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LIBYA PROTECTION SECTOR STRATEGY

2020-2021



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1. OPERATIONAL CONTEXT

Since 2014, armed conflict between the Government of National Accord (GNA) and the Libyan National Army (LNA), fuelled by the proliferation of non-state armed actors as well as growing foreign interference, has had an adverse impact on civilian populations causing displacement, interruptions in government services including life-saving interventions, civilian casualties, and damage to civilian infrastructure. Coupled with weak rule of law and systematic violations of international legal frameworks by all parties to the conflict, the protection environment has progressively deteriorated, resulting in restricted access to safety for civilians, the occurrence of gender-based violence, abductions, human trafficking and widespread impunity for violence and such violations.

International Legal Framework: Libya is a signatory of the following legal instruments: Geneva Conventions I-IV (ratified 1956) and the Protocols Additional to the Geneva Conventions, I and II (ratified 1978); Convention for the Protection of Cultural Property in the Event of Armed Conflict (ratified 1957) and its Protocols I and II (ratified 1957 and 2001 respectively); Convention on the Elimination of all Forms of Racial Discrimination (CERD, ratified in 1968); International Covenant on Civil and Political Rights (ICCPR, ratified in 1970); International Covenant on Economic, Social and Cultural Rights (ICESCR, ratified in 1976); International Covenant on Civil and Political Rights (ICCPR, ratified in 1976); Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, (ratified in 1989 with reservations to article 2 “on the right to non-discrimination” and on Articles 16 (c) and (d) on non-discrimination on all matters relating to marriage and family relations and stating that the convention should be implemented in accordance with *shari’a*) as well as a general reservation that accession cannot conflict with personal status laws derived from Sharia); Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT, ratified in 1989); Convention on the Rights of the Child and its Optional Protocol (CRC, ratified in 1993 and 2004, respectively); Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW, ratified in 2004); Optional Protocol to CEDAW (CEDAW-OP), which allows the Committee on the Elimination of Discrimination against Women to receive and consider complaints from individuals or groups, acceded in 2004); The African Charter on Human and Peoples’ Rights (Banjul Charter, ratified in 1986), Protocol to the Charter on Human and Peoples’ Rights on the Establishment of an African Court on Human and Peoples’ Rights (acceded in 2003) and Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (Maputo Protocol, ratified in 2004); Convention on the Rights of Persons with Disabilities (CRPD, ratified in 2018) and the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa (OAU Convention, ratified in 1981).

Libya is not a signatory to the 1951 Convention on the Status of Refugees, its 1967 Optional Protocol, nor the Rome Statute of the International Criminal Court. Libya is also not a signatory to several important international arms control treaties, including the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction (Ottawa Convention), the 2008 Convention on Cluster Munitions (CCM) and the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons and its Protocols.



National law continues to be inconsistent with International Human Rights Law and International Humanitarian Law. Even when national legal frameworks do exist, they are inconsistently enforced, contributing to the break-down of the rule of law in Libya and the protection gaps and risks explored below. An abbreviated protection risk analysis below discusses the key protection risks and gaps due to such inconsistencies and the lack of rule of law in the Libyan context.

Over 474,000 individuals have been identified as in need of protection assistance for 2020, highlighting the need for a robust protection response.¹

The Protection Sector in Libya is comprised of 17 partner organizations including national and international NGOs as well as UN agencies. The Protection Sector has three sub-sectors: Child Protection (coordinated by UNICEF and co-coordinated by INTERSOS), Gender-Based Violence (coordinated by UNFPA and co-coordinated by CESVI), and Mine Action (coordinated by UNMAS). The Protection Sector co-facilitates the Mental Health and Psychosocial Support Technical Working Group with the Health Sector. The Protection Sector is guided by a Strategic Advisory Group comprised of 4 NGOs and 4 UN agencies.

2. PROTECTION RISKS ANALYSIS

Below is an overview of the key protection risks in Libya that the Protection Sector intends to address through its operational partners in the next biennium. A more comprehensive analysis can be found in Annex I. 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. The analysis will be updated in accordance to the changing environment to ensure an accurate reflection of the situation in Libya.² For the purpose of this strategy, risks have been delineated into specific categories of risks as well as specific vulnerable communities. The categories of risk, such as conflict-related risks and GBV, apply to all categories of persons of concern, and as such are not mutually exclusive to the vulnerable communities and their specific concerns further outlined below. The Sector acknowledges the intersectionality of identities and that as a result, individuals can have multiple vulnerabilities.

Conflict-related protection risks: including displacement and risks to life, safety, and well-being: In 2019, 647 civilian casualties (with 284 civilian deaths and 363 civilian injuries) reportedly occurred due to the conflict³ and over 140,000 individuals were displaced due to the renewal of hostilities in Tripoli (April 2019).⁴ Civilian infrastructure was also targeted by armed groups, limiting the civilian population's access to vital services, as particularly demonstrated by attacks on healthcare facilities. In 2019, there were 61 reported attacks on healthcare facilities which resulted in 75 people being killed and 52 people being injured.⁵ Explosive hazards are an overarching protection concern which pose a threat to civilians in terms of safety, impeding mobility, and blocking access to livelihoods, essential services and infrastructure. Libya is currently not a party to the Convention on Cluster Munitions or the Ottawa Treaty on Landmines and lacks comprehensive national legislation on explosive hazards,⁶ thus necessitating advocacy on the part of the Protection Sector and its partners to relevant government authorities for legislative and normative reform. Additional conflict-related protection risks include risks to the well-being of individuals. Increasingly,

¹ Humanitarian Needs Overview 2020, Protection Sector People in Need number.

² See Annex I, Protection Sector Protection Risk Analysis

³ SRSG Statement on World Human Rights' Day 10 December 2019. <https://unsmil.unmissions.org/srsg-ghassan-salam%C3%A9-message-human-rights-day-0>.

⁴ OCHA Update

⁵ WHO Surveillance System of Attacks on Healthcare 2019. <https://publicspace.who.int/sites/ssa/SitePages/PublicDashboard.aspx>

⁶ Landmine & Cluster Munition Monitor. 'Libya Mine Action.' 19 November 2018. <http://www.the-monitor.org/en-gb/reports/2019/libya/mine-action.aspx>



Libyans and non-Libyans have expressed a need for enhanced Mental Health and Psychosocial Support to address conflict-related trauma they have endured.⁷

Gender-based violence: (GBV): There is a widespread social stigma associated with being a victim of GBV in Libya, and judgmental behaviour and attitudes are pervasive amongst communities and service providers. Victim blaming undermines and hampers survivors' access to necessary services, which often results in social exclusion, isolation, and self-blaming. Additionally, women often face a restriction to their freedom of movement and need to seek permission from men, thus further limiting women survivors' access to essential services. Despite the relatively comprehensive prohibition of sexual violence and sexual exploitation under Libya's national legal framework, several gaps remain and some provisions fall short of international standards. Libya's criminal law does not explicitly recognize child sexual abuse, and there is no dedicated law to address this crime.⁸ Sexual violence is treated in the penal code as a crime against the victim's 'honour' (*Zina*), rather than violation of bodily integrity.⁹ Art. 424 of the penal code permits perpetrators to marry their victim to nullify any legal action against him,¹⁰ perpetuating the practice of perpetrators marrying the women they rape as a way to "protect her" from stigma and marginalization. The only Libyan law addressing domestic violence is Law No. 10 of 1984 (art.17) which describes 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 challenge for national and international actors is creating safe programmes and services within the national legal framework, a framework that is conducive to a safe environment for GBV survivors to come forward and seek justice, or at the least, to get medical attention due to reporting obligations in health facilities. Mandatory reporting policies further put survivors of gender-based violence at risk, as all hospitals and healthcare facilities registered with the Ministry of Health are compelled to report incidents of physical abuse and sexual violence, which can impact a survivor's decision to seek the assistance s/he needs. The extent of the legal impediments to survivors receiving services and justice is highlighted in the following: "Articles 418, 419, and 420 of the penal code criminalized some forms of sex trafficking involving women, and prescribed penalties of up to 10 years' imprisonment and a fine between 100 and 500 Libyan dinars (\$72-\$361), which were sufficiently stringent and commensurate with penalties prescribed for other serious crimes such as rape. However, inconsistent with international law, the definition of trafficking within these provisions required transnational movement of the victim and did not criminalize sex trafficking acts that were induced through fraudulent or coercive means. The law did not criminalize sex trafficking involving adult male victims."¹¹ Women and girls from the migrant and refugee communities are at risk of arbitrary detention due to their legal status, putting them further at risk of sexual exploitation and abuse during detention and exacerbating above-outlined GBV risks and threats.

Populations with specific protection risks

Internally Displaced Persons, returnees, and vulnerable non-displaced Libyans: Conflict-affected Libyans, including those who have displaced, those who have returned to their areas of origin, and those who have remained in their homes, face specific protection risks. Displacement due to the conflict has fuelled protection risks related to housing, land and property. IDP tenure in housing with informal rental agreements and occupation in informal settlements or unfinished buildings increase both the risk of

⁷ HNO and HRP 2020

⁸ 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.

⁹ UNICEF Gender Equality Profile, 2011

¹² 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>

¹¹ Office to Monitor and Combat Trafficking in Persons, *2019 Trafficking in Persons Report: Libya*, <https://www.state.gov/reports/2019-trafficking-in-persons-report-2/libya/>



eviction and the proclivity for negative coping mechanisms as a means to afford rent.¹² Access to basic services, including education and healthcare, and humanitarian assistance is difficult, if not impossible, for individuals who lack civil documentation. Lack of civil documentation is a contributing factor to restricted freedom of movement. Armed conflict has further denigrated the right of individuals to move freely throughout the country, with movements restrictions most frequently being reported due to the presence of armed actors or armed activity.¹³ The Government of Libya is working to design an IDP strategy in 2020 with the assistance of the humanitarian community.

Migrants and refugees: As of January 2020, UNHCR has registered over 46,450 refugees and asylum-seekers, of which, 5% are held in detention and the remaining 95% reside in urban settings.¹⁴ An estimated 204,579 migrants are considered in need of protection.¹⁵ Although Libya is party to the 1969 OAU Convention, the national legislation contravenes international refugee legal instruments due to the lack of a functional asylum system and restrictions. Customary International Law, International Refugee Law, and International Human Rights law are contravened by returning rescued refugees and migrants to Libya, where there is an inability to provide safe harbour, and where indefinite and arbitrary detention centres for migrants and refugees are rife with human rights abuses. Protection risks are further compounded by the interconnectedness of the smuggling and trafficking networks with detention centres and a lack of solutions for community integration or protection. It is well documented that smuggling rings are interconnected with militias that run migration detention centres in Libya.¹⁶ Migrants and refugees in Libya are at an increased risk of kidnapping, crime and exploitation. Lack of sustainable shelter and difficulty in accessing healthcare and education are secondary risks to a litany of other protection concerns and abuses and are further heightened for individuals in detention.

Children: Children represent 45% of the displaced population, 8% of the migrant population, and 33% of the refugee population.¹⁷ An estimated 139,000 individuals (45,000 girls, 58,000 boys, 17,000 women, and 19,000 men) will require child protection assistance in 2020. The Child Protection Working Group identified 34 baladiyas as geographic priority areas with severe child protection needs. The priority child protection risks include: i) mental health and psychosocial distress, ii) gender-based violence, iii) physical and emotional maltreatment, iv) family separation, 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. Vulnerable youth, particularly male migrant and refugee youth, are disproportionately affected by the worst forms of child labour. An estimated 35% of migrant and refugee children are unaccompanied and separated children (UASC). UASC predominately live in urban settings and are exposed to significant protection risks,¹⁸ particularly in Sebha, Azzawya, Misrata, and Tripoli.¹⁹ Discrimination, bullying and violence from other students (19%),²⁰ administrative hurdles and denied access to certain disciplines in university²¹ causes children to drop out at all levels.

Persons with disabilities (PwDs): Libya is a signatory to the UN Convention on the Rights of People with Disability (signed in 2008, ratified in 2018) 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

¹² MSNA 2019.

¹³ MSNA 2019.

¹⁴ UNHCR Update, 27 December 2019: <https://data2.unhcr.org/en/documents/download/72478>.

¹⁵ HNO 2020 Protection Sector population numbers.

¹⁶ https://www.globaldetentionproject.org/countries/africa/libya#_ftn19.

¹³ IOM/DTM population data, 2019

¹⁸ UNICEF Solitary journeys of unaccompanied and separated children in Libya – December 2018

¹⁹ MSNA- Migrants and refugees 2019.

²⁰ Ibid

²¹ Mercy Corps, 'Lost in Registration.'



remain ill-equipped to respond to the needs of PwD, who often face issues in accessing both government services and humanitarian assistance. There are at least 2,886 survivors and 14,528 indirect victims of Explosive Ordnance (EO) in Libya, although the actual numbers are believed to be much higher, and do not include people injured during the recent Tripoli clashes that began in April 2019. PwDs in Libya most likely represent at least 15% of the total population. EO survivors and PwDs' access to basic services and specialized assistance is hindered by the current conflict, and the availability and capacity of national health and social protection systems.²²

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 older persons, can result in institutions and humanitarian organizations being ill equipped to respond to their specific needs and concerns. Older persons are particularly at risk of increasingly limited access to healthcare, particularly health assistance for chronic illnesses due to shocks and stresses to the healthcare system including closures of healthcare facilities, limited availability of healthcare staff, and limited medication in healthcare facilities.²³

Marginalized communities: 40,000 Tawergha IDPs routinely face discrimination, the inability to return, and tensions with authorities or neighbouring communities due to their political opinion or the perception that they support certain groups. The Tawergha have been exposed to violations of their rights under both IHL and IHRL since their displacement.²⁴ This also affects IDPs from Benghazi, Derna, and Sirt, who have also reported protection challenges while in displacement, including denial of access to basic services, harassment, detention, loss of civil documentation, and the threat of eviction.²⁵ 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 from southern Libya.²⁶ Children born from a Libyan mother and a foreign father are also at risk of statelessness due to the inability of Libyan women to pass on their nationality to their children.

3. RESPONSE CAPACITY, ACTION, AND SCOPE

Capacity and constraints

The capacity to respond is hindered by various constraints that partner organizations face in trying to reach affected communities, including administrative and access constraints. As such, the Protection Sector will undertake a mapping exercise to analyse the capacity for current partners to respond to the risks and needs outlined above. The humanitarian response, including the protection response, is impacted by access constraints that hinder the response. Access constraints include, but are not limited to, difficulties in obtaining organizational registration, difficulty in obtaining visas for staff members, constraints due to the volatile conflict environment that inhibits movement for both UN and NGO partners, and an understanding of the humanitarian imperative and thus acceptance of the humanitarian community by key government counterparts. The capacity of Protection Sector partners is further constrained by the continuation of remote management from Tunis for most partners and the overarching humanitarian architecture, include coordination mechanisms. The operational environment for the protection response in Libya is further

²² Victim Assistance in Libya Position Paper, UNMAS Libya/LibMAC, 2019

²³ HNO/HRP Health Section 2020

²⁴ 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/>

²⁵ Protection Sector update on IDPs from Benghazi, 2018. <https://www.humanitarianresponse.info/en/operations/libya/document/lyb-protectionsector-update-idps-benghazi-may-2018>.

²⁶ HCT Protection Risk Analysis; Mercy Corps 'Lost in Registration,' 2019.



impacted by the limited number of NGOs undertaking stand-alone protection activities and the limited technical scope of interventions, with some areas of increasing need, such as HLP, routinely unaddressed.

Protection action and scope

The Protection Sector's operational framework for the Humanitarian Response Plan for 2020 guide the overall sectoral strategy. The Protection Sector is further guided by a framework for non-HRP activities to enhance the coordination capacity of the Sector and its partners (please refer to Annex II for both frameworks). This Protection Sector strategy is aligned with the Integrated Protection Strategy for the Humanitarian Country Team for Libya (See Annex III), the Humanitarian Needs Overview (HNO) and the Humanitarian Response Plan (HRP) for 2020.

The rights-based approach and Gender, Age and Diversity principles are the foundational principles guiding the protection response. The Sectoral priorities outlined below address the emergency or humanitarian protection needs, as well as the need for linkages with the development and peacebuilding actors for sustainable humanitarian action.

The Protection Sector will prioritize ***four humanitarian protection needs***:

1. ***Need for a strengthened protection environment from conflict-related risks***, including the need for enhanced access to government services and humanitarian assistance and protection from violations of International Humanitarian Law;
2. ***Access to specialized protection services***, including psychosocial support; and protection from eviction and other housing, land, and property threats for people with specific needs and vulnerable individuals;
3. ***Access to assistance and legal protection***: including access to registration and legal documentation, legal protection for those in need of international protection, and access to vital services. The latter is inextricably linked to documentation, which is key to ensuring access to services and assistance. This also includes access to specialized protection services for all non-Libyans in need of assistance.
4. ***Community cohesion***: protection from communal violence and subsequent protection risks, for all population groups.

While it is important to ensure lifesaving interventions in detention centres and continue advocating for their closure and for the respect of International Human Rights Law and International Humanitarian Law inside of detention centres, the Protection Sector will also advocate with duty bearers and the international community to focus responses and solutions for migrants and refugees to the majority of the population of concern who reside in urban settings.

The Sector will²⁷:

- ✚ Continue supporting the international community and the Government in the implementation of a protection and people centred approach and ensure that these interventions have a gender, age and diversity focus. This will include efforts dedicated to mainstreaming protection into non-protection responses into the other technical sectors, advising sectors on protection-related issues, and working closely with the HCT to ensure the HCT Protection Strategy is operationalized. The objective of these actions are to maintain or restore the rights of all affected persons;
- ✚ Enhance its capacity to coordinate the protection response in Libya by establishing strengthened referral pathways and an online service mapping, building the technical capacity of Sector partners through the creation of harmonized monitoring and protection tools that adhere to international

²⁷ See annexes to the Strategy document for the full framework on activities to be fulfilled under the HRP as well as activities to be fulfilled outside of the HRP, such as information collection and analysis, enhanced coordination, and training initiatives in and outside of the sector.



protection standards, and facilitating intra-sector assessments, analyses, and responses. The Protection Sector will encourage and facilitate information sharing in accordance with Protection Information Management and data protection principles.²⁸ This will be facilitated specifically through the adoption of an Information Sharing Protocol and the encouragement for all Sector partners to adopt data sharing protocols;

- ✚ Strengthen the involvement of local and national authorities as well as Libyan Civil Society in order to further localization efforts and promote local ownership of core protection activities by both duty-bearers and civil society. This will be actualizing through meaningful capacity-strengthening initiatives with targeted government authorities and local governance structures. Meaningful strengthening will include continuous, targeted training programs rather than ad-hoc or one-time training initiatives. These efforts must be done in conjunction with advocacy efforts to relevant duty-bearers to fulfil their obligations to protect people in Libya under relevant national and international legal frameworks and to enhance the national legal framework.
- ✚ Engage in meaningful and robust endeavours to enhance the accountability of protection partners to affected individuals and communities, including initiatives on Prevention from Sexual Exploitation and Abuse. The Protection Sector actively supports the creation of a Common Feedback Mechanism (CFM) by the Emergency Telecommunications Sector to ensure that affected populations have the ability to provide feedback on services they need and have received. The Protection Sector recognizes that the CFM is merely one tool for ensuring accountability and is not a stand-alone mechanism and that accountability is also the responsibility, jointly, of the Protection Sector and its partners.

Under the leadership of the Humanitarian Country Team and operationalized through the Nexus Working Group, the Protection Sector strategically aims to develop sustainable protection programming that enhances the activities of development and early recovery actors. Protection actors will work with development partners through the Nexus Working Group initiatives and by including development actors to Protection Sector initiatives, including targeted protection mainstreaming training, in order to ensure that people with specific needs are fully integrated into early recovery and development programming.

The Protection Sector encourages partners to establish robust and meaningful engagement with affected people through all stages of the Humanitarian Program Cycle, from design and assessment to implementation and monitoring of the response.

4. PROTECTION OUTCOMES

- ✚ Responses are people-centred and rights-based;
- ✚ A joint advocacy strategy to guide efforts in ensuring that the rights of all persons of concern are preserved, maintained or restored is produced together with HCT and the Advocacy Working Group;
- ✚ A framework defining protection modalities and standards for humanitarian assistance and delivery of service will be established;
- ✚ Complaint and feedback mechanisms for persons of concern are functioning in a coordinated and timely manner;
- ✚ Persons of concern are integrated in the Peace and Development roadmap with their rights recognized in political and development agendas;

²⁸ http://pim_guide/guidance-and-products/product/principles-protection-information-management-may-2015/. The Sphere Project – Protection Principles - <http://www.spherehandbook.org/en/protection-principle-1-avoid-exposing-people-to-further-harm-as-a-result-of-your-actions/>



- ✚ Humanitarian and Government staff, both protection and non-protection actors, have a common understanding of the centrality of protection and of rights-based and age, gender and diversity approaches;
- ✚ Provision of technical guidance for inclusive programming of men, women, girls and boys of any background is provided by the Protection Sector in a timely fashion.

5. MONITORING AND EVALUATION

The Protection Sector will monitor its impact through the HRP for the operational response aspect of the strategy, and with its Strategic Advisory Group will devise a workplan for implementation of the outcomes and objectives that do not fall under the HRP.

The indicators and activities related to the HRP 2020 will be the basic monitoring tool for the first year and will serve as a baseline, together with the changing contextual environment, for establishing the objectives and priority areas for the following year. The HRP objectives will predominately monitored through monthly inputs into the Protection Sector 4Ws.

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.

✚ Conflict-related protection risks, including displacement and risks to life, and safety, and well-being

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 reported²⁹ and over 140,000 individuals displaced since the renewal of hostilities in Tripoli (April 2019).³⁰

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)³¹.

Explosive hazards are an overarching protection concern which pose a threat to civilians in terms of safety, impeding mobility, and blocking access to livelihoods, essential services and infrastructure. Libya is currently not a party to the Convention on Cluster Munitions or the Ottawa Treaty on Landmines and lacks comprehensive national legislation³², 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. Additional conflict-related protection risks include risks to the well-being of individuals. Increasingly, Libyans and non-Libyans have expressed a need for enhanced Mental Health and Psychosocial Support to address conflict-related trauma they have endured.³³

Internally Displaced Persons, returnees, and vulnerable non-displaced Libyans: Conflict-affected Libyans, including those who have displaced, those who have returned to their areas of origin, and those who have remained in their homes, face specific protection risks. Displacement due to the conflict has fuelled protection risks related to housing, land and property. IDP tenure in housing with informal rental agreements and occupation in informal settlements or unfinished buildings increase both the risk of eviction and the proclivity for negative coping mechanisms as a means to afford rent.³⁴ Access to basic services, including education and healthcare, and humanitarian assistance is difficult, if not impossible, for

²⁹ <https://unsmil.unmissions.org/srsg-ghassan-salam%C3%A9-message-human-rights-day-0>. SRSG Statement on World Human Rights' Day 10 December 2019.

³⁰ OCHA

³¹ WHO Surveillance System of Attacks on Healthcare 2019.

³² Landmine & Cluster Munition Monitor. 'Libya Mine Action.' 19 November 2018. <http://www.the-monitor.org/en-gb/reports/2019/libya/mine-action.aspx>

³³ HNO and HRP 2020

³⁴ MSNA 2019.



individuals who lack civil documentation. Lack of civil documentation is a contributing factor to restricted freedom of movement. Armed conflict has further denigrated the right of individuals to move freely throughout the country, with movements restrictions most frequently being reported due to the presence of armed actors or armed activity.³⁵ The Government of Libya is working to design an IDP strategy in 2020 with the assistance of the humanitarian community.

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 settings.³⁶ There are currently an estimated 204,579 migrants considered in need of protection assistance in Libya,³⁷ with an estimated 3,200 migrants held in detention centres.³⁸

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

There is a widespread social stigma associated with being a victim of GBV in Libya, and judgmental behaviour and attitudes are pervasive amongst communities and service providers. Victim blaming undermines and hampers survivors' access to necessary services, which often results in social exclusion, isolation, and self-blaming. Additionally, women often face a restriction to their freedom of movement and need to seek permission from men, thus further limiting women survivors' access to essential services. 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.³⁹

³⁵ MSNA 2019.

³⁶ UNHCR Registration Fact Sheet, October 2019: <https://data2.unhcr.org/en/documents/download/72478>.

³⁷ HNO 2020 Protection Sector population numbers (forthcoming)

³⁸ Detention Centre Estimated population figures, reporting from Protection Sector partners.

³⁹ 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.



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.⁴⁰ 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.⁴¹ 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 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.⁴²

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.⁴³

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 population⁴⁴. 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

⁴⁰ UNICEF Gender Equality Profile, 2011.

⁴¹ 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>.

⁴² 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%2FPPRICAqhKb7yhsvxlfxYepfIYmW0eRMA3oVt8J1CL5D0jq1UoNEAQjFcz1ekUyVMai5MWrd89dRantq7kYyhD9cQdkNgymO5OyePa0jFseQqxAnnUx59YilKy>

⁴³ Libya: MENA Gender Equality Profile. Status of girls and women in the middle East and North Africa, 2011.

⁴⁴ IOM/ DTM population data, 2019



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 children⁴⁵. Mental health remains a neglected need in Libya with limited available services in line with standards;⁴⁶ additionally there are growing needs for structured psychosocial support and capacity building of social and health workers⁴⁷. 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 Aljbara, Al Jabal Al Gharbi and Misrata⁴⁸. Despite lack of quantitative data, the majority of refugee and migrant children experience or witnessing abuse, killing, torture, and sexual exploitation⁴⁹.

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 communities⁵⁰.

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,⁵¹ particularly in Sebha, Azzawya, Misrata, and Tripoli.⁵² Migrant and refugee children are disproportionately affected by the worst forms of child labour, especially boys. Notably, many boys migrated for economic and livelihood reasons⁵³. 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%).⁵⁴ Children and youth with undetermined legal status often face barriers in accessing education (administrative hurdles, denied access to certain disciplines in university⁵⁵) 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. There are at least 2,886 survivors and 14,528 indirect victims of Explosive Ordnance (EO) in Libya, although the actual numbers are believed to be much higher, and do not include people injured during the recent Tripoli clashes that began in April 2019. PwDs in Libya most likely represent at least 15% of the total population. EO survivors and

⁴⁵ Libya Protection Risks Analysis, October 2019

⁴⁶ Health Sector Libya, Bulletin, November 2019

⁴⁷ HNO Consultation Workshop with National Counterparts, organized by OCHA, 30 October 2019

⁴⁸ REACH Multi-sectoral Needs Assessment for Libyans, 2019

⁴⁹ 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

⁵⁰ REACH Multi-sectoral Needs Assessment for Migrants and Refugees, 2019

⁵¹ UNICEF Solitary journeys of unaccompanied and separated children in Libya – December 2018

⁵² MSNA- Migrants and refugees 2019.

⁵³ REACH Multi-sectoral Needs Assessment for Migrants and Refugees, 2019

⁵⁴ Ibid

⁵⁵ Mercy Corps, 'Lost in Registration.'



PwDs' access to basic services and specialized assistance is hindered by the current conflict, and the availability and capacity of national health and social protection systems.⁵⁶

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. Older persons are at a risk of increasingly limited access to healthcare, particularly health assistance for chronic illnesses due to shocks and stresses to the healthcare system including closures of healthcare facilities, limited availability of healthcare staff, and limited medication in healthcare facilities.⁵⁷

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.⁵⁸ 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.⁵⁹

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.⁶⁰ 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 stateless are children born from a Libyan mother and a foreign father because Libyan women cannot pass nationality to their children.

⁵⁶ Victim Assistance in Libya Position Paper, UNMAS Libya/LibMAC, 2019

⁵⁷ HNO/HRP Health Section 2020

⁵⁸ 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/>

⁵⁹ Protection Sector update on IDPs from Benghazi, 2018.

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

⁶⁰ HCT Protection Risk Analysis; Mercy Corps 'Lost in Registration,' 2019.



Annex II: Objectives, indicators, and activities

Operational sectoral objectives, as iterated in the Humanitarian Response Plan 2020 for the General Protection Sector

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 additional objectives beyond the abovementioned operational objectives 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 and resources, 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 strengthen the response of partners (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)



Annex III

Integrated Humanitarian Country Team Protection Strategy for Libya

(October 2019 – December 2020)

I. INTRODUCTION

Guiding Principles

Protection of civilians is the responsibility of all parties to the conflict. Libya is a party to the four Geneva Conventions of 1949, as well as to the Additional Protocol II to the Geneva Conventions and relating to the Protection of Victims of Non-International Armed Conflicts of 1977, which prohibits attacks against civilians and civilian objects indispensable to the survival of the civilian population.

Article 3 common to the four Geneva Conventions requires that persons not taking an active part in hostilities be treated humanely and prohibits at any time and in any place violence to life and person, in particular murder of all kinds, mutilations, cruel treatment and torture, the taking of hostages, and outrages upon personal dignity.

One of the fundamental principles of international humanitarian law is that all parties to the conflict must ensure full respect for the principles of distinction, proportionality, and precautions in attack. In this regard, all parties must at all times distinguish between fighters and civilians. Directing attacks against civilians who are not taking a direct part in hostilities, as well as indiscriminate and disproportionate attacks, are prohibited, as is collective punishment of a population. The parties to the conflict must ensure that all necessary precautions are taken to protect civilians and other protected persons, including hors de combat. Furthermore, attacks against healthcare, medical facilities and workers, education facilities and officials, and wounded and sick are also prohibited. The wounded and sick must be collected and cared for without discrimination.

The parties to the conflict must ensure that all necessary precautions are taken to protect civilians and other protected persons, including hors de combat. Furthermore, attacks against healthcare, medical facilities and workers, education facilities and officials, and wounded and sick are also prohibited. The wounded and sick must be collected and cared for without discrimination.

Humanitarian Access concerns humanitarian actors' ability to reach populations affected by crisis, as well as an affected population's ability to access humanitarian assistance and services. States bear the primary responsibility for ensuring that the basic needs of civilian populations under their control are met, and if unable or unwilling, humanitarian organizations may have the right to provide assistance, to ensure the affected population's right to receive assistance, and to deliver assistance in accordance with IHL and humanitarian principles.

Accountability to affected population (AAP) leads humanitarian leadership and governance to demonstrate commitment to accountability by ensuring feedback and accountability mechanisms into country strategies, programme, and active monitoring and evaluations. It aims at providing accessible and

Centrality of Protection in Humanitarian Action

Protection of all persons affected and at risk must inform humanitarian decision-making and response, including engagement with States and non-State parties to conflict. It must be central to our preparedness efforts, as part of immediate and life-saving activities, and throughout the duration of humanitarian response and beyond. While protection of the rights of people is primarily the duty of member states and, in conflict, the parties to a conflict, Humanitarian Coordinators and Humanitarian Country Team are responsible for ensuring that protection is the purpose and intended outcome of



timely information to affected populations on procedures, structures and processes and ensure that they can make informed decisions and choices. It seeks the views of affected populations to improve policy and practice in programming, ensuring that feedback and complaints mechanisms are streamlined. It enables affected populations to play an active role in the decision-making processes that affect them through the establishment of clear guidelines and practices to engage and ensure that the most marginalised and affected are represented and have influence.

Guiding Principles on Internal Displacement issued by the Secretary General of the United Nations identify and recognise human rights and guarantees of persons who have been forcibly displaced from their homes. They provide guidance to all relevant actors regarding protection against displacement, the framework for humanitarian assistance and protection in accessing to durable solutions. International refugee law (IRL), including the 1951 Convention relating to the Status of Refugees and the OAU 1969 Convention governing the specific aspects of refugee problems in Africa international instruments and customary law, deals with the rights and protection of refugees.

Rights-based and people-centred humanitarian response is a joint effort to save lives, alleviate suffering, and protect human rights. The rights-based approach encapsulates a range of established legal rights and includes but is not limited to the right to life with dignity, the right to receive humanitarian assistance, the right to protection and security, and the right to seek asylum. Importantly, humanitarian actors work to enable communities to become self-sufficient in support of inclusive, peaceful, and sustainable solutions to conflict in Libya. The active participation of affected populations is essential to providing local efforts to prevent, prepare for, and respond to conflict, and to reinforce the capacities of local actors across Libya.

Protection of vulnerable populations: While international human rights law requires that humanitarian actors to address the human rights of Libyans without distinction, it also recognizes that vulnerable groups are often in need of enhanced protection. Humanitarian actors in Libya thereby privilege the special needs of vulnerable, higher-risk groups, including internally displaced persons (IDPs), refugees, persons at risk of statelessness, migrants, ethnic minorities, indigenous peoples, persons with disabilities, women, children, the elderly, and human rights defenders.

Collective responsibilities

The development process of this strategy and identification its response priorities was articulated around individual consultations and collective evaluation of protection risks and priority responses. In accordance to the principles contained into the IASC Centrality of Protection Declaration, the HCT under the leadership of the Humanitarian Coordinator has the obligation to ensure the protection challenges are timely addressed, including in establishing a whole of system protection strategy and carry the responsibility of its implementation. Technical support is provided by the Protection Working Group and the Inter-sector Group. Individual agencies and technical forums have key role to play to document evidences of situation where civilians are at risk, analyse the humanitarian consequences and propose adapted response and advocacy solutions for the HCT to take an objective decision.

II. PROTECTION RISKS ANALYSIS

General Protection situation in Libya is affected by combination of conflict related insecurity, disruption of public law, security and justice and increasing inter-communal tension and widespread violence:



Protection concern 1. Violations of International humanitarian law posing a threat to life and safety

Violations of International humanitarian law posing a threat to life and safety constitute serious threats against civilians since the offensive launched by the Libyan National Army against the Government of National Accord (recognised by the international community as the official national government). Since April 2019, the regular occurrences of indiscriminate or direct attacks and abuse against civilians, including the indiscriminate and disproportionate use of explosive weapons in populated areas, had led to the killing of over 218, injuries of 289 and internal displacement of some 119,925 peoples. Indiscriminate or targeted attacks also included the use of civilian assets and infrastructures as military positions, the destruction of the objects essential to the population survival such as medical facilities, schools, water system, etc., leading to high contamination from explosive hazards in populated areas. This is highlighted by the 56 registered attacks on health facilities and workers thus far in 2019. This situation is mainly related to the lack of distinction by the parties to the conflict between military and civilian objects and individuals, including the act of retaliation against civilian associated to opponent forces.

Protection concern 2. Migration and displacement

Migrants and refugees continue to be at risk of unlawful killings, torture, and other ill-treatment, arbitrary detention, and unlawful deprivation of liberty, rape, and other forms of gender-based violence, slavery and forced labour, extortion, and exploitation. Perpetrators of violations include State officials, members of armed groups, smugglers, and traffickers.

Internal Displacements: There are currently 268,629 Internally Displaced Peoples (IDPs) in Libya identified through key informants (IOM / DTM June 2019). Internal Displacement in Libya is characterised by a combination of large scale population movement due to the armed conflict such as the current clashes in Tripoli and southern Libya, as well as protracted urban displacements of individuals and families due to the threats of human rights violations and persecution based on perceived political, gender, tribal and ideological affiliations. Among those displaced, those with heightened vulnerabilities include those 20% in precarious collective settlements or spontaneous shelters, where shelter conditions may be poor or there may be insecurity of tenure, but also those living in host communities, where lack of privacy or increasing inter-communal tensions may lead to exploitation or abuse. Based on protection monitoring, challenges faced by IDPs and IDP returnees have been reported to include lack of safety, tribal discrimination, harassment, sexual harassment and exploitation, limited freedom of movement, lack of documentation, limited access to services, family separation, loss of livelihoods as well as concerns for persons with specific needs, including victims of gender-based violence and children.

Refugee and asylum seekers: As of September 2019, UNHCR registered over 45,653 individuals as persons of concern; 5,503 (52% men and 48% women) of these individuals are refugees while 40,150 (64% men and 36% women) individuals are asylum-seekers. 4,907 refugees or asylum-seekers (11%) are held in detention, while 40,763 (89%) reside in urban settings (UNHCR Registration Fact Sheet, September 2019).

Socioeconomic migrants: Libya is a destination and transit country for migrants and the breakdown in the law enforcement system has led to a state of impunity, in which armed groups, criminal gangs, smugglers and traffickers established a lucrative economy of irregular migration through the country. While the overall numbers of migrants in Libya are not known, it is estimated that 641,398 migrants are currently in Libya (87% men, 13% women and 9% children, 34% unaccompanied or separated minors). Many migrants suffer



human rights violations and abuses in the course of their journeys. They are subjected to torture, other ill-treatment, unlawful killings, human trafficking and sexual exploitation, as well as unlawful detention (UNSMIL/OHCHR 2016). Amid migrants who tried crossing the Mediterranean in 2019, 426 had reportedly died and 4,023 were brought back to the Libyan shore by the coast guards (3,562 men, 287 women and 174 children), while 3,186 arrived in Italy (ibid). IOM have assisted the return of 5,643 migrants from Libya to their countries of origin, including 1,434 women (26%), 4,209 men (74%) and 70 unaccompanied and separated children. 5,695 individuals are reportedly held in 26 detention centres in Libya, including five of them facing high risk of imminent conflict related attacks (IOM / DTM round 25th - April / May 2019).

Protection concern 3. Violations and abuses of human rights and weak rule of law

Summary executions, enforced disappearances, torture and ill-treatment, conflict-related sexual violence, and unlawful detention are the serious violations and abuses of human rights with total impunity by the parties to the conflict in Libya.

Arbitrary detention and enforced disappearance remain serious protection issues in terms of the lack of pre-trial procedures, judiciary management and humanitarian consequences in the current Libyan context. Detention Centres under the Ministry of Interior (DCIM) or the Ministry of Defence (MoD) as well as prison under the Ministry of justice (MoJ) are ran by either formal security forces or by armed groups, constituting the environment of regular violation, abuses and insecurity for men, women, and children, including of Libyans and foreigners, including trafficking, forced recruitment, forced labour, torture, and sexual exploitation and abuse, including rape, particularly affecting women and children, and in certain cases men. Detention are often accompanied by station of forced disappearance of persons and forced disappearance, as well as detention of whole families as a mean of collective punishment for political or tribal affiliation.

Despite the continued advocacy by UNSMIL and OHCHR, the GNA has failed to effectively tackle the patterns of abuse in detention. Efforts to implement provisions of the Libyan Political Agreement to release or bring to court those detained without legal basis and to transfer all those lawfully detained to official prisons were met with resistance from armed groups, and further hindered by political and security challenges. Rather than reining in armed groups and integrating their members under State command and control structures, the GNA has increasingly allowed them to assume law enforcement functions, including arrests and detention, paid them salaries, and provided them with equipment and uniforms. As a result, armed groups' power has grown unchecked and they have remained free of effective government oversight. At the time of writing, no commanders or members of armed groups have been held accountable for human rights violations of abuses committed since the 2011 armed conflict, further emboldening them and entrenching their sense of impunity.

Access to vital event registration and civil documentation: There are currently five categories of peoples affected in Libya by civil documentation issues i) Citizens with lost or destroyed civil documentation (e.g. IDPs, conflict affected peoples, etc), ii) Citizens until further notice, whom have incomplete documentation and with status that may be revoked, iii) peoples who can show the evidence of their citizenship but have incomplete documentation, iv) peoples who had their citizenship cancelled (e.g. those originating from the Aouzou strip) and v) undocumented peoples that include those born in Libya and those with foreign descent. With the exception of the first categories that include almost all conflict affected Libyans, most peoples affected by lack or incomplete civil status are Arab, Tebu, and Tuareg families from southern Libya. A lack of access to civil documentation puts individuals at a high risk of statelessness. Lack or uncomplete



civil documentation affect people's access to essential services such health, education, house and livelihood as well as civil and political rights (e.g. participation in political process and peace consultations).

Protection concern 4. Violations of the rights of children

According to the Child Protection Sector, there is a total of 248,000 children in need of humanitarian assistance, out of whom an estimated 133,400 children (53,400 girls and 80,000 boys) are in need of Child Protection services (HRP 2019). Children represent up to 41 per cent of the displaced population, 9 per cent of the migrant population (IOM/DTM June 2019) and 30 per cent of the refugee population with 1,822 refugee children (9650 boys and 7926 girls) according to UNHCR refugee fact sheet in June 2019. Child Protection partners have identified that the children who are at specific protection risks are: i) Children on the move, especially those separated and unaccompanied migrant children, ii) children who are arbitrarily detained and at risk of being trafficked and smuggled, including Libyan children and those among the children on the move, 1591 asylum seeking children registered by UNHCR in detention centres, including 1486 unaccompanied and separated children (UASC), iii) child survivors of physical and gender-based violence, iv) children associated with armed groups v) children in need of psychosocial support, vi) migrant and refugee children at risk of exploitative and forced labour. A lack of access to civil documentation for children, particularly birth certificates, creates a serious protection concern and ultimately impacts the ability of a child to potentially access vital services such as health care or education services. A lack of access to civil documentation also puts Libyan children at risk of statelessness.

Protection concern 5. Gender Based Violence

While Libya has ratified the Convention on the Elimination of All Forms of Discrimination against Women and other international instruments that prohibit discrimination on the basis of sex, significant discrimination against women in both law and practice continues to have a serious impact on the rights of women in Libya. National and international GBV actors continue to document cases of GBV at the agency level involving both Libyans and non-Libyans. Approximately 40% of respondents to a 2017 GBV study indicated GBV was either very common or common amongst Libyans. A ministerial Decree protecting survivors of sexual violence (2014) aims to establish transitional justice mechanisms in cases of gender-based violence. Women held in detention centres run by armed groups across the country are commonly guarded by men, who have full access to their cells and are often not separated from men. Men are also exposed to GBV in detention. Among the IDP population, gender-based violence continues to be widespread, ill-documented and under reported in Libya, where there are no effective referral mechanisms in place to support victims and their families, not even for crimes committed during the revolution. Because of social and cultural pressure, victims are ostracized, isolated, neglected and most importantly not supported by public authorities and the law. When facing GBV incidents both non-Libyan and Libyan women continue to be at risk to be sentenced for "zinaa" or crimes against honor. Some Libyan women survivors of GBV continue to be detained and face prosecution for "zinaa" and remain in arbitrary detention without due process and lack of legal assistance. The Zinaa 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. Libya's criminal law does not explicitly recognize child sexual abuse, and there is no dedicated law that addresses child sexual abuse, and Libya does not have legislation setting out the age of sexual consent, as marriage is required before sexual relations are legal 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, which effectively removes the minimum age threshold of legal marriage.

Protection concern 6. Access to essential services and humanitarian assistance

As a direct effect of the armed conflict and widespread inter-communal violence in Libya, the access to services for the civilian population is becoming increasingly difficult. Administrative boundaries for humanitarian agencies to obtain visa to operate, corruption, general insecurity and excessive control by the parties to the conflict over humanitarian services providers as well as discrimination based on racial and tribal origin resulted in the vulnerable population having limited access to essential services to their survival. This situation has been aggravated by increasing attacks against medical workers, objects and the activists of armed non state actors limited mobility of relief personnel. In addition to this situation, the impact of the crisis on accessing currency and the good functioning of public system have affected the general management of social benefits and services. Access to services is further constrained by discrimination faced by some non-Libyan populations. Non-Arab foreigners have reported difficulties accessing services due to discrimination and have reported being unable to access services.

In addition to constraints that humanitarian actors face in accessing populations in need, gaps in humanitarian assistance gradually turn into protection risks, specifically gaps in the shelter response for people in displacement. The lack of sustainable shelter solutions for the urban displaced in particular poses vulnerabilities that gradually turn into protection risks, including the risk of eviction due to placement in collective shelters that are schools, untenable rental increases and lack of official rental agreements as well as the risk of exposure to explosive hazards especially for IDPs and returnees to contaminated areas targeted by the clashes. The urban displaced, including IDPs and refugees and migrants, are at particular risk of exposure to this lack of access to critical support and are increasingly among the most vulnerable populations in Libya.

Protection concern 7. Explosive hazards contamination

The presence of explosive hazards, including explosive remnants of war (ERW) and improvised explosive devices (IEDs), has been a persistent threat to the Libyan population and humanitarian actors even before the recent outbreak of large-scale hostilities.

Even after active hostilities come to an end, explosive hazard contamination continues to pose considerable threats against civilian life and physical integrity and impedes the safe return of IDPs. Furthermore, the explosive hazard contamination of vital infrastructure and utility supplies hampers reconstruction efforts and significantly affects the ability of humanitarian and development actors to deliver humanitarian assistance and implement activities towards stabilization.

The threat from explosive hazards, including IEDs, has been exacerbated by the recent outbreak of hostilities concentrated around, but not limited to, the capital Tripoli. As all parties to the conflict are increasingly relying on the use of explosive, heavy weaponry and aerial bombardments in densely populated areas – often in a disproportionate and indiscriminate manner – reports of civilians injured, maimed, and killed by explosive hazards are increasing. According to the 2019 multisectoral need assessment (MSNA), 3% of households across Libya reported one or more members injured or killed by an



explosive hazard. Tripoli, Aljara, Benghazi, Sirte, Sabha, Jabal Al Gharbi/Gharyan, Derna, and Zwara are among areas of concern, where the presence of explosive hazards has been reported by the MSNA as well as mine action actors and local communities.

Furthermore, the presence of terrorist groups, particularly ISIL, has led to greater sophistication and increased use of Improvised Explosive Devices (IEDs), driven by the ready availability of explosives derived from military munitions. The explosives used in Libyan IEDs are almost invariably sourced from high explosive bombs, missile warheads or artillery shells which have been acquired from former regime ASAs. The threat of IEDs has increased dramatically, with conventional weapons being used in improvised and novel ways to inflict maximum damage. It has been demonstrated that considerable knowledge transfer has occurred from Syria, Iraq, and Afghanistan, with complex and advanced IEDs intercepted and used in Libya.

III. PROTECTION PRIORITIES

The key priorities of this strategy is to ensure adequate and fair assistance to affected peoples with the aim to address three level of needs:

- **Protection of Civilian affected by the armed conflict**, which include the promotion and respect of International Humanitarian Law, International Human Rights Law and refugee law by all parties to the conflict in Libya through the identification of situation where civilian are exposed to risk, collective actions and prioritization of advocacy and critical humanitarian responses which contribute to the protection of civilians.
- **Protection of the human rights of internally displaced peoples, persons in need of international protection and persons at high risks of violation and abuses**, which include those affected by conflict related or protracted forced displacement, including children on the move, women and girls, those exposed to eviction from shelter and under arbitrary or abusive detention.
- **Ensure the promotion and respect of principled based humanitarian action**, which include the establishment of a framework defining protection modalities and standards for humanitarian assistance and delivery of services, including through the identification of critical protection risks, human rights due diligence challenges in engaging with public institutions, security forces and entities affiliated to the parties to the conflict and adapted mitigation measures.
- **Prioritizing peacebuilding and reconciliation efforts** toward inter-communal harmony, progressive change and reform. Confidence and trust building between affected populations and the government is an urgent and critical component for progress towards durable solutions for IDPs and migrants or refugees. The government's commitment to durable solutions also requires undertaking efforts to ensure that causes of displacement that could have been avoided are effectively resolved. The HCT should advocate for transitional justice mechanisms to address the root causes of displacement, incorporating the four specific areas of a) truth-seeking; b) prosecutions; c) reparations to victims; d) institutional reform.

IV. COLLECTIVE PROTECTION OUTCOMES



In order to address protection priorities which are so prevalent and widespread as to warrant a system wide, comprehensive response, the following are the collective protection outcomes proposed under this HCT Protection Strategy:

Protection Outcome 1. The expertise, mandates and capacities of the HCT are mobilized to identify and respond to risks inherent to the protection of civilians in the armed conflict affecting Libya

- The HCT support increased humanitarian engagement with parties to the conflict on the protection of civilians and the armed groups' obligations under IHL and IHRL. Such efforts should be done in tandem with ongoing efforts by UNSMIL and OHCHR, as well as other specially mandate organizations. Such efforts should facilitate dialogue with armed groups to raise awareness of their obligations and should also enhance documentation of possible violations through harmonized reporting mechanisms to enhance understanding of protection risks faced at the hands of armed groups.
- The HCT together with the Communication and Advocacy Working Groups as well as the Protection Sector develops an advocacy strategy on protection of civilian through: a) the establishment of evidence based key messages and legal definitions according to IHL and IHRL on key protection concerns, b) issuance of quarterly update on protection of civilians and c) promotion of compliance with IHL and IHRL by the parties to the conflict, with particular focus on accountability to bring the perpetrators to justice.
- The HCT ensures, through the Inter-Sector Coordination Group and UN Country Team and with the support with UNSMIL and Secretary General on the Protection of Civilians, that appropriate preparedness and contingency planning is undertaken to plan for responses to conflict-related protection risks.

Priority 2. The HCT promote the access of peoples affected by Forced Displacement to protection and solutions

The situation of peoples affected by forced displacements (IDPs, urban refugees, asylum seekers and host communities) and migration remains particularly precarious and in needs of an integrated response ensuring the benefice of assistance to urgent needs. Through the establishment of a specific coordination and planning framework, the HCT under the leadership of the Humanitarian Coordinator commits itself to:

- The HCT provides support to, and jointly develops a workplan with the Ministry of Internally Displaced Peoples to initiate the durable reintegration of peoples affected by forced displacement through strengthening of public institutions and service providers and the conduct of a profiling of peoples affected by internal displacement (IDP and host communities) that include the identification of their protection needs, socioeconomic status and their intentions.
- The HCT ensures the provision of a strong analysis of the situation of access to house, land and property as a factor of human security and identify existing obstacles and opportunities for durable solutions in collaboration with the NFIs/Shelter sector.
- The HCT ensures that the situation and status of internally displaced is well documented and referred to be integrated within the peace and development roadmap in Libya and that their rights are fully recognise within the political agenda.

Priority 3. Protection of, and accountability to, affected persons are at the centre of response, including by ensuring that the response remains principled, avoids doing harm, and serves the most vulnerable and in need.



Considering the specific context of widespread violence in Libya, the lack of safe, unimpeded, independent, and sustained access for humanitarian operation remains the greatest obstacle to the conduct of objective assistance and protection:

- The HCT with support from the Protection Sector and the Access Working Group should ensure that all interventions by humanitarian agencies and sectors, including in newly accessible areas, are supported by a thorough protection risk, do no harm and conflict program criticality assessment and analysis. The HCT should prioritize the creation of a robust mapping of services and interventions of the humanitarian community through the Inter-Sector Coordination Group and supported by OCHA.
- The HCT with support from the Protection Sector should ensure that selected projects and the provision of humanitarian funds use protection risk frameworks that contain indicators and mitigation measures in the conduct of service delivery and advocacy. These include ensuring the promotion of rights-based responses, Gender with Age Marker, and AAP measures.
- The HCT with support from the Protection Sector and through the Information Management Working Group should ensure the accountability of the common response with the beneficiaries through an active protection based Monitoring and Evaluation and complaint mechanisms, including consultation with affected populations on the types of services needed, the perceived risks and platforms for safe and dignified delivery of assistance, and provision of timely and relevant information on their rights and entitlements and roles and responsibilities of partners.
- The HCT with support from the High Commissioner for Human Rights and Protection Sector ensure that the Human Rights Due Diligence Policy and humanitarian principles are applied and that breaches are adequately addressed and investigated.
- HCT, through the Area-based Coordination Group (ACG) and with support from the Protection Sector ensures updated assessments and training are conducted on protection mainstreaming and integration and to ensure protection is mainstreamed and integrated in the humanitarian response, including AAP initiatives.
- The HCT consider recruiting a Senior Protection Advisor to sit at the HCT level who can advise on strategic protection initiatives and ensure that the centrality of protection informs decision-making and to support the Protection Sector and HCT in the abovementioned points. This position would provide technical assistance to the HCT to increase knowledge, strategic and advocacy response on protection.
- The HCT ensures that all humanitarian activities are done in a manner that supports the humanitarian-development-peace nexus, promoting early recovering and resilience within vulnerable communities.

V. MONITORING & EVALUATION

This strategy particularly emphasizes the need to strengthen monitoring and evaluation of the humanitarian response in its protection objectives. It takes into account the existing humanitarian programme cycle and will cover a period integrating the preparation and planning of the Humanitarian Needs Overview and the development and implementation of the 2020 humanitarian response phase.

The HCT should adopt an action plan to monitor the implementation of the collective protection outcomes of the HCT Protection Strategy together with protection mainstreaming measures of the humanitarian



response framework, including clarifying the roles and responsibilities of all humanitarian actors in the actions and outcomes of the strategy.

The HCT should establish a designated task force on centrality of protection to work jointly with the Inter-Sector Coordination Group and the Protection Sector to monitor the implementation of the activities, and review the Action Plan regularly, at least on a quarterly basis and update it as required.