



The American  
University in Cairo

School of Global Affairs  
and Public Policy

Center for Migration and Refugee  
Studies



# POLICY BRIEF

---

## Mixed Migration in the Libya

Dr. Abdulmoneim Mansour Al Hur

# Mixed Migration in the Libya

*Dr. Abdulmoneim Mansour Al Hur \**

## Introduction:

The phenomenon of migration is widely regarded as one of the most intricate facets of human society. This intricacy arises from the multifaceted impact it exerts on individuals and societies, particularly in light of the incessant surge in global migrant populations. Migration, spanning a diverse spectrum, ranks among the most ancient and ongoing human activities due to the human drive for enhancing social, economic, or political conditions, compelling numerous individuals to embark on journeys that may traverse regional or international borders, whether within their own nation or abroad. This innate yearning for an improved quality of life compels people to migrate as they seek refuge from natural disasters, geopolitical conflicts, domestic upheavals, or territorial conquests.

Over the course of time, the evolution of scientific and technological capabilities, coupled with advances in modern transportation, has engendered a gradual proliferation in the complexity and diversity of migration. Consequently, migration now encompasses an array of distinct categories, rendering it a prominent and multifaceted phenomenon that warrants thorough examination and categorization.

Libya, in particular, stands as a nation that has confronted and continues to grapple with a plethora of migration forms throughout its history. Libya can be a country of origin, of destination or of transit, as it is regarded as an intermediary stopover. The impact and extent of each type of migration varies significantly, leaving its imprint on Libya's economic, social, political, and even cultural aspects of life. As a result, the significance of this study lies in its capacity to investigate these variegated forms of migration by delving into their conceptual foundations, root causes, effects, and governance frameworks. Our primary objective is to undertake a comprehensive analysis, unravel their intricacies, and formulate recommendations aimed at mitigating their adverse repercussions.

Mixed migration is the primary form from which other types of migration and mobility modalities emerge, such as illegal migration, economic migration, asylum-seeking, human trafficking... etc. The following provides an explanation of all these types:

## 2. The concept of mixed migration and related terminology:

The Center of **Mixed Migration** in North Africa defined the term of “mixed migration” “**as a movement of individuals across international borders, encompassing diverse**

---

\* Lecturer in the Department of Political Science at Zintan University, and the Secretary-General of the Arab Organization for Human Rights in Libya.

**groups such as refugees escaping persecution and conflicts, victims of human trafficking, and individuals seeking improved livelihoods and opportunities. Those involved in mixed migration are driven by a multitude of factors, each bearing distinct legal statuses and often encountering multiple vulnerabilities. Despite their entitlement to protection as stipulated by international human rights law, the rights of these individuals are frequently violated throughout the course of their journeys, frequently involving irregular migration, whether partially or entirely, often facilitated by smugglers.”** (Center for Mixed Migration: North Africa 2020, p. 2)

The United Nations High Commissioner for Refugees (UNHCR) underscores the importance of distinguishing between these terms due to their divergent legal implications, as the first one implies ordinary human mobility from one place to another, while the second is regarded as “an escape”. According to the UNHCR, a refugee is an individual who leaves his country out of fear for his life or freedom, a legally recognized and protected status under international law. Conversely, **an immigrant** is someone who relocates by choice, rather than by force. **“The UNHCR advocates for maintaining this distinction between the two categories of migration to avoid any confusion between these two concepts and to ensure the provision of appropriate assistance and diverse forms of protection to eligible applicants”.** (United Nations High Commissioner for Refugees, 2023)

### 3. Migration Routes

Countries worldwide classify migration patterns into three primary categories. The first pertains to countries serving as the sources of migration, typically located in developing countries situated to the south of the Sahara Desert. The second category encompasses transit countries, generally situated to the north of the Sahara or within the Sahel region (with Libya being one such nation). The third category designates destination countries for migrants, including Europe, the United States, and Canada. Niger emerges as a crucial point of departure for migrants en route to Libya, particularly those originating from Central and West Africa.

The most salient migration routes to Libya in recent years can be succinctly outlined as follows (Al Najeh, 2016, pp. 22-24):

**The initial route:** Commencing from Agadez in Niger and traversing the desert terrain through desert vehicles to the Libyan border, then proceeding to the city of Qatrun. This arduous journey consumes at least two weeks.

---

<sup>2</sup> The UN has adopted several charters that protect the rights of migrants, from the Universal Declaration of Human Rights to several conventions on refugees, stateless persons, victims of human trafficking, and the protection of migrant workers and their families, etc.

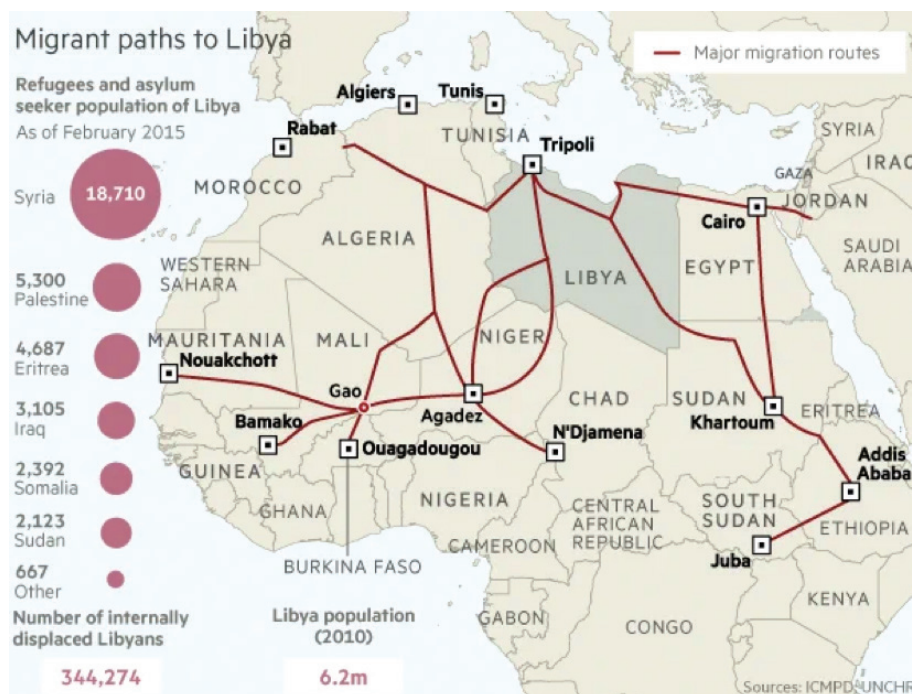
<sup>3</sup> UNODC <https://www.unodc.org/e4j/en/tip-and-som/module-5/key-issues/Mixed-migration-flows.html>

**The second route:** Commencing from Agadez and heading towards Arlit in Niger, the journey continues to reach Tamanrasset in Algeria, from where migrants undertake further travel on foot through the Tadrart Mountains to eventually reach the city of Ghat in the southwestern region of Libya.

**The third route:** Known as the Southeastern route and involves traversing the town of Kufra and stands as the most critical route for migrants hailing from the Horn of Africa, including countries such as Somalia, Eritrea, Ethiopia, and Sudan. The closure of the Sudan-Libya border has compelled migrants from the Horn of Africa to utilize a route that passes through the Tine region between Darfur and Chad, crossing the arid desert expanse to reach the city of Kufra\*.

Furthermore, Ras Ajdir and Ghadames border crossings hold significance as prominent migration pathways for individuals originating from Maghreb countries. In contrast, Masaid border crossing serves as a destination for migrants coming from Egypt. Hence, the cities of Qatrun, Ghat, and Kufra emerge as pivotal points for receiving migrants from the southern regions of Libya. Subsequently, the second phase commences, which is comparatively less hazardous, with migrants intending to reach departure points across the Mediterranean, primarily including the cities of Zuwara, Tripoli, and Zliten.

### Map (1) Migration routes to Libya



Source: <https://twitter.com/alwasatengnews/status/609898615889362944?t=hWDMO7HmT9i3oP-mQGrG8Q&s=08>

\* According to what Mr. Talib Abdulhadi Khair, the head of the General Administration of Desert Patrols in Kufra, informed us during a personal interview.

## 4. The legal framework for migration and asylum in Libya


**4.1. National legal framework:** migrants have been arriving in Libya since the 1990s, at the same time, boats began to depart from the Libyan coast towards Europe. Nevertheless, Libyan authorities did not consider this a significant concern at the time. It wasn't until June 18, 2004, that the Libyan government ratified the Palermo Agreement to combat organized crime, along with its protocol that addresses irregular migration specifically, which was approved on September 24, 2004. Responding to growing pressures, Law No. 19 of 2010 was introduced to combat irregular migration.

This law followed a series of preceding laws and regulations that governed the entry and exit of foreigners into and out of Libya. The most noteworthy among them was Law No. 17 of 1962, which regulated the entry and residence of foreigners in Libya. Subsequently, Law No. 6 of 1987 came into effect, repealing Law No. 17 but largely remaining consistent with it in many respects, although it introduced variations in the definition of 'foreigner', excluding Arab citizens from this categorization, and exempting them from visa requirements. Following this, Law No. 2 of 2004 was enacted, amending Law No. 6 of 1987 and strengthening penalties, introducing, for the first time, the term 'migrant smuggling'.

In Libyan legislation, irregular migration is defined as any instance of entering Libyan territory or residing within it without the requisite authorization or permissions from the relevant authorities with the intent of settling or transiting to another country (Law No. 19 of 2010, Article 1). The Libyan legal framework makes it apparent that this unlawful act pertains to the violation of laws and regulations governing entry and exit, rather than the act of migration itself, which is considered a legitimate right of every individual.

Additionally, Article 2 of Law No. 19 of 2010, which pertains to combating irregular migration, outlines actions that are directly associated with the primary offense as described in Article 1 of the same law, which include:

- Introducing irregular migrants into Libya or facilitating their exit using any means.
- Transporting or facilitating the transportation of irregular migrants within Libya, with knowledge of their illegitimate presence.
- Sheltering, facilitating the exit, concealing, or withholding information about irregular migrants to enable them to reside in Libya or depart from it.
- Making, providing or processing travel documents or identities for irregular migrants.
- Organizing, assisting, or directing other individuals to perform any acts that facilitate actions related to stages of irregular migration.
- Employing irregular migrants.



In this regard, Libyan legislators have deemed various actions that lead to, assist, or exacerbate irregular migration as offenses. Regarding penalties, Law No. 19 of 2010, which relates to combating irregular migration, combines custodial and financial penalties and is not separately incorporated within the general penal system of Libyan criminal law.

- **Penalties involving deprivation of freedom:** Law No. 19 of 2010 categorizes penalties related to deprivation of freedom, encompassing a spectrum from temporarily imprisonment to life imprisonment, namely the law dictating that individuals who enter Libyan territory through irregular means face the prospect of imprisonment with labor or a fine, the latter not exceeding one thousand dinars. Additionally, it is mandated that such individuals, following the completion of their sentence, are subject to immediate deportation (articulated in Article 6 of Law No. 19 of 2010, concerning the combatting of irregular migration).

Moreover, any party who actively seeks direct or indirect material or non-material advantages, for themselves or others, by engaging in activities linked to irregular migration may incur penalties. These penalties entail imprisonment for a maximum duration of one year and a fine, the lower threshold of which is no less than five thousand dinars and the upper limit no more than ten thousand dinars (referenced in Article 4 of Law No. 19 of 2010, addressing the combatting of irregular migration).

In cases where the offender is affiliated with an organized gang involved in the smuggling of migrants, the penalties escalate, namely, a conviction could result in imprisonment for no less than five years, accompanied by a fine ranging from fifteen thousand dinars to thirty thousand dinars. This augmented penalty applies particularly if the perpetrator, engaging in acts tied to the offense of irregular migration, occupies a role in public authority, bearing the responsibility of safeguarding ports, transit points, borders, or overseeing surveillance operations, whether directly or indirectly.

Furthermore, if the transportation of migrants, be it domestically or internationally, culminates in the infliction of permanent disability, the penalties manifest as imprisonment paired with a fine, ranging between twenty thousand dinars to fifty thousand dinars. In cases where the migrant's death ensues as a consequence of an unlawful act, the punitive measure extends to life imprisonment (stipulated in Article 5 of Law No. 19 of 2010 pertaining to the combatting of irregular migration).

- **Fines:** The law imposes a financial penalty for individuals who employ irregular migrants with a prescribed fine ranging between one thousand dinars as the minimum and three thousand dinars.
- **Confiscation:** Under the purview of the judiciary, the authority to seize all financial proceeds linked to irregular migration or any associated forms is vested. This applies irrespective of whether these proceeds have been concealed, altered, or converted into legitimate assets. Furthermore, the court is empowered to enforce the forfeiture of modes of transportation, items, and tools intended for use in the

commission of criminal activities. All confiscated funds and fines are subsequently deposited into the state treasury.

- **Exemption from Punishment:** Those individuals who willingly provide information to relevant authorities, which, in turn, aids in the discovery or prevention of a crime, the identification or apprehension of its perpetrators, stand exempt from punitive measures.

**4.2. Regional and international Commitments:** Irregular migration in Libya, as an external phenomenon, has become a significant focal point in Libya's bilateral, regional, and international relationships, particularly with Italy, the European Union, and, to a lesser extent, neighboring Arab nations such as Egypt, Sudan, Tunisia, Algeria, Niger, and Chad. Italy and the European Union, in general, are the main the destination nations for the African migrant inflow through Libya, while the citizens of the aforementioned countries contribute to the augmentation of waves of migrants arriving in Libya or moving on to Europe.

Since the early 21st century, Libyan authorities have faced substantial pressure from the European Union and Italy aiming to assign Libya the responsibility of curbing the migration flow towards the European continent. Libyan authorities have reiterated the need for the European Union to assume its responsibility in this matter and they reject the idea of being Europe's unpaid guardian against the influx of African migrants (El Kout, 2020, pp. 25-40).

Libya is party to several international agreements, including the international covenant on civil and political rights and its first optional protocol, the international covenant on economic, social and cultural rights, the convention against torture and other cruel, inhuman acts, or degrading treatment or punishment, the convention on the elimination of all forms of racial discrimination, the convention on the elimination of all forms of discrimination against women and its optional protocol, the convention on the rights of the child, and the two optional protocols to the convention on the rights of the child concerning the involvement of children in armed conflict and the sale of children, child prostitution, and child pornography (United Nations High Commissioner for Human Rights, 2016, pp. 8-9).

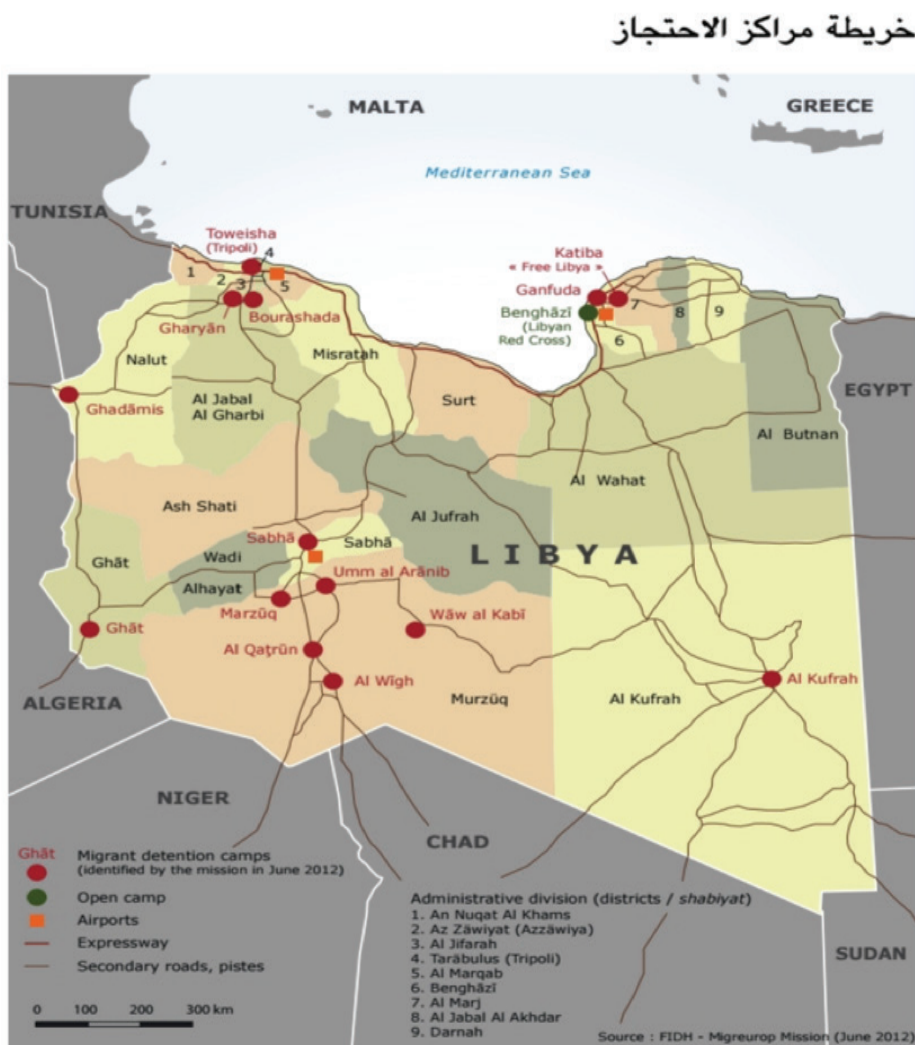
Furthermore, Libya is a signatory to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Nevertheless, Libya is not a party to the 1951 Convention relating to the Status of Refugees and its Protocol. However, Libya endorsed the 1969 Convention governing aspects related to refugee issues in Africa (Organization of African Unity), which adheres to the same refugee definition as outlined in the 1951 Convention and its 1967 Protocol. Despite this, Libya has not taken steps to enact asylum legislation or establish asylum procedures following its ratification of the 1969 Convention.

According to international human rights law, migrant detention should not be mandatory or automatic when the reasons for detention are solely connected to migration status. Migrants have a right to security and personal freedom. Entry into or residence in a country should never be considered a criminal act unless the individual has committed a crime against

persons, property, or national security. Detention should always be the last resort and may only be imposed when alternatives that are less restrictive and insufficient to fulfill legitimate purposes are exhausted. It should also be based on legal grounds such as national security, public health, and identity verification. Decisions regarding detention must always be individualized, necessary, proportionate, of the shortest possible duration, under humane conditions and with judicial oversight.


Detaining children due to their migration status or that of their parents is strictly prohibited since detention is never in the best interest of the child. Furthermore, female detainees should be separated from male detainees, and female guards should be appointed for their supervision. As of mid-2023, Libya operates 27 detention centers under the authority of the Ministry of the Interior of the Government of National Unity. The following map illustrates the geographical distribution of these detention centers within Libya.

**Map (2) Distribution of Detention Centers in Libya 2023**



Source :<https://www.usip.org>





This map provides an overview of the detention centers housing migrants in Libya as of September 14, 2023. According to the United Nations International Organization for Migration, there are approximately 20,000 migrants being held in Libya. The majority of these migrants originate from Sub-Saharan Africa and are making attempts to reach Europe via the Mediterranean Sea. It is noteworthy that these detention facilities face significant challenges, marked by issues such as overcrowding, unsanitary conditions, and disturbing reports of torture and exploitation.

These detention centers can be classified into two main categories:

#### **Government-operated detention centers:**

- Ain Zara Detention Center: Located in the outskirts of Tripoli and detaining approximately 2,000 migrants.
- Tajoura Detention Center: Situated in the suburbs of Tripoli, detaining roughly 1,000 migrants.
- Karareem Detention Center: Situated near Misrata and detaining around 500 migrants.
- Zuwara Detention Center: Located in the city of Zuwara, detaining about 200 migrants.
- Khoms Detention Center: Situated in the city of Khoms, detaining approximately 100 migrants.


#### **Unofficial or illegal detention centers:**

- Unofficial detention centers: Managed by non-governmental individuals or groups and frequently characterized by inhumane conditions.
- Illegal detention centers: Operated by human traffickers or criminal organizations, often used for purposes of torture or exploitation.

#### **The living conditions in migrant detention centers**

Detention centers housing migrants in Libya are confronted with highly adverse conditions, often characterized by severe overcrowding and inadequate sanitation. Moreover, those held in these facilities are frequently exposed to both physical torture and various forms of exploitation.

Pierre Bousell, in an article published in the Sada newspaper, affirmed that **“the Libyan Anti-Illegal Immigration Agency routinely relocates migrants to detention centers, including Bir Al Ghanam, Gharyan, Ain Zara, Gharyan, Trik Esseka, and the El Mebna, upon their arrest. Non-governmental organizations regularly document instances of torture and incidents of sexual assault, while United**



**Nations investigators have established that some migrants, driven to despair, resort to self-harm, such as hanging or consuming shampoo. On occasion, the families of these migrants offer substantial bribes, sometimes amounting to \$5,000 in U.S. dollars, in exchange for their release and subsequent departure from these detention facilities.**

**In a report issued in March 2023, a United Nations Fact-Finding Mission confirmed that the exploitation of migrants in Libya constitutes a violation of international law. The mission presented compelling evidence of armed militias and government entities engaging in crimes against humanity. The report underscored activities such as smuggling, illegal trade, slavery, forced labor, detention, and extortion of migrants yield considerable financial gains for a range of actors, including both individuals and governmental entities. Notably, certain Libyan state entities receive significant funding from the European Union for their efforts in combating illegal migration (Bousell, 2023).**

In 2022, the United Nations High Commissioner for Refugees (UNHCR) officially recorded a minimum of 132 fatalities occurring within migrant detention facilities situated in Libya. Additionally, they documented instances of torture and sexual assault experienced by individuals held in these facilities. As a result, numerous human rights\* organizations have advocated for the shutdown of these Libyan migrant detention centers and have proposed the establishment of a more compassionate and humanitarian solution to address the issue of migrants within the country. In the same year, the UNHCR released a report in which they issued a call for the complete closure of all detention centers in Libya, emphasizing the urgent need for an alternative approach that prioritizes the welfare and needs of migrants (United Nations High Commissioner for Refugees, 2022).

The principle of non-refoulement stands as a foundational element of international law. This principle categorically forbids the involuntary return of any individual to a location where they face the risk of torture or other violations of their human rights, notably, refugees and asylum seekers are accorded protection against repatriation to their countries of origin when the threat of direct or indirect persecution is imminent. More importantly, the application of the non-refoulement principle extends its safeguard not solely to refugees but to any migrant who may be exposed to such risks (Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Article 3). This universal principle maintains that every person possesses the inherent right to depart from any country, which encompasses their own nation. However, this right should only be subject to lawful limitations when required to uphold national security, public order, public health, the preservation of public morality, or the

---

\* The explicit ban on forcible repatriation within both the 1951 Convention concerning the Status of Refugees and the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment was unambiguously stated. International human rights organizations, regional human rights tribunals, and local courts have given birth to this principle as an indirect safeguard emanating from the obligation to uphold, safeguard, and implement human rights.

rights and liberties of others. These limitations must also remain consistent with the broader spectrum of human rights (International Covenant on Civil and Political Rights, Article 12(2)). Furthermore, no individual should experience arbitrary deprivation of their right to re-enter their own country (International Covenant on Civil and Political Rights, Article 12(3)).

Furthermore, Libya is a contracting party to the International Convention on Maritime Search and Rescue (SAR) of 1979, which imposes a legal obligation on participating states to ensure the provision of assistance to any person facing peril at sea, irrespective of their nationality, legal status, or specific circumstances. This assistance includes the delivery of primary medical care and other necessary provisions, with a primary aim of transporting individuals to a place of safety. Below, are listed the principal international agreements that legally bind the state of Libya and are relevant to the status and rights of migrants.

### **Organizations, agencies, and international bodies:**

<b>The date of Libya's accession</b>	<b>Agreement</b>
14/12/1955 AD	Charter of the United Nations of 1945
22/12/2008 AD	1969 Vienna Convention on the Law of Treaties.
15/05/1970 AD	International Covenant on Civil and Political Rights of 1966
15/05/1970 AD	International Covenant on Economic, Social and Cultural Rights of 1966
16/05/1989 AD	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1984
15/04/1993 AD	Convention on the Rights of Children of 1989
30/07/1968 AD	International Convention on the Elimination of All Forms of Racial Discrimination of 1965
16/05/1989 AD	Convention on the Elimination of All Forms of Discrimination against Women of 1979
09/01/1973 AD	UNESCO Convention against Discrimination in Education, 1960.
19/07/1986 AD	African Charter on Human and Peoples Rights of 1981
13/06/1961 AD	Convention No. 29 concerning Forced Labor of 1930
20/06/1962 AD	Convention No. 100 concerning Equal Remuneration of Men and Women Workers on Equal Employment of 1951
13/06/1961 AD	Convention No. 105 concerning the criminalization of forced labor of 1957.
18/06/2004 AD	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families of 1990

- **The United Nations High Commissioner for Refugees (UNHCR) in Libya:** As a consequence of the destruction wrought by the Second World War, millions of people were displaced from various regions around the world, particularly in Europe. The United Nations organization, then newly formed, established the International Refugee Organization (IRO) in 1946, which offered assistance to people who had been displaced due to the war across Europe. In the early 1950s, the United Nations High Commissioner for Refugees took over the responsibilities of the IRO and expanded its mission to encompass global operations.


In Libya, however, its offices were closed in 2010 by the Libyan authorities at that time. At the time of writing this study, its presence is considered irregular due to the absence of an official agreement between the organization and the Libyan authorities, and the lack of a formal cooperation protocol. Libya has also not ratified the 1951 Convention establishing this Commissioner, and it currently operates within Libyan territory under the auspices of the United Nations Support Mission in Libya. This mission focuses on internally displaced persons, stateless persons, and refugees. As for irregular migration, it falls under the purview of the International Organization for Migration.

- **International Organization for Migration (IOM):** The IOM is an intergovernmental organization established in 1951. It adheres to the principle that humane and organized migration is beneficial for everyone, both migrants and communities alike. The International Organization for Migration (IOM) is made of approximately 151 countries, and employs more than 7,800 staff members working on over 2,300 projects in 470 field locations. The estimated budget of the International Organization for Migration (IOM) is approximately 1.2 billion U.S. dollars ([https://en.wikipedia.org/wiki/International\\_Organization\\_for\\_Migration](https://en.wikipedia.org/wiki/International_Organization_for_Migration), 2023). The organization began operating in Libya after the events of 2011. Within the scope of its capacity, it caters to non-regular migrants within detention centers, providing humanitarian and relief assistance. The IOM also coordinates voluntary repatriation operations by air and operates in 17 detention centers across Libyan territory.

## 1. Government Institutions for Combating Irregular Migration:

**General Authority for Combating Illegal Migration:** The General Authority for Combating Illegal Migration was established under Cabinet Decision No. 386 dated June 4, 2014. It is headquartered in Tripoli and has several branches across the country. It operates under the Ministry of Interior, although it enjoys legal personality and financial independence. The General Authority for Combating Illegal Migration has a main office responsible for administrative and technical tasks. All regular police personnel affiliated with the Immigration Control Division were transferred to this Authority before its establishment in 2014.

- **Passports and Citizenship Bureau:** The Passports and Citizenship Bureau is a long-established institution in Libya, with its inception dating back to the period of independence in 1951. It underwent several stages of development, culminating in the transition of the General Passports Administration into the Passports and Citizenship



Bureau according to Cabinet Decision No. 314 in 2008. The Bureau is headquartered in Tripoli and possesses legal personality and financial independence. It has branches in various Libyan cities. The Bureau is also responsible for various departments with a direct bearing on combatting irregular migration. These include the Immigration Control Department, which conducts research, investigation, and the apprehension of violators of laws governing entry, exit, and residence in Libyan territories. Furthermore, the Ports Management Department is in charge of monitoring passports at official border and maritime ports and airports, in addition to the Foreigners' Affairs Office and the Passports and Citizenship Bureau branches situated across Libyan cities.

Other authorities concerned with migration matters include the Ministry of Labor and Rehabilitation, which oversees the registration of foreign labor within various public and private sector institutions, and the Ministry of Health responsible for issuing health certificates that serve as essential requirements for obtaining residence or employment in both the public and private sectors.

## 6. Recommendations

In this section, a set of recommendations will be provided based on the entity responsible for considering and implementing these suggestions.

### 6.1. Libyan Authorities:

- Streamline the residence procedures and cease the immediate detention and incarceration of migrants within Libya.
- Implement alternatives to detention and introduce measures to safeguard vulnerable populations, such as pregnant women, patients, children, and unaccompanied minors.
- Offer comprehensive training and competitive salaries to law enforcement personnel tasked with border control, while fostering collaboration with entities dealing with migration-related matters.
- Simplify the prerequisites for acquiring residency and work permits.
- Extend authorization to the United Nations High Commissioner for Refugees (UNHCR) for conducting asylum registration processes, facilitating voluntary resettlement for those desiring it, or, at the very least, simplifying humanitarian transfers to third countries.
- Halt the deportation of migrants to nations where they face threats of torture and security concerns, and guarantee unwavering compliance with the non-refoulement principle.

- Strengthen the rule of law and security discipline at inspection points and along migration routes.
- Actively combat racism and xenophobia through the issuance of public condemnations and the enforcement of criminal penalties, as well as the initiation of comprehensive public awareness campaigns.
- Extend support for the enhancement of human rights protection for all, aligning with international standards.
- Formulate immigration policies within the parameters of legal sovereignty and respect for international law.
- Put an end to the criminalization of migrants transiting through Libyan territories and abolish the detention system for migrants intercepted at sea.

## **6.2. International and Regional Bodies:**

### **• United Nations High Commissioner for Refugees:**

- Reiterate the call for the Libyan government to officially acknowledge the registration and recognition of asylum seekers present on Libyan soil.
- Encourage Western countries to explore options for resettling asylum seekers currently stranded in Libya and at its borders.
- Issue temporary asylum seeker cards to individuals unable to secure host countries within the region capable of ensuring their protection and assistance.
- In the long term, recommence negotiations with Libyan authorities to ratify the 1951 Geneva Convention relating to the Status of Refugees.

### **• International Organization for Migration (IOM):**

- Contribute to the enhancement of mechanisms for protecting migrant rights.

### **• African Commission on Human and Peoples' Rights:**

- Urge Libyan authorities to extend an invitation to the Special Rapporteur on Refugees, Asylum Seekers, Migrants, and the Internally Displaced Persons for a fact-finding mission within Libyan territories.
- Consider resorting to the African Court on Human and Peoples' Rights in cases of human rights violations against African migrants within Libyan territory, based on submissions from civil society organizations to the Committee.

### • **International Labor Organization:**

- Monitor compliance with the rights of migrant workers in Libya, aligning with international labor laws, and intervene in cases of explicit violations, particularly concerning forced and compulsory labor.
- Encourage the Libyan state to formulate and enact national migration laws.
- Ensure that contracts established with the Libyan government or companies incorporate provisions guaranteeing the protection of migrant workers' rights, including aspects related to wages, social insurance, and living conditions.

## **Bibliography**

<https://ar.tradingeconomics.com/forecast/unemployment-rate>. (10 09, 2023).

تم الاسترداد من

<https://ar.tradingeconomics.com/forecast/unemployment-rate>

[https://ar.wikipedia.org/wiki/\(2023\)\\_منظمة\\_الهجرة\\_الدولية](https://ar.wikipedia.org/wiki/(2023)_منظمة_الهجرة_الدولية).

<https://data.albankaldawli.org/country/libya?view=chart>. (10 09, 2023). تم الاسترداد من

<https://data.albankaldawli.org/country/libya?view=chart>

<https://www.transparency.org/en/cpi/2022/index/lby>. (10 09, 2023).

“Torture and Other Forms of Cruel, Inhuman, or Degrading Treatment (Article 3). (No date).

El Bashir El Kout. (January 2020). African-European Relations from Colonialism to Dialogue - An Analysis of the Tripoli Declaration of 2010. *Journal of African Research and Studies*, Issue 7.

International Covenant on Civil and Political Rights, Article 12 (2). (No date).

International Covenant on Civil and Political Rights, Article 12 (3). (No date).

Law No. 19 of 2010, Article 1. (No date).

Article 4 of Law No. 19 of 2010 on Combating Irregular Migration. (No date).

Article 5 of Law No. 19 of 2010 on Combating Irregular Migration. (No date).

Article 6 of Law No. 19 of 2010 on Combating Irregular Migration. (No date).

United Nations High Commissioner for Refugees. (2022). Retrieved on 14th September 2023, from <https://www.unhcr.org/global-trends-report-2022>

United Nations High Commissioner for Refugees. (September 8, 2023). Retrieved on September 8, 2023, from UNHCR: <https://www.unhcr.org/ar/4be7cc2766b>

Pierre Bousell. (2023). The War on Human Traffickers in Libya. Sada. Retrieved from [https://carnegieendowment.org/sada/90362?utm\\_source=rssemail&utm\\_medium=email&mkt\\_tok=ODEzLVhZVSooMjIAAAGOLHAr7Vq7er9HgZBSy7EAbK98AQ\\_yTLLKlXcwVPhLZMiMusG-EBWwdZvmg6wtK3rFIjc4UoYEsetga2W-tISnZ5CnBx7XRfoFwDSTBPEkPA](https://carnegieendowment.org/sada/90362?utm_source=rssemail&utm_medium=email&mkt_tok=ODEzLVhZVSooMjIAAAGOLHAr7Vq7er9HgZBSy7EAbK98AQ_yTLLKlXcwVPhLZMiMusG-EBWwdZvmg6wtK3rFIjc4UoYEsetga2W-tISnZ5CnBx7XRfoFwDSTBPEkPA)

Nassr Association for Legal and Judicial Information. (2003). The Issue of Migration in Light of Law No. 20-30 Regarding the Entry of Foreigners into the Kingdom of Morocco and Illegal Migration. National Conference on Illegal Migration (Pages 27-34). Marrakech: Moroccan Ministry of Justice.

Judith Kumin. (March 2014). The Challenge of Mixed Migration by Sea. accessed on September 8, 2023, from Forced Migration Review: <https://www.fmreview.org/ar/crisis/kumin>

Hamed Shaaban. (June 22, 2011). Retrieved from <http://www.policemc.gov.bh/reports/2011/June/22-6-2011/634443719863269791.pdf>

Richard Perochoud. (2013). Dictionary of Migration Terms (Second Edition, Volume 32). International Organization for Migration Publications.

Sami Mahmoud and Osama Badeer. (June 2009). Europe and Irregular Migration in Egypt: Between Responsibility and Duty. Issue 68.

Abdulmoneim Mansour Al Hur. (2020). A Study of the Problem of Illegal Migration - Analytical Study of the Situation of Migrants, Their Rights, Reasons, and Impact on Transit Countries: The Case of Libya. Cairo: Institute of Arab Research and Studies, Arab League.





Faiza Barkan. (2012). *Mechanisms to Combat Illegal Migration*. (Faculty of Law and Political Science, Editor) Batna - Algeria: University of El-Hadj Lakhdar.

Mixed Migration Centre: North Africa. (2020). *Semi-Annual Report for 2020*. Mixed Migration Centre North Africa. Retrieved on 09, 2023

United Nations High Commissioner for Human Rights. (2016). *Detained and Stripped of Their Humanity, Report on Human Rights Violations against Migrants in Libya*. United Nations Support Mission in Libya.

Yassin Mahmoud Al Najeh. (August 2016). *Legal Frameworks and Regulations for Combating Irregular Migration in Libya*. *Libyan Affairs Journal*, Issue 1.”