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Implementation of resolution [2437 \(2018\)](#)

Report of the Secretary-General

I. Introduction

1. The present report is submitted pursuant to paragraph 3 of Security Council resolution [2437 \(2018\)](#), in which the Council renewed its request to me to report on the implementation of resolution [2240 \(2015\)](#), in particular the implementation of paragraphs 7 to 10 of that resolution.

2. The report covers developments since my previous report of 31 August 2018 ([S/2018/807](#)) until 31 August 2019. The information and observations herein are based on submissions by Member States, relevant international and regional bodies and United Nations entities.

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

3. Since the issuance of my previous report, the world continues to face the grim reality that the Mediterranean Sea remains a high-volume thoroughfare for the smuggling of and trafficking in refugees and migrants. In 2019, thousands have again perished or gone missing en route or have been returned to situations of grave harm and uncertainty. In the period from 1 September 2018 to 31 July 2019, the Office of the United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM) recorded a total of 82,236 arrivals of refugees and migrants by sea in Europe, a 26 per cent decrease from the same period in 2018, when approximately 111,200 individuals were recorded to have arrived in Europe by sea. For the period from September 2018 to July 2019, 1,485 refugees and migrants were recorded to have died or gone missing at sea on all the Mediterranean routes, including 736 on the so-called central Mediterranean route from North Africa to Italy and Malta. This represents a decrease in recorded numbers compared with the previous reporting period, when 2,080 individuals were recorded as having died or gone missing in the Mediterranean Sea, including 1,556 on the central Mediterranean route. Those numbers do not account for deaths or missing persons recorded by the Libyan coastguard, however.

4. Despite the decrease in numbers, there is considerable evidence that conditions for those embarking on the journey have worsened. With 2,130 arrivals and 333 deaths on the route from Libya to Europe recorded in the first half of 2019, one person



died in the central Mediterranean Sea for every six people who reached European shores after departing from Libya. By comparison, in 2018, 1 person died for every 14 people who arrived by sea in Europe from Libya, with 15,537 arrivals and 1,132 deaths recorded, meaning that the death rate in the first half of 2019 was more than double that in the previous year. In 2017, at least one death for every 38 arrivals was recorded, with 108,255 arrivals and 2,851 deaths.

5. The European Union military operation in the Southern Central Mediterranean, EUNAVFOR MED operation SOPHIA, estimates that, from 1 September 2018 to 2 August 2019, roughly 10,137 persons were rescued in 153 operations by various vessels in the central Mediterranean Sea, compared with 41,961 individuals in 543 operations in the same period in 2018. According to the operation, the rescue operations and interceptions were largely executed by the Libyan coastguard and navy, which conducted a total of 72 such operations.¹ Vessels of non-governmental organizations (NGOs) and merchant vessels are still reported to be conducting search and rescue operations on the high seas off the coast of western Libya, but in reduced numbers compared with previous reporting periods, owing in particular to administrative and legal restrictions imposed by European States. In the first six months of 2019, NGOs rescued close to 400 migrants and refugees off the coast of Libya, compared with 5,200 individuals in the same period in 2018. In the first half of 2019, merchant vessels rescued only one group of about 100 individuals off the Libyan coast and brought them to safety in Europe, compared with over 1,300 people rescued in the first six months of 2018.

6. There was a steep increase in figures for the eastern and western Mediterranean routes in 2018, when 811 people died or went missing on the western route and 187 on the eastern route, compared with 209 and 56, respectively, the previous year. The western Mediterranean route from Morocco to Spain currently represents the main point of entry into Europe. While arrivals in Europe from Libya decreased by 86 per cent in 2018, constituting only 11 per cent of the total number of arrivals in 2018 compared with 59 per cent in 2017, there is currently no evidence to suggest that migrants have shifted routes while travelling to Europe, in particular as the nationalities of refugees and migrants travelling along the western and eastern routes differ from those of refugees and migrants using the central Mediterranean route. In Libya, more than half of the departures of migrants during the reporting period have been from the Khums and Sabratah regions. There was also a high probability of departures from, in descending order of activity, the regions of Misratah, Zawiyah and Zuwarah.

7. During the reporting period, EUNAVFOR MED operation SOPHIA continued efforts to contribute to the implementation of resolution 2240 (2015) and subsequent resolutions. It has undertaken direct operational activities, provided training for and monitoring of the Libyan coastguard and navy and cooperated with a large number of actors. The European Union reported that, in spite of the reduction in migrant flows along the central Mediterranean route, challenges remained, and that the migrant smuggling business model continued to evolve as smugglers adapted their tactics, techniques and procedures in an environment that the renewed instability in Libya was making increasingly challenging. The European Union also observed that the decrease in individuals being smuggled from Libya to Europe might be related to the engagement of those previously involved in migrant smuggling and human trafficking in activities related to the current active conflict.

¹ Other operations were conducted by the Italian coastguard, navy, Guardia di Finanza and Carabinieri (21), the armed forces of Malta (18), vessels of non-governmental organizations (17), merchant vessels (13), the armed forces of Tunisia (9) and fishing vessels (3). Source: EUNAVFOR MED operation SOPHIA.

8. The European Union, through EUNAVFOR MED operation SOPHIA, reported that migrant smugglers and human traffickers continued primarily to use rubber boats in departures from Libya (62.5 per cent as at July 2019). Migrant smuggling groups in the eastern launching area, from Tripoli to Misratah, are also reported to use fibreglass boats occasionally, while groups in the western launching region, from Tripoli to Abu Kammash, employ wooden boats. The operation has found that the individual fare for travel by inflatable boat ranges from €500 to €1,400, and by wooden boat from €800 to €1,500, a decrease from the price reported in 2017, when fares for travel by wooden boat were assessed as ranging from €1,500 to €3,000. With each rubber boat capable of accommodating up to approximately 120 refugees and migrants, smugglers can recoup up to €168,000 per boat. For wooden boats, which typically hold some 400 people, the figure could be as high as €600,000 per boat.

9. In terms of tactics, the European Union reports that the majority of boats observed to be smuggling migrants along the central Mediterranean route are filled with insufficient fuel to reach European shores, but enough to reach waters beyond the 12-nautical-mile limit of the territorial sea of Libya. In the reporting period, migrant smugglers appeared to have adapted their tactics to avoid being apprehended by either EUNAVFOR MED operation SOPHIA naval assets, before their temporary suspension in March 2019, or the Libyan coastguard, by leaving refugees and migrants to travel alone, instructing them how to navigate the sea using a Global Positioning System or to head towards oil rigs in the territorial sea of Libya. They then instructed them to use a satellite phone and, upon reaching a certain point outside the territorial sea of Libya, to make a phone call to the Maritime Rescue Coordination Centre in Rome and await rescue.

10. The European Union, through EUNAVFOR MED operation SOPHIA, notes that a tactic reported to be used by smugglers to get refugees and migrants to reach Europe, especially on the route from Zuwarah to Lampedusa, is to involve fishing vessels. Once outside the territorial sea of Libya, people who embarked in wooden boats on Libyan shores are transferred onto a fishing vessel and the wooden boat is subsequently towed until approximately 40 nautical miles shy of the territorial seas of European States. There, the refugees and migrants are transferred back onto the wooden boat, which then continues onward to Europe, while the fishing vessel returns to Libya.

11. According to IOM and UNHCR, from 1 September 2018 to 24 July 2019, the Libyan coastguard, Libyan coastal security and Libyan fishermen rescued or intercepted 6,069 refugees and migrants, a substantial reduction from the previous reporting period (1 January to 1 August 2018), during which 12,945 were rescued or intercepted. UNHCR noted an increase in the number of disembarkations in Libya during May and June 2019 compared with previous months, with 2,560 refugees and migrants rescued or intercepted at sea, consistent with the uptick in departures in the spring and summer months in previous years. In comparison with the same period in 2018, however, disembarkations substantially decreased. A total of 5,209 individuals disembarked in Libya in May and June 2018, and 4,656 individuals disembarked in the same months in 2017. UNHCR, in cooperation with the International Medical Corps, continues to provide medical assistance and core relief items to those disembarked in Libya before they are transferred to a detention centre by Libyan authorities. UNHCR reports that those rescued or intercepted at sea by the Libyan coastguard included, in descending order, individuals from the Sudan (37 per cent), Mali (8 per cent), Côte d'Ivoire (7 per cent), Bangladesh (5 per cent) and Somalia (5 per cent). On the basis of available data, adult men represented 78 per cent of the total population rescued or intercepted, while women accounted for 12 per cent and children for 10 per cent.

12. Organized transnational criminal networks continued to exploit the adverse security situation in Libya to conduct migrant smuggling and human trafficking operations, further fuelling instability and undermining Libyan governance structures. Additionally, the United Nations Support Mission in Libya (UNSMIL) continued to receive credible information of involvement by State and local officials in smuggling and trafficking networks. In its most recent report to the Security Council ([S/2018/812](#) and [S/2018/812/Corr.1](#)), the Panel of Experts on Libya reported that Libyan armed groups generated significant revenues by exacting passage taxes and by providing protection services to the smugglers' convoys against payment. The Panel expressed concern at the attempts of various armed groups to gain legitimacy by ostensibly supporting efforts to combat irregular migration, with the aim of receiving technical and material assistance from foreign actors. It also expressed concern about the impunity in Libya of those who systematically violated the human rights of migrants, notably on account of weak law enforcement and security vacuums.

13. The six individuals listed on 7 June 2018 by the Security Council Committee established pursuant to resolution [1970 \(2011\)](#) concerning Libya for involvement in the smuggling of migrants continue to be subject to the travel ban and asset freeze imposed by the Council in that resolution.² Meanwhile, the Security Council Committee established pursuant to resolution [2374 \(2017\)](#) concerning Mali reported the involvement of armed groups in northern Mali in the smuggling of migrants to Algeria, possibly en route to Libya (see [S/2019/137](#)). On 20 December 2018, the Security Council Committee established pursuant to resolution [2374 \(2017\)](#) listed, among others, one individual as subject to travel ban measures under the Mali sanctions regime, on the basis of his involvement in the smuggling and abuse of migrants, including sexual abuse.³

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

14. As part of the efforts to prevent and combat the smuggling of migrants and trafficking in persons off the coast of Libya, Member States have continued to inspect and seize vessels under applicable international law and in the exercise of the specific authority provided by the Security Council in its resolution [2437 \(2018\)](#).

15. In March 2019, the Council of the European Union decided to extend the mandate of EUNAVFOR MED operation SOPHIA until 30 September 2019 but to suspend, temporarily, the deployment of its naval assets. Since the operation began in June 2015, it has reportedly disposed of 551 boats and apprehended 151 migrant smugglers. Moreover, it has rescued 49,000 people on the central Mediterranean Sea since its launch. Over the reporting period, supported by all States members of the European Union, with the exception of Denmark, which has opted out of participation in all Common Security and Defence Policy missions and operations by default, the operation employed surface, subsurface and aerial assets in support of its core mandate to disrupt the business model of migrant smugglers and human traffickers in the southern central Mediterranean. It also continued to train the Libyan coastguard and navy, conduct surveillance activities and gather information on illegal trafficking of oil exports from Libya.

² See: www.un.org/press/en/2018/sc13371.doc.htm.

³ See: www.un.org/press/en/2018/sc13639.doc.htm.

16. Since the decision taken in March 2019 to temporarily suspend surface naval assets, EUNAVFOR MED operation SOPHIA has relied on air assets⁴ for the implementation of its mandate. Three warships remain ready to take to the sea at short notice, if so decided by States members of the European Union. When observing vessels in distress in the central Mediterranean Sea, the operation's air assets have played a critical role in reporting incidents to relevant Maritime Rescue Coordination Centres so that they can initiate a search and rescue response. UNHCR notes that many of the vessels in distress observed by the operation were disembarked in Libya, in contradiction with its advisory on the matter.

17. Over the reporting period, the North Atlantic Treaty Organization (NATO) has continued to support, as required and if necessary, the efforts of the European Union in implementing Security Council resolution 2357 (2017), extended by resolutions 2420 (2018) and 2473 (2019), with regard to vessels suspected of breaking the arms embargo on Libya. The support is provided by NATO within the framework of its Operation Sea Guardian.

IV. Support to Libya and related efforts to combat migrant smuggling and human trafficking

18. Measures to counter migrant smuggling and human trafficking off the coast of Libya have included the strengthening of Libyan border control agencies, including the Libyan coastguard and the Directorate for Combating Illegal Migration, through capacity-building and training, along with the targeted deployment of naval assets and operations in the Mediterranean Sea and the implementation of targeted sanctions against six human traffickers in Libya. Nevertheless, it remains difficult to ascertain the combined impact of those measures, in particular in relation to the safety of those on the move.

19. Since 2004, Libya has been a State party to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime. To create conditions for the Libyan coastguard and navy to progressively take ownership of the implementation of those Protocols within the territorial seas of Libya, EUNAVFOR MED operation SOPHIA, from June 2017 onward, gradually assumed a second-line posture, centred on capacity-building efforts introduced into the operation's mandate in August 2016, and supported by the provision of equipment. The operation reports that the Libyan coastguard and navy have since become increasingly active in exercising all coastguard functions in the territorial sea of Libya.

20. As at July 2019, EUNAVFOR MED operation SOPHIA had trained 417 Libyan coastguard and navy officers since signing the memorandum of understanding with the coastguard and navy in 2016. It foresees the training of up to 200 additional Libyan personnel in Croatia, Greece and Italy by the end of 2019. The operation notes that it vets all participants, in cooperation with the European Union Agency for Law Enforcement Cooperation (Europol), the International Criminal Court, the International Criminal Police Organization (INTERPOL) National Central Bureau in Rome, the European Border and Coast Guard Agency (FRONTEX) and State security agencies, to ensure that they meet the training requirements, including the absence of a criminal record and suspicions of illegal activities. The courses include lectures on

⁴ The air assets currently supporting the mission are a CASA 235 (Spain), a Merlin IV and Merlin III (Luxembourg), an Antonov An-28 B1R (Poland), a P72A (Italy) and a Falcon 50 (France).

human rights, gender, refugee protection, asylum procedures, migrant smuggling and trafficking in persons, and law enforcement operations conducted at sea, and are provided in partnership with IOM, UNHCR and the United Nations Office on Drugs and Crime (UNODC). Following the recommendation by the United Nations Children's Fund (UNICEF) to provide training on the Convention of the Rights of the Child (see [S/2018/807](#), para. 22), specific attention to the Convention has been included in the human rights lecture since June 2019. IOM has also provided four training courses for officials of the Ministry of Foreign Affairs, the Ministry of Justice and the Ministry of Social Affairs of Libya on countering trafficking in persons, focused on the international legal framework and victim protection and assistance.

21. In addition to training, EUNAVFOR MED operation SOPHIA notes that the monitoring of the Libyan coastguard and navy remains a key element of its capacity-building programme. The monitoring mechanism foreseen in the memorandum of understanding with the Libyan coastguard and navy is based on daily information provided by the Libyan coastguard and navy operations room, remote monitoring by the operation's air assets and periodic meetings between the operation and Libyan coastguard and navy representatives. The intended deployment of operation personnel ashore to allow for monitoring visits of up to four days each, twice per month, has not been possible to date owing to the volatile security situation in Libya.

22. EUNAVFOR MED operation SOPHIA reports that, in the first six months of 2019, the Libyan coastguard performed 51 per cent of the rescue operations within the country's territorial sea. Since 1 April, notwithstanding the deteriorating security situation in Libya, the Libyan coastguard and navy have continued their operational capabilities at sea, performing routine sorties and search and rescue operations.

23. EUNAVFOR MED operation SOPHIA notes that the Maritime Rescue Coordination Centre of Libya, the establishment of which was described in my previous report (see [S/2018/807](#), para. 12), is expected to reach full operational capability in 2020. With the enhancement of the Centre, the European Union reports that search and rescue operations within the 74-nautical-mile-wide maritime search and rescue zone announced by Libya in August 2017 will be fully coordinated by Libya, utilizing internal and external assets for search and rescue activities up to the parallel along 34° 20' north. During the reporting period, Libyan authorities successfully entered their search and rescue-related information in the Global Integrated Shipping Information System of the International Maritime Organization as standard practice, in the framework of the global search and rescue plan established under the 1979 International Convention on Maritime Search and Rescue. The European Union continues to support the establishment of the Maritime Rescue Coordination Centre through the €46.3 million project supporting integrated border and migration management in Libya as part of its Emergency Trust Fund for stability and addressing root causes of irregular migration and displaced persons in Africa.

24. In support of the implementation of its mandate, EUNAVFOR MED operation SOPHIA has also worked to strengthen ties, including through information-sharing and coordination, with several European Union agencies, such as Europol, Eurojust and Frontex, as well as national, international and regional organizations, such as the Organization for Security and Cooperation in Europe (OSCE), the "Mare Sicuro" operation and the Office of the National Anti-Mafia and Counter-Terrorism Prosecutor of Italy, the International Criminal Court, IOM, INTERPOL, NATO, UNHCR, UNODC and UNSMIL. On 22 February 2019, a procedural agreement for information-sharing was signed between the operation and the Panel of Experts on Libya.

25. To further enhance its internal-external security nexus, the Council of the European Union decided in May 2018 to establish a pilot crime information cell in

the operation. Over the reporting period, the cell has contributed to information-sharing on criminal activities in the central Mediterranean Sea between the European Union justice and home affairs network, States members of the European Union, Europol and Frontex. On 23 and 24 January 2019 in Rome, the operation hosted the seventh edition of the Shared Awareness and Deconfliction in the Mediterranean (SHADE MED) forum, in which the European Union Integrated Border Management Assistance Mission in Libya, Europol, Eurojust, IOM, UNHCR, UNSMIL and the International Chamber of Shipping shared lessons learned and opportunities to further deconflict and coordinate anti-smuggling efforts.

26. The European Observatory on migrant smuggling and human trafficking, launched by the National Anti-Mafia and Counter-Terrorism Prosecutor of Italy and the Commander of EUNAVFOR MED operation SOPHIA in July 2017, has continued to further understanding of the smuggling of migrants and trafficking in persons. The aim of the Observatory is to identify and prosecute individuals suspected of smuggling of migrants and trafficking in persons, and organizations suspected of being involved in such activities. Since its establishment, the Observatory has matched information collected by the operation with more than 700 records collected by Italian prosecutors. On the basis of data included in the Observatory's second report, covering the period from 1 October 2017 to 31 December 2018, 20 of the 151 suspected migrant smugglers and human traffickers apprehended by EUNAVFOR MED operation SOPHIA have been reported by the operation to the Italian judicial authorities. Legal proceedings against those 20 individuals are ongoing.

27. On 17 December 2018, the European Council amended and extended the mandate of the European Union Integrated Border Management Assistance Mission in Libya from 1 January 2019 until 30 June 2020, with a €61.6 million budget, to assist the Libyan authorities in the building of State security structures in the country. The Mission is focusing support in the areas of border management, law enforcement and criminal justice with a view to contributing to efforts to disrupt organized criminal networks involved, notably, in the smuggling of migrants, human trafficking and terrorism in Libya and the central Mediterranean region. The Mission notes that the promotion and protection of fundamental human rights lies at the centre of its mandate, which is also to provide gender-responsive and inclusive support.

28. The European Union Integrated Border Management Assistance Mission in Libya and the Libyan National Team for Security and Border Management have initiated the drafting of a white paper on border security and reform in the country and have invited UNSMIL, together with other international partners, to contribute to it. The paper contains proposals for an overarching structure with a single coordination agency for land, air and sea in charge of border checks and surveillance, as well as an immigration agency and a customs agency. The proposed reform process is aimed at supporting Libya in gaining full control of its borders and at disrupting organized criminal networks involved in illicit activities, including the smuggling of migrants and human trafficking. A European Union maritime sub-working group on Libya remains active under the Border Management Working Group to assist in the drafting of a maritime strategy in order to define the areas of responsibility and overall coordination. UNSMIL works closely with the Mission in its role as the coordinator of key international players in its areas of engagement to identify training and other capacity-building needs, including by assisting the Government of Libya to achieve international standards at key airports. The latter activity has included regular training on falsified and counterfeit documents by the armed forces of the Netherlands. To complement European Union training efforts for the Libyan coastguard, the Mission, together with FRONTEX and the Ministry of the Interior of Italy, have carried out pilot training for the Libyan coastal police, including in crime scene investigation, communication, reporting, interviews, fundamental human rights and protection.

29. The European Union reports that the creation by the Mission of the Organized Crime Coordination Panel in February 2018, through which the activities of the Criminal Investigation Department, the Anti-Narcotics General Administration and the INTERPOL office are better coordinated, including in capacity-building efforts, has shown positive results in improving coordination by Libyan authorities in fighting organized crime. The initiative included study visits to the Austrian police, the Dutch police and Europol in the reporting period. The Mission also continued to support the Libyan judicial system, in particular the Prosecution Office, in improving its investigation and prosecution capacity to fight organized crime. Through the newly established Criminal Justice Improvement Working Group set up under the memorandum of understanding between the Mission and the Ministry of Justice of Libya, capacity-building in the field of migrant smuggling and human trafficking is being discussed, to complement support already provided in related areas, such as international legal cooperation, counter-terrorism and financial crimes.

30. In January 2019, at the initiative of the Emir of Qatar, Sheikh Tamim bin Hamad Al Thani, a memorandum of understanding was signed between Qatar and the African Union for the establishment of a fund to support efforts by the African Union and its member States to safely reintegrate repatriated migrants in their countries of origin. The agreement is aimed at promoting regional cooperation and partnership to address the drivers of irregular migration in the Sahel region. Through the Qatar Fund for Development, the African Union and Qatar also intend to establish partnerships with financial institutions in the targeted countries to design and implement programmes in support of the economic reintegration of repatriated returnees.

31. UNHCR reports that, as at July 2019, there were 52,900 registered refugees and asylum seekers living in Libya, primarily from the Syrian Arab Republic (43 per cent), the Sudan (21 per cent) and Eritrea (13 per cent). In 2019 alone, UNHCR has registered over 5,300 individuals, including over 2,200 registered in detention centres. As reported earlier, the vast majority of refugees and asylum seekers face the risk of arbitrary detention and arrest in Libya. UNHCR is engaged in the provision of humanitarian assistance within the framework of the human rights due diligence policy in detention centres, with the aim of securing access to persons of concern for the purpose of identification and registration, meeting basic needs and undertaking advocacy for their release from detention or the use of alternatives to detention. Engagement by United Nations agencies with Libyan authorities while providing humanitarian assistance is undertaken alongside a number of risk assessment and mitigation measures, to ensure that the assistance provided does not increase or prolong the risk of detention or otherwise increase risks of exposure to human rights violations, within the framework set out in the human rights due diligence policy on United Nations support to non-United Nations security forces.

32. UNHCR only undertakes visits to official detention centres under the administration of the Directorate for Combating Illegal Migration, where access remains restricted. Since 1 September 2018, in cooperation with the International Medical Corps and the Libyan Humanitarian Relief Agency, UNHCR has conducted over 1,200 monitoring visits to centres throughout Libya. It estimates that 4,700 refugees and migrants are currently detained in the country, including some 3,300 persons of concern to UNHCR. In addition, Libyan authorities estimate that thousands of refugees and migrants continue to be held in captivity by migrant smugglers in undetermined locations, to which UNHCR has no access. During the reporting period, IOM, UNHCR and UNICEF provided primary health care and psychosocial support to detained refugees and migrants who had faced physical, sexual and gender-based violence, including in a shooting by an armed group at the Qasr Bin Ghashir detention centre on 23 April, which left more than a dozen detainees injured. UNHCR and

partners also continued to advocate the release from detention of refugees and migrants and an end to such detention.

33. In April, the Office for the Coordination of Humanitarian Affairs allocated \$2 million from the Central Emergency Response Fund to provide life-saving assistance to the affected population in Libya, including support for the safe relocation of vulnerable migrants and refugees from detention centres in areas where air strikes are reported. The objective of the 2019 humanitarian response plan for Libya is to protect migrants, refugees and internally displaced persons through the provision of safe and dignified access to essential goods and critical public services, as well as the enhancement of protection. Humanitarian actors are also strengthening capacity-building efforts to reinforce the skills and technical capabilities and competences of Libyan institutions and authorities to respond to the humanitarian and wider needs of migrants and refugees in Libya, including migration governance and management.

34. In its concluding observations on Libya dated 16 April 2019, the Committee on the Protection of the Rights of All Migrant Workers and Members of their Families shared its concerns about the human rights violations routinely suffered by migrants in Libya. In 2004, the country acceded to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. The Committee called upon the Libyan authorities to decriminalize irregular migration and to investigate and prosecute persons or groups that exploit migrant workers.

35. UNHCR continues to work towards finding solutions outside Libya for those who have international protection needs, especially the most vulnerable, including through resettlement. With regard to such solutions, departures are conducted in coordination with the authorities and according to the security situation. In November 2017, UNHCR established the emergency transit mechanism in the Niger to facilitate evacuations out of detention for vulnerable persons of concern while solutions are identified in the Niger. UNHCR also supported refugees and asylum seekers for family reunification or counselled those willing to return to their country of origin. Since November 2017, UNHCR has supported the evacuation and resettlement of 4,403 refugees out of Libya (2,912 to the emergency transit mechanism in the Niger, 710 to Italy, 398 to the emergency transit centre in Romania and 383 to other countries). The majority of those who have departed so far in 2019 are families, followed by unaccompanied children, single women and female-headed households. In 2019, UNHCR concluded an agreement with the Government of Rwanda to establish an emergency transit centre. While the increase in the number of States committed to resettling refugees evacuated from Libya has enabled UNHCR to bring more people to safety, it is encouraging States to be more consistent with their selection criteria and procedures to avoid undue delays and prolonged detention. Since November 2017, IOM has provided financial and logistical support for 31,946 migrants to return to 39 countries of origin, through its voluntary humanitarian return programme and within the framework of the joint African Union, European Union and United Nations task force on migration. Of these, 30,629 returned to countries of the African Union, in particular in the Sahel region.

36. The European Union has continued to encourage its member States to intensify efforts as well as to accelerate humanitarian evacuations and the resettlement of refugees from Libya and the Niger, including through a joint letter of the High Representative of the Union for Foreign Affairs and Security Policy, Federica Mogherini, and the European Union Commissioner for Migration, Home Affairs and Citizenship, Dimitris Avramopoulos. States members of the European Union have also been invited by the European Commission to pursue resettlement efforts in the context of the European Union resettlement scheme for 2020. On 20 June 2019, leaders of the States members of the European Union confirmed, through the adoption

of a new strategic agenda for the period 2019–2024, that they were determined to further develop a fully functioning comprehensive migration policy; that they would continue and deepen cooperation with countries of origin and transit to fight illegal migration and human trafficking and to ensure effective returns; and that they would work towards consensus on the Dublin III Regulation to reform it based on a balance of responsibility and solidarity, taking into account the persons disembarked following search and rescue operations.

37. In December 2018, UNHCR opened the first gathering and departure facility in Tripoli. The facility is intended to host vulnerable refugees in a safer environment while solutions, including resettlement, family reunification, voluntary repatriation or evacuation to other emergency facilities, are identified. UNICEF has been working to enhance child protection programmes at the facility, which is managed by UNHCR, the Libyan Humanitarian Relief Agency and the Ministry of the Interior. The facility is one of a range of measures to achieve viable alternatives to detention, aimed at ensuring freedom of movement for those in need of international protection. Since December 2018, 2,127 refugees have passed through the facility, including over 1,900 in 2019. UNHCR in Libya also assists refugees and asylum seekers with counselling, medical assistance and cash-based interventions through the community day centre in Tripoli. It is strengthening outreach to urban communities, including to increase awareness concerning migrant smuggling and human trafficking.

38. With regard to migrant children, UNICEF has continued efforts to develop alternatives to detention, provide life-saving assistance to children in detention and ensure that best-interest mechanisms are in place to allow for the identification of long-term solutions for the most vulnerable children. During 2018, UNICEF worked with IOM, UNHCR, local authorities and other key child protection service providers to develop common action plans to support children on the move with protection services. UNICEF also continues its advocacy with the Libyan authorities to provide non-custodial, community-based alternatives to detention for migrant children and their families, as a temporary solution until a durable solution is found, in accordance with the best interests of the child. It is working with Libyan authorities and partners to establish temporary centres for children as an alternative to detention through the provision of services to vulnerable children. In addition, it has continued to provide critical child protection and psychosocial support services to children on the move, in order to enhance their psychosocial well-being and resilience.

39. Libya being a State party to the 1979 International Convention on Maritime Search and Rescue, UNSMIL has provided support for implementation of the Convention by drafting standard operating procedures on aspects related to access and humanitarian assistance to refugees and migrants in the context of rescue at sea. The draft procedures are currently under review.

V. International efforts to combat migrant smuggling and human trafficking

40. The United Nations continues to support and coordinate international efforts to counter the smuggling of migrants and trafficking of persons. In the New York Declaration for Refugees and Migrants, adopted by the General Assembly on 19 September 2016, Member States pledged their commitment to fully protect the human rights of all refugees and migrants, regardless of status, and to develop a global compact on refugees and a global compact for safe, orderly and regular migration by 2018. The Global Compact for Safe, Orderly and Regular Migration was endorsed and the Global Compact on Refugees was affirmed by the General Assembly in December 2018. In both compacts, reference is made to efforts to combat migrant

smuggling and human trafficking. The Global Compact on Refugees reflects the commitment of Member States to provide resources and expertise to strengthen international efforts to combat trafficking in persons and the smuggling of migrants. The Global Compact on Safe, Orderly and Regular Migration reflects a commitment to establish coordinated international efforts on search and rescue, as well as on ending the impunity of trafficking networks and protection from prosecution for victims of smuggling.

41. In its resolution [2388 \(2017\)](#), the Security Council condemned, in the strongest terms, human trafficking in areas affected by armed conflict. It reiterated the connection between trafficking in persons, sexual and gender-based violence and terrorism and other organized criminal activities, which could prolong and exacerbate conflict and instability or intensify its impact on civilian populations.

42. In 2018, UNODC released a thematic paper on countering trafficking in persons in conflict situations and the *Global Report on Trafficking in Persons*, which is focused on the interlinkages between trafficking and conflict situations. Furthermore, in 2018, UNODC published the first *Global Study on the Smuggling of Migrants*, which provides a comprehensive overview of migrant smuggling and its impact across the world. Regarding the Mediterranean Sea, the Niger is considered to be a key transit country for smuggling routes from West Africa to North Africa, notably Libya, for the onward journey to Europe. To address that, UNODC continues to support capacity-building workshops in the Sahel region, in partnership with the Network of West African Central Authorities and Prosecutors against Organized Crime.

43. UNHCR supported the information campaign entitled “Telling the real story”, which facilitates intracommunity dialogue in East Africa to help to counter misinformation on irregular journeys and provide useful alternatives. The initiative has closely monitored the changing narratives used by smugglers and has adjusted its message while targeting those most at risk. For instance, in Somalia, thanks to the counter-narrative and engagement of parents and neighbours, migrant smugglers faced difficulties in pitching their promises of a brighter future to children. Smugglers consequently moved to target children and young people directly, and the platform is now seeking to address this by informing children about education and employment prospects.

44. The United Nations system continues to coordinate interventions to prevent and combat trafficking in persons and to protect and support victims of trafficking, including through the Inter-Agency Coordination Group against Trafficking in Persons, which comprises 23 United Nations entities and other relevant international and regional organizations and bodies. Since 2018, UNODC, as the Group’s coordinator, has hosted its secretariat at its premises. In 2019, the Group is jointly chaired by the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) and OSCE, which are working to ensure a system-wide, survivor-centred and gender-responsive approach to prevent and combat human trafficking, grounded in a human rights-based approach. In January 2019, UNODC, in cooperation with the Department of Peace Operations, developed a training module on trafficking in persons and the smuggling of migrants for the in-mission training of police personnel deployed in the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA). The module is to be used to deliver a training-of-trainers session to MINUSMA police officers, who will subsequently roll out the training to their peers.

VI. Key issues

45. As noted in my previous report, Libya is still not party to the 1951 Convention relating to the Status of Refugees. It is, however, signatory to the 1969 Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa. Meanwhile, it has not yet adopted asylum legislation or established asylum procedures. It is of concern that, under Libyan law, all irregular entries, stays or departures continue to be criminalized and that Libyan authorities do not fully recognize the mandate of UNHCR in providing and overseeing the application of international protection.

46. There is deep concern about the systematic and arbitrary detention of refugees and migrants who disembark in Libya. Notably, an estimated 3,500 refugees and migrants reside in centres located in areas of clashes or where clashes may be imminent. On 2 July 2019, two missiles struck the Tajura' detention centre, leaving 53 detained migrants dead and at least 130 injured, including women and children. I reiterate that I condemn this horrendous incident in the strongest terms. Both the United Nations High Commissioner for Human Rights and UNSMIL noted that the incident might amount to a war crime, and I, supported by IOM and UNHCR, have called for an independent investigation of the incident to be conducted and for those responsible to be held to account. On 1 August, the Minister of the Interior of Libya, Fathi Bashagha, announced the closure of three detention centres in Tajura', Misratah and Khums. UNHCR welcomed the announcement and, together with partners, is monitoring any possible transfer or release of refugees and migrants. A contingency plan is in preparation for the potential release of all refugees and migrants from detention into urban areas. At the time of reporting, however, the detention centres remain operational.

47. UNSMIL reports that there continue to be credible allegations of refugees and migrants detained close to military facilities, of weapons and munitions stored inside detention centres and of refugees and migrants forced to provide logistical support to armed groups that control detention centres. Detention centres, including Khoms, Suq al-Khamis and Zawiyah, are reported to have become havens for illicit trafficking in persons, smuggling of migrants and possible enforced disappearance. Since the start of the offensive in Libya on 4 April 2019, hundreds of people intercepted by the Libyan coastguard have reportedly been sent to detention centres managed by the Directorate for Combating Illegal Migration, as well as to unofficial centres controlled by militias. Others have disappeared following their disembarkation, including from an unofficial detention centre in Khoms. Requests to locate these people have not been answered by the Government of National Accord. There is particular concern that the systematic detention by Libyan authorities of refugees and migrants makes no exception for minors. UNICEF notes that the detention of children on the basis of their migration status, or that of their parents or guardians, is strictly prohibited in the Convention on the Rights of the Child, as it can never be considered in the best interest of the child.

48. UNSMIL and the Office of the United Nations High Commissioner for Human Rights (OHCHR) note that refugees and migrants en route to the coast of Libya, their point of departure for Europe, report being systematically held captive in abusive conditions, including being subjected to starvation, severe beatings, burning with hot metals, electric shocks, sexual and gender-based violence and the exploitation of women and girls as well as men and boys, often with the aim of extorting money from their families. UNICEF observed that nearly half of all migrant women and children had reported sexual violence in transit to or while in Libya and found that women and girls from Eritrea, Ethiopia and Somalia who passed through the Sudan often took emergency contraception with them on their way to Libya in fearful anticipation of

sexual and gender-based violence. UNSMIL and OHCHR also found that refugees and migrants were frequently sold from one criminal group to another and required to pay ransoms several times before being set free or taken to coastal areas to await the Mediterranean Sea crossing. IOM reports an apparent increase in kidnappings in that regard. Moreover, UNSMIL and OHCHR note that, during the journey from their country of origin across the Sahel, countless refugees and migrants have lost their lives in captivity after being shot, tortured to death or left to die from starvation or medical neglect.

49. The risk of sexual and gender-based violence facing refugee and migrant women and girls, as well as men and boys, in detention centres in Libya is reported to be extremely high. Sexual violence, such as rape, which is used as a form of torture and in some cases results in death, including by guards of the Directorate for Combating Illegal Migration and armed groups, has been recorded as a routine method for controlling and humiliating migrants in these centres. Such methods continue to be perpetrated with impunity. Women are routinely held in facilities without female guards and strip-searched by, or in front of, male guards, and there is a systematic disregard for their privacy in water and sanitation facilities. Women and girls lack access to sexual and reproductive health services, including menstrual hygiene products and provisions for pregnant or nursing women. Women in detention were also found to have become pregnant while they were held captive in detention centres.

VII. Observations

50. In my previous reports on the implementation of Security Council resolution [2240 \(2015\)](#) and subsequent resolutions ([S/2018/807](#), [S/2017/761](#) and [S/2016/766](#)), I began my observations by first commending the brave men and women conducting search and rescue operations in the Mediterranean Sea. I would like to reiterate my compliments and salute those who continue to save lives at sea, at considerable risk. At the same time, in the present reporting period, the number of search and rescue operations in the Mediterranean Sea has fallen dramatically. EUNAVFOR MED operation SOPHIA naval assets have been temporarily suspended since March 2019. Search and rescue activities by NGO vessels have also been severely curtailed, in particular as a result of administrative and legal restrictions imposed on such vessels and constraints on the disembarkation of refugees and migrants in Europe.

51. The current absence of naval assets de facto means that it has not been possible to inspect and seize vessels in international waters off the coast of Libya, on suspicion of smuggling either migrants or arms, in connection with the arms embargo imposed on Libya and pursuant to resolutions [2437 \(2018\)](#) and [2473 \(2019\)](#), respectively. This is of concern, in particular amid the ongoing conflict in Libya.

52. While the central Mediterranean route has become deadlier over the reporting period, more people have also died on both the eastern and western Mediterranean routes in 2019 compared with previous years, highlighting the ongoing peril on those routes, exacerbated by diminished search and rescue capacity. I wish to emphasize that the life of every human being is precious and that the lives of those stranded at sea are equally so. This is reflected in the firm requirement under international law that they be rescued and in the requirement that they be brought to a place of safety, which are contained in the relevant provisions of the International Convention for the Safety of Life at Sea, of 1974, and the International Convention on Maritime Search and Rescue, of 1979. I appeal to all Member States to carry out, support and facilitate search and rescue operations in the Mediterranean, including by non-governmental and merchant vessels. No one should be hindered, criminalized or stigmatized for saving lives at sea. It is my strong hope that a credible and predictable arrangement

for the rapid and safe disembarkation of those rescued at sea can be agreed upon, guided by an urgently needed sense of solidarity and responsibility, and grounded in a process that prioritizes people's rights, well-being and safety, in accordance with international law. I am encouraged by initial conversations among European States to agree on a solidarity mechanism and urge their prompt, successful conclusion. The United Nations continues to stand ready to support the development of such a common approach.

53. I remind all Member States of their obligations under the International Convention for the Safety of Life at Sea and the 1979 International Convention on Maritime Search and Rescue that persons rescued at sea be delivered to a place of safety and in conditions that uphold their human rights, including adherence to the principle of non-refoulement. Since the offensive of April 2019 in the Libyan conflict, the security situation in the country has only deteriorated. I am appalled by refugees and migrants being trapped in detention centres, where they are at risk of being affected by ongoing clashes. Moreover, I am concerned about the reduced humanitarian space in the country, hindering access to information about and protection efforts aimed at refugees and migrants there. In the light of the volatile security situation in Libya and the particular protection risks in the country, including detention, Libya does not meet the criteria for being designated as a place of safety or as a safe third country for the purpose of disembarkation.

54. Over the reporting period, as it gradually assumed more responsibilities, the Libyan coastguard rescued or intercepted the majority of refugees and migrants attempting to cross the Mediterranean Sea through the central Mediterranean route. Libyan authorities have shown a commitment to save those in danger at sea, even in very challenging circumstances. I welcome the efforts of Member States to support and train the Libyan authorities, including on human rights and protection matters.

55. I remain deeply concerned, however, about the situation in which those rescued or intercepted are disembarked and systematically detained. The consistency of such a situation with international law is questionable. The situation is intolerable. I appeal to the Libyan authorities to fulfil their relevant obligations under international law and, in doing so, to consider, as a matter of priority, alternatives to detention. I welcome the decision by the Ministry of the Interior of Libya to close three detention centres in Misratah, Tajura' and Khoms, as well as efforts by the Libyan authorities to close down the remaining centres. I encourage prompt implementation of such closures, in close coordination with relevant United Nations entities. In the meantime, I hope that the Libyan authorities will grant United Nations entities unhindered access to detention centres in Libya. More needs to be done to ensure the registration of refugees and migrants at all disembarkation points in Libya, as well as to ensure that their human rights are upheld throughout their stay in the country, in accordance with international human rights standards.

56. My deep concerns extend to the many thousands of refugees and migrants residing outside formal detention centres, about which little information is available and access is limited. The high level of sexual and gender-based violence that women and girls especially, but also men and boys, face during their journey through Libya, including while in detention, is unacceptable. This needs to be addressed as a matter of urgency. I support the call by IOM, OHCHR and UNHCR for the international community to work towards establishing humanitarian corridors for refugees and migrants so that they can be evacuated to places of safety in accordance with international humanitarian, human rights and refugee law, including through relocation to third countries. The United Nations will continue to support the safe transport and evacuation of migrants and refugees out of Libya. I call upon the Libyan authorities, as well as the international community, to intensify efforts in that regard.

57. Traffickers in persons and smugglers of migrants through Libya rely on networks of people who facilitate the logistics and other arrangements for movements to neighbouring countries and the wider region. There is a need for improved information-sharing between relevant international organizations and entities, as well as Governments, to enhance preventive capacity and further disrupt business models used by migrant smugglers and human traffickers. I therefore recommend increased sharing of information between the Panel of Experts on Libya, the Panel of Experts on Mali, INTERPOL and relevant institutions of the European Union, including FRONTEX, EUNAVFOR MED operation SOPHIA and the European Union Integrated Border Management Assistance Mission in Libya. At the same time, I am deeply concerned about the impunity with which the smuggling of migrants and trafficking in persons off the coast of Libya continue, and I call upon the relevant authorities to ensure that those who have fallen victim to abuse at the hands of smugglers, traffickers and their enablers have access to justice and that those responsible are held to account.

58. Migrant smuggling and human trafficking into, through and from Libyan territory and off the coast of Libya contribute to undermining the process of achieving peace and stability in the country. Bringing about an end to the fighting and finding lasting, sustainable solutions with the full support of a cohesive international community remains the overarching goal. I call upon all Member States to support efforts by the United Nations and use any leverage to bring the parties to cease hostilities without preconditions and in good faith, as well as to return to the political process.

59. It is clear that conflict, insecurity, inequality, poverty and poor governance, exacerbated by environmental degradation and climate change, create the volatile socioeconomic conditions that cause displacement towards the Mediterranean. We collectively need to redouble our efforts to turn our reactive approach towards migrant smuggling and human trafficking into one that is more holistic and human-centred. The 2030 Agenda for Sustainable Development, as well as the Global Compact on Refugees and Global Compact for Safe, Orderly and Regular Migration, offer important guidance in that regard. The United Nations will continue to make every effort to support States in addressing the causes of forced displacement and drivers of irregular migration, while assisting origin, transit and destination countries in their practical implementation of the Compacts and the Sustainable Development Goals.