UNHCR POSITION ON RETURNS TO LIBYA - UPDATE I

1. This document provides an update of and replaces the UNHCR Position on Returns to Libya published in November 2014.

Introduction

2. The current situation in Libya is characterized by a continued lack of rule of law and order, ongoing fighting between rival armed groups in many parts of the country and daily assassinations, bombings and kidnappings. Intense fighting between opposing armed groups over control of territory, resources and infrastructure since May 2014 has resulted in the death of thousands of people, including civilians, and led to the displacement of over 435,000 individuals, the destruction of vital infrastructure, disruption of basic services and deteriorating humanitarian conditions.

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2 For the purpose of this document, “armed groups” refer to a multitude of factions with different affiliations, command and control structures and agendas. While many have de jure connections to the state, they largely operate independently of state authority: “Libya’s security sector is highly fragmented and characterized by the relatively minor role that institutional security actors play. Since 2013, the roles of both the National Police and the National Army have further declined across the country. Libya’s security sector is thus characterized by the increased role of auxiliary forces, often paid by the state but outside real state control, and the struggle between institutional security actors and these auxiliary forces”; United States Institute of Peace (USIP), Perceptions of Security in Libya - Institutional and Revolutionary Actors, May 2015, p. 30, http://www.usip.org/sites/default/files/PW108-Perceptions-of-Security-in-Libya.pdf.


4 For an overview of the security situation in the different parts of the country, see successive reports by the UN Secretary-General on the UN Support Mission in Libya (UNSMIL), available at: http://unsmil.unmissions.org/Default.aspx?tabid=3549.

5 Civilians, including women and children, account for a high proportion of the casualties as the fighting has been concentrated in densely populated urban areas. It is estimated that at least 20,000 civilians have been injured as a result of the conflict between July 2014 and May 2015, with the actual number likely higher due to underreporting and ongoing fighting; OCHA, 2015 Libya Humanitarian Needs Overview - September 2015, 1 October 2015, http://reliefweb.int/sites/reliefweb.int/files/resources/Libya_HNO_Final_English.pdf (hereafter: OCHA, 2015 Libya Humanitarian Needs Overview, 1 October 2015), p. 8. Libya Body Count has recorded a total of 2,825 “violent deaths” in 2014 in addition to 1,378 such deaths between January and 17 October 2015, based on media reports and reports from the public websites of the Libyan Ministry of Health, Interior Ministry and Defense Ministry. Note: the organization does not make a distinction between civilians and combatants. See Libya Body Count, accessed 20 October 2015, http://www.libyabodycount.org/table. Note that several media sources use casualty figures provided by Libya Body Count. UNHCR is not aware of its methodology and its reliability as a source has not been independently verified.

6 See below “Internal Displacement and External Displacement”.

3. Since the overthrow of Colonel Muammar Gaddafi and his government in October 2011, successive transitional governance arrangements have failed to produce a stable political and security environment with central authority exercised throughout the country. Two distinct parliaments and governments claim legitimacy: the internationally recognized government in Tobruk and Al-Bayda, headed by Prime Minister Abdullah Al-Thinni, and the government of “National Salvation”, headed by Khalifa Al-Ghwell, based in Tripoli. However, political institutions reportedly have limited influence on the ground. Each of the political camps is associated with a loose coalition of armed groups, which were originally brought together for specific offensives and counter-offensives known as Operation Dignity and Libya Dawn. Groups affiliated with Libya Dawn and Operation Dignity forces have been engaged in battles in the Nafusa Mountains and along Libya’s western coast. In the east of the country, fighting continues primarily between Operation Dignity forces and armed Islamist groups, including in Benghazi and Derna. The South continues to see intermittent violent conflict primarily linked to inter and intra-ethnic rivalries. Armed groups are organized along ideological, regional, tribal, and/or ethnic lines. Consequently, conflict dynamics

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8 “Control of Libya is currently divided between two loosely-tied coalitions of non-state armed groups, with small pockets of non-allied armed groups in the north. (…) Many parts of the country are under the de facto control of militias and tribes, which do not answer to either Tripoli or Tobruk. Instead, these local groups enter into alliances that benefit them, resulting in a security situation that is much more complex than having two, three, or even four warring sides. (…) The loyalties of armed groups lie primarily with informal ties to regions, tribes, brigades or cities, and even militias that have been officially integrated into the National Liberation Army [national armed force of Libya, established by the National Transitional Council in 2011], have little interest in taking orders from the House of Representatives. Still, the militants welcome the funding and legitimacy that comes with being state security providers”; The Broker, Libya’s Conflict: A Patchwork of Local Divisions and Regional Interests, 7 July 2015, http://bit.ly/1J2cZos. “(…) the lack of a central authority, as well as the tribal fragmentation and rivalry, and the fighting for the economic resources has led to a complex political situation in which two weak governments are trying to obtain recognition, but the tribal militias, which are giving their allegiance to one or the other government (or to the Islamic State), but also changing their allegiance depending on the military situation or on the economic opportunities”; The Maghreb and Orient Courier, Libya – Political, Economic and Tribal Complexity, August 2015, http://bit.ly/1VbziBD. “Any survey of Libya’s political landscape should bear in mind that politicians and elected representatives generally wield less influence than the country’s multitude of armed groups, most of which are on the state payroll”; ECFR, Mapping Libya’s Factions, 9 April 2015, http://www.ecfr.eu/ena/mappinglibya. See also IEMed, Libya’s Dangerous Divisions, September 2015, p. 1; Clingendael/Netherlands Institute of International Relations, Addressing Libya’s Multiple Crises: When Violent Politics, Extremism and Crime Meet, July 2015, http://bit.ly/1L3mdUp (hereafter: Clingendael, Addressing Libya’s Multiple Crises, July 2015), pp. 3-4; UN Human Rights Council, Situation of Human Rights in Libya, 12 January 2015, p. 1.


10 “A closer examination of actors within the opposing camps, however, reveals that their interests are manifold, fluid, localized and often based on ideological, tribal and social connections…” With no existing state structure in place, the unity of the Libyan state was challenged by a plethora of interest groups and their constituencies based on tribes, cities, regions and various communities. In north-western Libya, local ceasefire and reconciliation initiatives, some supported by UNSMIL, have reportedly resulted in a reduction of military hostilities; UN News Centre, At Security Council, UN Envoy Says Libyan Parties Must Come Together, Make ‘Final Push’ for Peace, 26 August 2015, http://www.un.org/apps/news/story.asp?NewsID=51726; UN Security Council, Report of the Secretary-General on the United Nations Support Mission in Libya, 13 August 2015, S/2015/624, http://www.refworld.org/docid/55dc41d54.html (hereafter: Report of the Secretary-General on the UNSMIL, 13 August 2015), paras 23-27, 79. However, sporadic clashes between rival militias continue in the north-west, including in Tripoli. The capital also suffers from a lack of law and order and sees regular bombings, abductions, and other attacks; Report of the Secretary-General on the UNSMIL, 13 August 2015, paras 41, 48, and 71. See also The Guardian, Ban Ki-Moon Calls for Libya Peace Deal as Factions Miss Ceasefire Deadline, 2 October 2015, http://eu.com/p/4dsbjt; Agence France Press, Bomb Hits near Libya Prison Holding Former Kadhafi Officials, 9 September 2015, http://v.ho.i/1Vk1CSE; Reuters, Car Bomb Damages Italy’s ENI Joint Venture Office in Libyan Capital, 31 August 2015, http://reut.rs/1Fme48.

11 "A closer examination of actors within the opposing camps, however, reveals that their interests are manifold, fluid, localized and often based on ideological, tribal and social connections…” With no existing state structure in place, the unity of the Libyan state was challenged by a plethora of interest groups and their constituencies based on tribes, cities, regions and various communities. In north-western Libya, local ceasefire and reconciliation initiatives, some supported by UNSMIL, have reportedly resulted in a reduction of military hostilities; UN News Centre, At Security Council, UN Envoy Says Libyan Parties Must Come Together, Make ‘Final Push’ for Peace, 26 August 2015, http://www.un.org/apps/news/story.asp?NewsID=51726; UN Security Council, Report of the Secretary-General on the United Nations Support Mission in Libya, 13 August 2015, S/2015/624, http://www.refworld.org/docid/55dc41d54.html (hereafter: Report of the Secretary-General on the UNSMIL, 13 August 2015), paras 23-27, 79. However, sporadic clashes between rival militias continue in the north-west, including in Tripoli. The capital also suffers from a lack of law and order and sees regular bombings, abductions, and other attacks; Report of the Secretary-General on the UNSMIL, 13 August 2015, paras 41, 48, and 71. See also The Guardian, Ban Ki-Moon Calls for Libya Peace Deal as Factions Miss Ceasefire Deadline, 2 October 2015, http://eu.com/p/4dsbjt; Agence France Press, Bomb Hits near Libya Prison Holding Former Kadhafi Officials, 9 September 2015, http://v.ho.i/1Vk1CSE; Reuters, Car Bomb Damages Italy’s ENI Joint Venture Office in Libyan Capital, 31 August 2015, http://reut.rs/1Fme48.

12 For an overview of the security situation by region, see Report of the Secretary-General on the UNSMIL, 13 August 2015, paras 23-37.
are often shaped by regional and local interests with local conflicts partly overlapping with divisions at the national level. The lack of central government authority has reportedly weakened the Libyan state and its social fabric. Exploiting the political and security vacuum in the country, extremist groups, including the Shura Council of Islamic Youth, which has declared its allegiance to the Islamic State of Iraq and Al-Sham (ISIS) and Al-Qaeda-linked Ansar Al-Sharia (AS), have gained a foothold, further exacerbating the intensity of the violence. The overall security situation in Libya remains highly volatile and unpredictable.  

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14 “Understanding the fault lines of Libya’s turmoil requires moving beyond the one-dimensional narratives peddled by various actors in the conflict. All have an interest in spinning certain tropes about the crisis, painting it either as Islamists versus “liberals” or self-proclaimed “revolutionaries” versus former regime elements trying to stage a comeback. Others hold that the fighting is primarily driven by tribal rivalries or regional power plays like that between Zintan and Misrata in the west and federalists and their opponents in the east. In fact, all of these elements are present to various degrees in Libya’s unraveling, but none overrides the others as a dominant narrative”, ECFR, Mapping Libya’s Fractions, 9 April 2015, http://www.ecfr.eu/mena/mappinglibya. See also UN Security Council, Report of the Secretary-General on the United Nations Support Mission in Libya, 26 February 2015, S/2015/144, http://www.refworld.org/docid/553df0614.html (hereafter: Report of the Secretary-General on the UNSMIL, 26 February 2015), para 2.


4. United Nations and international efforts to facilitate a peaceful resolution to the political and institutional crisis in Libya and to bring an end to the armed conflict resulted in a sixth and final draft agreement on forming a Government of National Accord (GNA) presented to the parties on 21 September 2015. A renewed military escalation in Benghazi was condemned by the UN as an attempt to derail the peace process. On 8 October 2015, UN Special Envoy to Libya, Bernardino León, announced that the Libyan parties had reached an agreement on the composition of the Presidency Council of the GNA. The initial agreement and the formation of the GNA require the endorsement of the two rival parliaments, the internationally recognized House of Representatives in Tobruk and the General National Congress in Tripoli. At the time of writing, reports emerged that the House of Representatives has rejected the peace agreement. Independent analysts caution that the process of stabilizing the country remains fraught with uncertainty in light of continued divisions among political actors and the multitude of political, security and humanitarian challenges that would need to be addressed by a unity government.

5. Violations and abuses of international human rights and humanitarian law continue across Libya. All sides to the conflict reportedly violate international human rights and humanitarian law. According to reports, armed groups frequently launch indiscriminate attacks in densely populated areas, including in Tripoli, Benghazi, Warshafana, Sabha, the Nafusa Mountains and elsewhere, using a wide variety of weapons, including small arms, rockets, mortars, anti-aircraft guns, tanks and air attacks. Parties on all sides of the conflict are also reported to systematically engage in the abduction, torture and killing of rival fighters and civilians, reportedly based on their “actual or suspected tribal, family political or religious affiliation and nationality”. Armed groups with different affiliations reportedly also engage in the destruction of civilian property belonging to different affiliations and air attacks in areas, including in Tripoli, Benghazi, Warshafana, Sabha, the Nafusa Mountains and elsewhere.

20 Reuters, U.N. Hands Libya Final Text of Peace Deal, 21 September 2015, http://reut.rs/1POsR0R.
21 UNSMIL said on 20 September 2015 “(...) the air strikes are a clear attempt to undermine and derail the ongoing efforts to end the conflict at a time when the negotiations have entered a final and most critical stage”; UNSMIL, UNSMIL Condemns Benghazi Military Escalation, Calls for Ceasefire, Swift Conclusion of Dialogue, 20 September 2015, http://bit.ly/1BFKYH.
perceived opponents.\textsuperscript{29} According to reports, human rights defenders, politicians, civil society activists, media professionals, religious leaders, government officials, as well as members of the judiciary and law enforcement agencies are deliberately singled out by various groups for intimidation, abduction, burning and looting of homes, as well as unlawful killings in a climate of impunity.\textsuperscript{30} Reports document the widespread use of torture and other ill-treatment in detention facilities run by Libya’s internationally recognized government and its allied forces as well as by other armed groups.\textsuperscript{31} A new Counter-Terrorism Law (Law 3/2014), passed by the House of Representatives, the elected parliament of Libya’s internationally recognized government based in Tobruk, on 14 September 2014, uses a broad and vague definition of “terrorism” and observers have expressed concern over the possible curtailing of fundamental freedoms on the basis of the law.\textsuperscript{32}

6. Armed groups affiliated with ISIS reportedly target and terrorize civilians, including through bombings and beheadings, and impose harsh punishments on civilians for what these groups perceive are infractions of Islamic law.\textsuperscript{33}

7. Reports indicate that the administration of justice is severely hampered as a result of conflict, particularly in Sirte, Derna and Benghazi.\textsuperscript{34} Prosecutors and judges are reportedly frequently singled out for intimidation and attacks across the country,\textsuperscript{35} and law enforcement officials lack political affiliation or tribal belonging. (…) Among those abducted are journalists, activists, members of the judiciary targeted for their activities, public officials, civil servants, aid workers and foreign nationals abducted on account of their religion, race or nationality”; Amnesty International, Libya: ‘Vanished Off the Face of the Earth’ - Abducted Civilians in Libya, 4 August 2015, MDE 19/2178/2015, p. 2. http://www.refworld.org/docid/54ff00d84.html “Hundreds of individuals, including security officials, state employees, religious leaders, activists, journalists, judges and prosecutors were killed in politically motivated assassinations in Benghazi, Derna and Sirte allegedly by Islamist armed groups. None of those responsible were held to account”; Amnesty International, Report 2014/2015. HRW documented that at least 250 such killings occurred between January and September 2014 in the eastern cities of Benghazi and Derna alone; HRW, Libya: Assassinations May Be Crimes against Humanity, 23 September 2014, https://hrw.org/sites/default/files/article/2014/11/26/1126_2014_Libya_assassinations.pdf. See also Report of the Secretary-General on the UNSMIL, 13 August 2015, paras 43-44; OHCHR/UNSMIL, Human Rights Defenders under Attack, 25 March 2015, http://www.refworld.org/docid/5519295d4.html; Report of the Secretary-General-on the UNSMIL, 26 February 2015, paras 51-57; HRW, Libya: Terrorizing Derna Residents, 27 November 2014, http://www.refworld.org/docid/547387474.html. See also Amnesty International, Report 2014/2015. HRW, Libya: Extremists Terrorizing Derna Residents, 27 November 2014, http://www.refworld.org/docid/547387474.html.

\textsuperscript{29} Report of the Secretary-General on the UNSMIL, 13 August 2015, paras 40-41; UN Human Rights Council, Situation of Human Rights in Libya, 12 January 2015, para 15. For example, “[D]isplaced people from Warshafuna told UNSMIL of hundreds of houses, farms and other businesses which were shelled, burnt down, or looted and destroyed by bulldozers. Some individuals provided photographs of the damage to their homes or other property. In mid-October [2014], as UNSMIL drove into Tripoli from the Tunisian border, it observed houses and shops in al-Maya damaged or destroyed, with fires still smouldering.” And further: “UNSMIL has also received reports that armed elements aligned with Operation Dignity have deliberately destroyed scores of houses and other property of perceived opponents, including through the use of bulldozers. Over 100 houses have reportedly been destroyed in this way in al-Salmiani neighbourhood. These actions have apparently triggered reprisals against houses of perceived Dignity supporters”; OHCHR/UNSMIL, Update on Violations of International Human Rights and Humanitarian Law, 24 December 2014, pp. 4, 5-6.

\textsuperscript{30} “Abductions of civilians by armed groups have become a daily feature of post-al-Gaddafi Libya. (…) Various armed groups and forces across Libya, including those affiliated with rival governments such as Libya Dawn and Operation Dignity forces as well as those pursuing their own agendas, are responsible for abductions of civilians on account of their origin, opinion, perceived political affiliation or tribal belonging. (…) Among those abducted are journalists, activists, members of the judiciary targeted for their activities, public officials, civil servants, aid workers and foreign nationals abducted on account of their religion, race or nationality”; Amnesty International, Libya: ‘Vanished Off the Face of the Earth’ - Abducted Civilians in Libya, 4 August 2015, MDE 19/2178/2015, p. 2. http://www.refworld.org/docid/54ff00d84.html “Hundreds of individuals, including security officials, state employees, religious leaders, activists, journalists, judges and prosecutors were killed in politically motivated assassinations in Benghazi, Derna and Sirte allegedly by Islamist armed groups. None of those responsible were held to account”; Amnesty International, Report 2014/2015. HRW documented that at least 250 such killings occurred between January and September 2014 in the eastern cities of Benghazi and Derna alone; HRW, Libya: Assassinations May Be Crimes against Humanity, 23 September 2014, https://hrw.org/sites/default/files/article/2014/11/26/1126_2014_Libya_assassinations.pdf. See also Report of the Secretary-General on the UNSMIL, 13 August 2015, paras 43-44; OHCHR/UNSMIL, Human Rights Defenders under Attack, 25 March 2015, http://www.refworld.org/docid/5519295d4.html; Report of the Secretary-General-on the UNSMIL, 26 February 2015, paras 51-57; HRW, Libya: Terrorizing Derna Residents, 27 November 2014, http://www.refworld.org/docid/547387474.html. See also Amnesty International, Report 2014/2015. HRW, Libya: Extremists Terrorizing Derna Residents, 27 November 2014, http://www.refworld.org/docid/547387474.html.


\textsuperscript{35} UN Human Rights Council, Situation of Human Rights in Libya, 12 January 2015, para 48. See also Times of India, IS Kills Captured Judge in Libya, 6 August 2015, http://bit.ly/1e1UNNY; Reuters, Judge Shot Dead Outside Court in Eastern Libyan City, 16 June 2013 http://reut.rs/1la70Cq.
sufficient capacity, training and equipment. Non-state mechanisms to resolve disputes and maintain order are reported to have emerged to fill the void, but are not considered fair or effective and further undermine the rule of law.  

8. **Women** are subjected to severe discrimination in law and practice. Women political and civil society activists, journalists and those not complying with strict interpretations of religious and societal gender norms are reportedly singed out by various actors for intimidation, assaults and assassination across the country.  

9. **Children** are disproportionately affected by the escalation in fighting and the deteriorating humanitarian situation. Children are also reportedly abducted, including by armed groups seeking ransom from their families. Child recruitment is another human rights concern. According to reports, boys as young as 15 years of age are recruited into various armed groups across the country. Many children are reportedly in need of psychosocial support given the conflict’s devastating psychological impact.  

**Humanitarian Situation**  

10. Armed conflict and political instability have had a detrimental impact on over three million people, i.e. nearly half the population. Of these, an estimated 2.44 million people are in need of protection and some form of humanitarian assistance, including IDPs, the non-displaced conflict-affected population, refugees, asylum-seekers and migrants. Needs are reported to be particularly severe in the east and south of the country. In Benghazi, persistent fighting since May 2014 has caused the breakdown of much of the city’s public services and left entire neighbourhoods devastated by  

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39 “There were numerous incidents of violence against women during 2014. In the lead-up to the February 2014 elections for the Constitution Drafting Assembly, UNSMIL/OHCHR received reports of threats and attacks against female candidates, which contributed to their reluctance to run for election, and staff observed posters of female candidates being torn down. On 25 June, prominent human rights defender Salwa Bughaisig was shot dead in her Benghazi residence, after casting her vote in elections for the House of Representatives. On 17 July, former member of the General National Congress Farhia Barkawi was assassinated in Derwa. Several women activists reported that they had been pressured to abandon their public roles”; UN Human Rights Council, *Situation of Human Rights in Libya*, 12 January 2015, paras 21-22. See also Report of the Secretary-General on the UNSMIL, 13 August 2015, para 43; OHCHR/UNSMIL, *Human Rights Defenders under Attack*, 25 March 2015, p. 2, [http://www.refworld.org/docid/5519295f4.html](http://www.refworld.org/docid/5519295f4.html); Report of the Secretary-General on the UNSMIL, 26 February 2015, para 50; Amnesty International, *Libya Must Ensure Proper Investigation after Prominent Lawyer Shot Dead*, 26 June 2014, [http://www.refworld.org/docid/53ad29de4.html](http://www.refworld.org/docid/53ad29de4.html).  
41 Report of the Secretary-General on the UNSMIL, 13 August 2015, para 46.  
43 It is estimated that in Tripoli and Benghazi alone some 270,000 children are in need of psychosocial support; OCHA, *2015 Libya Humanitarian Needs Overview*, 1 October 2015, pp. 8, 18.  
45 Benghazi and Sabha, followed by Wadi Al-Hayat, Tripoli, Derna, Al-Zawiya and Sirte are the areas most impact by conflict, forced displacement and disruptions to basic service provision, particularly health care. As a result, humanitarian needs were found to be most severe in these areas; OCHA, *2015 Libya Humanitarian Needs Overview*, 1 October 2015, p. 15.
Food Security: Food insecurity has significantly increased and is estimated to affect 1.28 million persons, including 175,000 IDPs, who are considered to be the most vulnerable. The most severe cases are reported in Benghazi and in the south. Food insecurity also affects refugees, asylum-seekers, and migrants, who commonly lack support from host communities.

Livelihoods: The conflict also has had a significant impact on the livelihoods of many Libyans due to reduced income options, unpaid salaries and social benefits and a non-functioning banking system. It is estimated that some 1.5 million people are affected by the loss of livelihoods. At the same time, household expenditures have reportedly increased, mainly due to the rise in prices for several staple food items including flour, rice and sugar. As a result, many households are reported to be spending their savings and reducing other expenditure, such as education and healthcare. Without access to a government salary or pension - the most commonly cited income source for Libyans - households are reported to be spending their savings and reducing other expenditure, such as education and healthcare. Remittances, which are considered to be the most vulnerable, are reported to be spending their savings and reducing other expenditure, such as education and healthcare. Remittances, which are considered to be the most vulnerable, are reported to be spending their savings and reducing other expenditure, such as education and healthcare.

The humanitarian crisis has reportedly been aggravated by the closure of much of the Libyan airspace to commercial flights and diminished state capacity to provide basic services. While humanitarian actors are able to access some areas, other locations are completely inaccessible. The majority of IDPs require varying degrees of support, including food, non-food items, and alternative shelter for those accommodated in schools and other public facilities. Host communities are reported to be under growing strain from the influx of IDPs; they are also reported to struggle with rising prices for food, cooking oil and fuel, which in some cases have doubled compared to the price level before the start of the conflict. Asylum-seekers, refugees and migrants are reported to be particularly vulnerable in terms of access to basic services across most sectors. Due to their status, they are reportedly frequently denied access to basic services, including health care and education.

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UN Human Rights Council, Situation of Human Rights in Libya, 12 January 2015, para 15.

Report of the Secretary-General on the UNSMIL, 13 August 2015, para 74; Report of the Secretary-General on the UNSMIL, 26 February 2015, para 3.


Interagency Rapid Assessment, December 2014, p. 2.


OCHA, 2015 Libya Humanitarian Needs Overview, 1 October 2015, p. 10.

“Tis increase in food insecurity is mainly due to the armed conflict disrupting commercial supply routes, which in turn has limited the availability of food and led to severe price increases, with staples such as flour, rice and sugar tripling since May 2014. (…) In addition, a loss of livelihoods, impacting 1.5 million people in Libya, has resulted in a reduction in household income with many families unable to meet their food needs or relying on savings and/or reducing their health and education expenditure to feed themselves”; OCHA, 2015 Libya Humanitarian Needs Overview, 1 October 2015, p. 11. See also Libya Multi-Sector Needs Assessment, June-July 2015, pp. 4-5, 36.


Ibid., pp. 11, 22-23.

Conditions are also particularly worrisome for refugees, asylum-seekers and migrants in detention where no food assistance is available; ibid., p. 23.


In eastern Libya, where food expenditure was found to be higher, households were more likely to resort to more extreme coping strategies, including begging; REACH, Libya Multi-Sector Needs Assessment, June-July 2015, pp. 4, 36.
source for IDPs - many refugees and migrants lack a stable source of income, particularly refugees and asylum-seekers who were less likely than migrants to be in skilled employment.61

13. **Health:** The health system has come under severe strain as a result of the conflict.62 Medical facilities report overcrowding amidst diminished capacity following the exodus of foreign health workers who used to make up a majority of health staff in the country. In conflict areas, access to health services is severely hampered due to insecurity.63 In Benghazi, only three out of seven major hospitals remain operational amidst increasing numbers of patients with war-related injuries.64 Lack of medicines and medical supplies and/or the increased prices of medicine have also been reported.65 Access to mental health and psychosocial support is very limited due to the lack of functioning facilities and specialized staff.66 Refugee and asylum-seeker households’ lack of financial resources and documentation negatively affects their access to healthcare.67

14. **Shelter:** Shelter has been identified as an urgent need across the country.58 Initially, many IDPs were taken in by relatives or local communities. However, as the number of IDPs continued to rise, host communities’ capacity to absorb IDPs has been exhausted.69 As a result, shelter arrangements for many IDPs range from rented accommodation to schools, factories, garages and empty buildings.70 In the southern desert border town of Ghat some IDP families live in empty water tanks.71 The destruction and looting of homes has been reported as a reason for displacement.72 Many refugees, asylum-seekers and migrant households have reportedly resorted to sharing accommodation with other families to reduce costs, or were found to be living in more vulnerable

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62 “An estimated 18 per cent of primary healthcare clinics and more than 20 per cent of hospitals are not functioning, with over 60 per cent of hospitals at times inaccessible or closed in conflict areas over the last six months”; OCHA, 2015 Libya Humanitarian Needs Overview, 1 October 2015, pp. 10, 17-18.


67 The Libya Multi-Sector Needs Assessment found that almost half of refugee and asylum-seeker households reported having limited or no access to healthcare; Libya Multi-Sector Needs Assessment, June-July 2015, pp. 5, 45, 48. See also OCHA, 2015 Libya Humanitarian Needs Overview, 1 October 2015, pp. 10, 18.

68 UNHCR, Libya Operational Update, 16 June 2015.


70 The Libya Multi-Sector Needs Assessment, which focusses on the needs of the conflict-affected population, both non-displaced and displaced, found that the largest proportion of those surveyed are currently hosted in rented accommodation with their own family. A quarter of all assessed households were found to be living in precarious accommodation types, including unfinished buildings and spaces not normally used for shelter, such as garages, collective shelters or public spaces. These households were likely to be particularly vulnerable, facing a higher risk of eviction and less likely to have access to adequate privacy, protection and sanitation facilities. Over a third of households reported a risk of eviction, most commonly because they were unable to afford rental payments, the cost of which accounted for a significant proportion of monthly rent for internally displaced households, returnees, refugees and migrants; Libya Multi-Sector Needs Assessment, June-July 2015, pp. 3, 20-22.

71 UNHCR, Numbers of Internally Displaced Double since September, 30 June 2015.

72 According to the Libya Multi-Sector Needs Assessment, participants in several focus group discussions reported having fled as a result of the destruction of their home, or having subsequently learnt that their house had been destroyed or looted. Overall, damage to homes was more commonly reported in the South than in the East and West, with 73 percent of key informants reporting some level of damage to houses in their community in the South, 60 percent in the West, and 52 percent in the East. Despite this, the majority of key informants in all areas reported that few or very few houses were damaged, suggesting that significant levels of shelter damage were limited to specific neighborhoods, mostly in the South, where 13 percent of key informants reported that a large proportion of houses in their community had sustained damage; Libya Multi-Sector Needs Assessment, June-July 2015, p. 21.
shelter types such as private and public spaces not normally used for shelter, or unfinished residential buildings. Many lack secure tenure arrangements, resulting in a risk of eviction.

15. **Education**: While Libya used to have one of the highest school enrolment rates across the region, the conflict resulted in a drop in enrolment rates of 20 per cent across the country, with conflict areas particularly affected. A number of schools sustained serious damage as a result of shelling, while others are reportedly used as bases by parties to the conflict or have been converted into makeshift shelters for IDPs. Refugee and asylum-seeker households’ lack of financial resources negatively affects access to education.

16. **Water, Sanitation, Fuel and Electricity**: Water, gas and electricity supply are reportedly frequently disrupted, although the degree of disruption varies from one location to another. The quantity and quality of drinking water are of concern especially in areas where the water network infrastructure has sustained damage as a result of conflict. Access to sanitation is considered problematic for IDPs living in inadequate shelter arrangements. Garbage collection has reportedly been disrupted in Benghazi, creating health hazards.

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74 The Libya Multi-Sector Needs Assessment found 62 percent of refugees and 57 percent of migrants reporting a risk of eviction, or being forced to move against their wishes. In contrast, a fear of eviction was reported by only 27 percent of IDP households; **Libya Multi-Sector Needs Assessment**, June-July 2015, pp. 21, 46.

75 “The conflict and resulting negative impact on the economy are contributing to a decrease in access to education for hundreds of thousands of children across Libya. An estimated 150,000 children are at risk of no longer having access to education (...). Needs are particularly urgent in Benghazi, which has been the worse hit for education. Enrolment rates have dropped as low as 50 per cent and out of around 259 schools, only 65 schools are functioning, with 64 schools currently occupied by IDPs and around 110 schools inaccessible due to their location in conflict-affected area”; **OCHA, 2015 Libya Humanitarian Needs Overview**, 1 October 2015, p. 28. The Libya Multi-Sector Needs Assessment found that levels of enrollment remained relatively high across all regions, with 81 percent of households reporting that their school-age children were regularly attending school. However, significant regional variations were found, with school access and functionality considerably worse in conflict areas, such as Benghazi. Of those children who were not attending school, almost half had not attended school for more than three months. Some of these are likely to have been out of school since becoming displaced over six months ago, and risk falling significantly behind in their studies and struggling to restart their education in the future; **Libya Multi-Sector Needs Assessment**, June-July 2015, pp. 3, 23-26. See also **Interagency Rapid Assessment**, December 2014, pp. 18-19. “Once a country with the highest literacy rates in the region, half of the children are now out of school, especially in areas directly affected by armed conflict. In Benghazi, 75% of boys and girls have no access to education”; **SCelta, June 2015**, p. 8. See also **Interagency Rapid Assessment**, December 2014, p. 1.


77 The Libya Multi-Sector Needs Assessment found that around 50 percent of refugee and asylum-seeker children are not attending school; **Libya Multi-Sector Needs Assessment**, June-July 2015, pp. 5, 45, 47.

78 The Libya Multi-Sector Needs Assessment found around 50 percent of refugee and asylum-seeker children are not attending school; **Libya Multi-Sector Needs Assessment**, June-July 2015, pp. 21-22, 31-32; **UN Human Rights Council, Situation of Human Rights in Libya, 12 January 2015**, para 13; **Interagency Rapid Assessment**, December 2014, p. 16. See also Reuters, **UPDATE 1-Libya to Get Electricity from Egypt, Tunisia to Ease Blackouts - Tripoli Govt**, 5 August 2015, [http://reut.rs/1E8M48B](http://reut.rs/1E8M48B).

79 According to the Libya Multi-Sector Needs Assessment, the majority of key informants reported that water quality monitoring was not taking place while others reported that water in their community smelled or tasted bad. Diarrhea, already the most commonly cited health concern, was more often reported by key informants in areas where the quality of drinking water was reported to be problematic; **Libya Multi-Sector Needs Assessment**, June-July 2015, pp. 4, 32-33.

80 The Libya Multi-Sector Needs Assessment found that access to sanitation was generally adequate for IDPs, although households living in the most vulnerable shelter types were less likely to report good access to facilities. Levels of hygiene and sanitation for IDPs in camps were found to be of particular concern; **Libya Multi-Sector Needs Assessment**, June-July 2015, pp. 4, 31. See also **OCHA, 2015 Libya Humanitarian Needs Overview**, 1 October 2015, p. 11.

Internal Displacement and External Displacement

17. During the armed conflict in 2011, more than half a million Libyans were reportedly displaced. Although most of these had returned to their areas of origin by December 2013, as of February 2015, some 60,000 IDPs reportedly remained in protracted displacement.82

18. Since May 2014, the escalation of conflict has led to new internal displacement in various parts of the country, particularly in the eastern city of Benghazi, on the western outskirts of the capital Tripoli, and in the areas around Awbari in the south-west. While exact displacement figures are unavailable, the number of people internally displaced as a result of conflict since mid-2014 is estimated at more than 435,000,83 including approximately 290,000 women and children.84 Many IDPs have been displaced multiple times as they sought to escape the widening geographic area affected by the conflict. As a result of these multiple displacements, they are at risk of becoming disconnected from their social, economic and assistance networks.85 While new displacement is ongoing,86 some IDPs have been able to return to their place of origin, often, however, to unsustainable conditions.87 Ongoing insecurity in many parts of the country, the destruction of homes and infrastructure as well as the presence of landmines and unexploded ordnance prevent the return of many IDPs, as a result of which their displacement situation is at risk of becoming protracted.88

19. Libya’s borders remain by and large open for Libyan nationals holding valid travel documents.89 It is estimated that between one and two million Libyans have crossed, mainly into Tunisia and

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82 This figure includes some 30,000 persons from the town of Tawergha, who had been forcibly displaced in August 2011 on account of their perceived support of the former government. Since then, they have been unable to return and have been subjected to human rights abuses and military raids and shelling, resulting in further displacement; International Displacement Monitoring Centre (IDMC), Libya - Uprising and Post-Qadhafi Tribal Clashes, Displacement in a Fragmenting Libya, 30 March 2015, http://reliefweb.int/sites/reliefweb.int/files/resources/2013903-me-libya-overview-en.pdf (hereafter: IDMC, Displacement in a Fragmenting Libya, 30 March 2015); Report of the Secretary-General on the UNSMIL, 26 February 2015, para 48; UN Human Rights Council, Situation of Human Rights in Libya, 12 January 2015, para 30.

83 “The level of displacement has almost increased seven fold since April 2014, with displacement patterns revealing both cross-regional displacement, that is populations fleeing from one side of the country to another, as well as localized displacement, with populations fleeing within their own provinces, particularly in the northwest.” For an overview of displacement causes, locations and patterns, see OCHA, 2015 Libya Humanitarian Needs Overview, 1 October 2015, p. 4 and Libya Multi-Sector Needs Assessment, June-July 2015, p. 12-16. See also Report of the Secretary-General on the UNSMIL, 13 August 2015, para 60; UNHCR, Numbers of Internally Displaced Double since September, 30 June 2015; UNHCR, Libya Operational Update, 16 June 2015, p. 2; IDMC, Displacement in a Fragmenting Libya, 30 March 2015.

84 Report of the Secretary-General on the UNSMIL, 13 August 2015, para 60.


87 UNHCR, Numbers of Internally Displaced Double since September, 30 June 2015; Interagency Rapid Assessment, December 2014, p. 9.


89 In Tunisia, whose border (Ras Jdir) with Libya remains open for Libyans with valid travel documents, there are an estimated 500-800,000 Libyans. On Libyans’ legal status and access to services and employment in Tunisia, see ACAPS, Humanitarian Impact of the Conflict, 5 June 2015, p. 6; The Brookings Institution, The Impact of Libyan Middle-Class Refugees in Tunisia, 17 March 2015, http://brook.gs/1OvJ860. Despite the existing bilateral agreement between Egypt and Libya, in practice the visa-free regime for Libyans entering Egypt is no longer applied since 2013. Libyans seeking to enter Egypt by sea, land or air require a valid visa issued by the Egyptian Embassy in Tripoli. Libyans are also required by the Libyan authorities to be in possession of the new blue Libyan Passport issued since 1 January 2014. Certain categories of people benefit from visa exemptions, including injured persons or those with critical medical needs; all female Libyans; male Libyans below the age of 15/above the age of 60; and Libyans married to Egyptians. They can obtain a one-time entry to Egypt, allowing them to remain in the country for three months. After its expiry, the permit is not renewable. Border crossings with Sudan (Al-Awainat) and Niger (Al-Taoum) remain open. According to recent media reports, Algeria has re-opened border with Libya in early August 2015; however, the border at Esayan reportedly remains closed at the time of writing except for serious medical cases approved by the Algerian authorities; UNHCR information, September 2015; Turkish Weekly, Algeria Opens Border with Libya after 28-Month Closure, 5 August 2015, http://bit.ly/1eULxkC.
Egypt, with smaller numbers reported to have departed to Algeria, Chad, Turkey and other countries.\(^{90}\)

**Situation of Third Country Nationals (including Asylum-Seekers, Refugees and Migrants)**

20. Libya is not party to the 1951 Convention relating to the Status of Refugees or its Protocol.\(^{91}\) It has ratified the 1969 Convention governing the Specific Aspects of Refugee Problems in Africa ("OAU Convention")\(^{92}\) but has yet to adopt asylum legislation or establish asylum procedures. As of July 2014, UNHCR in Libya had registered over 36,000 asylum-seekers and refugees, including Syrians, Palestinians, Eritreans and Iraqis, many of whom have been residing in Libya for years.\(^{93}\) In addition to asylum-seekers and refugees registered with UNHCR, there are third country nationals or stateless persons with international protection needs who have not registered with UNHCR in Libya, including for reasons such as UNHCR’s suspension of new registration activities in Libya since May 2014 for security reasons,\(^{94}\) or because they intend to move onwards to seek international protection elsewhere.\(^{95}\)

21. The conflict in Libya has further exacerbated the already vulnerable situation of asylum-seekers, refugees and migrants (in particular, but not exclusively, those from sub-Saharan countries). In a situation characterized by insecurity, increased violence and an absence of rule of law and functioning institutions, asylum-seekers, refugees and migrants are at risk of serious abuses, including abduction, arbitrary and prolonged detention in abusive conditions, torture and other ill-treatment, exploitation, extortion and killings by various armed groups as well as smugglers and traffickers.\(^{96}\) Members of religious minorities amongst third-country nationals are reported to be particularly at risk of abuse and attacks on account of their religion.\(^{97}\)

22. Libyan law criminalizes all irregular entry, stay, or departure, for example without the appropriate documentation or through unofficial border posts, without distinguishing between asylum-seekers/refugees, migrants, or victims of trafficking. Applicable Libyan laws provide for the indefinite detention and deportation of persons who have violated immigration rules.\(^{98}\) Thousands,\(^{99}\)"
including women and children, are reportedly currently held in detention centres run by the Department for Combatting Illegal Migration (DCIM) after having been rescued or intercepted at sea, off the Libyan coast, or on land during house raids or identity checks including near land borders. The majority of detainees originate from sub-Saharan African countries, Pakistan and Bangladesh. Syrians, Palestinians and Iraqis are also detained. Detention conditions, a long-standing concern, fail to meet international standards and are said to have deteriorated further as a result of the conflict and the related breakdown in public services, with scarcity of food, medicine and other basic items reported. Third-country nationals are reportedly also held by various armed factions in unofficial detention centres in conditions that fall short of international standards. Asylum-seekers, refugees, and migrants are reportedly routinely subjected to torture or ill-treatment, including on account of their religion, in detention facilities run by the government or armed groups. Sexual abuse in detention, particularly of women and girls, has frequently been reported.

23. The situation for Syrian and Palestinian refugees, which was said to have been comparatively better prior to the conflict in comparison to nationals from sub-Saharan Africa, has reportedly also continued to deteriorate, and many have been displaced as a result of violence, in particular from


99 “Most detainees were Sub-Saharan Africans, along with several Bangladeshi and Pakistani nationals. There were few instances of Syrians, Palestinians, or Iraqis being detained, although these nationalities represent the majority of persons of concern registered with UNHCR (…)”; North Africa Mixed Migration Task Force, Detained Youth, July 2015, p. 51. See also Report of the Secretary-General on the UNSMIL, 26 February 2015, para 49.


102 “Following interception or rescue at sea, house raids or identity checks, thousands of migrants, asylum-seekers and refugees are arrested and detained in Libya for migration-related offences. UNSMIL is concerned that they faced torture and other ill-treatment upon arrest and in detention centres run by the Department of Combatting Irregular Migration (DCIM) and directly by armed groups. Many report beatings and whippings including with metal rods, cables and sticks; racial and other verbal insults; and suspension in contorted positions. In some centres, women are subjected to strip-searches, including intrusive cavity-searches, by male guards”; UNSMIL, The Situation of Migrants in Transit through Libya, 8 May 2015. See also North Africa Mixed Migration Task Force, Detained Youth, July 2015; Amnesty International, ‘Libya is Full of Cruelty’, 10 May 2015, Amnesty International, ‘Libya is Full of Cruelty’, 10 May 2015, p. 21; UN Human Rights Council, Situation of Human Rights in Libya, 12 January 2015, para 33.

103 “While during the 2011 crisis, migrants were rumoured to be supporting Gadhafi and his regime, in 2014, rumours linked migrants to particular militia groups. However, this was more commonly the case for Syrian refugees, as opposed to the sub-Saharan migrants and asylum seekers in the country. Syrians, and to some extent, Palestinians, were also scapegoated during the 2014 crisis and believed to have been benefiting from the instability by running businesses when Libyans were unable to do so. While Syrians and Palestinians had traditionally benefited from a relatively positive situation in Libya (Syrians and Palestinians enjoyed free access to education and healthcare and a general sympathy for their situation. Moreover, much like Iraqi refugees in Libya, Syrians and Palestinians are rarely detained by DCIM for illegal entry or stay in Libya), this began to change during the 2014 crisis, and in its lead up, and many of these benefits were no longer extended”; Altai Consulting (prepared for IOM MENA Regional Office), Migration Trends across the Mediterranean: Connecting the Dots, June 2015, http://www.altaiconsulting.com/docs/migration/Altai_Migration_trends_across_the_Mediterranean.pdf. See also UN News Service, UN Agency ‘Deeply Concerned’ about Safety of Refugees in Embattled Libya, 5 August 2014, http://www.refworld.org/docid/53e4d3e4a.html.
Benghazi. Palestinian and Syrian long-term residents of Libya are increasingly approaching UNHCR as they find themselves in need of protection and assistance due to the conflict, loss of employment and rising living costs. In January 2015, the internationally recognized government in Tobruk issued an entry-ban for Syrians, Palestinians, Bangladeshis and Sudanese, which was expanded in September 2015 to also include Yemenis, Iranians and Pakistanis. It remains unclear if or how the entry ban is being implemented.

24. Libya is an important transit and departure point for irregular migration by sea to Europe. Between January and mid-October 2015, more than 140,000 asylum-seekers, refugees and migrants arrived in Italy by sea, the vast majority having departed from Libya, while thousands are believed to have died or are missing.

Access to Territory and International Protection

25. As the situation in Libya remains fluid and uncertain, UNHCR calls on all countries to allow civilians (Libyan nationals, habitual residents of Libya and third country nationals) fleeing Libya access to their territories.

26. All claims of nationals and habitual residents of Libya seeking international protection should be processed in fair and efficient procedures in accordance with international and regional refugee law. For individuals whose claim had been rejected previous to recent events, the current situation may, depending on the individual circumstances of the claim, give rise to changed circumstances, which need to be considered if a new claim is submitted. Claims for international protection of persons having been directly affected by developments since 2011 may need to be given particular attention, including, inter alia, claims submitted by political and human rights activists, members of the judiciary and law enforcement officers, women engaged in the public sphere, humanitarian workers, bloggers and media professionals, members of ethnic and religious minorities, individuals of (real or perceived) diverse sexual orientations and gender identities, and members of tribes/families or individuals perceived to be in support of one of the conflict parties or...
the former Gaddafi regime.\textsuperscript{114} Persons with these and other profiles may be in need of international protection in accordance with the 1951 Convention, for reason of real or imputed political opinion, or for reasons related to other 1951 Convention grounds. Claims need to be considered on an individual basis, carefully taking into account the particular circumstances of each case. Furthermore, UNHCR considers that persons fleeing Libya may be in need of international protection in accordance with Article 1(2) of the 1969 OAU Convention, or, in countries of asylum outside the African Union and in cases where the 1951 Convention criteria are found not to apply in the individual case, may meet the criteria for complementary forms of protection.\textsuperscript{115}

27. There may be individuals who have been associated with acts that bring them within the scope of the exclusion clauses contained in Article 1F of the 1951 Convention.\textsuperscript{116} In such cases, it will be necessary to examine carefully any issues of individual responsibility for crimes which may give rise to exclusion from international refugee protection. In addition, to preserve the civilian character of asylum, States would need to assess the situation of arrivals carefully so as to identify armed elements and separate them from the civilian refugee population.\textsuperscript{117}

**UNHCR Position on Returns**

28. UNHCR commends any measure taken by States to suspend forcible returns of nationals or habitual residents of Libya, including those who have had their asylum claim rejected. UNHCR urges all States to suspend forcible returns to Libya, including Tripoli, until the security and human rights situation has improved considerably. Given the volatility of the situation, the fragmentation of control and the plethora of armed groups, UNHCR considers that, in the current circumstances, the relevance and reasonableness criteria for an internal flight or relocation alternative are unlikely to be met.\textsuperscript{118} Suspension of forcible returns of nationals and habitual residents to Libya serves as a minimum standard and should not replace international protection for persons found to meet the criteria for refugee status under the 1951 Convention and the 1969 OAU Convention. This advice is valid until such time as the security and human rights situation in Libya has improved sufficiently to permit a safe and dignified return.


\textsuperscript{115} In the context of human rights obligations, or of applicable regional frameworks, such as the EU Qualification Directive.


\textsuperscript{118} The decision-maker bears the burden of proof of establishing that an analysis of relocation is relevant to the particular case. If considered relevant, it is up to the party asserting this to identify the proposed area of relocation and provide evidence establishing that it is a reasonable alternative for the individual concerned. See UNHCR, *Guidelines on International Protection No. 4: Internal Flight or Relocation Alternative* “Within the Context of Article 1A(2) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees”, HCR/GIP/03/04, 23 July 2003, http://www.refworld.org/pdfs/id/3f2791a44.pdf, and paras 33-35. For an IFA/IRA to be relevant, the proposed area of relocation must be practically, safely and legally accessible. Further, where the claimant has a well-founded fear of persecution at the hands of the State and its agents, there is a presumption that consideration of an IFA/IRA is not “relevant” for areas under the control of the State. If the applicant fears persecution by a non-state agent of persecution, the ability to pursue the claimant in the proposed area and the State’s ability to provide protection there must be considered, see paras 9-21. UNHCR considers that a similar analysis would apply when the applicability of IFA is considered in the context of determining eligibility for subsidiary protection.
International Protection Needs of Third-Country Nationals Departing from/through Libya

29. Among those who have found themselves compelled to leave Libya, including by sea, are third-country nationals, including persons who were recognized as refugees or registered as asylum-seekers in Libya by UNHCR, or persons transiting through Libya who have been registered with or recognized as refugees in other countries where they resided before reaching Libya (by UNHCR or in state asylum procedures), as well as other persons in need of international protection.

30. The situation in which a state exercises jurisdiction over people as a result of interception at sea requires respect for the principle of non-refoulement. UNHCR urges states to refrain from returning to Libya any third-country nationals intercepted at sea and to ensure that those in need of international protection are able to access fair and effective asylum procedures upon disembarkation.¹¹⁹

31. Upon arrival in a country of asylum, third country nationals seeking or otherwise indicating a possible need for international protection should be referred to national asylum procedures, for consideration of their applications for international protection.

Designation of Libya as Safe Third Country

32. UNHCR does not consider it appropriate for States to designate or apply in practice a designation of Libya as a so-called “safe third country”. The designation of a country as a “safe third country” may result in a request for international protection not being considered on its merits but declared inadmissible, or processed in an accelerated procedure with reduced procedural safeguards. Even before the current unrest and insecurity, UNHCR considered that Libya should not be regarded as a safe third country in light of the absence of a functioning asylum system, the widely reported difficulties and abuses faced by asylum-seekers and refugees in Libya, the absence of protection from such abuses and the lack of durable solutions.¹²⁰ UNHCR calls on States not to channel applications for international protection from third country nationals into an accelerated procedure or declare them inadmissible, merely on the basis of the fact that they previously resided in or transited through Libya.

Designation of Libya as Place of Safety for the Purpose of Disembarkation following Rescue at Sea

33. In the context of rescue at sea, international law provides that disembarkation occurs in a place of safety.¹²¹ When asylum-seekers and refugees are rescued at sea, “the need to avoid disembarkation in territories where [their] lives and freedoms (...) would be threatened” is relevant in determining what constitutes a place of safety.¹²² In light of the volatile security situation in general and the particular protection risks for third-country nationals (including detention in substandard

¹¹⁹ See UN Security Council Resolution 2240 (2015), which authorizes Member States to inspect vessels on the high seas off the Libyan coast if they are suspected of migrant smuggling or human trafficking from Libya, and to seize vessels which are confirmed as being used for these purposes. The resolution recognizes that “among these migrants may be persons who meet the definition of a refugee under the 1951 Convention relating to the Status of Refugees and the 1967 Protocol thereto” and urges states to respect the rights of migrants and “to comply with their obligations under international law, including international human rights law and international refugee law, as applicable”; UN Security Council. Resolution 2240 (2015). Adopted by the Security Council at its 7531st Meeting, on 9 October 2015, S/RES/2240 (2015), 9 October 2015, http://www.un.org/press/en/2015/sc12072.doc.htm. See also UNHCR, UNHCR Intervention before the European Court of Human Rights in the Case of Hirsi and Others v. Italy, March 2010, Application No. 27765/09, http://www.refworld.org/docid/4b97778d2.html.

¹²⁰ UNHCR, UNHCR Intervention before the European Court of Human Rights in the Case of Hirsi and Others v. Italy, March 2010, Application No. 27765/09, http://www.refworld.org/docid/4b97778d2.html. See also above “Situation of Third Country Nationals (Including Asylum-Seekers, Refugees and Migrants)”.


conditions, and reported abuses against asylum-seekers, refugees and migrants). UNHCR does not consider that Libya meets the criteria for being designated as a place of safety for the purpose of disembarkation following rescue at sea.

*Updating and Review*

34. UNHCR’s position will be reviewed as the situation evolves and will be updated as necessary.

UNHCR
October 2015

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123 See above “Situation of Third Country Nationals (including Asylum-Seekers, Refugees and Migrants)”. 