

**Forum:** Human Rights Council (HRC)

**Issue:** Ensuring the cessation of the slave trade in Libya

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## Overview of the Issue

The first Libyan Civil War commenced in early February 2011 and ended with the defeat of Muammar Gaddafi who had led Libya since 1969, after a coup d'état was staged in 1951 against King Idris. This revolution was one of the many regime changes that the Middle East and Northern Africa experienced in 2011, in a time period commonly known as the Arab Spring. Such regime changes also occurred in countries such as Tunisia, Yemen and Egypt. They were prompted by the dissatisfaction of the general population about issues such as economic instability as well as the strengthening autocratic tendencies of their leaders. In Libya, in particular, it was a protest against Gaddafi's corrupt and inefficient rule. The civil war was initially between government forces and insurgency groups who were later joined by the United Nations and NATO after the 3rd article of the 1949 Geneva Convention was breached. This was enacted in August 2011, allowing for forces from NATO states to commence air strikes in the country. With this support for a transitional government, the Libyan Civil War was over in late October, after 8 months of bitter fighting resulting in the ousting and killing of Gaddafi, as well as the destruction of infrastructure and the death of civilians. Hopes for the creation of an effective transitional government were high.

The transitional government operated from the end of the civil war in October 2011 until late August 2012, when power was handed over to the democratically elected members of the National General Congress (NGC), which was tasked with constructing an effective democratic system for the Libyan state, in no more than 18 months. This failed as members of the NGC were unable to negotiate a new democratic system effectively, eventually leading to the disbanding of the NGC in mid 2014. Since then Libya has descended into crisis, despite UN efforts to solve this by having different fractions of the former NGC, Gaddafi government and rebel groups engage in talks in hopes of creating a stable government. The political vacuum caused by the collapse of Gaddafi's government led to many illegal activities taking place, including the trafficking of refugees, modern day slavery as well as mass drug trade operations. This report tackles the issue of the cessation of the slave trade in Libya.

The slave trade in Libya stems from the hundreds of thousands of refugees, mostly from Northern Africa and Syria wanting to make the crossing over the Mediterranean Sea to the shores of Europe in search of a more stable life. In the past year 150,000 refugees have attempted the crossing and 3000 have died as a result of drowning during the crossing (The Libyan refugee crisis). However, the Libyan Coast Guard has cracked down on these illegal boat crossings with funds given by the EU. This means that an estimated 400,000 refugees have been left in Libya stranded, waiting for a way to cross the sea to Europe (The Libyan refugee crisis). Because of this uncertainty slave traders lure refugees into the slave trade by

offering to help them make the crossing. They are then often put into detention centres, such as the one in Zawiyah, 45 kilometres west of the Libyan capital, Tripoli and sold to buyers for as little as 300 dollars in slave trade auctions (What you need to know about the Libyan slave trade) According to this report, the slaves are being held in inhumane conditions, and face unsteady supplies of food and water as well as instances of corporal punishment. Since this disturbing news surfaced in mid 2017 the EU along with the Libyan state has negotiated a scheme where slaves will be rescued and repatriated to their countries of origin. However this scheme only scrapes the surface of the humanitarian emergency that Libya is facing today; an issue that is shrouded in mystery because of unreliable, fragmented and incomplete information.

## Key Terms

### ***The Arab Spring***

The Arab spring was a period of regime change in the Middle East and Northern Africa (MENA) caused by dictatorship, the 2000's energy crisis, political corruption and mass human rights violation. The desired outcome of these changes was to install democracy, free elections and solve unemployment. The methods to achieve these outcomes include civil disobedience, strikes, demonstrations and riots.

### ***The European migration crisis***

The European migration crisis began in early 2015, reached its peak in mid 2016 and it still ongoing today. It describes the mass movement of migrants into Europe from Sub-Saharan Africa and the Middle East, in numbers last seen during World War Two. These refugees are often escaping from countries suffering from political instability, economic crisis and war, especially in Syria and Yemen. They reach Europe's southern shores usually by rubber non-seaworthy boats from the coast of Libya and Turkey. In 2017 alone 2000 people died from drowning or hypothermia while crossing the Mediterranean Sea (Europe migrant crisis). Countries in Europe were not prepared for such an influx of refugees, thus the administration process was overwhelmed, resulting in long waits in unsuitable conditions in makeshift camps. The crisis has been further worsened by the lack of an effective system for the relocation of refugees in the EU causing friction between the Visegrad group countries (V4) (The Czech Republic, Poland, Hungary and Slovakia) and the rest of the EU.

### ***Failed state:***

A failed state is a term reserved for countries that are not able to govern and maintain order effectively. The UN definition for a failed state is:

*A failed state is a political body that has disintegrated to a point where basic conditions and responsibilities of a sovereign government no longer function properly.*

In a failed state welfare is non-existent and public order is not maintained.

***National General Congress (NGC):***

The NGC was effectively a transitional government appointed after the end of the Libyan war in August 2012, tasked with creating a new democratic system in the new Libyan state in 18 months or less. Ultimately the NGC failed to meet its goal and ceased to exist in mid 2014. Since then Libya has fought its second civil war between forces loyal to former leader Gaddafi, rebel groups as well as terrorist groups.

***Office of the United Nations High Commissioner for Human Rights (OHCHR):***

The OHCHR, established in 1993 is a body of the UN which promotes the upholding of human rights according to the 1948 universal declaration of human rights. The OHCHR:

- 1. Promotes universal enjoyment of all human rights by giving practical effect to the will and resolve of the world community as expressed by the United Nations*
- 2. Plays the leading role on human rights issues and emphasizes the importance of human rights at the international and national levels*
- 3. Promotes international cooperation for human rights*
- 4. Stimulates and coordinates action for human rights throughout the United Nations system*
- 5. Promotes universal ratification and implementation of international standards*
- 6. Assists in the development of new norms*
- 7. Supports human rights organs and treaty monitoring bodies*
- 8. Responds to serious violations of human rights*
- 9. Undertakes preventive human rights action*
- 10. Promotes the establishment of national human rights infrastructures*
- 11. Undertakes human rights field activities and operations*

*12. Provides education, information advisory services and technical assistance in the field of human rights*

***Slavery:***

Slavery is the act of keeping persons, against their will, in a set location to perform labour for little to no pay. Slaves are often held in inhumane conditions, in cramped and dirty surroundings. In the past slavery was common especially when colonists enslaved local population in the Americas, Africa and Asia. Today slavery is illegal throughout the world, however it is still prevalent in many places. An estimated 40 million persons are enslaved around the world, especially in Southeast Asia, Northern Africa and Central Asia (Slavery Today).

**Countries and Organizations Involved**

***The EU***

The EU is an organisation involved in the Libyan slave trade crisis as well as European migration. It has given millions of Euros to the Libyan Coast Guard to stop the illegal crossing of people from the Libyan coast to the European mainland and has deployed maritime services in its own and international waters. This was designed to stop people from making the dangerous journey across the sea but has resulted in 400,000 people in Libya being bottled up (The Times, The Libyan Slave Trade). This has led to detention centres being overrun by people who face human right violations.

***The State of Libya***

The state of Libya is the most important country involved in this issue because this illicit activity has been happening within its borders. It has the highest authority over any action taken in this area including humanitarian action to help the affected people and military action against slave traders.

***The UNHCR***

The UNHCR is the branch of the UN responsible for the protection of refugees, Internally Displaced Persons (IDPS) and stateless persons. It coordinates voluntary repatriation, repatriation to a third party country or internal integration. The reach of their services is international, supporting refugees in all 5 main continents.

***The United nations support mission in Libya (UNSMIL)***

This is a special mission sent by the UN to promote governance, stability and welfare to the wider population in Libya.

## Related UN resolutions and Previous Approaches to Solving the Issue

### ***United Nations Convention against Transnational Organized Crime and the Protocols Thereto***

The Palermo convention, signed in 2000 and coming into play in 2004, in the Italian city of Palermo is the main UN resolution regarding the trafficking of persons, and the potential subsequent enslavement of persons. It requires the member states of the UN to fully criminalise the recruitment, harbouring, transporting and exploitation of persons into the slave trade. It also calls for greater protection for people rescued from the slave trade, such as anonymity and return to their country of origin. It is widely recognized in the world, having 157 signatories.

### ***Abolishing Slavery and its Contemporary Forms (2002):***

Abolishing slavery and its contemporary forms is a report calling for action generated by the OHCHR in 2002. This report clearly outlines what the UN considered to be slavery as well as pointing to modern day slavery. It also reports on the causes of modern day slavery (internal conflict, ethnic descent, poverty) as well as offering effective solutions to end slavery in its modern forms.

### ***Resolution 614, The human rights council***

Resolution 614 was adopted by the Human rights council in 2007. It reinstates the points brought forth by the universal declaration of human rights in 1948, as well as recognizing the slavery convention of 1926 (adopted by the League of Nations, before the UN formed). Calls upon the UN to take steps to end worker exploitation and slavery in countries prone to this issue.

### ***Sustainable development goal (SDG) 8***

The SDG's were put into place in mid 2015 to replace the MDGs (Millennium Development Goals). They consist of 17 goals aimed to improve human development by 2030. The eighth SDG, "Decent work and economic growth" calls for the employment of people currently unemployed, sustained economic growth as well as the end to all human trafficking and slavery. The SDGs are one of the cornerstones of the UN agenda.

### ***Resolution 2331***

Resolution 2331 was approved by the UN security council in mid 2016. It condemns the trafficking of people in the strongest terms. It also calls upon the countries involved in human trafficking to step up security and the protection of vulnerable persons to end human trafficking.

### ***Resolution 2388***

Resolution 2388 was unilaterally passed by the Security Council in mid 2017. It condemns the abduction, slavery and trafficking of persons, especially those hit by the migration crisis and those abducted by rebel/terrorist groups. It calls for greater security in unstable regions to prevent trafficking.

## ***H. RES. 644 of the 115th congress***

H. RES 644 is a resolution passed by the US congress in late 2017 regarding the slave trade in Libya. It strongly condemns the slave trade and illegal trafficking of persons in Libya. It calls on the state of Libya to combat these issues by investigating them in the affected regions as well as combating traffickers. It calls upon the African Union (AU) to conduct a probe on the issue, as well as a probe by the UN itself, and issue potential sanctions on the state of Libya if the findings are deemed unsatisfactory, in accordance to the commitments Libya has to the International Community (IC).

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