



ANNEXES

Annex I: Protection Risk Analysis

The risk analysis below outlines the key protection threats Libya that the Protection Sector intends to address through its operational partners in the next biennium. This is not meant as a comprehensive review and this prioritization does not preclude partners from responding to humanitarian protection needs and gaps as they emerge. As the conflict changes, the risks and needs will be updated to ensure that they accurately reflect the current situation in Libya.¹

Conflict-related protection risks, including risks to life and safety

The armed conflict has put the civilian population at heightened risk, exposing them to indiscriminate means and methods of warfare; to explosive remnants of war, and conflict-related displacement. In 2019, 647 civilian casualties, with 284 civilian deaths and 363 civilian injuries due to the conflict were reported² and over 140,000 individuals displaced since the renewal of hostilities in Tripoli (April 2019).³

The continued use of indiscriminate weapons in dense urban areas increases the civilian population's exposure to explosive hazards and remnants of war. Explosive hazard contamination in urban settings is particularly challenging given the hidden nature of the issue, the extent of which is not fully understood until civilian populations begin to return home. Explosive hazard awareness is a particularly important issue for children who may not automatically recognize the dangers of explosive hazards. Civilian infrastructure has also been targeted by armed groups, thus limiting the civilian population's access to vital services, particularly healthcare facilities (61 reported attacks on healthcare facilities, with 75 people killed and 52 people injured)⁴.

Libya is currently not a party to the Convention on Cluster Munitions or the Ottawa Treaty on Landmines and lacks comprehensive national legislation⁵, thus necessitating advocacy on the part of the Protection Sector and its partners to the relevant government authorities for reform its legal and normative framework.

Migrants and refugees

As of January 2020, UNHCR has registered over 46,450 individuals of concern (refugees and asylum-seekers): 4,941 (52% men and 48% women) refugees and 41,509 (64% men and 36% women) asylum-seekers. 2,506 refugees/asylum-seekers (5%) are held in detention while 43,944 (95%) reside in urban

¹ See Protection Sector Risk Analysis (include link to Risk Analysis).

² <https://unsmil.unmissions.org/srsg-ghassan-salam%C3%A9-message-human-rights-day-0>. SRSG Statement on World Human Rights' Day 10 December 2019.

³ OCHA

⁴ WHO Surveillance System of Attacks on Healthcare 2019.

⁵ Landmine & Cluster Munition Monitor. 'Libya Mine Action.' 19 November 2018. <http://www.the-monitor.org/en-gb/reports/2019/libya/mine-action.aspx>



settings.⁶ There are currently an estimated 204,579 migrants considered in need of protection assistance in Libya,⁷ with an estimated 3,200 migrants held in detention centres.⁸

The political instability and weak rule of law has created a conducive environment for the mass movements of migrants and refugees through Libya, either to remain in country or to attempt to cross the Mediterranean Sea. The protection risks for non-Libyan populations are directly linked to the lack of formal recognition from the government for such groups and the risk of arbitrary detention, which increases individuals' exposure to human rights violations. Libya is not a signatory to the 1951 Convention Relating to the Status of Refugees nor its 1967 Additional Protocol. Although it is party to the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, the national legislation contravenes international refugee legal instruments due to the lack of a functional asylum system and restrictions and limitations on the ability for UNHCR to fill the gaps in the existing national framework. Libya also contravenes customary international law, international refugee law, and international human rights law by returning rescued refugees and migrants to their shores where they are unable to provide safe harbour, as well as the indefinite and arbitrary detention of refugees and migrants in detention centres that are rife with human rights abuses. Protection risks for refugees and migrants in Libya are further compounded by the interconnectedness of the smuggling and trafficking networks with governmental detention centres and the lack of sustainable solutions.

Gender-based violence

Although, Libya has ratified the CEDAW and other international instruments that prohibit discrimination based on sex, significant discrimination against women in both law and practice continues to have a serious impact on the rights of women in Libya.

Despite the relatively comprehensive prohibition of sexual violence and sexual exploitation under Libya's domestic legal framework, several gaps remain, and some provisions fall short of international standards. Most importantly, it has been noted that Libya's criminal law does not explicitly recognize child sexual abuse, and there is no dedicated law to address this crime.⁹

The way in which sexual violence is framed in the penal code is also a matter of concern. Sexual violence is treated in the penal code as a crime against the victim's 'honour' or Zina, rather than violation of bodily integrity.¹⁰ This may serve to undermine justice by leading Libya courts to focus on the victim's sexual history and 'honour' rather than the alleged violence committed.¹¹ The Zina legislation has clear gender-discriminatory implications. In the 2009 concluding observations on Libya, the CEDAW committee expressed concern that the criminalization of extra marital relations may have a disproportionate impact on women and girls. It highlighted "the widespread practice whereby marriage between perpetrators of rape and women victims of rape is encouraged to protect the victims from social stigma and

⁶ UNHCR Registration Fact Sheet, October 2019: <https://data2.unhcr.org/en/documents/download/72478>.

⁷ HNO 2020 Protection Sector population numbers (forthcoming)

⁸ Detention Centre Estimated population figures, reporting from Protection Sector partners.

⁹ Makkawi, R 2013. Children's Rights in Libya: Assessing compliance of domestic legislation with international human rights standards. UNICEF Libya. Unpublished draft. 23 February 2013.

¹⁰ UNICEF Gender Equality Profile, 2011.

¹¹ Human Rights Watch 2014, *Priorities for legislative reform: A human rights Roadmap for a new Libya*, <https://www.hrw.org/report/2014/01/21/priorities-legislative-reform/human-rights-roadmap-new-libya>.



marginalization.” The legal basis for this practice is found in article 424 of the penal code which allows offenders to marry the survivor they attacked in order to nullify any legal action against him.¹²

Libya does not have legislation setting out the age of sexual consent and marriage is required before sexual relations are legally permitted. The minimum age of marriage is 20 for both women and men, but a court can allow persons under the age of 20 to marry with the consent of their guardian removing the minimum age threshold of legal marriage.¹³

The only Libyan law addressing domestic violence is Law No. 10 of 1984, describing different rights in marriage, based on gender and states that a woman “has the right to expect her husband to [...] refrain from causing her physical or psychological harm.”

The ongoing-armed conflict and subsequent multiple displacements as recently witnessed in the west and south of Libya continues to put women, men, boys and girls at risks of GBV, which is exacerbated by the collapsing infrastructure and protection systems in the country. The challenge, for national and international actors, is to bypass the cultural barriers, strengthened by a national legal framework not conducive to a safe environment for GBV survivors to come forward and seek justice, or simply, to get medical attention (health facilities and medical personnel are obliged to report these cases, further refraining victims from seeking help).

Children

Children represent 45% of the displaced population, 8% of the migrant population, and 33% of the refugee population¹⁴. An estimated 160,006 children (70,560 girls and 89,446 boys) and 59,871 caregivers (28,297 females and 31,574 males) will require child protection assistance in 2020. More than half of the children in need of child protection are displaced and 31% of them are migrants and refugees. Adolescent girls and boys are particularly at high risks of the worst forms of child labour, gender-based violence, and recruitment and use by armed groups. The Child Protection Working Group (CPWG) identified 34 *baladiyas* as geographic priority areas with severe child protection needs.

The priority child protection risks affecting the physical and mental well-being of both Libyan and non-Libyan children include: i) mental health and psychosocial distress, ii) gender-based violence, iii) physical and emotional maltreatment, iv) family separation (unaccompanied and separated children), and v) recruitment and use by armed groups. In addition, arbitrary detention and child labour disproportionately affect migrant and refugee children due to the lack of legal status and civil documentation, as well as economic insecurity.

Psychological distress and anxiety are frequently observed in all age groups of both Libyan and non-Libyan children¹⁵. Mental health remains a neglected need in Libya with limited available services in line with

¹² UN Committee on the Elimination of Discrimination against women (CEDAW), concluding observations of the Committee on the Elimination against women: Libya Arab Jamahiriya, 2009.

<http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrICAqhKb7yhsxvlfhYepfYmW0eRMA3oVt8J1CL5D0jq1UoNEAQjFcz1ekUyWMai5MWrd89dRantq7kYyhD9cQdkNgymO50yePa0jFseQqxAnnUx59YiIKy>

¹³ Libya: MENA Gender Equality Profile. Status of girls and women in the middle East and North Africa, 2011.

¹⁴ IOM/ DTM population data, 2019

¹⁵ Libya Protection Risks Analysis, October 2019



standards;¹⁶ additionally there are growing needs for structured psychosocial support and capacity building of social and health workers¹⁷. According to the Multi-Sectoral Needs Assessment (MSNA) 2019 findings, internally displaced children showed higher prevalence of negative behaviour and emotional changes, and between 27-33% of caregivers reported such trends in Aljara, Al Jabal Al Gharbi and Misrata¹⁸. Despite lack of quantitative data, the majority of refugee and migrant children experience or witnessing abuse, killing, torture, and sexual exploitation¹⁹.

Gender-based violence remains unspoken and underreported in Libya; however, frontline workers and protection actors in the protection coordination forums reports cases of young and adolescent boys and girls affected by GBV. In the MSNA Focused Group Discussion (FGD) analysis, migrant caregivers reported on the incidents of sexual abuse that their children experienced in schools and communities²⁰.

An estimated 35% of migrant and refugee children are unaccompanied and separated children (UASC). The UASC predominately live in urban settings and are exposed to significant protection risks,²¹ particularly in Sebha, Azzawya, Misrata, and Tripoli.²² Migrant and refugee children are disproportionately affected by the worst forms of child labour, especially boys. Notably, many boys migrated for economic and livelihood reasons²³. About 56% of MSNA respondents reported knowing of child labour, with the highest rates in Aljufra, Sebha, Azzawya, and Ejdabia. However, limited reliable information is available regarding the types and hours of work children are engaging in and specific accompanied child protection risks.

Barriers to access education remain a priority child protection concern. About 51% of migrant and refugee households with children reported that their children faced problems when attending school in Libya, such as discrimination (20%) and bullying/violence from other students (19%).²⁴ Children and youth with undetermined legal status often face barriers in accessing education (administrative hurdles, denied access to certain disciplines in university²⁵) causing drops out at any level.

Persons with disabilities

Libya is a signatory to the UN Convention on the Rights of People with Disability and has a national legal framework to support the rights of people living with disabilities (pre-revolution Law No. 3 of 1981 on Disabled Persons). However, institutions remain ill-equipped to respond to the needs of this group which also face issues in accessing both government services and humanitarian assistance.

¹⁶ Health Sector Libya, Bulletin, November 2019

¹⁷ HNO Consultation Workshop with National Counterparts, organized by OCHA, 30 October 2019

¹⁸ REACH Multi-sectoral Needs Assessment for Libyans, 2019

¹⁹ UNHCR From hand to hand: the migratory experience of refugees and migrants from East Africa across Libya, April 2019, and UNICEF Solitary journeys of unaccompanied and separated children in Libya, December 2018

²⁰ REACH Multi-sectoral Needs Assessment for Migrants and Refugees, 2019

²¹ UNICEF Solitary journeys of unaccompanied and separated children in Libya – December 2018

²² MSNA- Migrants and refugees 2019.

²³ REACH Multi-sectoral Needs Assessment for Migrants and Refugees, 2019

²⁴ Ibid

²⁵ Mercy Corps, 'Lost in Registration.'



Older Persons

As of January 2020, there are 34,386 older persons of concern: 46,450 refugees (2%); 343,180 IDPs (8.6%); 447,338 IDP returnees (11%) and 636,426 migrants (12%). Pressing and conflicting priorities, together with the small number of them, might result in institutions and humanitarian organizations being ill equipped to respond to their specific needs and concerns.



Marginalized communities

40,000 Tawergha IDPs routinely face discrimination and inability to return due to tensions with authorities or neighbouring communities, due to their political opinion or perception that they support certain groups, and have been exposed to violations of their rights under both IHL and IHRL, since their displacement.²⁶ This particularly affects IDPs from Benghazi, Derna, and Sirt, who also report protection challenges while in displacement, including denial of access of basic services, harassment, detention, loss of civil documentation, and the threat of eviction.²⁷

Marginalized communities in Libya also include those who are at risk of statelessness due to lack of access to civil status and civil documentation. Ethnicities most commonly impacted by incomplete civil status, and as such at risk of statelessness, are Tebu and Tuareg communities from southern Libya.²⁸ Lack of access to civil status and documentation leaves individuals unable to access the full rights of other Libyan citizens, furthering entrenching their marginalization. An inability to access government services and humanitarian assistance due to a lack of civil documentation further exacerbates persons at risk of statelessness' vulnerabilities. At risk of becoming statelessness are children born from a Libyan mother and a foreign father because Libyan women cannot pass nationality to their children.

²⁶ Amnesty International: <https://www.amnesty.org/en/latest/news/2018/08/libya-tawergha-idp-camp-attacked-by-militia-in-danger-of-further-attack-and-demolition/>

²⁷ Protection Sector update on IDPs from Benghazi, 2018.

<https://www.humanitarianresponse.info/en/operations/libya/document/lyb-protectionsector-update-idps-benghazi-may-2018>.

²⁸ HCT Protection Risk Analysis; Mercy Corps 'Lost in Registration,' 2019.



Annex II: The Protection Sector’s HRP 2020 objectives, indicators, and activities

Operational sectoral objectives

Operational sectoral objective 1: Enhance the protection environment for Libyans and non-Libyans, particularly those affected by conflict, by providing specialized protection services and strengthening responses in areas with the highest need.

1.1. Provision of quality and integrated protection services with a focus on community-based approaches, including awareness raising, psychosocial assistance, targeted support to persons with specific protection needs and other community initiatives through community centers and outreach mechanisms.	1.1.1. No. of individuals reached through awareness raising sessions (cumulative interventions).
	1.1.2. No. of individuals reached through protection services, including individual targeted assistance for persons with specific protection needs (includes PSS) (cumulative interventions).
	1.1.3. No. of community-based initiatives
	1.1.4. No. of community-based protection structures
1.2 Provision of legal advice/counselling and legal representation on civil status documentation /registration as well as on housing/land/property issues in accordance with national legislation.	1.2.1. No. of individuals receiving legal counselling or assistance, including civil documentation and HLP issues (cumulative interventions).
1.3 Protection monitoring and protection needs / risks identification conducted by sector organizations (<i>community-level interventions</i>)	1.3.1 No. of detention centres reached with protection monitoring
	1.3.2. No. of communities where needs assessments or monitoring have been conducted

Operational sectoral objective 2: Strengthen engagement with key duty bearers and communities to enhance their capacity to identify and address protection risks and needs

2.1. Capacity building activities targeting humanitarian actors and national/ local authorities to improve quality provision of protection services and enhance the centrality of protection within non-protection sector responses	2.1.1 No. of persons (humanitarian workers and local/ national authorities) who receive training (cumulative interventions).
2.2 Advocacy with duty bearers and key stakeholders, to inform and enhance the response to protection risks.	2.2.1 No. of advocacy interventions.



In addition to these general protection overarching objectives and indicators, the GBV, CP, and Mine Action AORs have completed HRP objectives, indicators, and activities to guide their specialized AOR responses in 2020.

Strategy for enhancing coordination and the sectoral response

In order to achieve the intended impact of the protection response outlined above, the Protection Sector has identified the need to strengthen its ability to effectively coordinate the protection response in Libya. The Protection Sector has included an additional objective beyond the abovementioned operational objectives outlined for the HRP 2020 to commit to the strengthening of the Sector.

Objective: Strengthen the Protection Sector’s ability to facilitate a coordinated protection response and to foster meaningful and robust engagement with key stakeholders, including Protection Sector partners, government duty-bearers, and affected populations to enhance the protection environment.

Establishment of coordination tools in accordance with best practices and guidance from other Protection Clusters globally, including the Global Protection Cluster	1.1.1. No. of service mappings created or updated on a regular basis
	1.1.2. No. of referral pathways established for specialized protection services
	1.1.3. No. of information sharing protocols and established information sharing mechanisms between sector partners and key stakeholders for both sensitive and non-sensitive information
Knowledge and capacity strengthening for sector and non-sectoral partners for a harmonized response.	1.2.1. No. of initiatives to harmonize response (such as the harmonization of tools or joint responses to needs, establishment of ad-hoc specialized task forces, etc)
	1.2.2. No. of training initiatives undertaken for sectoral and non-sectoral partners on key technical areas (including protection mainstreaming, coordination, humanitarian principles, etc)