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# Illegal Immigration Through Libya From A Human Security Perspective

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## Abstract:

Libya has witnessed an increase in illegal immigration, accompanied by the deterioration of the security situation since 2011, following the fall of Muammar Gaddafi's regime and the intensification of the conflict between the conflicting parties. In light of the escalating rate of illegal immigration through Libya, this article aims to shed light on the humanitarian security situation of illegal migrants in Libya in the midst of the country's internal crisis.

On the other hand, the study reveals violations against illegal migrants in Libya by the Libyan Coast Guard, human trafficking gangs and within the detention centres managed by the Agency for Combating Illegal Immigration. As a result, the humanitarian situation of illegal migrants in Libya does not meet international human rights standards.

**Keywords:** Illegal immigration, Libya, Human security, Violations, Human rights.

## Introduction:

Asymmetric security threats, such as illegal immigration, pose a significant security challenge due to their impact on human security.

Libya serves as a transit point for many African migrants seeking better security and economic conditions in European countries, which has led to a noticeable increase in waves of illegal immigration since 2011, coinciding with the deteriorating security situation in Libya.

In light of the above, the following question can be posed:

**Does the current humanitarian security situation of illegal migrants in Libya comply with international human rights standards?**

The importance of this topic lies in shedding light on the phenomenon of illegal migration as a threat to human security, especially in light of the deteriorating security conditions in Libya and the proliferation of organised crime, especially human trafficking, which is closely linked to illegal migration.

On the other hand, this study aims to focus on individual security by addressing the human security approach and highlighting the humanitarian security situation of illegal migrants in Libya in the context of the Libyan security crisis since 2011.

The study employed a content analysis method to analyse reports and statements on the situation of illegal migrants in Libya. Statistical methods were also used to collect data on the situation in Libya. In addition, a case study approach was used by applying the study to the country of Libya, considering it as one of the countries most affected by illegal immigration. The study also used the human security approach to examine the humanitarian situation of illegal migrants in Libya and its consistency with international human rights standards.

To address the problem, the article is divided into three main axes:

**First: Individual security**

1- The Aberystwyth School of Critical Security Studies

2- The human security approach

### **Second: Illegal immigration through Libya under deteriorating security conditions**

1- The reality of illegal immigration through Libya

2- The internal situation in Libya

### **Third: The situation of illegal migrants in Libya**

1- Trafficking in illegal migrants in Libya

2- The Libyan Coast Guard

3- Detention Centres under the Agency for Combating Illegal Immigration

### **First: Individual security**

The concept of security has evolved to include new actors in addition to the state, such as the individual, and new dimensions beyond the military aspect. This has led to the emergence of critical security studies, which have introduced new concepts such as human security.

#### **1- The Aberystwyth School of Critical Security Studies**

This school has focused on redefining security by placing the individual as the central subject of security and emancipation as the subject of security studies. The individual is seen as engaged in a constant struggle against insecurity, seeking emancipation from threats to human security<sup>1</sup>.

Ken Booth argues that "emancipation as a political discourse seeks to protect people from the oppression that prevents them from freely doing what they want to do in a way that does not violate the freedoms of others"<sup>2</sup>.

On the other hand, proponents of this school have focused on human security with its various individual and societal dimensions, linking the concept of emancipation to the human dimension. Thus, threats to human security are no longer limited to those that affect the state, since the state is no longer the only reference for security<sup>3</sup>. Instead, these threats encompass all forms of daily challenges faced by individuals, and individual security becomes emancipation from these threats. These threats include physical violence, oppression, deteriorating health conditions, ignorance, low living standards, unemployment, marginalisation, humiliation and more<sup>4</sup>.

According to the Aberystwyth School, security can be defined as the emancipation of individuals from the threats they face in their daily lives. Therefore, according to the proponents of this school, the individual is placed at the centre of the analysis.

## **2- The human security approach**

The United Nations Development Programme, in its 1994 report, defined human security as "freedom from fear and freedom from want"<sup>5</sup>. The programme also identified seven dimensions of human security, including:

- Economic security: Refers to ensuring individuals' access to sources of income, sufficiency and stability.
- Political security: Aims to guarantee citizens' freedom of political activity, respect for human rights and the stability of the political system.
- Personal security: Aims to protect individuals from harm, physical violence and threats resulting from crime, war or human rights violations.
- Community security: Includes ensuring the preservation and protection of cultures by safeguarding the national identity of individuals and communities.

- Environmental security: Based on protecting individuals from environmental threats and preventing environmental degradation.
- Food security: Means the right of everyone to have access to food and to be able to afford it.
- Health security: Refers to ensuring health care for everyone<sup>6</sup>.

On the other hand, human security is based on two strategies:

- Protection strategy: As defined by the Commission on Human Security, this refers to "strategies adopted by governments, international organisations, non-governmental organisations and the private sector to protect people from hazards".
- Empowerment strategy: Defined by the HSC as "strategies that enable individuals to develop their capacities to adapt to conditions and emergencies"<sup>7</sup>.

Human security therefore aims to protect and preserve human dignity, meet the material and moral needs of individuals, and empower them to face future challenges. This is achieved by strengthening cooperation and coordination between governments, international and regional organisations, non-governmental organisations and civil society organisations<sup>8</sup>.

On the other hand, humanitarian security is characterised by a number of features that can be summarised as follows:

- Humanitarian security is global and comprehensive.
- It places the individual at the centre, i.e. it is security that relates to the individual as an analytical unit.
- The components of humanitarian security are interrelated, as they complement each other.
- Humanitarian security emphasises early prevention<sup>9</sup>.

Humanitarian security therefore takes the individual as the reference point for security and aims to protect and preserve human dignity. It achieves this by strengthening cooperation between different international actors in the field of individual protection and by empowering individuals to face the challenges they face.

## **Second: Irregular migration through Libya in the context of the security crisis.**

This axis focuses on irregular migration following the outbreak of the Libyan crisis in 2011 and its impact on the trajectory of irregular migration through Libya.

### **1- The reality of irregular migration through Libya:**

Libya is considered a transit point for many irregular African migrants due to lower transport costs compared to neighbouring countries, as well as weak border control in Libya<sup>10</sup>.

The conflict within Libya has contributed to the intensification of irregular migration, which is closely linked to the spread of terrorism and organised crime<sup>11</sup>. Since 2011, Libya has been in a state of instability that has weakened its institutional capacity to manage migration. As a result, there has been a significant influx of irregular migrants into Libya because the state has failed to issue legal documents to these migrants or because the migrants have documents that will soon expire with little chance of renewal<sup>12</sup>.

Sources of irregular migration through Libya include

- The Horn of Africa region: Ethiopia, Eritrea, Somalia, Sudan.
- The Sahel region: Niger, Mali, Burkina Faso, Nigeria, Cameroon.
- The Middle East region: Syria, Palestine, Egypt, Iraq, Yemen.
- The Maghreb region: Morocco, Algeria, Tunisia<sup>13</sup>.

Irregular migrants from West and Central Africa cross Libya, starting from the south-western region and reaching the coastal

areas of Libya. They then board overcrowded and unseaworthy boats for which they pay large sums of money. This exposes them to the risk of drowning if the boat capsizes, suffers engine failure or runs out of air<sup>14</sup>.

On the other hand, many irregular migrants face the danger of landmines left behind by previous conflicts when crossing the Libyan borders. They also face difficult conditions during their journey, including the long duration of the journey and the potential risk of dehydration in the desert<sup>15</sup>.

In addition, irregular migrants in Libya are at risk of being detained or abducted by security forces, militias, human trafficking gangs, criminal gangs or other elements involved in criminal activities<sup>16</sup>.

As a result, irregular migration through Libya poses a threat to the lives of irregular migrants amidst instability and the proliferation of criminal gangs.

## **2- The internal situation in Libya:**

Libya has witnessed a deterioration in security and political conditions since 2011, following the outbreak of the Libyan revolution amid the wave of Arab Spring uprisings and its call for the overthrow of the regime of Muammar Gaddafi.

### **2-1 The political situation in Libya:**

Libya has experienced a breakdown of security in the absence of the rule of law, democracy and human rights. There has been widespread political and administrative corruption, external military intervention, an increase in the frequency of political assassinations, military escalation between the conflicting parties, the failure of the emerging governments to establish authority and legitimacy within Libya, the proliferation of terrorist organisations and the smuggling of weapons by armed groups to external entities<sup>17</sup>.

On the other hand, international intervention in Libya has turned the country into an arena for regional and international power rivalries aimed at achieving strategic gains by supporting and backing one of Libya's conflicting internal factions. This has led to an escalation of the conflict and the failure of state-building efforts in Libya, resulting in the fragmentation of Libyan society through increased political and social divisions<sup>18</sup>.

Amid the security breakdown in Libya, there has been an increase in the activities of criminal organisations involved in human trafficking, arms smuggling and money laundering to external entities. In addition, embezzlement, bribery and favouritism have become widespread in the country<sup>19</sup>.

## **2-2 The economic situation in Libya:**

Libya is experiencing an economic crisis characterised by high levels of foreign debt<sup>20</sup>, inflation rates, a decline in gross domestic product (GDP), low per capita and national income, and a decline in foreign investment. In addition, NATO air strikes have destroyed many strategic sites in Libya<sup>21</sup>.

## **2-3 The social situation in Libya:**

The social situation in Libya has deteriorated due to high unemployment rates, the spread of unemployment, the increase in ethnic and sectarian conflicts, and the absence of a strong national state in contrast to the prevalence of tribal and clan loyalties<sup>22</sup>.

As a result, the war in Libya has contributed to an increase in the number of irregular migrants transiting through Libya, amid deteriorating economic and social conditions and the failure of state-building efforts in the country.

## **Third: The situation of irregular migrants in Libya**

This axis focuses on the situation of irregular migrants in Libya, in particular the humanitarian situation in light of the deteriorating



security situation in Libya and the increasing activities of criminal organisations involved in human smuggling.

## **1- Trafficking in irregular migrants in Libya**

Libya has witnessed an increase in the crime of human trafficking, with irregular migrants falling victim to trafficking networks.

During a United Nations Security Council meeting on trafficking in conflict situations, António Guterres said: "In recent days, we have all been horrified by images of African migrants being sold as commodities in Libya. It is our collective responsibility to stop these crimes. We must work urgently to protect the rights and dignity of migrants..."<sup>23</sup>.

In response, the UN Security Council held a session on 28 September 2017 to discuss the situation of irregular migrants in Libya, following media reports revealing the existence of public auctions of African refugees as slaves. During the session, the UN High Commissioner for Refugees, Filippo Grandi, called for an end to human rights violations against migrants and refugees in Libya and along the Central Mediterranean route<sup>24</sup>.

On the other hand, a number of irregular migrants in Libya have reported being forced to work without pay on farms, in houses, in construction, road paving and waste collection. This is done in the absence of protection and adequate food, by employers who pay money to smugglers or traffickers, or by guards from the Department for the Control of Illegal Migration in exchange for work<sup>25</sup>.

In the same context, smugglers and organised crime syndicates force migrants to work under exploitative conditions in construction, sanitation, agriculture and cargo lifting<sup>26</sup>.

Migrants, including women and girls, have been raped and sexually assaulted during their journey through Libya. Cultural mediators from the United Nations High Commissioner for Refugees and

international NGOs in Italy have reported cases of sexual violence<sup>27</sup> against boys and men. In addition, racist remarks are used against African foreigners, highlighting the silence of the Libyan authorities on these violations<sup>28</sup>.

Human trafficking is indeed a threat to humanitarian security in Libya, where migrants are threatened and subjected to violence for the purpose of being sold for profit or exploited. This includes sexual exploitation, forced labour or slavery.

## **2- Libyan Coast Guard**

The Libyan Coast Guard, under the authority of the Ministry of Defence, is responsible for monitoring and surveillance operations in Libyan territorial and international waters<sup>29</sup>. European Union Member States, in particular Italy, have supported the Libyan Coast Guard by providing assistance and training to intercept refugees and migrants at sea and disembark them in Libya. However, this support has not included measures to ensure respect for the rights of refugees and migrants<sup>30</sup>.

On the other hand, a UN report in 2016 highlighted the existence of torture, sexual violence and arbitrary detention of migrants and asylum seekers intercepted by the Libyan coastguard while attempting to cross towards the European Union. The report called on the European Union to put pressure on the Libyan authorities to end these violations, as the EU has been involved in training the Libyan Coast Guard since November 2016<sup>31</sup>.

In 2018, there was a decrease in the number of irregular migrants travelling to the European Union. Libya's cooperation with the European Union in the field of migration contributed to reducing the number of migrants arriving in Italy. However, there was an increase in attempted crossings from Turkey to the Greek islands and from Morocco to Spain. Nevertheless, Libyan cooperation with the EU on migration control has been accompanied by human rights abuses against migrants<sup>32</sup>.

The International Organisation for Migration reported that 8,435 people were disembarked in Libya by the Libyan coastguard between January and mid-September 2020<sup>33</sup>.

Médecins Sans Frontières stated that search and rescue operations in Libya were lacking. Over 34,000 people attempted to cross the sea in 2018, and 9,000 people attempted the journey in the first six months of 2019. More than 1,100 people died in 2018. The Italian authorities refused to cooperate with MSF to disembark a group of migrants in nearby safe areas, closing the doors to NGO-operated search and rescue vessels<sup>34</sup>.

In contrast, humanitarian organisations documented cases of Libyan coastguard personnel using threats and violence against migrants on board boats in the open sea, putting the lives of migrants and aid workers at risk. In 2017, incidents of threats and intimidation against personnel of non-governmental organisations involved in humanitarian assistance were reported, and their efforts were met with intimidation and harassment<sup>35</sup>.

The United Nations High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, described the European Union's policy of assisting the Libyan coastguard in intercepting migrants in the Mediterranean and returning them in an inhumane manner<sup>36</sup>. In addition, some Amnesty International documents revealed collusion between some members of the Libyan coastguard and smugglers. This collusion included providing safe passage for smugglers and ensuring the safe passage of migrant boats bound for Italy in exchange for financial compensation<sup>37</sup>.

The interception of migrant smuggling vessels at sea by the Libyan coastguard disregards the provisions for the return of smuggled migrants set out in the Supplementary Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organised Crime of 2000. This Protocol emphasises the safety and dignity of smuggled migrants.

### **3- Detention Centres under the Authority of the Department for Combating Illegal Migration**

In 2012, the Libyan Ministry of the Interior established the Department for Combating Illegal Migration in order to manage illegal migration issues. This department is responsible for arresting undocumented migrants in the country, organising the deportation of undocumented migrants and managing the affairs of the detention centres where they are held<sup>38</sup>.

In reality, however, it is difficult to determine the extent to which detention centres are subject to the centralised authority of the Department. This is due to the control exercised by non-state militias over dozens of detention centres. It is also difficult to determine the number of centres, as the department frequently closes some centres while opening others. It is also difficult to determine the number of undocumented migrants held in detention centres or the duration of their detention, as there are no official procedures at the point of disembarkation or within the detention centres<sup>39</sup>.

On the other hand, the United Nations Support Mission in Libya has documented the arbitrary and illegal detention of undocumented migrants in detention centres under the authority of the Department for Combating Illegal Migration. They are denied access to lawyers or judicial authorities. Their documents and belongings are confiscated, which constitutes arbitrary detention in violation of Libyan domestic law and international human rights standards<sup>40</sup>.

Furthermore, undocumented migrants are held in inadequate facilities, including farms, warehouses, houses, apartments and others. These places are unsuitable for the detention of migrants as they suffer from severe overcrowding, poor ventilation, lack of lighting, inadequate sanitary facilities and the spread of infectious diseases such as scabies, chicken pox, chronic diarrhoea, respiratory infections, malnutrition and the provision of non-potable water<sup>41</sup>.

Indeed, in his statement to the UN Security Council in September 2017, the UN Secretary-General expressed concern about the conditions of detention of refugees and migrants in Libya. He highlighted the following issues: "Detention conditions in most facilities are characterised by severe and chronic overcrowding, unsanitary conditions and lack of access to basic necessities or adequate medical care. Malnutrition is widespread among adults and children, particularly in facilities outside Tripoli. In some facilities, the conditions of detention themselves may amount to torture or other forms of ill-treatment. Detainees are generally denied the opportunity to communicate with their families, while there are reports of consular representatives being denied access to detainees only after long delays"<sup>42</sup>.

A 2016 UN report highlighted that migrants are detained in centres run by the Anti-Illegal Immigration Agency in inadequate conditions, including malnutrition and the spread of infectious diseases. They are also held in temporary shelters by smugglers and traffickers<sup>43</sup>.

In addition, undocumented migrants in detention centres run by the Anti-Illegal Immigration Agency are subjected to torture by the agency's guards. This results in serious injuries and head wounds, loss of sight and hearing problems. The guards working for the agency blackmail migrants by forcing them to contact their relatives by telephone and demanding money in exchange for their release<sup>44</sup>. This occurs in a context where perpetrators of torture and other forms of ill-treatment, exploitation and other violations often go unpunished<sup>45</sup>.

On the other hand, in eastern Libya, detained migrants and refugees are forcibly returned to neighbouring countries without due process and without the opportunity to seek international protection. In 2020, more than 5,065 people were collectively deported across land borders, with some left without food or water at the borders with Sudan and Chad<sup>46</sup>.

In contrast, the Libyan authorities promised to close detention centres affiliated to the Anti-Illegal Immigration Agency where violations had been documented. However, this did not prevent similar violations from occurring in new centres. Amnesty International said that in the first half of 2021<sup>46</sup>, more than 7,000 people were held in Libyan detention centres under inhumane conditions, including torture, extortion, forced labour, humiliation, violence, starvation and rape of women in exchange for their release<sup>47</sup>.

Detention centres affiliated to the Agency for Combating Illegal Immigration in Libya do not comply with international human rights standards. Migrants are treated in an inhumane manner and held in inappropriate and unlawful conditions, which constitutes a violation of human rights.

### **Conclusion:**

Libya has witnessed a large influx of irregular migrants, especially after the deterioration of the security situation since 2011, amidst the spread of human trafficking and the failure of state building in Libya.

The findings of the study are as follows:

- The war in Libya poses a threat to the safety of irregular migrants, given the deteriorating conditions, the absence of the rule of law and respect for human rights, and the prevalence of organised crime.
- Irregular migrants in Libya fall into the hands of smuggling and trafficking gangs, where they are exploited, posing a threat to their safety and security.
- Violations against irregular migrants take place in detention centres affiliated to the Agency for Combating Illegal Immigration, where migrants are held in inhumane conditions.

- The interception of smuggling vessels at sea by the Libyan coastguard does not respect the arrangements for the return of irregular migrants and is accompanied by human rights violations, with some members of the Libyan coastguard colluding with smugglers.

Therefore, the humanitarian situation of irregular migrants in Libya does not meet international human rights standards, given the silence of the Libyan authorities regarding these violations and the lack of accountability.

Finally, the study proposes a number of recommendations, including:

- Ending the violations and abuses faced by irregular migrants in Libya that threaten their humanitarian security.

- Support international efforts in Libya to protect and assist irregular migrants in the country.

- Strengthen legal mechanisms and improve security measures to combat organised crime, in particular trafficking in human beings.

### **Footnotes :**

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