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TRAFFICKING OF PERSON IN LIBYA

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The MILLA Project is a non-profit, non-sectarian human rights/social service agency dedicated to helping our Arabic and Persian speaking community. The MILLA Project's mission is to abolish all forms of gender based violence.

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Abstract

Overview

The focus of this paper is to provide information on the issue of trafficking in persons especially as it pertains to the nation of Libya. The paper will provide background information on the state of the nation as well as a brief overview of what constitutes trafficking in persons (human trafficking). A definition of human trafficking will be provided along with examples of what constitutes the crime. In this section there will be a discussion of what different roles nations play in the terms of trafficking in persons. Then it will describe the types of persons trafficked in the region. This includes the age, gender, and nationality of the victim in cases in which Libya either served as a destination nation or a nation of transit. This will flow into which groups are committing the crime of human trafficking in Libya and how they go about their operations. The reasons as to why human trafficking occurs in Libya will then be addressed. These reasons include the geographical location, the political environment, and the ongoing strife in the nation. What Libya is going to address the problem will follow this segment. This section will describe what the nation is doing at this point in time as well as what they have already done. All foreign assistance the nation is receiving to combat human trafficking will also be found here. The final section of this paper will consist of policy recommendations and suggestions as to what Libya can do to help eradicate trafficking in persons. The most important thing to keep in mind throughout this paper is that Libya does not have any laws against human trafficking.

Background on Libya and Human Trafficking

Brief History of Libya

Libya, like the majority of all African Nations, was victimized by colonialism. Italy took control of the country in 1911 and ruled until 1942 when the allies drove them from the country during World War Two. From that point until 1951 the country was divided between the French and British. In 1951 Libya became independent under King Idris al-Sanusi who ruled until General Muammar Gaddafi ousted him in 1969. Gaddafis' rule has been labeled erratic and eccentric and several times he declared different types of cultural revolutions and re-named the country the Great Socialist People's Libyan Arab Jamahiriyah. During this time the country experienced great internal strife including economic decline. During the 1980's Libya and the United States and Europe entered into a tenuous relationship. The United States bombed Libyan military facilities in 1986 in response to Libya's involvement in the bombing of a Berlin Disco containing US military personnel. The UK also broke off all diplomatic relations after a British policewoman was shot in front of the British embassy in Libya. In 2006 The Human Rights Watch accused Libya of abusing human rights of African Migrants.¹ In 2010 the UN refugee agency UNHCR was expelled from the country.⁴

In 2011 anti-Gaddafi protests grew as a human rights campaigner is arrested. In October of that same year rebels kill Gaddafi after being captured. Following the end of Gaddafis' rule the National Transitional Council took control of the country before handing control to the General National Congress. The congress was elected in the country's first free polls in decades and included members of various parties and independent candidates. Mohamed Magarief was elected their chairman and Ali Zidan has been named the Prime Minister of the country.

Recently, Awad al Barassi, the deputy prime minister stepped down, sighting the governments' inability to deal with the various rebel groups in the nation and the ongoing violence in the nation.ⁱⁱ Libya is once again known as the State of Libya and has a population of 6.4 million people. Magarief was forced to step down when the political isolation law was passed. This law made those who served in office under Gaddafi in any capacity unable to hold office in the new government. The new president of the National General Congress of Libya is Nouri Abusahmain who is the first Berber leader of the nation.ⁱⁱⁱ

Facts:

- The full name of the nation is The State of Libya
- The population is roughly 6.4 million people and it is estimated that 1 million are trafficked workers
- The nation is roughly 1.77 million square km in size
- The capital is Tripoli
- The major religion is Islam
- The GNI per capita is USD \$12,320 million
- The monetary unit is 1 Libyan dinar
- The average life expectancy is 73 years for men and 78 years for women

Human Trafficking

The focus of this section is to provide an introduction into the issue of human trafficking and a majority of the information presented can also be found in the overview of human

trafficking provided by the United Nations Global Initiative to Fight Human Trafficking. Human trafficking is the trade of peoples like a commodity for various purposes including, forced labor, sex slavery, organ harvesting, and to be used as child soldiers. It is not the same as smuggling; smuggling involves a person being hired by another to transport a person across a border because that person would be denied at the border. Smuggling is a crime against the state because it is a violation of immigration law where as human trafficking is a crime against a person. Trafficking by type varies by gender. Boys and girls are most likely to be used as child soldiers, laborers, and sex slaves. Women are most likely to be used for domestic labor, prostitution, and forced marriages. Men are most likely to be used for various kinds of hard labor such as working on plantations, in mines, in sweatshops and in low-level functions of criminal organizations.^{iv}

The Three Steps/Types of Nations/Models

There are three categories of trafficking in persons that a nation can fall into. These categories are; nation of origin, transit nation, and destination nation. The nation of origin is the country from which the victim resided in before the trafficking process started. A transit nation is a country where victims are brought to before they reach their destination. In this nation they can be exploited as they would be at their destination but the stay is not meant to be permanent. The victim is held there until arraignments can be arranged to continue their travel. The final type of nation is a destination nation. The destination nation is the nation where the victim is brought to so that they can be exploited. The most common areas of origin include the Commonwealth of Independent States, Central and South East Europe, West Africa, and South East Asia. Established highly used areas of transit include countries in; Central, South Eastern, and Western Europe, South East Asia, and Central and West Africa.⁷ The most common destination areas are Western Europe, North America and Asia (specifically Western Asia).⁷ A nation just because it

is classified into one category is not limited to just that category. Many nations can be classified as all three because all three activities happen within their borders. However, it is classified based on what type of activity related to trafficking in persons is most prevalent. Libya is categorized as a transit nation. Libya also serves as a destination nation but, due to its geographical location, it is more often used as a transition area. The exact nature as to how the geography of Libya makes it harder for the nation to combat the problem of human trafficking will be discussed later.

Human trafficking can be broken down into a well-defined three-step pattern that also revolves around these three types of nations. A person is abducted in their origin country and is brought to a transport region. The person is kept here until travel can be arranged to the destination country where the person is then exploited. The most common areas of origin are countries that are not the poorest of the poor but instead middle human development countries with some poor resources and at least one source of turmoil. These forms of turmoil include: gender based violence, discriminatory labor, ethnic, racial, or religious marginalization, a failed government, lack of social order and internal and external war.

There are also five common models of trafficking in persons. There is the natural resource model, the trade and development model, the supermarket model, the violent entrepreneur model, and the traditional slavery with modern technology model.⁷ The natural resource model focuses on short-term profits, which are funneled back into trafficking more victims. In this model traffickers sell mainly women to other criminal groups and there are significant human rights violations because there is an emphasis on quick movement. The trade and development model focuses on long-term profits that are used to continue operations as well as for personal wealth. There are less human rights violations associated with this model because

the traffickers are focused on protecting investments. The supermarket model focuses on maximizing profits through moving large numbers of victims at one time at cheaper rates. In this model there is a great deal of money put into bribing border officials to overlook the large numbers of people being moved as well as to buy land to store people on. These areas are referred to as farms. Trafficking operations are disguised as smuggling operations. The levels of human rights violations are very high and deaths often occur because one person is not worth a great deal of money. In the Violent Entrepreneur model a criminal organizations sells large numbers of women by exploiting strife in the nation and taking over existing trafficking markets. The traditional slavery model is used by large criminal organizations and combines old slavery practices with new technology. There is a lot of money involved but little profit return and all money made is put back into the organizations. In this model many human rights violations revolve around the dangerous working conditions the victims are put into. In Libya the most commonly used model is Libya is the traditional slavery model with modern technology.

The Three Tiers

The United States Department of State creates an annual report of trafficking in persons that evaluates how nations doing in the fight against human trafficking. The report places nations into tiers based on their compliance with the minimum standards for the elimination of trafficking. There are three tiers and they are known as tier 1, tier 2, and tier 3. The first tier is for countries whose governments are in total compliance with the Trafficking Victims Protection Act's minimum standards.^v The second tier is for countries that do not comply totally with the standards but are making significant efforts to do so. There is a subsection of the second tier known as the tier-2 watch list. This category has the same qualifications as the second tier but with the added factors of, a very large number of victims, failure to provide evidence of

increasing efforts, and/or commitments by the country to take more steps in the next year. The final tier, tier 3 is for countries whose government does not comply fully with the standards laid out in the act and has not made significant efforts to change this.⁸ At this point in time, Libya has been labeled a tier 3 nation and has been since 2011 because it does not have any laws against human trafficking

Victims and Traffickers in Libya

Victims

The majority of victims of trafficking that are brought into Libya either in transit or as a destination come from Sub-Saharan Africa. Countries with their own economic and political strife are often the nation of origin for victims found in Libya. Recently rebels have been bringing in victims from Somalia, Eritrea, Nigeria, Sudan, and Mali. The persons brought in to the nation are valued at 260 to 800 Libyan Dinars.^{vi} The victims are primarily women who, if kept in Libya, are used in sex trafficking. There is also a vulnerable population within the nation. There are a large number of refugees and internally displaced persons in the nation due to the military coup that ousted Gaddafi as well as wars in neighboring countries. The UNHCR estimates that there are 93,565 internally displaced persons and 4,384 refugees whom are all in camps that are vulnerable to being exploited by rebels and other groups looking to obtain human trafficking victims.⁹ Many victims who enter Libya in transition are sent to European countries that border the Mediterranean Sea, particularly Italy.

The Tawergha

The Tawergha are an ethnic minority in Libya from Tawergha, which is located in the Misrata district of the Tripolitania region. The entire Tawergha population is currently in an IDP camp. During the revolution the Tawergha supported the Gaddafi forces. The town was a base

for much of the pro-Gaddafi military and its inhabitant lead an attack on Misrata that lead to the rape of 1,800 women and children.^{vii} The NTC militia claims that the Tawergha are responsible for the rapes and that everyone is guilty because they are hiding those who committed the offenses. The NTC used this claim to destroy the entire town, leading to the displacement of the Tawergha. The camp was supposed to have closed earlier this year but the Tawergha remain. Leaders of the ethnic group stated that they do not feel safe and fear extermination.^{viii} Many of those in the camp say that they have seen people taken off by the militias to never be seen again. More reports state that those who are taken are either executed or sold into exploitation through human trafficking networks.¹¹ At this point in time the entire population is still open to exploitation by human traffickers.

Traffickers

Many of the various militia and rebel groups that still exist in the nation are the ones responsible for trafficking in the nation. They use trafficking to generate funds to purchase weapons to achieve their goals in the nation. The militias are able to bring people into the nation so easily because they help control the borders. The Border Guard Force does not have enough resources to protect the entire nation.¹¹ The militias also have the advantage of owning and operating many of the migrant detention centers in the nation. This gives them access to a large number of people who can easily be exploited. These people may even be victims of trafficking already who were arrested as illegal immigrants because there is no law against trafficking. The extent to how these facilities are used will be covered in another section.

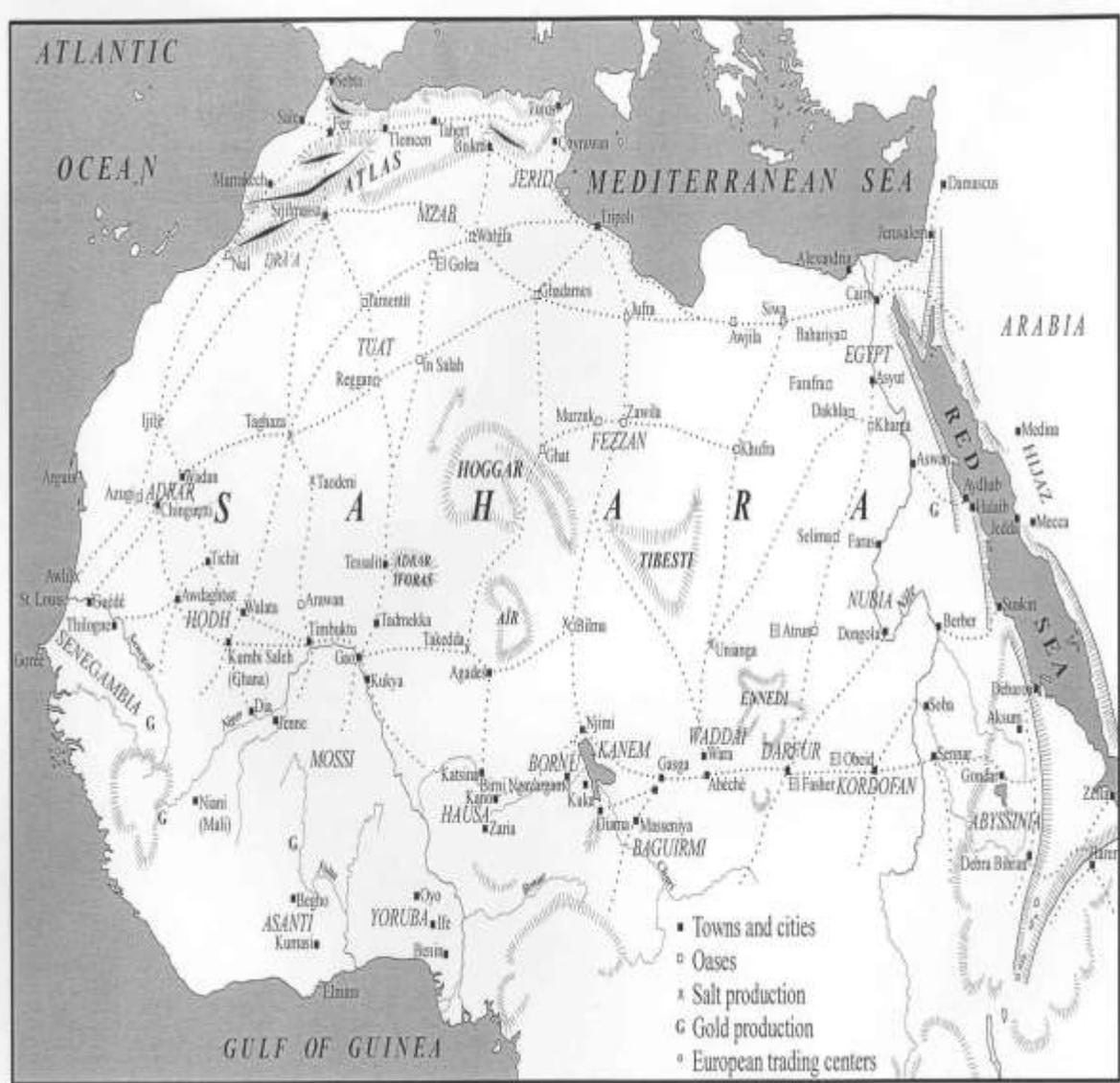
The militias and rebel groups get their victims through false promises of employment. Ahmed Mostafa is an example of this type of case. He paid thousands of dollars to a rebel group to get to Libya. Upon arriving in Libya he awoke in a government run prison and remained there

uncharged and without legal representation. He later managed to escape while being transported to a center where he would be trained to fight for the rebels, but when he went to authorities he was deported as an illegal immigrant.¹¹ This case is not unique. Rebels are bringing in many Somalis, Eritreans, Nigerians, Sudanese, and Malians with the promise of a better life. These migrants are either sold into, sexual slavery, various forms of forced labor, or are used by the rebels for their own purposes.

Trafficking Routes

The two most common routes persons are trafficked and smuggled into Libya are the Central and Eastern Routes.^{ix} The Central Route runs from the Niger River to the Hoggar Mountains to Gadamis and finally to Tripoli via Ghat. The Central Route has existed for more than 500 years and has been used for trade in all things from spices to humans. This route is the most popular for those coming from Niger, Chad, Mali, and Algeria.^x The Eastern Branch is the other most popular route. It is a collection of sub-routes that go from Chad and Sudan through oasis towns in the Sahara and then to eastern port cities such as Benghazi and Derna. This is an old Ottoman Empire route and is much more dangerous to trafficked and smuggling persons health than the Central Route. These routes are the most common now since many of the older trade routes were shut down during the revolution. Since the revolution the military remains stationed at many checkpoints so the rebels and militias that participate in trafficking had to find routes that went around these obstacles. When it comes to transit from Libya, the most common route is via ship. Victims are brought onto large cargo ships and moved out of port cities such as Tripoli. Once on open water victims are primarily brought to nations that border the Mediterranean Sea. Europe is the most

common destination and Italy is the most common destination out of those European nations that are on the Mediterranean Sea.



Central Trade Route used by traffickers and Eastern Trade Route^{xi}

Why Does Human Trafficking Exist in Libya?

Geography

The location of Libya can also be seen as a factor into why traffickers are using Libya as a transit and destination location. There is an ongoing border dispute that makes border protection nearly impossible for law enforcement. With 32,000 square kilometer area of southeastern Algeria that Libya claims as its own as well as the Chirac Pastures located in southeastern Morocco that Libya also claims.¹³ This makes it hard to establish the exact borders of the country. Traffickers are able to exploit these disputed lands and are able to bring people into the country unnoticed. The lack of border protection makes it easy for traffickers to bring people into Libya and until a border is established there cannot be laws passed to protect it. Once these people are brought in they can be shipped out because of the location of the nation. Libya is located in Northern Africa and borders the Mediterranean Sea. This means that trafficked persons can be brought in from the Middle East and Asia into a port city such as Tripoli. Just as they are brought in, they can also be shipped out. The persons brought in from Sub-Saharan Africa can be exported like freight via large ships and sent to various countries, particularly those countries bordering the Mediterranean Sea in Europe.

Wars in the Sub-Sahara

The various wars and rebel movements occurring in the Sub-Saharan region of Africa are also a factor contributing to human traffickers using Libya for their operations. As of now there are countless numbers of refugees coming into the country from Sub-Saharan Africa each day because their homes and families have been destroyed. It has been reported that between 2011 and 2012 thousands of Syrians entered Libya due to the violence going on in their country.⁷ These people are able to enter the country due to poor border protection. However these refugees are not any safer in Libya. At this time there are no laws protecting refugees in Libya whether

they are in camps or not. They are at a greater risk of arrest and detention by way of being accused of being mercenaries against the government. They do not have access to food or water or basic health standards. The poor conditions and lack of protection makes these refugees prime targets from traffickers.

The Revolution

The militias and rebels in their attempts to oust Gaddafi destroyed countless numbers of cities and villages, especially villages comprised of minority ethnic groups. It was estimated that 550,000 people were internally displaced during the conflict. Many have begun the process of resettling but it is estimated that as of 2012 there were still 93,565 internally displaced persons in the country as well as 4,384 refugees originating from Libya and 148,951 refugees that were returned to the country.^{xii} This is on top of the over 6,000 refugees from other countries still within the nation and countless numbers of unreported refugees and asylum-seekers. The internally displaced persons are comprised of different minority groups such as the Tawerghas who are unable to return to their lands because they fear persecution by the rebels. All of these internally displaced persons, created by the revolution, are prone to being exploited by human traffickers due to promises of work or promises to help them get out of the country that they are afraid of being in.

Rebels

The revolution also created rebel and militia groups. These groups such as the NTC and The Shield contest the governments' legitimacy. They undermine the government by speaking out against it and lobby to have laws pass that may not reflect the best interests of the nation such as the political isolation law.^{xiii} It has also been reported that rebel groups participate in trafficking in persons in order to get funds to fuel their movement as well as more bodies to do

work around their compounds. The rebel and militia groups have been accused of taking bribes from other traffickers while guarding parts of Libya's border and in general do not seem to be committed to helping Libya combat human trafficking. Whether directly involved in human trafficking or not militias and rebel groups exploit the political instability of the nation

Political Instability

This year the first elected president of the General National Congress of Libya, Mohammed al-Magariaf, was forced to resign after a law, voted in by the opposing party, known as the Political Isolation Law made those who served in the government under Gaddafi unable to hold office⁶ And now, this month, Deputy Prime Minister Awadh al Barassi resigned and called the government dysfunctional and stated that it is unable to stop the violence from rebel groups and opposing political parties in the nation.⁵ The new government has not been able to effectively establish itself due to constant fighting with rebel groups and minority political parties and because it has not been able to establish itself it has not been able to change laws to help combat human trafficking.

Laws

At this point Libya still has no laws to combat human trafficking. On top of this the law does not distinguish between persons smuggled and persons trafficked so potential victims of trafficking are treated as criminals who are illegally entering the country. Another problem related to law is that the law making bodies are tied up with deciding what laws are still valid from the Gaddafi era and which are not. The fact that there is no law against human trafficking is a major issue. There can be no fight against something if there is no law against it. Law enforcement cannot arrest anyone on trafficking charges and instead has to rely on charges that go with trafficking but do not carry as much legal weight, such as bribery. The fact that there is

no law against human trafficking is the biggest factor in Libya being regarded as a tier 3 trafficking nation by the United States State Department.

Non-Documentation

Libya does have a process for documenting cases of human trafficking, suspected human trafficking rings, human trafficking routes, and victims of trafficking but does not make these records available to anyone outside of the agencies involved. There is no public information on the numbers of cases, what specific types of data are being collected, how the data is being collected, what specific agencies are in charge of collecting in, or how the data is being used. The way in which Libya documents cases of trafficking is not available to the public and because of this it is impossible to evaluate the strengths and weaknesses of the policy.

Detention Centers

The non-government run migrant detention centers present another serious issue. The government denies they exist but various groups such as the Global Detention Project state that there are multiple detention centers in the nation that the government refuses to recognize.¹¹ The same militias and rebels that are participating in trafficking in persons run these centers. The UNHCR and IOM have found centers such as Kufra where migrants are held without charges and without knowing why they are being held or when they will be released.¹¹ They are held without a trial and without intention to deport them to their nation or origin. In these militia run detention centers migrants are kept until they can be sold into exploitation. These centers are a serious problem and a problem that will go untreated if the government continues not to recognize them.

The Border Force

The group responsible for protecting the borders of Libya is the Libyan Border Guard Force. This force is a sub-section of the Libyan military and is lead by Brigadier General Al-Senussi.^{xiv} At the United Nations Workshop on Implementing Libya's Priorities for Border Security he stated that he forces are only at 25% strength and that the forces are lacking weapons, vehicles, and the proper technology.^{xv} He also called for the need to have border nations help with their ends of the border to help prevent illegal goods from reaching the Libyan side of the border. The nation has been unable to protect its borders because of the various border disputes that have yet to be settled and the lack of personnel to devote to the task because of the various armed groups spread throughout the country. The new government has had great difficulty establishing duties and roles for their border patrol.

There is also a group of people within the Libyan Border Guard Force at this time that would be and most likely is accepting bribes from traffickers. Al-Gharabi has admitted that due to the fact that he only has 25% of the personnel he needs, he was forced to hire revolutionary brigades and militias, many of which are currently attacking civilians and rival political party members in major cities in the nation. These brigades that are being used are not integrated into the regulars in the guard force. They do not receive any of the same training and are simply being used as bodies along the border. They are susceptible to bribes because they are not members of the force. They will not have jobs once the force has more people or once other nations being helping out with Libya's border issues. These brigades are also composed of the same revolutionaries and militias that are causing a great deal of internal strife in the country. These brigades could easily take the bribes to buy more weapons to support their cause or use the money to better their own lives. They are not watched over by regulars in the border force and are left to do as they please while they are protecting the border.

Progress

Foreign Aid

Until now Libya has made little effort to combat human trafficking and nothing was being done to prevent the crime. But now many foreign governments and non-governmental organizations are stepping up to offer their assistance. Even more promising is the fact that the new Libyan government has been more than willing to accept their assistance. They have received trainings and information resources from the United States, the European Union, INTERPOL, the International Organization for Migration (IOM), and various other governmental and non-governmental organizations. All the help Libya is receiving has given the nation the tools to combat the issue of trafficking in persons. The United States is helping by easing the pressure put on the nation. Libya was one of seven nations to be given a pass by President Obama on government mandated sanctions and loss of foreign aid due to their position as a tier 3 nation.¹⁷ This was done to protect United States interests in the Nation but is important because the withdrawal of aid would have been a serious blow to the new government and would have hurt the cause of fighting trafficking in persons. The following sections will describe what the various trainings have been focused on.

Border Protection

In 2013, and in response to the issues about the Border Guard Force that were raised by Brigadier General Al-Senussi, Libyan officials met with the UNHCR, IOM, and UNSMIL in order to try and establish the roles and responsibilities for whoever is assigned the task of border

protection. The United States Department of State's Export Control and Related Border security provided International Border Interdiction Training to 13 officials from the Libyan Ministry of Defense and the Customs Authority.^{xvi} The program focused on reducing the number of illicit transfers of weapons, narcotics, and other banded substances but did not address trafficking of persons. However, at this point in time, none of these meetings has helped Libya create an effective border patrol agency. The European Union and INTERPOL are also assisting the Border Guard Force. INTERPOL has given the border guards access to the INTERPOL databases and their network of Stolen and Lost travel documents in order to help address the information and technological issues that the force has at this time.^{xvii} INTERPOL has also sent several of their officials to help train the border patrol members. The European Union has also created a 30 million euro mission to help better organize the border patrol functions in Libya. They are sending 54 local staff along with 101 international personnel. The focus of this mission is to establish a border management system by training the guard force. France and Italy have also both offered to help out with border security in Libya in order to prevent Al-Qaida from setting up a network inside the nation. Although the help from these two nations did not stop Al-Qaida from establishing itself in the nation it did cause Italy to address the issue of the large number of trafficked persons it receives from Libya. Italy addressed this by continuing to offer aid to the Libyan Coast Guard.

Law Enforcement and Judge Training

The UNODC trained 25 law enforcement officials this April to serve as first responders and investigators of trafficking in person's cases, as well as on how to prevent trafficking and protect victims of trafficking. The training occurred at the National Police Technical Training College in Tripoli. The Government of Norway and the 'Global program against human

trafficking’ provided the training in the light of the UNODC project ‘Strengthening the framework of the Arab Region to prevent and combat human trafficking’, funded.^{xviii}

The IOM held 5 workshops for 102 senior judges and prosecutors with the Ministry of Justice and the US Department of State.^{xix} These workshops covered everything from a basic introduction to trafficking in persons and its causes to how to change the legal framework of the nation to comply with the trafficking in persons report. During an interview with the IOM a representative was asked about these trainings and reflected on the success of the workshop.” The overall feeling we got from participants is that they are keen to address trafficking in persons, and as Libya sets about reviewing previous laws, these workshops were timely. We also saw reflected in their recommendations pertinent points related to protection of victims, prosecution of traffickers and their associates, prevention of the crime and partnership with other countries and international organizations to address the crime and protect its victims.” These workshops were very important because they addressed two major issues. First they taught judges as well as law enforcement officials how to combat human trafficking by charging offenders with other crimes that occur simultaneously with trafficking in persons as a round about way of combating the crime. Second, and most importantly, they proposed ideas about the importance of having a law to combat trafficking as well as how to draft a law that would successfully combat the crime if implemented properly.

Recommendations and Conclusion

Recommendations

1. The Libyan Congress needs to create laws that specifically combat human trafficking that are in line with the national laws and the laws of other MENA region nations. Until this is done the problem can’t be solved.

2. The Libyan government and military must find a way to address the rebel and militia group issues in the nation. These groups are making it hard for the military to protect the border because personnel are needed to fight them. The rebel groups and militia groups have also been linked to participating in trafficking in persons.
3. Border protection plans must be established that create an effective system of protecting the border. This includes the hiring of more personnel to the Border Guard Force, the training of those individuals, the continued use of the INTERPOOL database, and a cooperative effort to protect the borders between the guard force, border nations, and the Libyan Coast Guard.

Conclusion

Trafficking in persons is a serious problem in Libya and has been for quite some time. The revolution, which has been beneficial for the nation, has created more problems in the fight against trafficking in persons. The increased political and social strife has led to powerful rebel and militia groups that have been linked to trafficking in persons as well as lobbying against the new government. At this point in time Libya still does not have laws that make trafficking in persons illegal. However, the government is receiving a great deal of support from the IOM, UNHCR, INTERPOOL, the EU, and nations such as the United States in the fight against the crime. Libya has the ability as well as the resources to address this crime and finally being to prevent it. It is up to the new government to address the issues that are allowing traffickers to exploit the nation. These factors that need to be addressed include; the rebel and militia groups, border protection, and the large numbers of IDP's from the revolution.

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