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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by Maat for Peace, Development and Human Rights Association, a non- governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[30 May 2021]

* Issued as received, in the language(s) of submission only.



Migrants rights in Libya (January 2021 – May 2021)

Introduction

Maat for Peace, development and human rights is extremely concerned about the safety of migrants in Libya and welcomes this opportunity to submit this written statement to the UN Human Rights Council on the Rights of Migrants in Libya between January and May 2021.

Libya has remained in turmoil following the 2011 revolution, which ended the 42-year administration of Muammar Gaddafi. It has also remained the main departure point to Europe for migrants from Africa seeking safety and opportunity. However, the attempts to cross the Mediterranean Sea from Libya remains dangerous. In 2021 alone, more than 700 migrants have tragically drowned or mysteriously gone missing while attempting to cross the Mediterranean Sea¹. In April 2021, a capsized rubber boat carrying around 130 people, was spotted in the Mediterranean Sea northeast of the Libyan capital, Tripoli, unfortunately, rescue operations did not find any survivors but reported to have spotted at least ten bodies near the wreck.² The situation for the approximately 7000 migrants including women and children who have been intercepted and returned to Libya also remains a problem, as the vast majority are sent back to overcrowded detention centers.

Thousands of migrants and refugees are believed to be held in detention sites, including informal ones run by clandestine groups. The current state of Libya provides avenues for state and other non-state actors to exploit migrants by detaining and imprisoning them for ransoms.³ More concerning is the living conditions in the detention centers which have been described as deplorable with reports of exposure of migrants to inhumane conditions and ill treatment in these facilities. A report from the European Union's External Action in February 2021, describes widespread "sexual violence, forced labor and unlawful killings perpetuated by both state and non-state actors including members of armed groups, smugglers, traffickers and members of criminal gangs."⁴ In the same month, Libyan authorities rescued over 150 migrants from a clandestine prison in the Southeastern city of Kurfa, run by human traffickers.⁵ The migrants originally from the Sudan, Somalia and Eritrea and including 15 women and five children reportedly suffered various forms of abuse including malnutrition.⁶ Furthermore, numerous testimonies given by migrants detained in other facilities also provided gory details of give details of violence, torture and even food deprivation with no security measures in place to protect the detainees from abuse.⁷

Despite the continuous outcry by both governmental and nongovernmental agencies against the abuses and violations of international law, including the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT); and Article 7 of the ICCPR or Article 5 of the African Charter on Human and Peoples' Rights; thousands of migrants continue to suffer from these abhorrent conditions.

Unfortunately, the dreadful living conditions of migrants only pushes them to take further risky journeys. For example, in May 2021, a group of 95 migrants on a wooden boat were intercepted by the Libyan Coast guard and returned to Tripoli. It was reported that the situation in the boat deteriorated when the migrants in distress realized they were going to be returned to Libya, where they had been subjected to severe violence, rather than rescued to

¹ <https://missingmigrants.iom.int/region/mediterranean>.

² <https://www.vaticannews.va/en/africa/news/2021-04/vigil-prayers-for-victims-of-the-latest-shipwreck-off-the-coast.html>.

³ <https://www.infomigrants.net/en/post/31291/what-happens-to-migrants-intercepted-at-sea-by-the-libyan-coast-guard>.

⁴ <https://www.spiegel.de/international/europe/libya-how-frontex-helps-haul-migrants-back-to-libyan-torture-camps-a-d62c3960-ece2-499b-8a3f-1ede2eae83>.

⁵ <https://www.latimes.com/world-nation/story/2021-02-22/libya-over-150-migrants-freed-in-raid-on-traffickers>.

⁶ <https://www.majalat.org/news/libya-migrants-released-clandestine-detention-centre-and-placed-jail>.

⁷ <https://rlc-journal.org/2021/living-conditions-in-migrant-detention-centres-in-libya-continue-to-violate-international-law/>.

Italy.⁸ This resulted in several people falling or jumping into the water to prevent capture resulting in the death of eleven people, while those who survived were returned to overcrowded detention centers which they risked their lives to escape.⁹ The refusal of coast guards to perform timely rescue as well as the returning of migrants to Libya where their lives are threatened is an open violation of the Geneva Convention, signed by European states.¹⁰ It is also evidence that States are more concerned about protecting borders rather than human lives.

Recommendations

On this basis, Maat for Peace Development and Human Rights respectfully makes the following recommendations to the Human Rights Council:

1. Europe and Libya must urgently prevent the unnecessary loss of yet more lives in the Mediterranean Sea by adopting human rights compliant migration policies to ensure the preservation of human life and the protection of the human rights of people in distress at sea; as well as expand legal routes for safer migration.
2. The European Union must join the United Nations to push for the closure of the detention centers and immediately put an end to the horrendous situation migrants are facing on a daily basis.
3. Libya must ensure the release of all migrants and asylum seekers from detention centers in the country, as well as seek alternatives to detention that do not violate human rights laws and international laws.
4. International actors and National actors involved in human rights violations and abuse must be held accountable for the abuses faced by migrants in Libya.
5. Adequate and sufficient state-led search and rescue operations at sea must be strengthened and coordinated to ensure the safety of migrants who have been intercepted and brought back to shore.
6. Non state actors and civil society organizations who are involved in search and rescue activities or monitoring of human rights must be allowed to carry out their duties without pushbacks or other actions that may expose migrants to return to serious human rights violations.

⁸ <https://alarmphone.org/en/2021/05/08/95-people-returned-to-torture-and-abuse/>.

⁹ http://www.china.org.cn/world/Off_the_Wire/2021-05/03/content_77461609.htm.

¹⁰ <https://alarmphone.org/en/2021/05/08/95-people-returned-to-torture-and-abuse/>.