNAVFOR MED operation SOPHIA in March 2020 and to launch a new Common Security and Defence Policy operation in the Mediterranean. The main objective of the operation would be to contribute to enforcing the arms embargo imposed by the Security Council on Libya, which is a core objective of the Berlin Process and which was endorsed by the Security Council in its resolutions [2509 \(2020\)](#) and [2510 \(2020\)](#). The European Union reports that the new operation, through its supporting tasks, will continue efforts to disrupt the human smugglers' business model and to train the Libyan coastguard and navy.

### IV. Support to Libya and related efforts to combat migrant smuggling and trafficking in persons

16. During the reporting period, measures to counter migrant smuggling and trafficking in persons off the coast of Libya involved the strengthening of Libyan border control agencies, including the Libyan coastguard and the Directorate for Combating Illegal Migration, through capacity-building and training. In addition, the six individuals listed on 7 June 2018 by the Security Council Committee established pursuant to resolution [1970 \(2011\)](#) concerning Libya for involvement in the smuggling of migrants continued to be subject to the travel ban and asset freeze measures. The Panel of Experts on Libya noted difficulties in acquiring information from Member States on the implementation of the targeted sanctions. Furthermore, although necessary administrative measures have been taken within Libya, the asset freeze measures have not yet been effectively implemented. Nevertheless, it remains

---

<sup>8</sup> France, Italy, Luxembourg, Poland, Portugal and Spain have provided air assets in direct support. Most of the aircraft have been based in, and have operated from, the Sigonella airbase in southern Italy. Italy has also provided two remotely piloted air systems in associated support.

difficult to ascertain the combined impact of those measures, particularly in relation to the safety of those on the move.

17. Since 2004, Libya has been a State party to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime. To create conditions for the Libyan coastguard and navy to progressively take ownership of the implementation of those Protocols within the territorial sea of Libya, EUNAVFOR MED operation SOPHIA, from June 2017, gradually assumed a second-line posture that has centred on capacity-building efforts supported by the provision of equipment. The operation reported that the Libyan coastguard and navy had increasingly exercised all coastguard functions in the territorial sea of Libya and beyond, including carrying out search and interception operations, operating mainly from Tripoli, Khums and Misratah.

18. EUNAVFOR MED operation SOPHIA further reported that, from 1 September 2019 to 29 February 2020, the Libyan coastguard and navy performed roughly 65 per cent of the rescue and interception operations within the Libyan Search and Rescue Region. The operation's assessment is that the capabilities of the Libyan coastguard and navy have been further strengthened. In 2019, the Libyan coastguard and navy began to coordinate several patrol vessels at sea concurrently, to achieve longer patrol times and to conduct night operations as well as multiple rescues at increased ranges from the coast, and now operates regularly at the limit of the Libyan Search and Rescue Region. The assets previously supplied by Italy under a bilateral memorandum of understanding between Italy and the Libyan coastguard and navy formed the core of that capability.<sup>9</sup> In November 2019, Italy also supplied 10 in-shore patrol vessels for patrolling the territorial sea.

19. EUNAVFOR MED operation SOPHIA continued its training of the Libyan coastguard and navy during the reporting period on the basis of its memorandum of understanding of 2016 with the Libyan coastguard and navy. As at 15 January 2020, the operation had trained 477 Libyan military personnel, comprising 265 coastguard and 212 navy officers. The operation continued to vet all participants, in cooperation with States members of the European Union, law enforcement agencies such as the European Union Agency for Law Enforcement Cooperation (Europol), the International Criminal Police Organization (INTERPOL), the National Central Bureau in Rome and the European Border and Coast Guard Agency (Frontex) to ensure that selected candidates meet the criteria for participation in the training, especially the absence of a criminal record and suspicions of illegal activities. The training included classes on first aid, human rights and gender-related aspects. In December 2019, the operation delivered its first simulation at sea as part of a stress inoculation training course, designed to prepare the Libyan coastguard and navy for the complexities and sensitivities of certain operational and tactical activities, such as search and rescue and the disruption of migrant smuggling operations.

20. In addition to training, monitoring of the Libyan coastguard and navy remains a key element of the capacity-building programme of EUNAVFOR MED operation SOPHIA. The monitoring mechanism continued to rely on daily information provided by the Libyan coastguard and navy operations room, remote monitoring by the operation's air assets and periodic meetings between the operation and representatives of the Libyan coastguard and navy. As part of the operation's standing tasking for its air assets, rescue operations by the Libyan coastguard and navy are monitored and

---

<sup>9</sup> Italy had donated four patrol vessels in the period from 2009 to 2010 and two patrol vessels in 2018.

reported on whenever possible. From 1 September 2019 to 29 February 2020, 75 per cent of the interceptions (52 of the 69 operations) conducted by the Libyan coastguard and navy were monitored, at least partially, by the operation's air assets. According to the operation, the performance and behaviour of the Libyan coastguard and navy vessels and personnel during the monitored events had consistently been professional, while others reported instances of unsafe interception and disembarkation. The operation noted that the information obtained through its monitoring was used to identify training gaps and inform future training courses. It further noted that training needs had also been discussed at the Shared Awareness and Deconfliction in the Mediterranean (SHADE MED) conference in September 2019. While the operation had intended to enhance monitoring by deploying personnel ashore, this has not been possible to date owing to the volatile security situation in Libya.

21. The Libyan Maritime Rescue Coordination Centre, the establishment of which was described in my previous report (see [S/2018/807](#), para. 12), had been expected to reach full operational capability by 2020. However, the European Union reports that the development of the Centre has been put on hold owing to the security situation in Libya and that the Libyan coastguard coordinates search and rescue activities from the coastguard operational room at the port of Tajura'. The European Union noted that, during the reporting period, the Libyan coastguard had taken responsibility for incidents at sea, increasingly conducting formal liaison with the Maritime Rescue Coordination Centres in Rome and Malta and directing the rescue efforts. The Libyan coastguard and navy continues to rely on information provided to the Libyan Maritime Rescue Coordination Centre by other cooperative mechanisms, including EUNAVFOR MED operation SOPHIA, Frontex and regional Maritime Rescue Coordination Centres, to detect boats in the Libyan Search and Rescue Region.

22. EUNAVFOR MED operation SOPHIA strengthened ties, including through information-sharing and coordination, with several European Union agencies, such as Europol, Eurojust and Frontex, as well as with national, international and regional organizations and entities, such as the Organization for Security and Cooperation in Europe, the Office of the National Anti-Mafia and Counter-Terrorism Prosecutor of Italy, the International Criminal Court, IOM, INTERPOL, the North Atlantic Treaty Organization (NATO), UNHCR, the United Nations Office on Drugs and Crime (UNODC), the United Nations Support Mission in Libya (UNSMIL) and the Panel of Experts on Libya. In addition, the operation maintained operational liaison, information-sharing and coordination with other stakeholders, notably NATO Operation Sea Guardian, Frontex and Italian assets of the "Mare Sicuro" operation, to improve maritime situational awareness and gain a better understanding of the tactics, techniques and procedures of migrant smugglers and human traffickers. The operation reported that, in 2019, it developed an effective relationship with the European Maritime Safety Agency, which included the sharing of maritime picture and air safety information, as well as asset deconfliction and liaison on operational issues. The operation liaised with NGOs through the biannual SHADE MED meetings, the most recent of which was held in Rome in September 2019 with the participation of close to 100 organizations.

23. The crime information cell, described in my previous report ([S/2019/711](#), para. 25), which was relocated ashore to the European Union Maritime Component Command following the temporary suspension by EUNAVFOR MED operation SOPHIA of naval assets, continues to facilitate information-sharing on criminal activities in the central Mediterranean Sea. It collects and processes information, including personal data, to reconstruct the modus operandi of the related criminal organizations. The European Union reported that the analysis of the European Observatory on Migrant Smuggling and Human Trafficking allowed the operation to better understand the reality of migrant smuggling and human trafficking. The

Observatory has also facilitated the exchange of information and analysis among military intelligence and judicial authorities. The second report of the Observatory, with an analysis of data from 1 October 2017 to 31 December 2018, and developed in cooperation with the National Anti-Mafia and Counter-Terrorism Directorate of Italy, was published in September 2019. The third report is expected to be finalized by the end of July 2020.

24. In accordance with its mandate of 17 December 2018, the European Union Integrated Border Management Assistance Mission in Libya continues to assist Libyan authorities in the building of State security structures in the country. The European Union reported that the Mission finalized a draft broad framework for border management together with the Libyan National Team for Border Security and Management in preparation for a comprehensive institutional reform of Libyan border security and management. The Mission also continued to develop a maritime strategy, an operational concept for maritime law enforcement agencies and the inland and maritime capabilities of the coastal police. To support the exchange of information among agencies involved in investigating organized crime, the Mission supported the creation of a crime information unit in Libya, including through the development of profile requirements for future Libyan staff of the unit and the organization of training for future members of the unit. Together with Libyan counterparts, the Mission also developed a plan for an operations room of the unit. Furthermore, the Mission extended its work in the area of financial crimes, including in relation to investigations of trafficking in persons, smuggling of migrants and terrorism cases and the links between them. The Mission worked in close cooperation with the Libyan Prosecution Office in the areas of counter-terrorism, trafficking and international legal assistance in criminal matters, with a view to strengthening investigation and prosecution capacity to tackle organized crime. It organized several round tables and working groups with international and Libyan partners to address capacity issues related to tackling migrant smuggling and trafficking in persons.

25. In January 2020, IOM, UNODC and the United Nations Children's Fund embarked on a joint study on the smuggling of migrants and trafficking in persons in Libya, with a view to increasing knowledge of the profile of traffickers and smugglers and understanding of their modus operandi in the country. The study will examine the vulnerabilities of potential victims of trafficking in persons exacerbated by prolonged conflict and ways to address eventual legal, policy and institutional gaps in responding to those challenges, while promoting regional and international cooperation. In October 2019, UNODC completed a mapping that identified relevant groups working to counter trafficking in persons and the smuggling of migrants in Libya. This will be followed by a human rights risk assessment, including mitigation measures and a plan of action, to be concluded in 2020.

26. As part of an initiative to support the establishment of a team of Libyan professionals equipped with the skills to engage in countering migrant smuggling and trafficking in persons, IOM provided four training courses for government officials on countering trafficking in persons, focused on the international legal framework and victim protection and assistance. In September 2019, IOM organized a regional training course on countering the smuggling of migrants with participants from Libya and the Niger and conducted a training course for Libyan authorities on cross-border cooperation, in which State officials from Libya, Tunisia and the Niger participated. In August 2019, the European Union and UNODC, within the framework of the European Union emergency trust fund for stability and addressing root causes of irregular migration and displaced persons in Africa, launched a three-year project aimed at dismantling the criminal networks operating in North Africa and involved in migrant smuggling and trafficking in persons. The aim of the project is to step up efforts in Libya and neighbouring countries to combat both crimes, strengthen

national criminal justice capacities and uphold the rights of migrants, refugees, asylum seekers and other vulnerable groups. The project focuses on enhancing the detection and interception capacities of front-line officers at selected border crossing points and key hub cities along smuggling routes, while protecting trafficking victims and vulnerable migrants.

27. As at 28 February 2020, UNHCR and IOM identified about 1,800 refugees and migrants detained in 11 detention centres of the Directorate for Combating Illegal Migration in Libya, including about 1,030 refugees and migrants detained in close proximity to clashes and at serious risk of conflict-related harm. IOM and UNHCR undertake visits only to official detention centres under the administration of the Directorate. Despite access restrictions, UNHCR and its partners, International Medical Corps, Première urgence-Aide Humanitaire Internationale and the Libyan Humanitarian Relief Agency, conducted 1,224 protection monitoring or medical visits to detention centres of the Directorate in 2019. Most of the detainees have faced physical and sexual violence in detention. IOM, UNHCR and partners continued to advocate the release from detention of refugees and migrants and the establishment of alternatives to detention following interception or rescue at sea.

28. IOM assisted 601 migrants in detention and in urban areas. Under the IOM host family system, which has been funded by the European Union since 2017, 788 migrants (572 men and 216 women) have been hosted by 38 families. IOM has been working with the International Detention Coalition to prepare a national road map and an action plan to roll out alternatives to detention throughout Libya. It has also supported a capacity-building plan to find alternatives for the most vulnerable migrants in detention. The World Food Programme (WFP), mindful that assistance in detention centres could be a pull factor for migrant smuggling and trafficking in persons, has prioritized interventions in Libya in line with the principle of “do no harm”. Considering the delicate nature of providing humanitarian assistance in facilities that house arbitrarily detained refugees and migrants, the United Nations humanitarian country team agreed on a guiding document on the provision of food at detention centres, which outlines the exceptional conditions that allow for short-term food assistance at places of detention as a life-saving action. Ongoing activities of WFP have included door-to-door distribution of ready-to-eat food rations to some 25,000 migrants outside detention centres, in partnership with IOM, and rapid provision of ready-to-eat rations to migrants released from the Abu Salim detention centre. WFP and IOM have contributed to data collection and analysis of migrant needs in Libya through regular Migration Pulse monitoring reports, the most recent of which was released in November 2019.

29. As at December 2019, IOM identified 654,000 refugees and migrants in Libya, the majority of whom were from the Niger (137,544), Chad (102,754), Egypt (99,938) and the Sudan (74,609). As at 29 February 2020, 48,079 refugees and asylum seekers were registered with UNHCR in Libya; they were primarily from the Syrian Arab Republic (38 per cent), the Sudan (28 per cent) and Eritrea (12 per cent). From 1 September 2019 to 29 February 2020, UNHCR evacuated 770 refugees to the Niger, Italy, Romania and Rwanda. A total of 1,147 refugees were resettled to third countries, either directly from Libya or after having been evacuated from Libya to the Niger, Romania or Rwanda. During the same period, IOM supported over 4,000 migrants through its voluntary humanitarian return programme.

30. Of the 823,000 people identified by the Office for the Coordination of Humanitarian Affairs as being in need of humanitarian assistance in Libya in 2019, roughly half (413,000) were refugees and migrants. Humanitarian partners planned to target 235,000 of those refugees and migrants for assistance as part of the 2019 Libya Humanitarian Response Plan, including through protection services and the provision of life-saving food, non-food items, shelter, health care and education

assistance. As at November 2019, at least 19,300 migrants and refugees had received some form of humanitarian assistance. In 2020, of the estimated 324,000 refugees and migrants in need of humanitarian assistance, 134,000 (41 per cent) would be targeted by humanitarian partners for assistance.

## **V. International efforts to combat migrant smuggling and trafficking in persons**

31. Persistent instability, weak and divided national institutions, the proliferation of weapons, a predatory economy and increasing external interference have provided fertile ground for the activities of migrant smugglers and human traffickers in Libya and the region. In September 2019, the United Nations, through my former Special Representative for Libya, Ghassan Salamé, and UNSMIL, initiated a process of consultations on Libya with the Government of Germany to forge international consensus among concerned Member States on the Libyan crisis and pave the way for intra-Libyan discussions about the future of the country. This process led to an international conference on Libya being held in Berlin on 19 January 2020. Participants agreed on a communiqué and an operationalization paper, which outlines six baskets of activities necessary to end the conflict in Libya. In their deliberations, they urged all parties to end the practice of arbitrary detention and called on the Libyan authorities to establish alternative solutions to detention, especially for centres located in high-risk areas of conflict, and to gradually close the detention centres for migrants and asylum seekers. Participants also called on the Libyan authorities to amend the Libyan legislative frameworks on migration and asylum to align them with international law and internationally recognized standards and principles. On 12 February 2020, the Security Council adopted resolution [2510 \(2020\)](#), in which it endorsed the principles of the communiqué and the operationalization paper.

32. At the first Global Refugee Forum, which was mandated by the global compact on refugees and took place in Geneva from 16 to 18 December 2019, two pledges were announced for Libya. Malta pledged to help to improve the protection environment for refugees and migrants in Libya, and the International Medical Corps committed itself to strengthening the capacities of national actors working on health, in particular mental health. The commitments made at the Forum were intended to contribute to alleviating the plight of refugees and host communities, and to support host countries with a predictable and equitable system of burden- and responsibility-sharing.

33. In response to the urgent need identified in my previous report ([S/2019/711](#)) for improved information-sharing between key actors to enhance preventive capacity, UNODC launched a United Nations observatory on the smuggling of migrants for an initial period of two years. The observatory will monitor trends in and routes for the smuggling of migrants in West and North Africa, with Libya as an important destination country and key transit hub. The observatory will aim to provide evidence of the modus operandi of migrant smugglers, smuggling routes and the human cost of using smuggling services, such as the risk of kidnapping for extortion, and to raise awareness of the dangers along migration routes. Since mid-2019, UNODC has been gathering initial information and data through fieldwork in origin, transit and destination countries in the region, in cooperation with people on the move, law enforcement bodies, civil society and other key actors. This work has been complemented by regular surveys in origin countries focusing on journey planning by prospective migrants and potential engagement with migrant smugglers.

34. Tunisia reported that it continued to inspect commercial vessels and fishing vessels in transit at sea, especially those travelling from Libya to Tunisian ports, to

verify their cargo and the identity of their crews. Tunisia monitored ships for suspicious activity and reported that it would, if necessary, intervene and contribute to rescue operations, in coordination with neighbouring countries. Canada reported that it remained engaged in efforts to counter migrant smuggling and trafficking in persons and that it had supported the humanitarian needs of the most vulnerable communities in Libya, including refugees and migrants, through the provision of \$3.5 million in 2019, channelled through the United Nations and partners. The Council of Europe reported that it had been developing an action plan aimed at overcoming prosecutorial and judicial challenges in cases related to migrant smuggling. The plan seeks to facilitate the exchange of information and knowledge among relevant stakeholders and to boost cooperation among source, transit and destination countries. The plan is expected to be submitted to the European Committee on Crime Problems for approval and adoption in June 2020.

## VI. Key issues

35. Libya acceded to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families in 2004. As noted in my previous reports, Libya is not party to the 1951 Convention relating to the Status of Refugees. It is, however, a signatory to the 1969 Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa. Meanwhile, Libya has not yet adopted asylum legislation or established asylum procedures. I continue to be concerned that, under Libyan law, all irregular entries, stays or departures continue to be criminalized and that Libyan authorities do not fully recognize the mandate of UNHCR in providing and overseeing the application of international protection. The United Nations, in consultation with the Government of Libya, has drafted standard operating procedures on rescue at sea, which build on the commitments of Libya under the 1979 International Convention on Maritime Search and Rescue. In practice, however, there has been little progress towards the adoption of the draft procedures.

36. The continuing systematic and arbitrary detention of refugees and migrants who disembark in Libya is alarming. As at 28 February 2020, 11 official detention centres across the country remained operational, while some detention centres had closed owing to clashes or the loss of territorial control by government forces. Despite the announcement in August 2019 by the Minister of the Interior of the Government of National Accord of the closure of three detention centres in Tajura', Misratah and Khums, at least one of them reportedly remains operational. Detention centres of the Directorate are registered with the Ministry of the Interior and operated by armed groups. These armed groups engaged in the fighting in support of the Government of National Accord following the assault on Tripoli by the Libyan National Army forces led by General Khalifa Haftar in April 2019. The United Nations continues to receive reports of heavy weapons and ammunition being stored at several detention centres. Refugees and migrants in detention centres continue to be subjected to forced labour, including being forced to load weapons and repair machine guns and cars belonging to armed groups. On 27 January 2020, UNSMIL and the Office of the United Nations High Commissioner for Human Rights released a report on the air strike of 2 July 2019 on the Tajura' detention centre, in which they called for accountability for those responsible for the attack, which resulted in the death of at least 53 refugees and migrants.

37. Conditions inside detention centres remain appalling, with a general lack of food and health care. For example, since late December 2019, detention centres of the Directorate for Combating Illegal Migration in Zawiyah, Suq al-Khamis (Khums 2) and Sabratah have had very limited food. The use of torture, enforced disappearances

and sexual and gender-based violence, including rape, at the hands of some officials of the Directorate are commonly reported. Refugees and migrants have been shot at when attempting to flee captivity, and medical attention has often not been provided. There were also reports that persons in detention faced threats and punishment from those managing the detention centres, and the United Nations has received claims of corruption involving the Directorate's management. Trafficking in persons, smuggling of migrants and possible enforced disappearances continued to be reported at the Zawiyah detention centre, where 373 refugees and migrants were detained as at 28 February 2020. The whereabouts of a large number of migrants who disappeared from detention centres, including an unofficial detention centre in Khums, remain unknown. While disaggregated data on refugees and migrants with disabilities in Libya are scarce, such refugees and migrants continue to be at particular risk of violence in detention centres.

38. Detained refugees and migrants in Libya, both women and girls as well as men and boys, remain at a high risk of sexual and gender-based violence, which continues to be perpetrated with impunity. Sexual violence, including rape, has been used as a form of torture by some guards of the Directorate for Combating Illegal Migration and armed groups and as a routine method for controlling and humiliating refugees and migrants. Abuse and exploitation of women and girls as well as men and boys have been perpetrated with the aim of extorting money from their families. Women are routinely held in facilities without female guards and strip-searched by, or in front of, male guards, and there is a systematic disregard for their privacy in sanitation facilities. Women and girls continue to lack access to sexual and reproductive health services, including menstrual hygiene products and provisions for pregnant and nursing women. Refugees and migrants outside detention centres, in particular those hired for casual work, face risks of exploitation and abuse, including sexual and gender-based violence.

39. Over time, and in the absence of strong State institutions, the relationship between migrant smugglers or human traffickers and those in control of the detention system has generated a lucrative business model, concentrated mainly in the coastal north and the west of the country. Traffickers and smugglers in Sabha, Kufrah, Tazirbu, Birak al-Shati', Shuwayrif, Bani Walid, Nasamah and Zawiyah have detained hundreds of refugees and migrants in compounds under the control of armed criminal gangs led by Libyans and often managed by foreign nationals. In Bani Walid, the dead bodies of dozens of refugees and migrants have been dumped in dry riverbeds and in the desert following deaths in captivity at the hands of human traffickers and migrant smugglers as a result of torture, disease and gunshots. Furthermore, offers to be smuggled to Europe in return for payment were frequent, and there was an increase in the number of refugees and migrants kidnapped for ransom and subjected to torture to extract payment.

## VII. Observations

40. I remain alarmed at the situation in the Mediterranean Sea, where thousands of refugees and migrants continue to risk their lives attempting to reach Europe. As the number of departures from Libya to Europe increases, the central Mediterranean remains a deadly route, with hundreds of refugees and migrants perishing or going missing on their journeys. There is evidence that women and children are at particular risk of drowning. The dangers facing refugees and migrants on this route are further exacerbated by the diminished search and rescue capacity. I appeal to Member States to carry out, support and facilitate search and rescue operations in the Mediterranean, and to ensure safe disembarkation arrangements that uphold the principle of

non-refoulement and the right to seek and enjoy asylum for those in need of international protection.

41. I would like to reiterate my appreciation to those who continue to save lives at sea at considerable risk. I am grateful to those Member States that allow vessels with refugees and migrants to promptly disembark in their ports and to those that receive refugees and migrants following disembarkation. However, I am concerned that there is still no predictable and comprehensive disembarkation agreement among European States. The member States receiving the majority of the refugees and migrants arriving in Europe by sea deserve the solidarity of their fellow European Union countries. In 2018, IOM and UNHCR released a joint proposal for a regional disembarkation mechanism for persons rescued in the Mediterranean. The Malta Declaration, agreed by some States members of the European Union in September 2019, and the development of supporting standard operating procedures in November 2019 for ad hoc relocation exercises from Italy and Malta were promising developments. I call on the European Union to continue to work towards a credible and predictable agreement for disembarkation encompassing all member States, guided by solidarity and responsibility, and I reiterate the availability of the United Nations system to support such an approach. Furthermore, it is important to recognize the life-saving efforts of all humanitarian vessels operating in the Mediterranean Sea, as well as merchant vessels participating in humanitarian operations, and to ensure that any restrictions on, and delays in, disembarkation by those vessels are lifted and avoided.

42. Increased aerial surveillance by EUNAVFOR MED operation SOPHIA and other planes has played a growing role in the early detection of boats departing from the Libyan coast and has allowed for a speedy response to boats that are helpless at sea. However, the detection of boats, including in maritime areas beyond the territorial sea of Libya, too often contributed to people being disembarked in Libya under unsafe conditions. I wish to remind all Member States of their obligations under international law to ensure that persons rescued at sea be delivered to a place of safety and in conditions that uphold their human rights, including adherence to the principle of non-refoulement. As outlined in my previous reports, given the volatile security situation in Libya and the serious human rights violations and abuses to which refugees and migrants are often subjected, including arbitrary detention, Libya does not qualify as a place of safety or as a safe third country for the purpose of disembarkation.

43. Over the reporting period, the Libyan coastguard and navy intercepted or rescued thousands of refugees and migrants attempting to cross the Mediterranean Sea towards Europe. Libyan authorities have increasingly taken on more responsibility and have shown a commitment to save those in danger at sea, even in very challenging circumstances. I welcome the efforts of the European Union, Member States and United Nations actors to support and train the Libyan coastguard and navy, including on human rights and protection matters to ensure that the safety of refugees and migrants remains a priority during interception and rescue, as well as following disembarkation.

44. I take note of the agreement reached on 17 February 2020 by the Foreign Affairs Council of the European Union to close EUNAVFOR MED operation SOPHIA and to launch a new European Union operation, including aerial, satellite and naval assets, to monitor the implementation of the Libyan arms embargo pursuant to Security Council resolution [2509 \(2020\)](#). I would like to thank the European Union for its efforts since 2015 in support of Security Council resolution [2240 \(2015\)](#) and subsequent resolutions.

45. Human traffickers and migrant smugglers continue to exploit the volatile security situation in Libya and contribute to undermining efforts towards peace. Bringing about an end to the fighting and finding lasting, sustainable solutions to the Libyan conflict remains the overarching goal. In the wake of the COVID-19 global pandemic, I have called for an immediate global ceasefire in all corners of the world. In line with that call, the immediate halt of all military operations and the adherence by all actors to a humanitarian truce in Libya is critical to ensuring that national and local health authorities are able to respond to the public health challenge posed by the virus. A lasting ceasefire remains essential, and the full implementation of the arms embargo remains a critical short-term goal. I call on all Member States to fully implement Security Council resolutions [2509 \(2020\)](#) and [2510 \(2020\)](#), and to support efforts by the United Nations to encourage the parties to cease hostilities and return to the peace process. I urge all Member States to support the efforts of the United Nations to end the conflict in Libya and restore stability in the country for a peaceful and prosperous future for all people in Libya. It is my hope that all participants of the conference on Libya held in Berlin on 19 January 2020 fulfil their commitments, including with respect to international humanitarian, human rights and refugee law, in accordance with Security Council resolution [2510 \(2020\)](#). The United Nations remains committed to supporting all Libyans in addressing structural governance and security issues, including by supporting the authorities in ending the arbitrary detention of migrants and refugees and progressively closing detention centres.

46. Incarcerating refugees and migrants in Libya is intolerable and inconsistent with international law. I am appalled that many refugees and migrants continue to be trapped in detention centres, where they remain at risk of being seriously harmed by fighting in the country. The sexual and gender-based violence that all refugees and migrants, but women and girls especially, face during their journey through Libya, including in detention centres, is unacceptable and needs to be addressed as a matter of urgency. I appeal to the Libyan authorities to fulfil their obligations under international law and to work towards the closure of all detention centres, in close coordination with United Nations entities, and to release all detained refugees and migrants and immediately consider human rights-compliant and non-custodial alternatives to detention. This appeal to release refugees and migrants from detention centres has taken on even greater urgency in the light of the COVID-19 pandemic, as overcrowded and unsanitary conditions in detention centres will propagate the spread of the virus and have a devastating impact on those detained as well as on Libyans. In the meantime, I reiterate my call for unhindered access to the detention centres for United Nations entities.

47. Traffickers in persons and smugglers of migrants through Libya continue to rely on networks of people who facilitate the logistics of, and other arrangements for, movements to neighbouring countries and the wider region. I am deeply concerned about the impunity with which the smuggling of migrants and trafficking in persons towards, through and off the coast of Libya continue, and I call upon the relevant authorities to ensure that those who have fallen victim to abuse at the hands of smugglers, traffickers and their enablers across the region have access to justice and that those responsible are held to account. I further call upon all relevant authorities to ensure that those responsible for the horrific abuses perpetrated against refugees and migrants in Libya, including the grave human rights violations in detention centres, are held to account and that victims receive the assistance they need.

48. I am encouraged by the existing humanitarian corridors allowing some extremely vulnerable refugees to be evacuated out of Libya, and I am hopeful that these can continue and expand as far as possible given the current COVID-19

outbreak.<sup>10</sup> This expansion can be achieved through increasing opportunities for resettlement, family reunification, private sponsorship, humanitarian visas and returns to first countries of admission or, where appropriate in the case of migrants, countries of origin. The United Nations will continue to support the safe transportation and evacuation of refugees and migrants out of Libya, while being mindful of any limitations resulting from the COVID-19 pandemic. Livelihood opportunities in first countries of admission are also urgently needed. Progress must be made towards safe, regular and dignified migration pathways that promote and protect human rights. In the absence of such pathways, refugees and migrants will continue to make precarious journeys, including towards the Mediterranean, putting them at a heightened risk of human trafficking and abuses by migrant smugglers.

49. It is clear that conflict, insecurity, inequality and poverty, coupled with environmental degradation and climate change, create the harsh socioeconomic conditions that cause displacement towards the Mediterranean. More needs to be done to address the root causes that compel people to embark on a perilous and dangerous journey on such a scale. Addressing the root causes in the countries of origin requires resolving conflict, strengthening democratic governance and the rule of law, adopting human rights-based policies, building stronger, more resilient and accountable State institutions, supporting inclusive and sustainable economic development, and adopting effective measures to address climate change and build countries' resilience in the face of natural disasters. The 2030 Agenda for Sustainable Development, as well as the Global Compact for Safe, Orderly and Regular Migration and the global compact on refugees, offer important guidance in this regard. The United Nations will continue to make every effort to support Member States in addressing the causes of forced displacement and the drivers of irregular migration, while assisting origin, transit and destination countries with the implementation of the compacts and the Sustainable Development Goals.

---

<sup>10</sup> On 17 March 2020, the International Organization for Migration and the Office of the United Nations High Commissioner for Refugees announced the temporary suspension of resettlement travel for refugees in the light of the COVID-19 pandemic.