

**THE EUROPEAN UNION EMERGENCY TRUST FUND FOR STABILITY
AND ADDRESSING THE ROOT CAUSES OF IRREGULAR MIGRATION AND
DISPLACED PERSONS IN AFRICA**

Action Document for the implementation of the North Africa Window

T05 - EUTF-NOA-LY-06

1. IDENTIFICATION

Title/Number	"Integrated approach to protection and emergency assistance to vulnerable and stranded migrants in Libya" ¹ (T05-EUTF-NOA-LY-06)
Total cost	Estimated total cost: EUR 29 000 000 Total amount from the EC: EUR 29 000 000
Aid method/Implementation methods	Indirect management with the International Organisation for Migration (IOM) and the United Nations High Commissioner for Refugees (UNHCR)
DAC code	110, 120, 130, 160, 720

2. GROUNDS AND BACKGROUND

2.1. Summary of the action and its objectives

This Action Fiche aims to continue to support interventions for vulnerable migrants in Libya set forth in 2017 under the European Union Emergency Trust Fund for stability and addressing root causes of irregular migration and displaced persons in Africa (i.e. "Trust Fund"), in particular as part of the Programme "*Managing mixed migration flows in Libya through expanding protection space and supporting local socio-economic development*" (T05-EUTF-NOA-LY-03). The programme builds on the priorities set by the European Commission in the joint Communication "Migration on the Central Mediterranean Route: Managing flows, saving lives" released on 25 January 2017, confirmed and further developed by the European Council in the Malta Declaration issued on 3 February 2017. In addition, the action complements the efforts being pursued through the African Union - European Union - United Nations Task Force, which aims to save and protect lives of migrants and refugees along the routes and in particular inside Libya.²

The proposed action seeks to address the escalating protection concerns of migrants through interventions at disembarkation points, detention centres, in remote southern desert areas, and urban settings, but also through working with the Libyan Ministry of Labour to develop

¹ For a better readability the term "migrant" in this Action Fiche is used according to the IOM definition, which defines a migrant as any person who is moving or has moved across an international border [...], regardless of (1) the person's legal status; (2) whether the movement is voluntary or involuntary; (3) what the causes for the movement are; or (4) what the length of the stay is. The term "migrant" in this Action Fiche comprises therefore also refugees and asylum seekers, unless indicated otherwise.

² The Task Force was set up in the margin of the fifth African Union-European Union (AU-EU) summit which took place on 29-30 November 2017 in Abidjan, Côte d'Ivoire.

sustainable economic opportunities for migrants in the domestic labour market. The multi-faceted approach to protection and sustainable assistance will entail better access and provision of health, protection, direct emergency assistance and job opportunities for migrants in Libya. The Action targets different locations with high concentrations of migrants (i.e. detention centres, disembarkation points, urban centres, and most notably along Southern Libya's desert migration routes).

This Action aims to strengthen and enhance the capacity of relevant Libyan authorities through targeted trainings notably on international practices on detention policies, rights-based migration management and registration of migrants. This in itself includes providing assistance and protection at disembarkation points and detention centres with a specific focus on alternatives to detention. In addition, the project will provide multi-sector assistance, including health, for migrants and host communities.

The overall objective of this Action is to reinforce protection and resilience of migrants in Libya while supporting an improved migration management along the migration routes in the country. The priorities under this Action will be aligned and complement the 'Protection Component' (Component 1) of the programme "Managing mixed migration flows in Libya through expanding protection space and supporting local socio-economic development"³ (T05-EUTF-NOA-LY-03), that aims at increasing the protection space for migrants, in Libya through both scaling up current capacities and provision of assistance. Protection and assistance will be provided to persons in need by improving the general response of Libyan authorities and international stakeholders.

The implementation of this Programme has already shown tangible results enhancing the protection of vulnerable people in Libya:

- 14,731 voluntary humanitarian returns (VHR) from Libya and reintegration into countries of origin.⁴ The number of people being helped to leave Libya has increased significantly since the joint African Union - European Union - United Nations Task Force was established and decided to increase assisted voluntary returns from Libya (via the International Organisation for Migration), and to step up evacuations through an Emergency Transit Mechanism (with the UN Refugee Agency UNHCR);
- Provision of blankets, clothes and hygiene kits to more than 52,000 migrants;
- Medical assistance to more than 26,000 migrants;
- Assistance to over 3,500 Libyan displaced families in host communities affected by migration with non-food items, consisting of mattresses, pillows, summer blankets and hygiene kits;
- Establishment of a clinic in six disembarkation points.

However, the analysis of the situation in Libya shows that the **emergency needs of migrants continue to increase in severity, justifying a replenishment of this protection component**. Migrant workers, female migrants and children (including unaccompanied and separated children - UASC) are at heightened risk of human trafficking, sexual exploitation and forced labour. Replenishment is needed particularly for the protection activities of UNHCR, which will have exhausted their ongoing funding by 31 August 2018.

Arbitrary detention of migrants remains a common phenomenon in centres that operate under inhumane conditions. Although building new detention facilities should not be encouraged,

³ Programme adopted for Libya in April 2017 under the North of Africa window of the EUTF for Africa.

⁴ Total number financed under the EUTF for Africa since May 2017 to 31st May 2018.

centres where migrants are currently detained should continue being refurbished and rehabilitated to meet minimum detention standards (toilets, showering facilities, sewage system). Complementing this, the EU needs **to redouble efforts on alternatives to detention** such as open centres or safe houses.

New challenges also come to attention such as the absence of Search and Rescue Operations (SAR operations) in the desert as well as the lack of labour migration management capacities, despite the fact that migrant labour plays a significant role in Libya's economy.

All this calls for a twofold coordinated response: (1) on the one hand a top-up of the ongoing protection activities to continuously support this urgent and direct assistance as well as the creation of alternatives to detention; (2) on the other hand specific activities on Search and Rescue Operations and Labour Market Management to address new dimensions of the current challenges.

This Action will contribute to the **Valetta Action Plan** domain 3 "*Protection and asylum*" as well as to the Specific Objective 3 of the **Operational framework of the North of Africa Window** of the EU Trust Fund for Africa (EUTF for Africa), "*To strengthen the protection and resilience of migrants, forcibly displaced persons and local populations*" and Specific Objective 2 "*To increase mutually beneficial legal migration and mobility*".

2.2. Background

2.2.1. National background, where applicable

Since 2014, Libya has been split between three rival governments based in the western and eastern regions, each backed by different militias and tribes. In December 2015, the UN brokered an agreement that brought opposing parties together in Tripoli, creating a unity government and presidency council to govern during a transition period of two years. However, "unity" in Libya is more characterized by tribalism and regionalism, than by state or nationhood; something that has further intensified after the fall of Gadhafi. According to the 2017 Ibrahim Index (a measurement of African governance) Libya dropped from the 29th rank to one of the lowest in terms of overall governance within the continent.

Amidst Libya's ongoing armed conflict and breakdown of rule of law, migrants are exposed to arbitrary arrests by both state and non-state actors, abandonment in not survivable desert conditions, forced labour, gender-based violence (GBV), torture, and murder. Migrant workers and stranded migrants are easy targets for traffickers. Female migrants are at heightened risk of being trafficked for sexual exploitation by non-state armed groups and criminal networks. Faced with large migration flows on top of mass movements of its own nationals, the Libyan government, through its security forces and Directorate for Combatting Illegal Migration (DCIM) applies strict punitive measures for those found to be in the country irregularly or without proper documentation. These measures include arrest, indefinite detention, and deportation – regardless of individual vulnerability profiles. Migrants are frequently held in improvised detention centres that are overcrowded, underequipped, rife with reports of sexual and physical abuse, and breeding grounds for the spread of infectious disease. Humanitarian access to migrants held in these facilities is variable.

2.2.2. Sectoral background: policies and challenges

Migration and asylum context:

The historical migration routes for migrants from sub-Saharan Africa run through the vast and conflict-inflicted desert region of southern Libya. Since 2011, this region has become a graveyard for migrants attempting to make their way to the Mediterranean coast and an

onslaught of abuse for those who survive the passage. It is presently impossible to know how many migrants perish along hundreds of kilometres of desert migration routes every year due to the nature of the terrain in which they vanish, the long distances between population centres, and the weakness of governmental institutions. However, interviews of migrants who survived the journey and media reporting of fatal incidents involving migrants suggest the number of fatalities could rival the maritime death toll for Libya. Consequently, most migrants are underprepared for the environmental hazards of desert travel and potential abandonment by smugglers in the harsh climate of southern Libya. With international aid resources mainly concentrated along the coast, vulnerable migrants making their way through southern Libya are left without life-saving assistance when they are abandoned by smugglers, trafficked, injured, or become lost in the inhospitable desert.

Surviving the dangerous route to Libya only avails migrants to more threats, dangers, and exploitation as their lives are constantly under the auspice of growing lucrative trafficking and smuggling trade. This remains a direct result of the political insecurity and instability that has plagued Libya's ability to reconstruct the basic provision of essential services and adapt international standards for rule of law. Intrinsically, the current migrations crisis has only been exacerbated by the continued and deepening lack of governance, tumultuous social and economic opportunities, and wavering internal conflicts. The complexities of Libya's political, economic, and social situation compounded with its geographical position both in terms of the neighbouring countries and proximity to Europe's border has resulted in mixed migrations flows that encompasses forced migration, labour migration, domestic migrations, and migrants seeking onwards travel to Europe. Estimates of migrants in Libya range between 700,000 and 1 million, most of which are living in urban centres. As of 31 May 2018, there were 52,031 refugees and asylum-seekers registered in Libya, of which some 7,400 have been registered in 2018 alone. In 2017, over 118,000 irregular migrants arrived to the shores of Italy whilst over 2,800 deaths were registered in the same year. In 2018, as of 30 May, 6,929 migrants have been rescued/intercepted at sea by the Libyan Coast Guard (LCG). The majority of those arriving to Italy were men, followed by children or unaccompanied and separated children, and women.

Owing to ongoing conflict and instability, hundreds of thousands of people across the country are living in unsafe conditions and high risk environments, with reduced or no access to healthcare, medical supplies - including medicines, food, safe drinking water, shelter and education. A total of 1.1 million people are in need of humanitarian assistance in Libya, including refugees, asylum-seekers, migrants, Internally Displaced Persons (IDPs), returnees, and host communities. The vast majority of registered migrants are not detained in Libya but face the risk of detention and arbitrary arrest due to the prevailing difficult protection environment in the country.

As per the Libyan law which **criminalises entering, exiting and staying in Libya**⁵, 4,000 to 7,000 migrants are detained in the 33 centres run by the Department for Combatting Illegal Migration (DCIM)⁶. Additionally, armed groups hold migrants in an unknown number of

⁵ Source: Global detention project, *Immigration Detention in Libya*, February 2015, URL: <http://www.refworld.org/pdfid/5567387e4.pdf>; Global legal monitor (US Govt.): <http://www.loc.gov/law/foreign-news/jurisdiction/libya>.

⁶ The DCIM was initiated in 2002 with the main objective to combat irregular migration in Libya. According to the Council of Ministers Decree N. 386/2014, in 2014 the DCIM became a separate Directorate that holds legal character, has an independent financial liability and works under the Ministry of Interior (MoI). DCIM's main responsibilities include: Participating in the drafting and implementing of joint security plans to ensure the maintenance of security and public order; studying and developing strategic plans leading to the reduction of irregular migration; drafting and implementing security plans to combat the crimes of human trafficking and

unofficial detention centres across the country. Migrants do not undergo any kind of formal registration and do not have access to legal process before and while being in detention. Migrants disembarked in Libya are in urgent need of assistance, suffering from dehydration, trauma, skin diseases and having been subjected to abuses along the journey.

While it is neither a party to the 1951 Refugee Convention nor its 1967 Protocol, Libya is a signatory to the 1969 OAU Convention. The preamble of the 1969 OAU Convention calls upon Member States of the African Union to accede to the 1951 Convention and its 1967 Protocol – and meanwhile to apply the provisions of the 1951 Convention to refugees in Africa. As a member of the African Union, Libya is party to the African Charter on Human and Peoples’ Rights (Banjul Charter). This provides that ‘[e]very individual shall have the right, when persecuted, to seek and obtain asylum in other countries in accordance with laws of those countries and international conventions’. However, Libya has yet to enact a legal framework for the protection of refugees and asylum seekers in the country.

Counter-trafficking:

According to the EU Strategy towards the “Eradication of trafficking in human beings”⁷ adopted on 4 December 2017, it is a cross-cutting action to support anti-trafficking objectives and priorities through multiple funding streams, e.g. the EU TF. This includes projects taking particular account of the gender dimension of the phenomenon and high-risk groups. In 2017, IOM reported a 600 % increase in the number of women and girls trafficked through the Central Mediterranean Route for the purpose of sexual exploitation in the EU. Frontex Risk Analysis Report 2018 further informed that Sub-Saharan countries, particularly countries in West Africa, currently represent one of the main source regions of victims of human trafficking in the EU.

At a national legal and policy level, Libya lacks any services or capacities for identification and assistance, prevention, prosecution measures and administrative structures and capacities to address human trafficking. Although under the overall framework of the Humanitarian Response Plan (HRP), some components of human trafficking are being addressed through other programmatic responses, i.e. protection, there is no fully-fledged response framework and measures to address the particularities of human trafficking. The existing international aid response in Libya provides an important channel to reach out to victims of trafficking and persons at risk.

There is an urgent need to strengthen identification, assistance, and referrals to international aid and national services and remedies. The programme will seek synergies with the future engagement of the United Nations Office on Drugs and Crime (UNODC) on dismantling the criminal networks operating in Libya (migrant smuggling and human trafficking). Existing policy and capacity gaps, as well as coordination between national and international aid actors comprise the underlying deficiency to establish an effective counter trafficking response. In that respect, mobilising national and international actors, increasing their capacity and establishing a cooperation and coordination-mechanism at policy and operational levels are key priorities to develop and implement a comprehensive Counter-trafficking strategy and response in Libya, paying special attention to the gender dimension.

Child Protection:

UASC are at heightened risk of human trafficking, forced labour or sexual exploitation and face arbitrary detention in centres that operate under inhumane conditions. With support from

smuggling; locating irregular immigrants and placing them in migrant reception centers(detention centres) and carrying out deportation; and registering irregular migrants and smugglers in a database.

⁷ COM (2017) 728

the EUTF for Africa, UNICEF approached different authorities looking at the possibility to end immigration detention for children, and in parallel working on finding temporary solutions (interim care / alternative to detention / non-custodial measure). However, deficiencies such as an age limit of 10 years and a maximum stay of 3 month in the care facility still have to be overcome. Therefore, a strong coordination with IOM and UNHCR to provide VHR or other durable solutions is key. Furthermore, the strengthening of alternatives to detention (host families, independent living solutions and open centres) is of utmost importance, and would allow agencies to work in the best interest of each child, and to analyse on a case by case basis what are the available options for temporary and long-term care arrangements for UASC.

Consular authorities and local Government bodies also have a key role in advocating for children's release, identification of vulnerable cases and in the establishment of alternatives to detention for UASC, and it is of utmost importance to create knowledge and capacity within the relevant local authorities on these urgent issues. Given the special protection needs of migrants, both adults and children, in vulnerable situations and depending on their personal circumstances, host States sometimes grants certain forms of national protection such as an authorization/right to remain in the country, a migration status/visa or a residence permit.

These forms of protection might be temporary or permanent in nature depending on the capacities and willingness of host States to provide for the migrant's stay as well as on the evolving capacities and resilience of the migrant(s) concerned. In light of a gap in up-to-date data on UASC it is important to strengthen the access to reliable and complete data on their situation in and out of detention both in quantitative and qualitative terms, to better identify and address the existing gaps.

Labour Market Management:

Libya has traditionally been and continues to be a destination country for migrants, particularly those from North Africa and sub-Saharan African countries. The number of migrants currently in the country is hard to pinpoint. While IOM's Displacement Tracking Matrix (DTM) identified 690,351 migrants in the country as of April 2018, unofficial estimates say that number could be much higher.

Migrants in Libya mainly originate from Africa and to a lesser extent, the Middle East and West Asia. Out of the 645,659 individuals from Africa, 447,086 (69%) originated from Sub-Saharan countries and 198,573 individuals (31%) from North African countries. As of April 2018, migrants from Egypt and Niger constituted the majority of migrants in Libya registered by DTM representing a combined 34% (235,358) of the total identified migrant population. The majority of migrants identified in Libya are male constituting 89% of the estimated migrant population. Minors are estimated to make up 9% of the migrant population with 42% (about 26,000) of them being unaccompanied.

Migrants from West and Central Africa as well as neighbouring countries of Niger, Chad, Sudan, Egypt and Tunisia mainly report migrating to Libya to seek better economic opportunities. While migrants from East Africa report leaving their countries of origin due to political persecution and conflict, the majority of people who travel to Libya from neighbouring countries (Niger, Chad, Sudan and Egypt) plan to stay there and do not intend to continue to Europe. Most of these migrants travel to Libya to seek economic opportunities and may engage in circular migration patterns, traveling repeatedly to and from their countries of origin. An IOM DTM sample found that the majority of migrants from these countries intended Libya as their destination. In comparison to estimates of migrants in Libya, the number of people making the sea crossing irregularly from Libya is relatively small. In 2017,

119,369 migrants arrived to Italy via the Central Mediterranean Route (CMR) accounting for only 15% of the total migrant population in Libya.

In response, the Government of National Accord has recognized the need to regulate the inflow of migrants seeking employment in the country in order to mitigate their exposure to exploitation. As such, the government is seeking better cooperation with countries of origin in the region and in Sub-Saharan Africa in order to facilitate regular labour migration flows and to better match migrant workers with labour shortages that still plague many sectors of the economy.

Migrant labour plays a significant role in Libya's economy, yet consequently there are insufficient mechanisms in place to adequately manage a vital source of revenue for the Libyan economy. Little efforts have been made to evaluate the current labour market demands and align them to the skill-set of migrants that could potentially fill those gaps. More so, the Libyan authorities have not developed a national occupation in demand list that can serve as the premise for labour migration policy and programming target towards filling skills gap through temporary employment programmes for foreign workers. Furthermore, the Libyan authorities do not have an information management system on labour management, leaving them facing challenges in the process of foreign recruitment applications and work permit, in addition to the invalid bi-lateral agreements with countries of origin for migrant workers that could help regularizing the foreign recruitment process. Most critically, considering that many migrants in Libya do not seek to cross the Mediterranean to reach Europe, strengthening the national labour market framework in Libya as destination country is key and can constitute an efficient protection measure and contribute to regularise the stay of migrants already in the country as well as to improve their living conditions.

This Action Fiche avoids duplicating activities of the regional programme "Towards a holistic approach to labour migration and labour mobility in North Africa" (T05-EUTF-NOA-REG-06). The later programme focuses on partner countries as countries of origin for labour migration, i.e. nationals seeking employment in Europe (starting with mobility schemes from Tunisia, Morocco and Egypt to Germany). In contrast, the present Action Fiche will contribute to develop a better labour migration management in Libya for (mostly) African nationals seeking employment there.

Search and Rescue:

Through the EU TF the EU already supports search and rescue operations in North Niger. Migrants who leave Agadez trying to reach Libya or Algeria through the desert can find themselves, for various reasons, sometimes abandoned or stranded in this desert. To assist these migrants, IOM, in collaboration with the Directorate General of Civil Protection (DGPC), is undertaking search and rescue operations to find and bring migrants to safety at three of IOM's MRRM centres (Agadez, Arlit and Dirkou) in the Agadez region, where they are provided with psycho-medical assistance and counselling. Since April 2017, these search and rescue operations have saved the lives of more than 3,500 migrants.

So far there are no SAR operations in southern Libya. This is aggravated by the fact that migrants entering Libya are broadly unprepared for the multitude of threats and hazards they will face along the southern desert migration routes and unaware of the assistance available to them through aid organisations in Libya. Migrants lack factual, up-to-date information on the magnitude and location of trafficking, gender-based violence (GBV), killings, kidnappings and extortion incidents targeting migrants. Additionally, most migrants are underprepared for the environmental hazards of desert travel and potential abandonment by smugglers in the harsh climate of southern Libya. When they and their fellow migrants fall ill or become injured along the way, they lack the basic First Aid and survival skills that, if mastered, could

mean the difference between life and death. Broadening the scope of SAR operations from North Niger to Southern Libya represents in this sense a consistent approach at regional level.

2.3. Lessons learnt

The present Action incorporates a rights-based and development-oriented approach. It builds on experience gained by the EU and its implementing partners in Libya over the last few years. This programme incorporates notably the following main lessons learnt from the EU-funded programme “Managing mixed migration flows in Libya through expanding protection space and supporting local socio-economic development” (T05-EUTF-NOA-LY-03).

- A flexible and responsive approach to the needs of the target groups and key stakeholders is vital. Fast and sometimes unpredictable changes within the political and security environment can result in changing migration routes, patterns and trends, shifting needs and priorities, and affect the feasibility of engaging in certain activities or regions.
- Improvement of needs assessments and monitoring mechanisms in order to ensure an adequate response to the needs and an accurate targeting, as well as an improved accountability for both implementing partners and donors in a volatile context where remote management adds to the difficulty of delivering aid in an efficient manner.
- Assistance to migrant communities is deemed a sensitive political issue. A comprehensive approach between vulnerable migrants on one hand and host communities, IDPs and returnees on the other hand is particularly needed, in order to respond to needs in a balanced manner and therefore prevent misperceptions among Libyans on EU supporting third country nationals only and to reduce any inter-communal tensions. It is also critical to keep local authorities and government agencies clearly informed of the objectives and activities of the project, and engage in building the capacity of authorities working as first-responders while national political dialogue is ongoing.
- Striving to improve conditions in detention centres where migrants are held – and measuring the change – along with offering psychosocial support.
- Implementing partners will build upon analysis, lessons learnt and recommendations already drawn by actors working in the field of local economic development in Libya, including the World Bank.

2.4. Complementary actions

Important complementarities with other EU-financed activities will be sought and developed, including with actions funded by EU Member States in Libya.

This Action will explore and prioritize the creation of synergies with ongoing projects and programmes, in particular other EUTF for Africa supported actions in Libya, such as the "Strengthening protection and resilience of displaced populations in Libya", adopted in June 2016 and implemented by a Consortium led by the Danish Refugee Council (DRC), the IOM implemented project "Supporting protection and humanitarian repatriation and reintegration of vulnerable migrants in Libya", the UNICEF implemented project "Resilience building programme for vulnerable children in Libya, including host communities, migrant and refugee children", the UNDP implemented project "Strengthening Local Capacities for Resilience and Recovery", the GIZ implemented project "Municipal development in the context of mixed migration", the UNHCR implemented project "Reinforcing International Protection and

Delivery of Assistance to UNHCR's Persons of Concern in Libya" and the UNODC implemented regional programme "Dismantling the criminal networks operating in North Africa and involved in migrant smuggling and human trafficking". In the latter, UNODC focuses on identification, interception, investigation and prosecution of smuggling and trafficking cases. The present Action will complement it by focusing on victims of trafficking and improving the provision of protection care.

Specific synergies will be ensured with the Regional Development and Protection Programme for the North Africa, funded by the European Commission under the EUTF for Africa and the Asylum, Migration and Integration Fund (AMIF) in particular as regards the pilot project on registration of migrants in a number of detention centres and disembarkation points in Libya currently being discussed under the Annual Work Plan 2017.

Complementarities will be sought with ongoing European Commission Humanitarian support as appropriate, in particular as regards emergency type of interventions targeting migrants living in communities, outside detention centres. Activities implemented in the sector of health will be part of the discussion on the Nexus in Libya and duly coordinated with other health interventions through existing dedicated coordination platforms.

Additionally, IFRC is also implementing one project funded through ENI bilateral envelope, in cooperation with the Libyan Red Crescent to bring psychosocial support to populations in need. Coordination will be sought particularly as far as the delivery of psychosocial support services.

The Programme "Support to Right-based Migration Management and Asylum in Libya" funded by EU bilateral cooperation with Libya and implemented by ICMPD will represent an important support for the reinforcement and the systematisation of the results achieved with the aim of improving the migration management both at central and at local level.

As for activities targeting migrants in detention centres, it will be duly coordinated with other stakeholders providing assistance and protection care as well as rehabilitation of basic infrastructures so as to complement ongoing interventions. The Mixed Migration Working Group represents an appropriate platform to steer this coordination and will keep the EU updated on the matter along the implementation, notably during the Technical Coordination Groups (see below).

As for activities related to disembarkation of persons rescued at sea, a particular attention will be devoted to ensuring proper coordination with other types of interventions involving Libyan Coast Guards, such as Sea Horse project and EUNAVFOR Med Operation Sophia.

This Action will be in line with the EU Gender Action Plan (GAP II), which provides the framework for the EU's promotion of gender equality through external action for the period 2016-2020.

2.5 Donor coordination

The governance system of the EUTF for Africa entails close coordination and joint decision-making based on detailed analysis of the complementarity of interventions funded by donors sitting in the Operational Committee of the EUTF for Africa. This programme will be also integrated in the Coordination mechanisms (Steering Committee and Technical Coordination Groups) that were set up in the framework of the EUTF for Africa "Managing mixed migration flows in Libya through expanding protection space and supporting local socio-economic development" Programme. The EUD will chair the Steering Committee together with representatives from the Libyan government (Ministry of Foreign Affairs and Ministry of Planning).

The EU respects the mandate of UNSMIL to coordinate international support and is fully involved in the exercise to channel international **donor support** to the emerging GNA. For that purpose, a joint coordination initiative, the Joint Technical Coordination Committee (JTCC) was launched in 2016, which resulted in the creation of several donors' meetings in Tunis and Tripoli organised thematically, aiming at reaching common analysis and understanding of needs in a conflict sensitive manner. Nowadays, 5 Working Groups have been created in this framework (Migration, Governance, Rule of Law & Human Rights, Basic Services and Economic Recovery). The Migration Working Group is co-chaired by Libyan MoFA and IOM and its main aim is to find sustainable solutions for the migration management in Libya. Different line ministries, donors and implementing partners attend this meeting. UNHCR has an observer status.

Additionally, several coordination mechanisms and working groups already exist between key implementing partners in-country, which facilitate effective use of funds and help avoid duplications. IOM and UNHCR are on the lead of the "Mixed Migration Working Group", whose main aim is to coordinate actions to support migrants and asylum seekers both inside and outside detention centres. UN agency and other organisations are part of this WG. Implementing partners of this Action will coordinate as part of the regular meetings held by the above-mentioned working groups. Discussions will in particular focus on ensuring an efficient referral mechanism between implementing partners in the different locations foreseen by the Action in order to enhance access to protection and assistance, in particular for the most vulnerable cases.

3. DETAILED DESCRIPTION

3.1. Objectives

The **overall objective** of this Action is to reinforce protection, assistance and resilience of migrants and host communities (including Internally Displaced Persons and returnees) in Libya while supporting improved capacities for migration management along the migration routes in the country.

To respond to the greatest needs, the Action will focus on a range of locations in Libya including disembarkation points, detention centres, urban settings and desert locations.

The **specific objectives** of the action are the following:

- Specific objective 1 (SO1): Providing multi-sectoral assistance and protection to migrants and host communities in different locations inside Libya, in particular inside detention centres, at disembarkation points, in urban settings and desert locations;
- Specific objective 2 (SO2): Enhancement of labour migration policy legislation, structures, and coordination mechanisms for effective labour migration management

These two objectives are interlinked, as in the special case of Libya labour migration management also has a protection dimension. Libyan authorities indicated that they would be willing to grant temporary working permits to migrants. Currently migrants in Libya without a formal status face the risk of arbitrary detention. Issuing working permits can therefore be perceived as an alternative to detention.

The action seeks to achieve the above-mentioned objectives by supporting a set of complementary activities in strategic locations, with high concentration of migrants. The implementation in the envisaged locations remains subject to the evolution of the situation on the ground, in particular as regards security and safety in remote areas such as the South.

3.2. Expected results and main activities

This Action aims at expanding protection space in Libya for vulnerable migrants, ensuring assistance for those in need and providing alternatives to detention as well as durable solutions. In response to the long-term sustainable goals of the Libyan authorities, the Action aims to strengthen the technical and material capacities of the authorities whereby addressing the deficiencies surrounding counter-trafficking, labour migration and protection of vulnerable migrants. Therefore, this Action builds on the mandate, roles and responsibilities of the different stakeholders involved. Improving screening, identification and referral mechanisms is at the core of the strategy followed under this Action. Additionally, to ensure coordination in reaching the most vulnerable populations, jointly agreed upon vulnerability criteria will allow for prioritization and identification of at risk groups in need of further assistance and protection.

This action incorporates and expands interventions foreseen in the programme adopted in April 2017 for Libya under the North of Africa window of the EUTF for Africa (“Managing mixed migration flows in Libya through expanding protection space and supporting local socio-economic development”).

SO 1: Providing multi-sectoral assistance and protection to migrants and host communities in different locations inside Libya, in particular inside detention centres, at disembarkation points, in urban settings and desert locations

Expected Result 1.1: Improved access to essential services for protection of vulnerable migrants including refugees, asylum seekers, UASCs and survivors of trafficking.

Indicative list of possible activities:

- Provision of non-food items (NFIs), temporary shelter in host families or in safe shelters, telephone call home to loved ones, long-term solutions to Victims of Trafficking (VoTs) and other persons at risk;
- Provision of emergency medical and life saving services to migrants under detention and outside in the community referred through different mechanisms;
- Distribution of water, food and refreshments in all disembarkation points;
- Medical assistance and psychosocial support in all disembarkation points, in detention centres (DCs) and communities;
- Increase the number of case workers directly handling child protection cases, train them on child protection procedures including best interest determinations;
- Employ protection case work referrals of urban and DCs’ caseload for housing options, VHR, medical assistance, monitoring of alternatives to detention;
- Assessment and establishment of a dedicated open centre in Tripoli as an essential protective measure for vulnerable migrants awaiting voluntary return or referrals to third countries through other legal pathways (for instance through humanitarian admissions);
- Remaining rehabilitation works, equipment and maintenance linked to the opening and ensuring the functioning of the gathering and departure centre in Tripoli as an essential protective measure for vulnerable refugees and asylum seekers, notably while processing all the necessary steps in view of their evacuation for resettlement;

- Study visits to open centres, indicatively in Italy and Nigeria;
- Human rights / protection training for DC personnel, including DCIM guards on how to run an open centre;
- Organize roundtables, trainings and workshops and mobilize aid actors for joint action and effective resource mobilization for counter trafficking, including trainings for frontline workers and case workers to identify potential victims.

Expected Result 1.2: SAR teams are present along desert migration routes in Libya and have the training, equipment, and registration system to rescue migrants in distress and refer them to appropriate services when they are abandoned, abused, or become lost in transit.

Indicative list of possible activities:

- Cross-border joint assessment mission in Libya and Niger;
- Establishment, training, equipping, and mentoring of SAR teams;
- Improving the registration systems of rescued migrants in the desert in line with the registration system being developed in DCs and disembarkation points;
- Logistical support for SAR operations in Libya and cross-border with SAR teams in Niger;
- Development of referral pathways at health facilities that will receive migrants rescued by SAR teams, contingent to accessibility and availability of services;
- Training of health workers to properly treat sick, injured, and traumatized migrants transported by SAR teams;
- 24-hour multilingual Migration Information Line;
- Distribution of multimedia awareness materials to migrants inside Libya.

Expected Result 1.3: Improved conditions for migrant detainees in DCIM-run detention centres and Libyan Coast Guards reception centres.

Indicative list of possible activities:

- Needs assessments at reception centres, DCs, and disembarkation points;
- Maintain protection and assistance in DCs;
- Light basic rehabilitation works or maintenance of infrastructure in DCs and disembarkation points in particular in relation to water, sanitation and hygiene;
- Establishment of one port wharf at a disembarkation point;
- Monthly environmental health and pest remediation activities (e.g. fumigation for scabies);
- Deployment of mobile medical units to DCs and delivery of ambulances to DCs and reception centres;
- Identification of DCIM female guard trainees and development of training curriculum;
- Trainings on international practices on detention policies and identification of vulnerable migrants and referral mechanism;

- Continuing human rights training and sensitization for DCIM, Libyan Coast Guard, and relevant authorities.

Expected Result 1.4: Most vulnerable migrants and, where relevant host communities, have increased access to emergency direct assistance and Quick Impact Projects (QIPs).

Indicative list of possible activities:

- Field assessments of the direct assistance needs of vulnerable migrants and host communities where migrants are present;
- Pre-distribution needs assessments will be carried out by implementing partners in DCs as well as in migrant communities, in accessible locations in the East, West, and South of Libya. Based on the identified needs and vulnerabilities, NFI kits, Hygiene Kits and winter items will be purchased and distributed. Particular consideration will be given to vulnerable individuals like: women, children and unaccompanied minors, older people and those with chronic conditions and disabilities;
- Distributions of non-food items (NFIs) and hygiene kits in urban areas hosting large numbers of migrants and migrant in DCs;
- Quick Impact Projects (QIPs) will be conducted taking into consideration acute needs regarding health, education, WASH, environment and livelihood opportunities. These QIPs are meant to be simple, small-scale, low-cost and rapid to implement. Vulnerable migrants will be benefiting from those QIPs based on priorities outlined by local authorities, Libyan NGOs and civil society organizations involved in the provision of assistance to migrants.
- Post distribution monitoring will be carried out and results discussed during co-ordination meetings with local partners in order to improve the response.

SO 2: Enhancement of labour migration policy legislation, structures, and coordination mechanisms for effective labour migration management

Expected Result 2.1: Support the Libyan authorities to improve Labour Migration Management and thus facilitate access to employment opportunities.

Indicative list of possible activities:

- Labour market Assessment in selected locations;
- Enhancement of training curriculum of vocational training centres;
- Trainings of Libyan authorities on labour migration management and workers' rights;
- Enhancing the labour market information system;
- Support to Libyan authorities to develop of a strategic plan on labour migration management.

3.3. Risks and assumptions

Risks	Risk level	Assumptions	Mitigating measures
Risk of escalated political instability in the region and possible changes of governments.	Medium to High	Local authorities/ governments maintain authority, and environments are safe enough to implement planned activities.	The political situation is continuously monitored. The programme activities have been identified taking into account the current political situation and anticipated developments. Mitigation measures have been designed to apply if the security situation deteriorates. Democratic structures and principles are firmly supported in the framework of the EU's political dialogue with partner countries.
Changes in numbers and priorities of migrants and host communities, and relevant authorities	Medium	There will be new displacements (primary, secondary and tertiary) as well as a new, emerging caseload of those whose vulnerabilities have increased as a result of the conflict and its secondary effects.	The action will be flexible and adaptable to any changed context or to better suit the unique needs of those affected, this includes ensuring flexibility in implementation activity for other priority areas. Past programming from implementing partners will be evaluated and best practices utilised where possible. Any changes will be discussed and agreed upon with EU locally before being implemented.
Government officials systematically deny access to detention centres or other migrant detention facilities	Medium	Local authorities/ governments allow continued access to detention facilities	Through this Action, maintaining effective and positive relationships with Libyan officials will remain critical to ensure continued capacity building activities and to maintain access to detention facilities.
Access issues related to security and infrastructure, including deteriorating security situation on roads, leading to some populations being cut-off; related inability to identify locations	Medium to High	Access to locations is not hindered by security, local authorities and leaders, migrant participation, government restrictions, military interventions, and security. The security and political environment allows for	The action continues to coordinate with the United Nations Department of Safety and Security (UNDSS), partners and authorities regarding security and implementing partners presence to ensure a trustful relationship between stakeholders. Implementing partners utilise third-party contracting where possible and appropriate.

3.4. Crosscutting issues

As far as **gender mainstreaming** is concerned, it is acknowledged that migrant women, girls and female unaccompanied minors have greater need for protection, especially in detention centres. This project will specifically address these concerns through the provision of human rights and gender-based awareness training for detention centres' officials, separate hygiene and housing for female migrants and provision of specialized healthcare. Gender considerations are integrated in planning, implementation and monitoring and evaluation of all activities.

Populations with **specific vulnerabilities** (physical disabilities or individuals made vulnerable due to gender such as young boys or women) will be served using methodologies that ensure access and prevent harassment. Sensitivity to vulnerability and confidentiality is important, to promote the wellbeing of beneficiaries. Relevant data will be sex-disaggregated to ensure aims and objectives are appropriately reaching populations. GBV indicators are included in the DTM, serving as a reference point for partners to tailor planning and responses.

This action seeks to increase the **resilience of migrants**. For Libyan government officials, including Libyan Coast Guard, Port Security, DCIM, and Detention Centre staffs, resilience will be increased through capacity building, training, and assistance with infrastructure improvements.

This Action supports the design and mainstreaming of a **conflict-sensitive approach**, including Do No Harm principles. Activities will encourage positive inter- and intra-communal interactions to promote concepts of team spirit, respect, non-violence, neutrality as well as messages of solidarity and peace.

The Steering Committee will have the responsibility to adjust implementation so as to better mainstream cross-cutting issues.

3.5. Stakeholders

Beneficiaries: this Action will support:

- vulnerable migrants in Libya, targeting in particular disembarkation points, detention centres, and southern Libya;
- migrants across Libya, in urban settings and in transit;
- host communities, including internally displaced persons and returnees with a high concentration of migrants.

Libyan authorities (in particular those invited to the Steering Committee) will be a main stakeholder in the implementation of this Action. Strengthening their capacities at national and local level will ensure sustainability of the activities, as well as a durable impact through supporting an improved efficiency of the governance system, compliant with human rights standards. Local community groups such as Local Crisis Committees are vital partners as well.

For all activities, efforts will be coordinated with local and national authorities to receive authorisation and secure access to areas and facilities, understand needs, ensure uniformity of interventions and avoid duplication of efforts and exercises. The Action also works with clear channels of communication with United Nations Support Mission in Libya (UNSMIL).

4. IMPLEMENTATION ISSUES

4.1 Financing agreement

In order to implement this action, it is not foreseen to conclude a financing agreement with the partner country, referred to in Article 184(2)(b) of Regulation (EU, Euratom) No 966/2012 and Article 17 of Annex IV to the ACP-EU Partnership Agreement.

4.2 Indicative period of operational implementation

The indicative operational implementation period of this action, during which the activities described in section 3.2 will be carried out is from the adoption of this Action Document by the Operational Committee until 31 December 2024, i.e. the end of the implementation period of the EUTF for Africa. Any postponement of the expiry date of the Trust Fund, currently set at 31 December 2020, shall automatically postpone the indicative implementation end date of this action by an equivalent additional period.

4.3 Implementation components and modules

Selection of the implementing partner for this Action is based on the following criteria: presence on the ground, operational capacity, and degree of expertise and/or exclusive mandate. All international organisations and agencies had been evacuated following the crisis in 2014 and have been operating from their Libya country office based in Tunis. For this reason, operational presence and capacity within Libya through national staff on the ground, sub-offices, network of implementing partners and remote monitoring systems is a key factor for an effective impact on the ground. Nevertheless, most of the international organisations are currently redeploying international staff in Libya and transferring their offices to Tripoli.

The proposed organisations have been selected on the basis of their capacity to surge swift operational deployment building forward on existing operations and presence on the ground. They demonstrate key competencies in ensuring coverage in areas with limited access and hence limited choice of assistance delivering methods.

4.3.1 Indirect management with IOM

A part of this action may be implemented in indirect management with IOM in accordance with Article 58(1)(c) of Regulation (EU, Euratom) No 966/2012 and applicable by virtue of Article 17 of Regulation (EU) No 323/2015. This implementation entails tasks such as providing multi-sectoral assistance to migrants and host communities (Specific Objectives 1) as well as the enhancement of labour migration management in Libya (Specific Objective 2).

This implementation is justified because IOM is the main agency with the operational capacity to cover in Libya a wide range of protection issues related to mixed migration. IOM, through its own staff and through a network of national and international implementing partners, has access to most of the detention centres, disembarkation points and hard to reach localities. IOM current redeployment of international staff in Libya on a permanent basis is continuing successfully, subject to UNDSS agreement as is the case for all UN partners.

4.3.2 Indirect management with UNHCR

A part of this action may be implemented in indirect management with UNHCR in accordance with Article 58(1)(c) of Regulation (EU, Euratom) No 966/2012 and applicable by virtue of Article 17 of Regulation (EU) No 323/2015. This implementation entails tasks such as providing multi-sectoral assistance to refugees, asylum seekers and their host communities (Specific Objectives 1).

UNHCR has the exclusive global mandate to ensure international protection of those entitled, and to seek durable solutions for persons of concern. It makes it an indispensable partner to respond to protection and assistance needs of refugees and asylum seekers present in Libya. UNHCR has two field offices in the North (Tripoli and Benghazi).

4.4 Indicative budget

Components	Amount in EUR
Indirect management with IOM	16 000 000
Indirect management with UNHCR	13 000 000
Total:	29 000 000

4.5 Evaluation and audit

Partners implementing this Action will comply with the ad hoc Monitoring and Evaluation Framework developed for the Trust Fund's North of Africa Window as well as with the reporting requirements and tools being developed by the EU Trust Fund.

In addition to the remote monitoring conducted by the EU Delegation to Libya based in Tunis for all Actions funded by the EU in Libya and to the third party monitoring already being used by some implementing partners, this Action will ensure the mobilisation of regular review and analysis of results under the Commission's Results Oriented Monitoring system. A mid-term and a final evaluation can be carried out for this action or its components via independent consultants contracted by the European Commission. Without prejudice to the obligations applicable to contracts concluded for the implementation of this action, ad hoc audits or expenditure verification assignments could be contracted by the European Commission. Audits and expenditure verification assignments will be carried out in conformity with the risk analysis in the frame of the yearly Audit Plan exercise conducted by the European Commission. Evaluation and audit assignments will be implemented through service contracts; making use of one of the Commission's dedicated framework contracts or alternatively through the competitive negotiated procedure or the single tender procedure.

The monitoring and evaluation exercises mentioned above will represent milestones in the implementation of the activities. These regular assessments will constitute a basis for a possible decision of suspension of activities, should the conditions on the ground not allow for their proper implementation.

4.6 Communication and visibility

All implementing partners funded by the EU Trust Fund for Africa North of Africa window shall take all appropriate steps to publicise the fact that an action has received funding from the EU under the Trust Fund. These measures shall be based on a specific *Communication and Visibility Plan of the Action*, to be elaborated by each implementing partner at the start of implementation on the basis of the Communication and Visibility Manual for EU External Action. Appropriate contractual obligations shall be included in, respectively, the grant contracts, and/or delegation agreements.