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**THIS ACTION IS FUNDED BY THE EUROPEAN UNION**

**ANNEX I**

of the Commission Implementing Decision on the financing of the individual measure for the multi-country migration programme in favour of the Southern Neighbourhood for 2021

**Action Document for increasing the protection and resilience of migrants, forcibly displaced persons and host communities in Libya**

**MEASURE**

This document constitutes the annual work programme in the sense of Article 110(2) of the Financial Regulation, and measure in the sense of Article 23(3) of NDICI-Global Europe Regulation.

**1. SYNOPSIS**

**1.1. Action Summary Table**

<b>1. Title CRIS/OPSYS Basic Act</b>	Increasing protection and resilience of migrants, forcibly displaced persons and host communities in Libya Individual measure in favour of Libya for 2021 CRIS number/OSPYS business reference: NDICI-GEO-NEAR/2021/043-501 Financed under the Neighbourhood, Development and International Cooperation Instrument (NDICI-Global Europe)
<b>2. Team Europe Initiative</b>	This action could contribute to an envisaged TEI for the Central Mediterranean Route.
<b>3. Zone benefiting from the action</b>	The action shall be carried out in Libya
<b>4. Programming document<sup>1</sup></b>	
<b>5. Link with relevant MIP(s) objectives/ expected results</b>	Protection and Resilience Priority area 1: Providing protection to forcibly displaced persons, including asylum seekers, refugees, Internally Displaced Persons (IDPs), and other persons in need, including migrants in vulnerable situations, as well as host communities, notably in North Africa SO1: Enhanced provision of quality lifesaving multi-sectoral protection, including community approaches to durable solutions and access to services. SO2: Improved resilience and self-reliance of forcibly displaced people and other person in need, including access to basic services, economic inclusion, social cohesion and resettlement.

<sup>1</sup> This measure is expected to fall under the scope of Multi Country Migration Programme for the Southern Neighbourhood - Multi annual indicative programme 2021- 2027 (under approval).

	<p>SO3: Strengthened protection and resilience of women and minors at risk, especially unaccompanied minors, and young adults.</p> <p>Result 1.1 Improved access to quality lifesaving services for migrants and forcibly displaced persons</p> <p>Result 1.2: Increased access to humanitarian evacuations for the most vulnerable</p> <p>Result 2.1 Improved access to national and community-based services for migrants, forcibly displaced persons and host communities</p> <p>Result 2.2 Increased integration and social cohesion within local communities by leaving no one behind</p> <p>Result 2.3 Small livelihood projects of vulnerable migrants, refugees and asylum-seekers successfully developed and implemented</p> <p>Result 3.1: Improved prevention and response to violence, including protection from trafficking and smuggling</p> <p>Result 3.2: Enhanced Awareness raising about the risks of trafficking and smuggling</p> <p>Result 3.3: Improved access to educational, training and livelihood opportunities</p> <p>Result 3.4: Strengthened support to alternative approaches to durable solutions through family reunification</p>
<b>PRIORITY AREAS AND SECTOR INFORMATION</b>	
<b>6. Priority Area(s), sectors</b>	<p>Protection, migration, humanitarian aspects</p> <p>15190 on facilitation of orderly, safe, regular and responsible migration and mobility: Assistance to developing countries that facilitates the orderly, safe, regular and responsible migration and mobility of people.</p> <p>72010 for humanitarian aspects of assistance to refugees and internally displaced persons (IDPs) such as delivery of emergency services and humanitarian protection.</p>
<b>7. Sustainable Development Goals (SDGs)</b>	<p>Main SDG:</p> <p>Goal 10: Reduce inequality within and among countries</p> <p>Other significant SDGs:</p> <p>Goal 16: Promote just, peaceful and inclusive societies</p> <p>Goal 3: Ensure healthy lives and promote well-being for all at all ages</p> <p>Goal 5: Achieve gender equality and empower all women and girls</p>
<b>8 a) DAC code(s)</b>	<p>15190 – Facilitation of orderly, safe, regular and responsible migration and mobility (65%)</p> <p>72010 – Material relief assistance and services (15%)</p> <p>12220 – Basic health care (20%)</p>
<b>8 b) Main Delivery Channel</b>	<p>21 000 International Organisations</p> <p>20 000 Non-Governmental Organisations (NGOs) and civil society</p> <p>41000 United Nations Agency, fund or commission (UN)</p> <p>National NGOs and private institutions if feasible</p>
<b>9. Targets</b>	<p><input checked="" type="checkbox"/> Migration</p> <p><input type="checkbox"/> Climate</p> <p><input checked="" type="checkbox"/> Social inclusion and Human Development</p> <p><input checked="" type="checkbox"/> Gender</p> <p><input type="checkbox"/> Biodiversity</p> <p><input type="checkbox"/> Education</p>

	<input checked="" type="checkbox"/> Human Rights, Democracy and Governance			
<b>10. Markers (from DAC form)</b>	<b>General policy objective</b>	<b>Not targeted</b>	<b>Significant objective</b>	<b>Principal objective</b>
	Participation development/good governance	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Aid to environment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Gender equality and women's and girl's empowerment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Trade development	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Reproductive, maternal, new-born and child health	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Disaster Risk Reduction	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Inclusion of persons with Disabilities	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Nutrition	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<b>RIO Convention markers</b>	<b>Not targeted</b>	<b>Significant objective</b>	<b>Principal objective</b>
	Biological diversity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Combat desertification	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Climate change mitigation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Climate change adaptation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>11. Internal markers</b>	<b>Policy objectives</b>	<b>Not targeted</b>	<b>Significant objective</b>	<b>Principal objective</b>
	Digitalisation Tags: digital connectivity digital governance digital entrepreneurship job creation digital skills/literacy digital services	<input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
	Connectivity Tags: transport people2people energy digital connectivity	<input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
	Migration	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Reduction of Inequalities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	COVID-19	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>BUDGET INFORMATION</b>				
<b>12. Amounts concerned</b>	Budget line(s) 14.020110 – Southern neighbourhood Total estimated cost: EUR 55 000 000 Total amount of EU budget contribution EUR 55 000 000			
<b>MANAGEMENT AND IMPLEMENTATION</b>				
<b>13. Implementation modalities (type of financing and management mode)</b>	Project Modality <b>Direct management</b> through: - Grants <b>Indirect management</b> with the entity(ies) to be selected in accordance with the criteria set out in section 4.3.2.			

## 1.2. Summary of the Action

This proposed Action has as main priority to protect migrants, refugees, internally displaced persons (IDPs), and persons of concern (PoC) in Libya while also supporting cohesion and vulnerable local host communities to cope with the challenges of population flows. It continues the protection support provided under the EU Emergency Trust Fund for Africa – North of Africa window (EUTF-NOA), namely facilitating access to basic services, providing assistance and protection to vulnerable migrants, fostering shelter and alternatives to detention, and ensuring protection monitoring.

This Action will increase its focus on providing employment opportunities and resilience at community level. The Action will strive to improve conditions for migrants and refugees at disembarkation points and in detention centres as well as for the ones in urban areas. Further, through this Action, the EU will continue supporting durable solutions/ humanitarian evacuations for migrants, refugees, IDPs and PoC<sup>2</sup>. To embed protection interventions in wider community engagement interventions and integrated approaches to tackle challenges linked to protection of migrants have proved very effective, hence these interventions will be scaled up as well.

The Action will have three major outcomes namely: (i) access to multi-sectoral services including protection, durable solutions and employment opportunities; (ii) foster and strengthen community based protection initiatives, social cohesion and access to national public services; and (iii) strengthen protection and resilience of minors at risk, especially unaccompanied minors and young adults.

Due to the recrudescence of the pandemic in Libya but also in neighbouring countries (Tunisia) access to some locations in Libya is currently very difficult. Commercial air travel options into Libya exist, but have been halted during the COVID-19 crisis and are prone to disruption and do not reliably provide the required reach<sup>3</sup>. If needed and depending on the circumstances in the moment of the implementation of the activities, this Action Document (AD) might support logistic alternatives to allow activities to be implemented.

<sup>2</sup> There is another specific Action Document for return and reintegration which covers the support of voluntary returns of stranded migrants to their countries of origin (retour and reintegration)

<sup>3</sup> At the moment of writing this AD (August 2021), air borders between Tunisia and Libya are closed and commercial flights are not flying between the two countries. UNHAS is the only way for the international community to have access to Libya but UNHAS funds are currently very limited.

## **2. RATIONALE**

### **2.1 General Context**

Migrants and forcibly displaced people in Libya experience high levels of vulnerability which require an articulated response through protection and increasing resilience. After a general trend in 2020 showing a decrease of the number of migrants arbitrarily detained in official detention centres in line with the declarations of Libya's Department for Combatting Illegal Migration (DCIM), an entity of the Ministry of Interior, on their willingness to respond to calls from international community to close detention centres (DCs), the first months of 2021 have seen a sharp increase of migrants detained. It has also continued to be difficult to implement urban support, especially setting up alternatives to detention such as safe shelters. Migrants in urban areas and in DCs continue to face severe protection risks this is why extension of protection interventions conducted until now, is needed. Advocacy efforts that have been displayed until now have not really changed the nature of the protection risks that migrants and forcibly displaced persons are suffering. This Action will increase its focus in community engagement and cohesion, alternatives to detention and employment options as a way of increasing resilience of most vulnerable populations.

Libyan laws criminalise all irregular entry, stay or exit without the appropriate documentation or through unofficial border posts, without distinguishing between asylum-seekers/refugees, for whom illegal entry should not be penalised according to international refugee law, migrants, or victims of trafficking in human beings. The law foresees that violations are penalised with prison sentence with "hard labour" or a fine of approximately 1,000 Libyan Dinars (ca. USD 730) and deportation once the sentence is completed. Foreign nationals who have been deported from Libya are not permitted to return without a decision from the General Director of the General Directorate for Passports, Nationality and Foreigners Affairs. In addition to this, Libya is not party to the 1951 Convention Relating to the Status of Refugees or its Protocol although it has ratified the 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa (OAU Convention) and is also party to the African Charter on Human and Peoples' Rights ("Banjul Charter"). While the right to asylum is provided for in Article 10 of Libya's 2011 interim Constitutional Declaration, there is no asylum legislation or any established asylum procedures. As a result, all non-Libyans, regardless of their status or protection needs, including asylum-seekers and refugees, fall under national immigration laws and cannot benefit from international protection.

As of June 2021, there is no consolidated Libyan national development strategy. In addition to this and unlike other countries in the region, Libya has not concluded an Association Agreement with the EU but has benefited from the European Neighbourhood Instrument (ENI) through annual special measures since 2017. The country has benefited as well from other financial instruments such as the Instrument contributing to Stability and Peace (IcSP) and humanitarian assistance through the DG for European Civil Protection and Humanitarian Aid Operations (ECHO). The EU further supports the Libyans to address security challenges through its Common Security and Defence Policy (CSDP) missions and operations, such as EUNAVFOR MED Operation Sophia, the EU Border Assistance Mission to Libya (EUBAM), the EU Liaison and Planning Cell (LPC) and most recently the EUNAVFOR MED Iriini. Finally, the EUTF-NOA has been the main financial instrument supporting migration management (focusing on protection, community stabilisation and border management).

### **Government of National Unity and migration**

Most of migrants move into Libya for labour reasons (higher wages and better job opportunities than in countries of origin) and some for transit on their way to Europe. Refugees and asylum seekers flee persecution, conflicts or generalised violence in their countries of origin and reasons for departing have varied over time. Even if positive political prospects are expected in Libya with the Government of National Unity, it might be too early to benefit the most vulnerable populations such as migrants and refugees. Libya, with an estimated population of 6.8 million, witnessed a violent overthrow of a decades-long government

system in 2011. In the aftermath of the 2011 revolution, the country continued to face myriad challenges in its transition to democratic rule having been divided in two governments until very recently (West: Government of National Accord, GNA and the Libyan National Army, LNA in the East). The UN led political process, reinvigorated by the Berlin Conference of 19 January 2020<sup>4</sup> and fully supported by the EU and the broader international community, has been struggling to find an inclusive and sustainable solution to bring back stability, security and unified institutions. The Berlin Process eventually brought about a new Government of National Unity (GNU), sworn in on 15 March 2021 (first united Libyan executive in over 7 years). General elections are foreseen to take place in December 2021 although uncertainties remain.

On the 23 June 2021, the Second Berlin Conference on Libya<sup>5</sup> has been organised where the participants, reiterate the commitments made in the Conclusions of the Berlin Conference on Libya of 19 January 2020 and reaffirmed the commitment to hold general elections date of 24 December 2021, although uncertainties remain. In the final declaration participants committed to assist, as appropriate, the Libyan authorities in developing a comprehensive approach to addressing migration, including the root causes and sources, closure of detention centers, and other measures built on the principles of regional and international cooperation and international law. Moreover, participants called on the Libyan interim authorities to facilitate humanitarian support, humanitarian evacuation flights and departures on a voluntary basis without interruptions. For a judicial review of all detainees and prison inmates and for the immediate release of all those unlawfully or arbitrarily detained and to end and prevent torture and cruel and inhuman treatment, as well as sexual and gender-based violence.

The GNU has taken some measures to restructure the migration file. The Ministry of Interior (MoI) Undersecretary for Migration and the head of intelligence were removed from their positions in April. A Ministry of state for Migration affairs was created and he appears to have a more prominent role than had been anticipated. There were plans to place the DCIM under the aegis of this Ministry, however that did not transpire owing to the difficulties associated with restructuring this body, which is still divided between Eastern and Western regions. The current Minister has pushed for a strategy whereby migration would be controlled at Southern borders rather than at the coast, emphasising the importance of coordinating with the Ministries of Local Governance and Economy in order to create alternative livelihoods for local communities in the Fezzan to halt or prevent engaging in trafficking in human beings and migrant smuggling activities.

The Supreme Committee for Combating Illegal Migration, which reports to this new ministry, was established by decree on 20 April 2021 in a bid to unify and coordinate an expert-driven and holistic approach towards irregular migration across Libya. While there is an emphasis on legal jobs for migrants through the Ministry of Labour, the language of the Committee remains rather hostile to irregular migrants. As the Libyan authorities enhance the inter-ministerial coordination, they are likely to become more assertive vis-à-vis their demands and positions towards the international community. The EU, the UN and the AU should meet this challenge by coordinating their agenda and stating clearly the goals that the international community seeks to achieve in Libya.

## **EU added value**

The proposed Action responds to one of the key priority areas of the New Pact on Migration and Asylum<sup>6</sup>'s (the New Pact) external dimension on “protecting those in need and supporting host countries” and its EU

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<sup>4</sup> The Berlin Conference on Libya - Conference Conclusions (19 January 2020)  
<https://www.bundesregierung.de/breg-en/news/the-berlin-conference-on-libya-1713882>

<sup>5</sup> The Second Berlin Conference on Libya – Conference Conclusions (23 June 2021)  
<https://www.auswaertiges-amt.de/en/newsroom/news/berlin-2-conclusions/2467750>

<sup>6</sup> COM (2020) 609 final, Communication on a New Pact on Migration and Asylum [https://eur-lex.europa.eu/resource.html?uri=cellar:85ff8b4f-ff13-11ea-b44f-01aa75ed71a1.0002.02/DOC\\_3&format=PDF](https://eur-lex.europa.eu/resource.html?uri=cellar:85ff8b4f-ff13-11ea-b44f-01aa75ed71a1.0002.02/DOC_3&format=PDF), 23 September 2020

strong commitment to providing life-saving support to millions of refugees and displaced people, as well as fostering sustainable development-oriented solutions. It is aligned with the partnership approach of the Joint Communication on a Renewed Partnership with the Southern Neighbourhood<sup>7</sup>, adopted on 9 February 2021, where migration and mobility are indicated as a priority areas.

It is building on previous experience under the EUTF for Africa – North of Africa window (EUTF-NOA), sustained effort and close cooperation with partners in the past years. Cooperation with partner countries in the Southern Neighbourhood on migration and forced displacement has been essential. In particular, between 2017 and 2021, the EUTF-NOA has been the main instrument through which the EU cooperated with North African partners in the areas of migration, mobility and forced displacement. During the past Multiannual Financial Framework, migration assistance in the Southern Neighbourhood has focused on providing assistance to migrants and displaced populations in third countries and to their host communities, on building capacities to better manage migration, on supporting life-saving voluntary return and sustainable reintegration and on supporting legal mobility. Thanks to this assistance, the Commission contributed to address immediate challenges related to irregular migration and laid the groundwork for partnerships with key countries in the region.

This Action is aligned with and continues previous protection interventions conducted in Libya under the EUTF-NOA, in particular T05-EUTF-NOA-LY 03 (“Managing mixed migration flows in Libya through expanding protection space and supporting local socio economic development”); T05-EUTF-NOA-LY 08 (“Managing mixed migration flows top up: Enhancing protection and assistance for those in need in Libya”); T05-EUTF-NOA-LY 11 (“Managing mixed migration flows: protection, health assistance, resilience and community engagement”) and partially T05-EUTF-NOA-LY 12 (“Protecting most vulnerable populations from the COVID-19 pandemic in Libya”).

Previous actions implemented by the EU have shown tangible results enhancing the protection of vulnerable people in Libya such as:

- Since September 2017, 3,361 persons of concern were evacuated from Libya to the Emergency Transit Mechanism (ETM) in Niger and from September 2019 until 15 July, 648 were evacuated from Libya to ETM Rwanda. In addition to these ones, directly funded by EUTF, there have been as well 1,761 resettled departures directly from Libya 808 humanitarian evacuations to Italy (from 2017 to 2019) and recently (August 2021) 5 vulnerable girls have been evacuated to Italy.
- Since May 2017 until beginning of August 2021, 35,963 migrants in Libya have voluntarily returned to their countries of origin through the EU-IOM Joint Initiative funded by EUTF-NOA (retour and reintegration is covered in another Action Document);
- Establishment of mechanisms for alternatives to detention and establishment of the host/caregivers families programme, aimed at hosting vulnerable migrants interested in Voluntary Humanitarian Return (VHR) and in need of protection. More than 1,200 migrants benefited from host family placement;
- Around 200,000 non-food items and hygiene kits were distributed to refugees and vulnerable migrants in Libya through the EUTF;
- Around 70,000 young children received formal and informal education, protection services and psycho-social support since the EUTF constitution;

The EU will continue these interventions while striving for improving alternatives to detention and scaling up employment alternatives for vulnerable people while also responding to labour market needs.

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<sup>7</sup> JOIN 2021 2 final - Renewed Partnership with the Southern Neighbourhood  
[https://eeas.europa.eu/sites/default/files/joint\\_communication\\_renewed\\_partnership\\_southern\\_neighbourhood.pdf](https://eeas.europa.eu/sites/default/files/joint_communication_renewed_partnership_southern_neighbourhood.pdf)

## Complementarities and synergies

In the framework of the EUTF-NOA protection and stabilisation interventions, a Steering Committee (SC) of the Trust Fund Programme managing mixed migration flows was established to approve and supervise the overall approach and strategy and supervise the implementation of the programme making recommendations for changes and improvements. This strategy brought the authorities to the table on migration and protection issues, so, it has been used as a channel to promote Libyan authorities' involvement. It has become an effective way to discuss together and promote coordination, synergies and advocacy actions, even though the government does not always concur with the views of the international community. The Committee is chaired by the EUDEL and LY Deputy Minister of Interior and it is composed by representatives of several Ministries (Interior, Foreign Affairs, Labour, Local Governance, Planning, Health) as well as international organisations and two Member States (Germany and Italy). The Committee meets around every six months, although recently there have been delays linked to the COVID-19 pandemic. The last SC has been held on 15 of February 2021 virtually. This involvement is to be pursued in this Action Document with a potential revision of the LY authorities participating in the SC, considering as well the inclusion of the newly created Ministry of Migration.

Within the framework of already mentioned protection ongoing programs, Technical Coordination Groups (TCG) are being organised every two months with the participation of all Implementing Partners. The Technical Coordination Groups focus on technical exchanges of information and ensure coordination at the level of implementation of the projects. The TCGs are called by the EU Delegation and depending on the needs identified during the implementation of the programme, they are organised along thematic sessions or around general coordination discussions. The TCGs can tackle a specific theme agreed upon between its members, upon recommendation of the Steering Committee or the EU Delegation. The TCG mainly relates to the implementation of the Programme and builds on the necessary coordination to be ensured within the partners of the Action and with other groups such as the Mixed Migration Working Group, the Local Governance working group, etc.

The EUDEL is part of the Good Humanitarian Donorship (GHD) group. The group includes the main donors of Humanitarian aid in Libya (ECHO, BHA/USAID, Canada, Germany, France, Italy, Netherlands, Sweden, Norway, Switzerland, DFID and AICS). Humanitarian aid related issues are discussed in this forum including how to undertake a nexus process in Libya. The EUDEL is fully involved in this process aiming at linking humanitarian and stabilisation/cooperation activities. Lastly, the EUD is in regular exchange with the Libya INGO Forum, representing 21 INGOs providing assistance in Libya, The Libya INGO Forum exists primarily to serve the needs of its members and to act in their interest to better serve beneficiaries. The objectives of the INGO Forum include information sharing, fostering coordination, policy/ advocacy and representation of members' interest vis-à-vis external stakeholders. Exchanges with all these actors have guided the conception of this Action Document.

Linked with the UN system, the country has in place a system of sectoral humanitarian groups aiming at coordinating interventions and information sharing such as the Humanitarian Country Team (HCT) and the Inter-Sector Coordination Group (ISCG) as well as OCHA<sup>8</sup>. This Action Document is also in line with current HRP and HNO (Humanitarian Response Plan and Humanitarian Needs Overview respectively), annual documents that consolidate the humanitarian needs in the country providing a sharing understanding of the crisis, the most pressing needs and the estimated number of people who need assistance.

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<sup>8</sup> Partners seek to coordinate work in their respective sectors in sector working groups (health, education , protection, cash and markets). The leads of these groups regularly meet at the intersector coordination group (ISCG). The HCT includes several UN and INGO representatives and humanitarian donors (ECHO and BHA (former OFDA)) as observers. OCHA is chairing the ISCG and the HC/RC is chairing the HCT.

Specifically the Protection Sector Group (PSG) was established to strengthen the coordination of the humanitarian response in Libya. The PSG currently has roughly 38 members<sup>9</sup>. In order for the Protection Sector to be effective in enhancing protection to the Libyan population (as well as IDPs, returnees, migrants, refugees and asylum seekers), a Strategic Advisory Group (SAG) comprised of key protection organisations guide the larger PSG group. While recognising that Libya's state has the primary responsibility to protect all individuals within their jurisdiction in accordance with international and national legal provisions, the PSG in Libya aims to provide a coherent, coordinated, accountable and comprehensive response to protection immediate needs of the Libyan people until the institutional capacity is strengthened.

Lastly, the Migrants and Refugees Platform (MRP) co-chaired by IOM, UNHCR and IRC, serves as advisory body to the humanitarian community. The Platform is a forum for the development of guidance on policy and strategy with respect to refugees and migrants, including through coordination and collaboration with relevant regional and/or Libyan institutions and authorities. It has a coordination role concerning regional solutions as well (including voluntary humanitarian returns, resettlement and evacuations to third countries). The MRP also facilitates advocacy activities regarding migrants and refugees' rights and access to services in Libya, coordinating closely with other coordination fora entities.

This action will invest a lot of efforts at developing grass roots local level interventions and will complement larger scale efforts on community stabilisation at municipality level with actors like United Nations Development Program (UNDP), the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ), the Italian Agency for Cooperation and Development (AICS) and UNICEF, where access to basic services and local development perspectives are critical to strengthening the social contract between local authorities and communities on the one hand and easing the integration of migrants and refugees in host communities on the other hand. Moreover the Action will coordinate as well with three projects approved under Regional Development and Protection Program III (RDPP) implemented by INGOs: DRC, NRC and ACTED with focus on strengthening resilience, social cohesion and income generating opportunities for IDP, host, refugee and migrant communities in Libya. Please see section 2.3 on complementarities and synergies with ongoing EUTF community stabilisation interventions to be implemented until 2024.

This Action will also create synergies and complementarities with the resettlement component in Libya which receives funding through the Regional Development and Protection Program (RDPP) managed through DG Home and the current interventions tackled by the UNHCR EUTF Regional Programme: Support durable solutions for refugee unaccompanied and separated children stranded in Libya and Egypt and family reunification, and it will collaborate with interventions supported through AMIF (Asylum, Migration and Integration Fund).

As already stated, the Action will have to collaborate in terms of avoiding overlapping and creating synergies with interventions working on migration governance ie Libya's Migration Technical Assistance Facility project implemented by ICMPD, on governance in a broader sense (EU Mouwatana for Libya – European Union support to inclusive governance and rule of law in Libya), on voluntary returns and reintegration as well as ongoing interventions of socio economic stabilisation in the country. Interventions covered in this Action Document will also be coordinated with the ones covered by bilateral partners, namely EU Member States under the leadership and coordination of the EU Delegation.

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<sup>9</sup> The PSG is comprised of protection and human rights focused organisations that undertake preventive and response activities within the protection framework. The Protection Sector has three sub-sectors: Child Protection (coordinated by UNICEF and co-coordinated by INTERSOS), Gender-Based Violence (coordinated by UNFPA and co-coordinated by CESVI), and Mine Action (coordinated by UNMAS). The Protection Sector co-facilitates the Mental Health and Psychosocial Support Technical Working Group with the Health Sector. The Protection Sector is guided by a Strategic Advisory Group.

## 2.2 Problem Analysis

### Short problem analysis

Libya's domestic legal framework criminalises irregular entry, stay, and exit from the country and does not offer adequate protection to the most vulnerable, nor does it provide the basis for prosecuting most perpetrators. Libya experiences a context of mix migration flows where several categories of people (migrants, refugees, asylum seekers, IDPs, returnees, people in transit, etc.) are experiencing violations of their human rights that for the time being do not seem to decrease. The drivers that make people feel left with no other option but to move are very different in nature and include persecution, conflicts, generalised violence, socioeconomic hardship, the impact of environmental degradation, disaster and climate change, socio cultural pressures and others..

In Libya migrants have extremely limited legal recourse and face little prospect of accessing justice in the event of suffering abuse. This makes them often invisible with the added risks linked to this condition of invisibility. The legal framework and the justice system do not include adequate protection for trafficked human beings. When it comes to holding the perpetrators of abuses towards migrants to account, particularly those involved in trafficking in human beings, Libyan law is often outdated and inadequate. The rule of law in Libya is very fragmented and in some areas influential armed groups operate with a sizable degree of impunity. It is expected that this improves with the new government of unity but change is yet to materialise. For the time being, armed groups are often implicated in the smuggling of migrants and trafficking of human beings and continuing the cycle of exploitation and abuse, often even in facilities under the control of the DCIM. The situation has been exacerbated by conflict and civil war since 2014, as well as by the onset of the COVID-19 pandemic in 2020. The proliferation of weapons and trafficking in illicit goods has increased the reach of criminal networks and armed groups, including of migrant smugglers and human traffickers.

It also has to be taken into account that since the advent of COVID-19 many migrants who rely on daily labour for their income and livelihoods have lost their source of livelihood due to the subsequent economic slowdown. This has meant that many migrants now find themselves in a very precarious situation and in need of emergency support. Failure to fill this gap could contribute to many migrants being forced into negative coping mechanisms<sup>10</sup>.

Below a short analysis on three of the main topics covered by this Action Document: migrants in Libya (mainly living in urban settings); situation of refugees and asylum seekers in the country and forcibly displaced people and the issue of the Detention Centers.

### Migration in Libya

Libya has historically been a destination country for migrants mainly arriving from neighbouring countries (Niger, Egypt, Chad and Sudan) but as well from the Horn of Africa and other countries of origin such as Bangladesh. Currently, the largest migrant population lives in urban centres in Tripoli, Ejdabia, Misrata, Azzawya, Murzuq and Sebha. IOM's Displacement Tracking Matrix (DTM) Migrant Information Report (Round 37 from August 2021 covering May and June 2021), identifies 597,611 migrants from over 43 different nationalities in all 100 Libyan municipalities<sup>11</sup> with an employment rate of 80% (slightly below pre-pandemic levels: 83% but higher than in August 2020: 73%). The average gender/age breakdown

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<sup>10</sup> Recent IOM studies have shown that most migrants who transited thru Libya intended Libya to be their first destination and only moved on further north once the conflict and safety situation made their initial plan untenable. The now recent crisis brought on by the COVID-19 might play a role of a push factor if the economic slowdown and the impact of the pandemic continues to affect the livelihood of many migrants.

<sup>11</sup> Distribution of migrants per geographical areas: In line with previous reports, the majority of migrants are in the West of Libya, while nearly a third are in the East. Fewer are in the South: regions of Tripoli (91,316 - 15%), Ejdabia (67,123 -11%), Misrata (59,799-10%), Benghazi (44,247-7%), Azzawya (45,465-7%) and Murzuq (34,295-6%). As for previous figures, half of migrants are located in the coastal regions of Libya (e.g. Tripoli, Ejdabia, Misrata, Benghazi and Azzawya).

shows: men (80%), women (10%) and children (10%) (of which accompanied 8%, unaccompanied 2%). A greater proportion of unemployed migrants continue to report being unable to meet their needs than those who are employed. For instance, a larger proportion of unemployed migrants reported facing food insecurity, financial issues or lacking access to safe drinking water than those who were employed. Furthermore, unemployment is most severe among migrants who have arrived in Libya more recently.

For example, nearly half of those who have arrived less than 6 months ago were unemployed (48%) compared to 12 per cent of those who have been in Libya for between one to two years. Having newly arrived has therefore been identified as a significant risk factor adding to migrants' vulnerability at the individual level. More than four in five migrants (86%) reported being in urgent need of NFIs, among which mattresses (51%), blankets (49%), clothing (42%) and hygiene products (29%) were the most needed items. A significantly greater proportion of migrants who were unemployed (99%) reported being in need of NFIs than those who were employed (82%). Similarly, a greater percentage of migrants who have been in Libya for less than six months reported requiring NFIs (92%) compared to those who have been in Libya for one year or longer (83%).

As indicated in previous DTM round 36, financial issues remain the most frequently cited challenge faced by migrants, followed by the lack of identity documents, insufficient information and protection risks. Unemployed migrants systematically fare worse across all indicators. DTM shows how a greater proportion of unemployed migrants face heightened financial issues (84%-46%), a lack of identity documents (48%-41%), attacks (33% -21%), hunger, a lack of access to safe drinking water (26%-16%) or insecurity than those who are employed. Unemployed migrants also report more difficulties accessing health and education services compared to those who are employed.

The number of migrants in Libya remained fairly stable after substantial decreases following the start of the COVID-19 crisis. Overall, an estimated 80,000 migrants left Libya since the start of the pandemic, mainly to neighbouring countries. The economic downturn, including plummeting income-generating opportunities for migrant workers, tightened security controls and mobility restrictions due to COVID-19, are amongst the factors which have likely contributed to a number of migrants leaving Libya. However, Round 37 shows how figures are slightly increasing again. With the recent new government of unity and the increase mobility and need for labour workforce it is expected that the fluxes in Libya can further increase in the coming months/years.

The total number of migrants and refugees/ asylum seekers returned to Libya since the beginning of 2021 reached 22,045 (14 August 2021). As an example, between 7-14 August only, 1,788 migrants and refugees/ asylum seekers were rescued by the Libyan Coast Guards (LCG). This represents a sharp increase compared to 2020 (with a total for the year of just below 12,000 returned migrants and refugees/ asylum seekers). The monthly number of departures varies greatly; there was a 121% increase in departures in April 2021 as compared to April 2020, but a 38% decrease compared to March 2021. With the trend of increasing departures from Libya, the fatalities at sea keep rising. On the Central Mediterranean route, as of mid August 2021, 629 persons have gone missing and 380 deaths were reported so far in 2021. The overall estimates of fatalities - that include all incidents related to departures originating from Libya - suggest that more than 500 migrants and refugees/ asylum seekers have lost their lives on the Libyan route so far in 2021 compared to 278 over the same period in 2020.

### **Registered asylum seekers and refugees (persons of concern to UNHCR)**

According to the latest count (1/8) the total population of registered asylum-seekers and refugees in Libya is 42,210 (with a decrease in comparison to 1 /4 with 43,348): 19,274 men, 9,104 women, 14,643 children and 1,651 elderly. UNHCR continues to be allowed to register only nine nationalities, with the current following breakdown: Sudanese 38.2% (16,123); Syrian 34.1% (14,403); 11,3% Eritrean (4,782); 6,6% Palestinian (2,770); 4,5% Somali (1,893); 2,2% Ethiopian (945); 1,9% Iraqi (795); South Sudanese 0,6%

(258) and Yemeni 0,2% (102). 50.7% of the total refugee population is located in Tripoli (21,258), 14% in Aljfara (6,218) and 11% in Misrata (4,700). There are 2,201 Unaccompanied or separated children (UASC) which represent 5% of the PoCs currently in Libya.

Between April and June 2021, a total of 3,351 Persons of Concern (PoCs) were registered or their files updated by the registration unit mainly at the registration centre but also for emergency cases in the CDC. UNHCR observed an increase in registration appointments not attended by PoCs with more than 42% of no-show.

From January to December 2020, UNHCR registered a total of 8,391 asylum-seekers. Sudanese asylum-seekers, primarily from Darfur, were the largest nationality group seeking international protection in Libya in 2020. On average, new asylum-seekers have spent 4.2 years in Libya prior to approaching UNHCR, while 22% approach within 12 months of entry. New asylum-seekers demonstrate far higher vulnerabilities and specific needs than in the pre-2020 population, with specific needs identified for 79% of newly-registered individuals.

### **Detention Centres (DC)**

According to data from mid August 2021, around 5,306 refugees and migrants (88% men, 12% women, while 1,633 are PoCs to UNHCR) are kept in the official detention centres under the DCIM. The number of detainees in unofficial detention centres or unaccounted for after rescue/ interception is worryingly increasing (as of 14 of August, the number of migrants and refugees/ asylum seekers disembarked in Libya in 2021 is 22,045).

Detention of migrants and refugees/ asylum seekers in Libya is arbitrary, often prolonged, and sometimes indefinite with no judicial due process, procedural guarantees or consideration of individual protection needs. Those detained include women, unaccompanied and separated children, the elderly, victims of trafficking in human beings and torture and people with acute health conditions. Conditions of detention are often dire with lack of food, water, ventilation, and sanitation a common feature. Facilities are extremely overcrowded and marked by an absence of female guards, which entails a high risk of sexual and gender-based violence. Access to such facilities is often denied and challenging to humanitarian agencies. Human rights abuses are regularly reported from these facilities.

Medical and registration teams are usually allowed entry on a regular basis, but distribution of non-food items is taking place on a case by case decision taken from DC Managers. Migrants and refugees/ asylum seekers rescued/ intercepted at sea continue to be brought predominantly to Al-Mabani DC, which is said to hold an estimated 1,570 detainees and Ain Zara DC which an estimated 1,100 detainees (August 2021) in extreme overcrowding<sup>12</sup>.

Migrants and refugees/ asylum seekers in urban spaces are also confronted with the risk of being detained and a restricted/inexistent possibility to access basic health/education services. This specially impacts the most vulnerable persons such as pregnant women, children, sick people etc. often being left without their rights to proper shelter, education and health. This is of outmost importance in the context of the COVID-19 pandemic and in a country such as Libya where primary health care and infection prevention and control capacities are scarce, with limited availability of in-country laboratory testing for COVID-19 and fragile health information systems. Beyond the public health threats posed by COVID-19, mobility restrictions have been devastating for the social and economic lives of the most vulnerable, among them migrants, forcibly displaced persons and vulnerable communities who are often exposed to high density living conditions with limited services, inadequate sanitation facilities and lack of livelihoods, heightening pre-existing health, social and economic vulnerabilities.

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<sup>12</sup> [Violence against migrants forces MSF to suspend centre activities in Libya | MSF](#): 22 June 2021 following repeated incidents of violence towards refugees and migrants held in two detention centres in Tripoli, Médecins Sans Frontières (MSF) announced that they felt obliged to temporarily suspend their activities in Mabani and Abu Salim detention centres.

The EU targets ending arbitrary detention and the decriminalisation of irregular migration through the creation of a judiciary review. The EU promotes as well the development of a national rights-based migration and border management system, the revision of Libya's legal framework on migration and judicial protection, the implementation of Libya's human rights obligations under the existing legal framework – in line with Libya's commitments under international law – and the adoption of legislation on asylum respectful of core international human rights standards and international refugee law.

## **IDPs**

Regarding IDPs the support will be focused in Benghazi and Tripoli always in synergy and complementing ECHO's support<sup>13</sup>.

## **Beneficiaries/right holders**

Libya is characterized by a mix migration pattern and this determines the target population of the interventions to be covered by this Action Document which mainly coincide with the main and final beneficiaries (right holders) of EU protection pillar interventions: migrants and forcibly displaced persons, including refugees, asylum seekers, returnees, stateless and internally displaced persons (IDPs), as well as host communities. It is to be highlighted that, even if the main target of EU interventions are migrants and forcibly displaced people, Libyans (host communities and vulnerable nationals) are also important beneficiaries of the interventions.

Participation of beneficiaries has been increasing during the years mainly with the involvement of non-governmental organisations as well as through strategies of involvement of migrants and forcibly displaced persons (such as the establishment of community committees led by migrants and others). However, the dire living conditions of some beneficiaries and the humanitarian assistance component of several interventions (i.e. attention in disembarkation points, detention centres) result in the beneficiaries' involvement/ participation being rather difficult. The participatory mechanisms are to be strengthened as much as possible (participatory assessments, complain mechanisms, etc.).

## **Authorities**

Implementing Partners and Steering Committees will mainly interact, coordinate and work with local authorities and several key Ministries, firstly with Ministry of Foreign Affairs, State Ministry for Migration, Labour, Health, Local Governance and Social Affairs, Interior, the later mainly with DCIM<sup>14</sup> together with the LCG, which is under the Ministry of Defence. LCG together with the General Administration for Coastal Security (GACS), constitute the main entity operating in the Libyan search and rescue (SAR) zone.

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<sup>13</sup> According to DTM round 37: During May - June 2021, the total number of returnees in Libya increased to 643,123 individuals as previously displaced families continued to return to their places of origin. This represents a slight increase in the returnee figure from 642,408 returnees reported in the previous round as only 715 individuals were identified to have returned during May-June 2021. This indicates that while several previously displaced families had returned from their places of displacement they were yet to be recorded and identified as returnees in their places of origin. Benghazi region (mantika) hosts the highest number of returnees in Libya, as 189,025 previously displaced individuals had returned to their home. Nearly all of these previously displaced individuals in Benghazi region had returned to Benghazi municipality (99%) prior to 2019 and represented a fairly stable caseload. The second largest number of returnees had returned to their places of origin in Tripoli region, with 150,945 individuals returned by June 2021, followed by Aljfarra with 105,295 individuals previously displaced having returned to their places of origin. For IDPs in the Tripoli region, the top three humanitarian needs were related to shelter assistance, access to health services (particularly critical in the context of COVID-19), and provision of food assistance. For returnees in the Benghazi region the top three needs were related to improved access to water, sanitation and hygiene (WASH) services, access to Education, and non-food items (NFI).

<sup>14</sup> The DCIM (Department for Combating Illegal Migration) was created in 2002 with the main objective to combat irregular migration in Libya. In 2014 according to the Council of Ministers Decree N.386/2014, the DCIM became a separate Directorate holding legal character and independent financial liability. It works under the 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 trafficking in human beings and migrant smuggling; locating irregular immigrants and placing them in DCs; carrying out deportation and registering irregular migrants and smugglers

Links and relations with municipalities usually differ depending on the character of the intervention, the implementing partner and the specific authorities in charge of the municipality. They are to be involved as much as possible in order to strive for durable solutions.

### **Potential implementing partners**

The Action Document aims at being implemented by a combination of UN agencies and INGOs depending on their mandates and capacities on the field, aiming for increased localisation of activities. In any case, several components of the programs awarded to UN agencies are often implemented in the field by INGOs. The specific interventions will be designed to avoid overlapping and duplication among actors and foster synergies. Until now another challenge relates to the fact that almost all IP's headquarters are based in Tunis and only a few international staff (depending on the organisation) get visa and clearance to enter Libya and often for limited periods of time.

The restricted accommodation in UN compounds limits the number of international staff in Libya. All these constraints have been further exacerbated by the COVID-19 pandemic. This is expected to change with the establishment of a national unity government and the return to Tripoli on 17<sup>th</sup> May of the EU Delegation Libya based until recently in Tunis . However, this change is likely not going to be quick or radical, and further difficulties are still to be expected.

### **National Civil Society**

It is very important to work with national civil society organisations, which are of outmost importance in regions with difficult access, such as the South. They are also very well placed to implement conflict sensitive interventions and develop and support interventions in key areas such as shelter, community engagement, etc.

## **3. DESCRIPTION OF THE ACTION**

### **3.1 Objectives and Expected Outputs**

The Overall Objective (Impact) of this action is to save lives and improve the resilience of migrants at risk, refugees, IDPs, PoC and host communities in Libya and to increase social cohesion among these groups.

The Specific(s) Objective(s) (Outcomes) of this action are:

1. To provide access to quality lifesaving multi-sectoral services, including protection, durable solutions and fostered employment/livelihood opportunities (SO1);
2. To support community-based protection initiatives, access to services and social cohesion and an environment conducive for Libyan authorities to end arbitrary detention and the unlawful detention of migrants without access to due process, including by fostering alternatives to detention and by supporting measures that seek to ensure that reception facilities meet international standards (SO2);
3. To increase protection and strengthen the resilience of minors at risk, especially unaccompanied minors, and young adults (SO3).

The Outputs to be delivered by this action contributing to the corresponding Specific Objectives (Outcomes) are:

Contributing to Outcome 1 (or Specific Objective 1):

- 1.1 Access for migrants and forcibly displaced persons to lifesaving services aiming at preventing and responding to violence (including GBV) supported;
- 1.2 Humanitarian evacuations supported;
- 1.3 Labour opportunities/livelihoods supported;
- 1.4 Protection monitoring of vulnerable populations and analysis of displacement trends supported and matched by an adequate response<sup>15</sup>.

Contributing to Outcome 2 (or Specific Objective 2):

- 2.1 Access to national services for migrants, forcibly displaced persons and host communities (leave no one behind) supported;
- 2.2 Operational alternatives to detention identified and implemented;
- 2.3 Urban support to migrants and forcibly displaced persons, medical support established;
- 2.4 Social cohesion, conflict mitigation, cross border initiatives supported.

Contributing to Outcome 3 (or Specific Objective 3):

- 3.1 Provision of education, training and livelihood opportunities and services for minors supported.
- 3.2 Case management<sup>16</sup> and durable solutions<sup>17</sup> for minors put in place.

### 3.2 Indicative Activities

Tentative activities related to Output 1.1: *Access for migrants and forcibly displaced persons to lifesaving services aiming at preventing and responding to violence (including GBV) supported*

- Screening, identification and provision of support to forcibly displaced people and vulnerable migrants including victims of trafficking in human beings, victims of torture, victims of abduction, unaccompanied and separated children, persons with disabilities, survivors of GBV, women at risk and other vulnerable people at border points, disembarkation points (DPs) and detention centres (DCs);
- Direct provision of primary health care services, case referral and health promotion at disembarkation points, detention centres, primary health care facilities and urban settings;
- Response to Internally Displaced People (IDPs)<sup>18</sup>, returnees, refugees and PoC and migrants' emergencies with provision of direct assistance and mobile systems;
- Distributions of Non-food items (NFIs), hygiene kits, cash support and emergency food in urban areas hosting large numbers of migrants, forcibly displaced people, refugees and migrants in detention centres as adequate;
- Build the capacity of selecting implementing partners to provide emergency and essential health care to vulnerable populations;
- Interventions aiming at preventing and responding to GBV: Support the establishment of comprehensive responses against GBV: prevention and integrated response interventions;
- Targeted health care for pregnant women, lactating mothers and infants in detention;
- Specific vulnerabilities of survivors of violence including GBV, trafficking in human beings and migrant smuggling addressed;
- Provision of life saving equipment and basic materials;

<sup>15</sup> Including on respect of principle of non refoulement

<sup>16</sup> It is the terminology to define the approach at the core of social work. Case management is the process required for improving the quality of life for vulnerable children in need of care and protection.

<sup>17</sup> Achieving durable solutions is a gradual, complex and often long-term process that involves addressing human rights, humanitarian, development, reconstruction and peace-building challenges. As such, it requires coordinated and timely engagement by a wide range of stakeholders.

<sup>18</sup> In complement to ECHO's support when relevant.

- Limited improvement works in DCs<sup>19</sup> and disembarkation points related to wash, ventilation, heating and electrical network linked to dignifying living conditions. Fumigation, disinfection and cleaning if needed (DCs and DPs).

Tentative activities related to Output 1.2: *Humanitarian evacuations supported*

- Registration of persons of concern;
- Identification of most vulnerable registered refugees and asylum seekers (PoC to UNHCR) for evacuations, including advocacy for release from detention;
- Evacuation of people out of Libya through Emergency Transit Mechanisms (ETM) currently in Niger, Rwanda or other locations considered suitable by UNHCR;
- Advocacy and identification of durable solutions and complementary legal pathways.

Tentative activities related to Output 1.3: *Labour opportunities/livelihoods supported*

- Promote bilateral dialogue on labour migration within the country and with neighbouring countries, including on bilateral labour agreements and migrant and forcibly displaced persons rights;
- Support the establishment of community-based employment one-stop-shop initiatives (EOSS);
- Support knowledge repository of vocational qualifications;
- Provide soft-skills training to improve links to employment opportunities;
- Foster awareness and dissemination of information about labour opportunities;
- Support to the provision of micro, small and medium scale livelihoods and income generating opportunities including specific actions targeting women;
- Advocacy with Ministry of Labour for non-Libyans insertion in labour market;

Tentative activities related to Output 1.4: *Protection monitoring of vulnerable populations and analysis of displacement trends supported and matched by an adequate response*

- Information and awareness raising on key protection risks and topics;
- Evidence based analysis and innovative mechanisms to respond to challenges;
- Protection Information Management mechanisms in place to systematically monitor human rights abuses, most vulnerable cases, protection risks and existing referral and response capacities;
- Tracking population movement through DTM (Displacement Tracking Matrix) tools;
- Production of knowledge/studies on migration and forced displacement data, trends and patterns: develop and produce regular mobility and emergency tracking, flow monitoring and migrant surveys;
- Fostering cross border collaboration to further understanding of mobility and its causes in the sub-region (such as improving migration management cross-border cooperation, standard operating procedures, etc.);
- Public dissemination.

Tentative activities related to Output 2.1: *Access to national services for migrants, forcibly displaced persons and host communities (leave no one behind) supported*

- Capacity building activities and technical support including on migration and forced displacement health, protection, labour migration and migrant workers' rights and development;

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<sup>19</sup> Humanitarian interventions in detention centres will be limited to life-saving activities, as detailed in the Humanitarian Country Team Principled Framework for Interventions in Detention Centres and as defined in the United Nations Human Rights Due Diligence Policy (HRDDP) on support to non-UN security forces, a UN-wide policy which applies to any UN support to security forces which are not part of the UN. Under these two frameworks, humanitarian actors cannot provide authorities with support in constructing, renovating, or any other work that would facilitate the opening of new facilities.

- Support to non discriminatory access to improved/ quality primary health care and specialised health services (such as comprehensive Sexual and Reproductive health, Tuberculosis or others);
- Interventions to support national public services (mainly health and education) towards universal coverage and quality improvement (capacity building, information systems, human resources, equipment, etc.);
- Support to address the consequences to the COVID-19 pandemic and to reinforce the health and social system for improving migrants and forcibly displaced people non discriminatory access;
- Support to digitalisation tools.

Tentative activities related to Output 2.2: *Operational alternatives to detention identified and implemented*

- Promotion and implementation of freedom of movement, non-custodial measures and alternatives to detention, particularly for vulnerable groups including children in accordance with the Convention on the Rights of the Child;
- Expansion of the host families' programme/ family based and community based care taking into account the specific needs of unaccompanied children, women, people with physical and mental disabilities as beneficiaries of such services<sup>20</sup>;
- Support Embassies and consulates to provide assistance to their nationals (provided these are not refugees or PoC which could be put at risk by such contacts being made), in coordination with the host country and local authorities;
- Promotion of safe and gender/age appropriate safe/open shelters meeting at least minimum humanitarian standards;
- Advocacy for immediate decongestion and end of the arbitrary current DC system;
- Advocacy for increasing local safe and gender/age appropriate alternatives for shelter meeting at least minimum humanitarian standards.

Tentative activities related to Output 2.3: *Urban support to migrants and forcibly displaced persons, medical support including mental health and psychosocial support (MHPSS), information, communication and legal assistance (ICLA) and case management services established*

- Specialised protection assistance to the most vulnerable migrants and forcibly displaced persons through regular, community outreach and monitoring visits, community-based protection and solutions, comprehensive case management, and MHPSS;
- Provision of emergency cash assistance and cash for rent assistance to achieve protection results;
- Provision of urban support packages;
- Support to community care arrangements.

Activities related to Output 2.4: *Social cohesion, conflict mitigation, cross border initiatives supported*

- Support resilience of conflict affected populations in Libya, specifically in the South (Sabha, Kufra) through a range of social cohesion, capacity building and peace building activities;
- Community engagement and social cohesion events including capacity building of local implementers, activities engaging youth, women, divided communities and livelihood development support;
- Basic services and community improvement interventions including rehabilitation and equipment to improve access to quality basic social services such as schools, community centres, public spaces, etc.;
- Capacity building and trainings (stigma, human rights, non-refoulement, community based solutions, etc.);

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<sup>20</sup> Following the Guidance Note Shelter solution for Migrants, Refugees and Asylum seekers in Libya elaborated by Shelter NFI Sector Libya – Technical Working Group May 2021

- Tools and mechanisms (including social media) for improving information/communication sharing and to fight rumours and disinformation;
- Interventions aiming at awareness raising and fighting stigma/ discrimination (for instance linked to diseases: such as that the statements that migrants and forcibly displaced persons are vectors of infectious diseases or others);
- Trust building interventions between migrants/forcibly displaced persons and local communities;
- Cross border interventions with border countries in benefit of most vulnerable populations (i.e. Tunis, Egypt).

Tentative activities related to Output 3.1: *Access to education, training and livelihood opportunities supported*

- Awareness raising among minors at risk and young adults on the risks of trafficking in human beings and migrant smuggling;
- Capacity building on livelihood opportunities;
- Formal and non-formal education accessible and provided in appropriate learning environments;
- Improved access to quality of education;
- Support TVET opportunities (technical vocational education and training);
- Advocacy.

Tentative activities related to Output 3.2: *Case management and access to durable solutions*

- Development of Standard Operational Procedures (SOPs) for UASC and most vulnerable children;
- Provide protection case management assistance including Best Interest Procedures (BIP), Best Interest Determination (BID) and Best Interest Assessment (BIA) for UASC, in-depth assessment for extremely vulnerable children;
- Training and capacity building (child protection, non-refoulement, standard procedures, etc.);
- Support functional strong and coordinated child protection systems;
- Provide quality child protection services and other integrated services, including health and nutrition.

Tentative activities related to all Outputs:

- Support to logistical interventions (such as flights between neighbouring countries and/or inside Libya) for the interventions to be implemented.

### **3.3 Mainstreaming**

#### **Environmental Protection, Climate Change and Biodiversity**

##### **Outcomes of the Strategic Environmental Assessment (SEA) screening**

The SEA screening concluded that no further action was required.

##### **Outcomes of the Environmental Impact Assessment (EIA) screening**

The EIA screening classified the action as Category C (no need for further assessment).

##### **Outcome of the Climate Risk Assessment (CRA) screening**

The CRA screening concluded that this action is no or low risk (no need for further assessment).

#### **Gender equality and empowerment of women and girls**

As per OECD Gender DAC codes identified in section 1.1, this action is labelled as G1. This implies that gender concerns will be mainstreamed in all activities under this action and some specific interventions will tackle gender directly such as Gender Based violence (GBV) prevention and response. In addition to this, health and specific needs of women will be prioritised as well as empowerment of women and girls in participatory processes and social cohesion interventions. The interventions funded within this Action will be aligned with the EU's external policy on gender equality and women's empowerment<sup>21</sup> (ending gender based violence, challenging gender stereotypes, closing gender gaps in labour market, equal participation in economy, addressing the gender pay and pension gaps, closing gender care gap and achieving gender balance in decision making and politics).

Gender-based violence, taking various forms, was already widespread in Libya before the conflict and was exacerbated by it. Approximately 40% of respondents to a 2017 assessment survey<sup>22</sup>, indicated that SGBV was either very common or common. In the urban settings protection needs have been mainly linked to the lack of documentation and stay permits (as migrant workers or refugees), which are further increased through the exposure to conflict and violence over the past years, displacement during the armed clashes, interruption of access to basic services and robbery and looting, mostly in Tripoli, Sirt, Derna, and Benghazi. Women are most at risk (gender specific vulnerabilities)<sup>23</sup>, children, refugees and migrants.

Overcrowding, GBV, lack of proper ventilation, infectious diseases, and malnutrition have been repeatedly reported in detention centres affecting especially young women but not only. These conditions result in physical harm, psychological distress and trauma and health conditions. It is expected that a GBV response is adopted together with a mainstreamed gender approach during the inception and implementation of the programs financed through this Action.

## **Human Rights**

This Action is designed to mainstream Human Rights all along the document, its outcomes, outputs and activities as it is indicated in the assessment of cross cutting issues. It is important to take into account that migration flows are of interconnected and of mixed nature and it is not always evident for the international community and the authorities to distinguish between categories. Individuals can shift from one category to the other during displacement. All categories can be subject to very similar experiences of violence and abuse, hence the intervention focuses on addressing vulnerabilities across categories, while recognizing that forced displacement constitutes a specific vulnerability. Hence refugee rights (including *non refoulement* and other rules of *jus cogens*) need to be respected and States have an obligation of legislating on this topic in line with international standards. The action recognises the interconnectedness of people on the move' experiences in origin, transit, destination and return and acknowledge that migration routes are fluid and change over time. As such, it seeks to provide timely, relevant and quality support to vulnerable people along migratory routes so that their needs and rights are met, and their development potential is maximized in full respect of international conventions and agreements.

## **Disability**

As per OECD Disability DAC codes identified in section 1.1, this action is labelled as D0.

## **Democracy**

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<sup>21</sup> JOIN 2020 17 final - EU Gender Action Plan (GAP) III – An Ambitious Agenda for Gender Equality and Women's Empowerment in EU External Action, [https://ec.europa.eu/international-partnerships/system/files/join-2020-17-final\\_en.pdf](https://ec.europa.eu/international-partnerships/system/files/join-2020-17-final_en.pdf)

<sup>22</sup> 2018 Secondary Data Review – HNO 2019.

<sup>23</sup> In DTM's 2019 Migrant Humanitarian Needs & Vulnerability Assessment, migrant women showed higher levels of humanitarian needs than their male counterparts across multi-sectoral indicators (IOM Libya (December 2019). Migrant Humanitarian Needs & Vulnerability Assessment).

This Action Document is aligned with interventions in the area of democracy, governance and socioeconomic development. In effect, the approach of this Action goes beyond just delivering individual assistance towards supporting resilience, increasing employability skills and build on community cohesion and coherence. This is of outmost importance to strengthen systems on the ground for these to be more inclusive of all population living in the country.

This Action Document recognises the need of coordinating with interventions working in migration governance and in governance in a broader sense such as the EU Mouwatana for Libya – European Union support to inclusive governance and rule of law in Libya<sup>24</sup>. It is important as well to coordinate with the Action Document supporting voluntary returns and reintegration as well as ongoing interventions of socio economic stabilisation in the country (EUTF-NOA local governance and socio economic development pillar)<sup>25</sup>. Finally, it is of outmost importance to recognise a route based approach and to invest in interventions in countries of origin and alternatives to risky journeys.

### **Conflict sensitivity, peace and resilience**

According to the Do No Harm conceptual frameworks<sup>26</sup>, aid and development assistance can be perceived as contributing to harm or peace in the following ways: transfer of resources, market effects, distributional effects, substitution effects and legitimisation effects. Unintended messages can end up reinforcing conflict, instability and/or inequities leading to disrespect, mistrust, competition, sense of powerlessness, unfair distribution of resources or others. Interventions will have to embed a conflict sensitivity/ Do no harm analysis in order to prevent unintended effects and foster community engagement.

In this regard, the EUTF-NOA conducted in May 2021 a study/ review of Do No Harm (DNH)<sup>27</sup> approaches of EUTF Implementing Partners in three cities of Libya (Benghazi, Misrata and Sebha) delivering community stabilisation assistance providing operational recommendations and advice. The study found that the IPs possess considerable strengths in terms of their existing DNH approaches. Several IPs are using conflict analyses and some have dedicated staff assessing conflict. Several IPs have established local, representative community groups to assess and decide upon assistance. Most have strong local feedback mechanisms to informally identify where risks lie and respond accordingly. The study also found some cross-cutting areas where the specific DNH features of assistance could be strengthened, including, for instance, human resources protocols which may not include mechanisms to avoid recruiting individuals associated with conflict actors. This is expected to be taken into account and further developed by implementing partners in the interventions covered in this Action Document. Findings and recommendations will be taken into consideration.

Similar reviews on DNH are foreseen to be carried out on the protection areas such as Evacuations (Emergency Transit Mechanism ETM), Voluntary Humanitarian Return, Detention Centres, Disembarkation and Border Management.

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<sup>24</sup> Action Document recently submitted to QRM1 which aims at supporting the democratic development of Libya.

<sup>25</sup> Under the local governance and socio-economic development Pillar, the EUTF is still heavily engaged in Community Stabilisation interventions (EUR 160.8M to be implemented until 2024) aiming at improving the living conditions and resilience of vulnerable populations (including migrants, refugees, Internally Displaced Persons, returnees and host communities) and support local governance, in particular in the municipalities most affected by migratory flows, by enhancing access to basic and social services. Such actions covering municipalities throughout the country have been recently extended to targeted municipalities of Southern Libya in view of the enormous needs in that geographical area and the importance to strengthen community security and to stabilise that vast region bordering several sub-Saharan countries. This Action Document will also continue to coordinate with these ongoing interventions.

<sup>26</sup> For more information see: Mary Anderson, *Do No Harm: How Aid Can Support Peace – Or War*. Boulder, CO, Lynne Rienner Publishers, 1999; Marshall Wallace, *From Principle to Practice: A User's Guide to Do No Harm*. Cambridge, MA: CDA Collaborative Learning Projects, 2015.

<sup>27</sup> "Thematic Process Review 1 – Community Stabilization" conducted by Globale Initiative Against Transnational Organized Crime under the EUTF umbrella.

### 3.4 Risks and Lessons Learned

Category	Risks	Likelihood (High/ Medium/ Low)	Impact (High/ Medium/ Low)	Mitigating measures
External/ External Environment	Increased insecurity and/or political instability which endanger implementation/ Failure of the peace process negatively impacting Implementing Partners	<b>Medium</b>	<b>High</b>	The action is coordinated with stakeholders mainly through Implementing Partners; where necessary, activities can be conducted remotely (capacity building, technical assistance) or prepared remotely (awareness campaigns) to avoid significant delays in the implementation of the action. COVID-19 pandemic provided key hints to be able to continue implementation if mobility is restricted. Increased capacity building of national partners and local civil society
	COVID-19 pandemic recrudescence	<b>Medium</b>	<b>High</b>	Follow up the evolution and adapt accordingly; Foster new/ remote delivery methods according to access restrictions; Negotiate humanitarian access taking into account safety of the staff and national regulations
	Fluctuation rates/ Inflation/ Liquidity problems/ Collapse of banking system in Libya/ lack of available cash in country	<b>Medium</b>	<b>Medium</b>	Explore alternatives to establish a system to ensure cash available for project implementation in Libya; Careful planning of bank transfers to ensure sufficient liquidity; Identification of alternatives such as voucher systems or payment through mobile phones
Internal/ Planning processes and systems	Blockages of flights for humanitarian evacuations	<b>High</b>	<b>High</b>	Advocacy/political dialogue for allowing the flights to departure. UNHCR and UN EU AU Trilateral Task Force will continue to call on the authorities of Libya to ensure the full resumption of humanitarian evacuations and voluntary return flights for refugees and migrants from Libya.
	Lack of support for program implementation from government and relevant ministries due to	<b>High</b>	<b>High</b>	Close monitoring of the political and security situation. Close engagement and technical collaboration with authorities, technical mid-level management and municipalities; Foster active

	conflict, political instability, political distance and high turnover of management staff (for instance at DCIM or others)			and efficient coordination mechanisms; Invest in analysis to guide conflict sensitive design and implementation
	Lack of access to beneficiaries (for implementation, monitoring, etc.)	<b>Medium</b>	<b>High</b>	Building program on local acceptance and participation and follow humanitarian principles to reach beneficiaries; Conflict sensitivity approaches in place; Third party monitoring when needed, joint monitoring visits, remote verifications and regular field visits when allowed: consider best practices developed in similar contexts
	Lack of political will to cooperate and endorse activities among relevant government bodies regarding labour migration improvement and/or other key Ministries	<b>Low</b>	<b>Medium</b>	Liaison with the government is carried out at the very start of the project and prioritised at each stage of implementation to ensure ownership of the initiative
Internal/ Legality and regulatory aspects	Female participants are not allowed to travel alone to attend trainings.	<b>High</b>	<b>High</b>	Selection criteria will include the ability of female participants to travel alone. For critical candidates (working or living in remote areas or strategically important for successful project implementation), the decision to support chaperone accommodation or travel will be considered
	Uncoordinated release of detainees from DC – Detainees brought to other locations with no/reduced access (investigation units) or unaccounted for after rescue/interception	<b>High</b>	<b>High</b>	Continuous protection monitoring at DPs and in DCs including registration of persons (preferably through biometric registration); Enhancing advocacy with national authorities while working closely with other international and local actors to engage in coordinated and cohesive approach when providing assistance to beneficiaries

	Aid diversion and misuse of humanitarian aid/fraud	<b>Medium</b>	<b>Medium</b>	Work with pre-vetted and reliable local partners; Whenever possible, maintain full control on procurement and distribution channel; Run third party monitoring, spot-checks and inspections
	Libyan Coast Guard stopping rescue operations at the sea	<b>Low</b>	<b>High</b>	Advocacy, direct support to GACS and LCG capacities; border management Action.
Internal/ People and the organisation	Work permits and visas for international staff withheld.	<b>High</b>	<b>Medium</b>	Maintain constant relation with relevant Libyan authorities and engage in joint advocacy for better access and facilitation of international presence in Libya; When security situation does not allow international staff to travel to Libya, national staff in place to guarantee the continuity of the intervention. IPs and EU will continue to jointly advocate all levels with the MoFA through interventions in Libya but also through Headquarter interventions. Further, IPs will be supported through the UN Resident/Humanitarian Coordinator as well.
	No cooperation agreement signed between Libyan authorities and Implementing Partners	<b>Low</b>	<b>High</b>	Advocacy on Implementing Partners' role and mandate and high-level bilateral missions (with support from donors and UN System)
	Gender inequality - as women are often expected to contribute disproportionately towards coping strategies and recovery.	<b>Medium</b>	<b>Medium</b>	Continue supporting the improvement of women's participation in social and economic life at community level. Engagement with women CSOs, fostering interventions such as: awareness sessions for women on leadership and human development
	Local staff threatened/ intimidated or feeling accused because of their	<b>Medium</b>	<b>Medium</b>	Maintain a constant relation with local communities, build trust relationships and social engagement. Support most

	activities in favour of migrant population			vulnerable Libyans (including IDPs) as well as non-Libyans.
Internal/Communication and information	Limited articulation/collaboration from Implementing Partners for EU's visibility	<b>Medium</b>	<b>Medium</b>	Work together in Communication and Visibility plans, establish milestones and products of EU's interest

### Lessons Learned:

As already mentioned, this Action Document builds on the previous EUTF interventions addressing protection interventions. Therefore, several lessons learnt are being drawn from results of previous interventions and incorporated into this one. Some of these follow below:

- It is of paramount importance to continue to identify alternative options to detention centres, advocate for the end of detention in Libya and foster alternatives in urban settings, other alternative accommodation schemes (family hosting, Embassies, cash support) as well as solutions outside Libya. This is especially important for women and children, being the women confronted to increased vulnerability in detention centres.
- The most sustainable solutions are to be found in resettlement, complementary legal pathways, family reunification, evacuations and voluntary humanitarian returns (VHR). Developments continue to show that it is very important to put a particular emphasis on the refugees and migrants living in urban settings to avoid negative coping mechanisms, such as vulnerable people of concern and/or refugees choosing to enter detention centres in the belief that this would make them priority cases for solutions outside Libya. The action will therefore focus on persons living in the urban context while at the same time, continuous efforts are needed to advocate for the orderly release of persons held in DCs.
- It is important to advance towards the advocacy of right based approaches in migration in the country and improve existing migration legislation in line with international norms and standards and offer the best practices of rights-based migration policies from the region and/or other countries. This Action Document will collaborate with migration governance and governance interventions being supported in the country by the EU and other stakeholders.
- It is key to ensure close cooperation with national and international actors involved in migrant response and protection in Libya. Strategies and activities have to be identified through consultation with the Libyan Government, UN Country Team (UNCT), UN OCHA, EUDEL (European Union Delegation), EUTF, NGOs and local communities (municipality level).
- The COVID-19 pandemic has triggered an unprecedented global health, humanitarian, socioeconomic and human rights crisis. More than one year into the pandemic, the mix of overlapping crises with a rise in extreme poverty, political instability, conflict, disasters, and food insecurity have driven humanitarian needs to new levels and further intensified ongoing humanitarian crises that, if left unaddressed, will have long-term impacts on fragility, risks of displacement and human suffering. While primarily a health crisis, it has also exacerbated existing vulnerabilities, caused widespread economic disruptions, and generated multiple new humanitarian and protection needs. It is important to continue to support health needs and access to the health system together with socio economic increased needs.

- Regarding health support, coordination and collaboration established among the Ministry of Health, National Centre for Disease Control/National Tuberculosis Program (NCDC/NTP), WHO, IOM, Médecins Sans Frontières (MSF) and other partners must be continued and scaled up (including a reliable monitoring and evaluation system).
- Importance of supporting Joint Practices such as IOM-UNHCR joint letter of understanding at global level to guide cooperation; Rapid Response Mechanisms (RRM) aiming at providing emergency assistance in case of new displacements (UNICEF, IOM, WFP, UNFPA and UNHCR); Joint Counselling (IOM-UNHCR) for migrants to ensure that individuals originating from at risk locations are accurately informed about their options to enable them to make informed decisions.
- Activities proposed in the interventions need to be based on a flexible approach that can adapt to changing situations. The events leading to the emptying of in early March 2020 of the Gathering and Departure Facility (GDF) had already demonstrated this and it was more evident after the COVID-19 pandemic. Whenever possible it is important to operate and extent temporary shelter options, such as the temporary shelter in Misrata<sup>28</sup> for persons departing Libya - knowing that any temporary shelter option is dependent on Libyan authorities' approval.
- Advocacy and continuous engagement and understanding of national authorities is essential. As of 20 June 2021, humanitarian evacuation flights are pending clearance since April 2021 and VHR flights are blocked as well in the basis of internal political/administrative issues between Libyan administrations in particular for the delivery of exit visas and/or because it is not always clear who is responsible for which step exactly, which leads to additional administrative delays getting approvals.
- Advocacy with Member States and other countries for them to facilitate acceptance of refugees and asylum seekers (PoC to UNHCR) via direct humanitarian evacuations and safe referral pathways. Humanitarian corridors (HC) could be open as well from Libya following Italy's example. To date, a total of 2,768 asylum seekers from Lebanon, Ethiopia, Jordan, Niger and Turkey have been transferred to Italy. HC are a "private sponsorship" project carried out through the signing of Memoranda of Understanding between the Ministry of the Interior and Foreign Affairs, and religious associations (Community of Sant' Egidio, Federation of Evangelical Churches etc., acting through the Italian Caritas etc.). The reception burden is borne by the associations, which support the beneficiaries who have arrived in Italy in the normal procedures for asylum seekers.
- IOM and UNICEF continue to work together towards the establishment of adequate, safe and secure shelter for the most vulnerable, in particular women and children. Past experience has shown the importance of intensive consultation with the local community to ensure the local buy-in and maintain support and the need to carefully consider security aspects. For the time being these alternatives have hardly materialised and there is need of an increase support.
- There is a need to promote conflict sensitive approaches and mainstream them in the design and implementation of activities, taking into account the political, military and social dynamics, as well as the fragmentation of the actors and communities in Libya. In practice this includes, among other things, that grants are implemented evenly across communities. Even more important is community empowerment in the decision-making.

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<sup>28</sup> Since 21 November 2019 a LRC premise was open as a temporary transit shelter in Misrata to provide a safe location for persons identified for solutions outside of Libya pending their departure. Even if this shelter in Misrata was meant as temporary solution, in reality after 18 months it is the only existing "safe shelter" currently opened in Libya. As of June 2021 there are 29 people hosted there, for the majority families. The shelter is managed by LRC and IRC under the UNHCR contribution agreement financed by the EUTF.

- Communicating about assisting migrants and forcibly displaced persons in Libya, especially in the South, is one of the most sensitive matters in the country. While continuing to ensure that EU activities reach migrants, refugees, IDPs, returnees and host communities, in all communications EU support to the Libyan communities has to be portrayed as an avenue through which multiple community groups (including migrants) are targeted together. This has also been advised throughout the Conflict Sensitivity Analysis conducted in the EUTF framework. Nevertheless, some ROM exercises have also shown that the assumption that to work/support national services (such as health facilities) would facilitate the utilisation/ non-discriminatory access of these services by migrants and forcibly displaced persons, it is not always fully correct *per se* and more factors need to be taken into account.
- Counselling for migrants and forcibly displaced persons, men, women and children, should take into account the sources of information migrants, refugees and PoC are using, language, age, literacy, preferred means of communication and trust-building to ensure beneficiaries can take informed decisions based on facts.
- It is important to work together with local organisations, not just because the international organisations experience difficulties in getting visas and are limited by security constraints, but above all because of their specific knowledge of the field and close contact with the communities.

### 3.5 The Intervention Logic

The underlying intervention logic for this Action Document is based on a triple nexus approach, on the lessons learnt from EUTF and on the evolution of the situation.

Despite the recent configuration of a new government of unity, protection needs remain and as a matter of fact they seem to be lately increasing. In any case and taking into account the opening of political possibilities and stability in Libya, the intervention logic in this Action Document combines the lifesaving interventions (NFIs, health referrals, attention in DP and DC, protection monitoring, etc.) with an approach on a more medium/ longer term through soft skills capacity building, employability, support to livelihoods and social cohesion. The Action Document supports as well durable solutions (resettlement) and advocacy for complementary legal pathways. Lastly, the AD recognises the specific needs of minors at risk, specially UASC and youth adults.

The assumptions that must hold for the intervention logic to materialise are developed in the section 3.8 below (pre-conditions) and mainly relate to meeting the core needs of the beneficiaries on the interventions (right holders); maintain peace and stability; ensure access of Implementing Partners (both in terms of physical access to locations and granting VISAs for staff); local community engagement and authorities engagement and continuous support to the interventions (even if there is no financing agreement).

*If* the assumptions hold true *and* the interventions such as distributing NFI, relief material, attention in DC and DP, direct health assistance take place, *then* Output 1.1 will be achieved (provision of life saving services). Likewise, *if* the assumptions hold true (especially the one related to authorisation of flights and Visas) *and* the interventions such as advocacy, registration of PoCs, identification of most vulnerable refugees and PoC and administrative procedures take place, *then* Output 1.2 will be achieved and humanitarian evacuations ensured (mainly to Rwanda and Niger). *If* the assumptions hold true (in particular the one referring to collaboration with Ministries and local authorities, in this case Ministry of Labour) *and* activities such as bilateral dialogue on labour migration, soft skills trainings, community initiatives take place, *then* Output 1.3 will be achieved (support to labour opportunities/livelihoods for most vulnerable people). Finally, *if* the assumptions hold true *and* interventions such as tracking population movement, evidence based analysis, studies on migration data and others take place, *then* Output 1.4 (protection monitoring and trend analysis) will be achieved.

*If all these four Outputs are achieved and assumptions are true, then the Outcome 1 will be achieved as it has been observed during the EUTF-NOA. EUTF has managed to ensure lifesaving services, humanitarian evacuations and it has launched interventions to support employment opportunities which will be scaled up with this Action.*

The similar logic applies to Outputs related to Outcome 2, which are more related to community engagement, social cohesion, alternatives to detention and access to services. For these interventions to take place, it is of outmost importance that the assumptions related to local buy in of the interventions and support from authorities hold true. The past has shown difficulties in this point mainly at the level of getting the authorisations for the establishment of alternatives to detention. Likewise in Outputs related to Outcome 3 that are quite similar to the previous Outcomes but putting a focus on children and youth at risk.

*If all three Outcomes are achieved and the assumptions hold true, then the Action Document will contribute to the desired impact that it is to save lives and improve resilience of the communities. Past experience has already shown that even if difficult, it is possible.*

### 3.6 INDICATIVE LOGICAL FRAMEWORK MATRIX

Results	Results chain: Main expected results [maximum 10]	Indicators [it least one indicator per expected result]	Baselines (values and years)	Targets <sup>29</sup> (values and years)	Sources of data	Assumptions
<b>Impact</b>	Save lives and improve the resilience of migrants at risk, refugees, internally displaced persons (IDPs), and persons of concern (PoC) and host communities in Libya and to increase social cohesion among these groups	1. # of migrants, forcibly displaced people or individuals from host communities protected or assisted with EU support 2. # of refugees and PoC having access and support to protection services 3 % of respondents stating that livelihood opportunities provided have had a positive impact on their economic well-being 4 % of migrant, forcibly displaced people or individuals from host communities reporting that they are physically and emotionally secure	0	TBD	DTM Beneficiary surveys Third party reports External evaluation	<i>Not applicable</i>
<b>Outcome 1</b>	Provided access to quality lifesaving multi-sectoral services, including protection, durable solutions and fostered employment/livelihood opportunities	1.1. # of migrants and forcibly displaced people supported through life saving interventions supported by the Action. 1.2. # of refugees/asylum seekers (PoC to UNHCR) evacuated out of Libya supported by the Action. 1.3. # of migrants and forcibly displaced who have access to decent work, disaggregated by country of origin.	0	TBD	Distribution lists Ad hoc reports Surveys Evacuation reports	Capacity to reach migrants and forcibly displaced people maintained and strengthened
<b>Outcome 2</b>	Supported community-based protection initiatives, access to services and social cohesion and an environment conducive for Libyan authorities to end arbitrary detention and the unlawful detention of migrants without access to due process, including by fostering alternatives to detention and by supporting measures that seek to ensure that reception facilities meet international standards	2.1 # of target beneficiaries having access to health prevention/promotion, education and response services 2.2 # of persons hosted in safe shelters/embassies/host families and other alternatives disaggregated by sex and age group 2.3. # of beneficiaries receiving vocational education and training (VET) or entrepreneurial training through this Action, disaggregated by sex, location, training topic and duration, age and displacement status	0	TBD	Beneficiary surveys Reports On site visits Hosting agreements	Alternatives to detention authorised (shelters) Continuous positive framework policy for labour alternatives

<sup>29</sup> Targets to be defined at a later stage, during programme formulation phase.

<b>Outcome 3</b>	Increased protection and strengthened the resilience of minors at risk, especially unaccompanied minors, and young adults	3.1 # of children and youth benefiting from and subject of protection and enhanced resilience measures supported by the Action	0	TBD	Reports from IP in charge of the specific projects funded within this Action	Access to beneficiaries is allowed
<b>Output 1 related to Outcome 1</b>	1.1 Access for migrants and forcibly displaced persons to lifesaving services supported	1.1.1. # of persons receiving assistance at DPs and DCs <sup>30</sup> disaggregated by sex, age and by type of assistance (NFI, protection monitoring, protection assistance, medical screening, medical assistance, etc) 1.1.2. # of lifesaving equipment, materials and kits distributed at DPs/DCs	0	TBD	Distribution lists Disembarkation and detention centers statistics Beneficiary surveys Reports	Capacity to reach migrants and forcibly displaced people maintained and strengthened Colaboration with authorities to assist migrants in DC and DP
<b>Output 2 related to Outcome 1</b>	1.2 Humanitarian evacuations supported	1.2.1 # of PoCs to UNHCR identified for durable solutions out of Libya disaggregated by sex and age	0	TBD	Evacuation reports Reports	Flights allowed to depart
<b>Output 3 related to Outcome 1</b>	1.3 Labour opportunities /livelihoods supported	1.3.1 # Labour market initiatives developed and operationalised disaggregated 1.3.2 # of vulnerable persons including migrants, IDPs and locals trained in employment skills including soft skills disaggregated by sex and by groups of age (focus youth) 1.3.3 # of awareness raising initiatives for dissemination of information on labour opportunities, rights and safe & legal migration/prevention of irregular migration	0	TBD	Reports Surveys Labour market assessments Training attendance lists	Interest from beneficiaries is maintained Continuous positive framework policy for labour alternatives
<b>Output 4 related to Outcome 1</b>	1.4 Protection monitoring of vulnerable populations and analysis of displacement trends supported matched by an adequate response	2.2.1 # Specialised assessments/reports/studies and information packages conducted on migrants and forcibly displaced people 2.2.2 # Conclusions from assessments/reports/studies and information packages operationalised	0	TBD	Reports published and disseminated Reports	Capacity to reach migrants and develop studies/research maintained

<sup>30</sup> From a representative sample

<b>Output 5 related to Outcome 2</b>	2.1 Access to national services for migrants, forcibly displaced persons and host communities (leave no one behind) supported	2.1.1 # of interventions on eliminating barriers to access services (mainly health and education) for migrants and forcibly displaced persons supported by the Action 2.1.2 # of national services for migrants, forcibly displaced persons and host communities put in place or enhanced by Action	0	TBD	Medical visits reports Data from national health records (DHIS2) Deed of donations Reports of activity Training/awareness sessions' attendance lists Medical visits reports	Libyan facilities interested in training and in benefiting from the action. Positive policy scenario for allowing non Libyans to benefit from services
<b>Output 6 related to Outcome 2</b>	2.2 Operational alternatives to detention identified and implemented	2.2.1 # of people released from DCs by advocacy through the Action and offered with alternatives to detention <sup>31</sup> 2.2.2 # of alternatives to detention identified, planned and agreed with Libyan authorities with support of the Action	0	TBD	Reports of activity DC reports Hosting agreements with families/ Embassies	Maintained access to DCs, diplomatic and policy interventions successful in the closure of DCs
<b>Output 7 related to Outcome 2</b>	2.3 Urban support to migrants and forcibly displaced persons, medical support established	2.3.1 # of protection assistance interventions at temporary shelters (health assistance, referrals, psycho social counselling, etc) supported by the Action 2.3.2. # of households receiving cash-based assistance 2.3.3 # of health workers, social assistants and other national staff trained on providing services to migrants disaggregated by type of training	0	TBD	Reports Beneficiary surveys Hand over forms for in kind/cash based assistance Training attendance's lists and plans	Urban interventions possible Cash liquidity

<sup>31</sup> If possible to measure as detainees are often released without information to IPs

<b>Output 8 related to Outcome 2</b>	2.4 Social cohesion, conflict mitigation, cross border initiatives supported	2.4.1. # of migrants and host community members participating in social cohesion activities disaggregated by gender 2.4.2 # of projects/interventions promoting social cohesion and conflict prevention between host/resident communities and migrants and forcibly displaced persons/returnees supported by the Action	0	TBD	Activities attendance lists Photos Reports Invitee lists	Interest from Libyans and migrants maintained Interventions possible in the context of the pandemic
<b>Output 9 related to Outcome 3</b>	3.1 Provision of education, training and livelihood opportunities and services for minors supported	3.1.1. # of places for children and youth inequality educational opportunities created/supported by the Action 3.1.2. # of places (specially for youth at risk) in technical vocational education and training (TVET) created/supported by the Action	0	TBD	Reports Surveys Training attendance lists	Access to beneficiaries is maintained
<b>Output 10 related to Outcome 3</b>	3.2 Case management and durable solutions for minors are put in place	3.2.1. # of new or improved approaches implemented in favour of minors	0	TBD	BIA/BID assessments Reports	Access to beneficiaries is maintained

## **4. IMPLEMENTATION ARRANGEMENTS**

### **4.1 Financing Agreement**

In order to implement this action, it is not envisaged to conclude a financing agreement with Libya.

### **4.2 Indicative Implementation Period**

The indicative operational implementation period of this action, during which the activities described in section 3 will be carried out and the corresponding contracts and agreements implemented, is 60 months from the date of adoption by the Commission of this Financing Decision.

Extensions of the implementation period may be agreed by the Commission's responsible authorising officer by amending this Financing Decision and the relevant contracts and agreements.

### **4.3 Implementation Modalities**

The Commission will ensure that the EU appropriate rules and procedures for providing financing to third parties are respected, including review procedures, where appropriate, and compliance of the action with EU restrictive measures<sup>32</sup>.

#### **4.3.1 Direct Management (Grants)**

##### **a) Purpose of the grant(s)**

Main outputs to implement via grants (without prejudice of the rest of the outputs depending on the proposals/capacities)

Contributing to Outcome 1 (or Specific Objective 1):

- 1.1 Access for migrants and forcibly displaced persons to lifesaving services supported
- 1.3 Labour opportunities/livelihoods supported

Contributing to Outcome 2 (or Specific Objective 2):

- 2.1 Access to national services for migrants, forcibly displaced persons and host communities (leave no one behind) supported
- 2.3 Urban support to migrants and forcibly displaced persons, medical support including mental health and psychosocial support (MHPSS), information, communication and legal assistance (ICLA) and case management services established
- 2.4 Social cohesion, conflict mitigation, cross border initiatives supported

Contributing to Outcome 3 (or Specific Objective 3):

- 3.1 Access to education, training and livelihood opportunities supported

##### **b) Type of applicants targeted**

In order to be eligible for a grant, the lead applicant must be (1) a legal person, and (2) non profit-making, and (3) be a non-governmental organisation, and (4) be established in a Member State of the European

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<sup>32</sup> [www.sanctionsmap.eu](http://www.sanctionsmap.eu) Please note that the sanctions map is an IT tool for identifying the sanctions regimes. The source of the sanctions stems from legal acts published in the Official Journal (OJ). In case of discrepancy between the published legal acts and the updates on the website it is the OJ version that prevails.

Union or Libya, and (5) be directly responsible for the preparation and management of the action with the co-applicant(s) and/or affiliated entity(ies), not acting as intermediary. Any co-applicant(s) must satisfy the same eligibility criteria.

Other essential characteristics of the potential applicants are the long term experience in the country, the knowledge and expertise in the domain of the protection and resilience in order to ensure effective implementation.

### **(c) Justification of a direct grant**

Under the responsibility of the Commission's authorising officer responsible, the grant is awarded without a call for proposals to non-governmental organisations selected using the following criteria: (1) specific technical expertise and experience in implementing similar actions; (2) prior experience in implementation of grant agreements in Libya in the same thematic domain; (3) field capacity in the country to implement and monitor.

Under the responsibility of the Commission's authorising officer responsible, the recourse to an award of a grant without a call for proposals is justified because Libya remains in a situation of crisis, under Article 195 (a) of the Financial Regulation as crisis management aid. Moreover, the current action the current action fulfils all the characteristics outlined in the Annex IV to the NDICI regulation under Art 1 (Actions contributing to peace, stability and conflict prevention in situations of urgency, emerging crisis, crisis and post crisis, including those arising from migratory flows and forced displacement), specifically 1.a, 1.1 and 1.p and Art 2 (Actions contributing to strengthening resilience and linking humanitarian aid, development actions and, where relevant, peacebuilding) specifically 2.a and 2.e. Due to the nature of the actions proposed, implementation shall be entrusted to actors with a specific technical competence and specialised expertise.

#### **4.3.2 Indirect Management with a Member State Organisation. EU specialised agency, or international organisation**

A part of this action may be implemented in indirect management with one or more entity(ies) which will be selected by the Commission's services using the following criteria: i) presence on the ground with specific technical staff and offices and sub offices; ii) exclusive and specific mandate; iii) operational capacity; iv) degree of technical expertise; v) satisfactory implementation of interventions in the past.

The implementation by this (ese) entity(ies) entails all the outputs foreseen in this Action Document.

Regarding interventions mainly (but not exclusively) tackling refugees and PoC, the selected organisation(s) will have to have the global mandate to ensure international protection of those entitled, provide multi-sectoral assistance to refugees and PoC and seek durable solutions for them as well as have different offices/staff (presence) in the country (mainly output 1.2 but also outputs 1.1, 2.2, 2.3 and secondarily might entail other outputs as well).

Regarding interventions mainly (but not exclusively) tackling migrants, IDPs and vulnerable host communities (mainly outputs 1.1, 1.3, 1.4 as well as outputs 2.2, 2.3, 2.4 and 3.2 and secondarily it might cover other outputs as well) the selected organisation (s) will have to possess a global mandate in migration, field active staff/offices (presence) in several locations in the country and good local relationships with municipalities and tribes.

In addition to this, if there is need to support logistical interventions to ensure implementation of the interventions, partners with the appropriate and exclusive mandate as well as technical capacities, presence in the field and satisfactory implementation of activities in the past, will be chosen.

### 4.3.3 Changes from indirect to direct management (and vice versa) mode due to exceptional circumstances (one alternative second option)

Because of the circumstances on the ground (difficulties of obtaining VISAs for international staff – mainly affecting INGOs but as well UN agencies, specially the United Nations High Commissioner for Refugees (UNHCR); limitation in premises for accommodation; access constraints and others) together with the fluidity among UN agencies and INGOs (which often have a complementary character and work in the same domains) it is recommended that, if needed, the alternative implementation modality for direct management (grants) would be indirect management (UN) and the other way around. This is a measure thought to ensure full implementation if problems arise and it can be especially important in outputs related to urban support and alternatives to detention, among others.

### 4.4 Scope of geographical eligibility for procurement and grants

The geographical eligibility in terms of place of establishment for participating in procurement and grant award procedures and in terms of origin of supplies purchased as established in the basic act and set out in the relevant contractual documents shall apply, subject to the following provisions.

The Commission's authorising officer responsible may extend the geographical eligibility on the basis of urgency or of unavailability of services in the markets of the countries or territories concerned, or in other duly substantiated cases where application of the eligibility rules would make the realisation of this action impossible or exceedingly difficult (Article 28(10) NDICI-Global Europe Regulation).

### 4.5 Indicative Budget

<b>Indicative Budget components</b>	<b>EU contribution (amount in EUR)</b>
<b>Implementation modalities</b> – cf. section 4.3	
<b>Mainly (but not exclusively) outputs 1.1; 1.3; 2.1; 2.3; 2.4; 3.1;</b> composed of Grants (direct management) – cf. section 4.31	<b>13 000 000</b>
<b>Mainly (but not exclusively) 1.1; 1.2; 1.3; 1.4; 2.1; 2.2; 2.3; 3.1; 3.2</b> composed of Indirect management – cf. section 4.3.2	<b>42 000 000</b>
<b>Evaluation</b> – cf. section 5.2 <b>Audit</b> – cf. section 5.3	will be covered by another Decision
<b>Communication and visibility</b> – cf. section 6	N.A.
<b>Totals</b>	<b>55 000 000</b>

### 4.6 Organisational Set-up and Responsibilities

It is expected that this Action take up the structure of the Steering Committee (SC) of the Trust Fund Programme *Managing mixed migration flows* which has been providing general oversight, supervision and advice to the programme in its entirety and has brought the authorities to the table to jointly discuss protection and migration issues. In the already mentioned section the members of the SC are detailed. This Action can review/adapt those.

In addition to this, it is expected to continue conducting the bimonthly technical coordination groups (TCG) in order to discuss technical issues, analyse evidence and foster synergies and complementarities.

Implementing partners contracted will be fully responsible for the implementation of the action. Each contracted partner will be responsible for regular reporting to the EU Delegation in addition to regular contractual reporting.

Within the framework of each project Specific Steering Committees will be constituted with IP, EUDEL and authorities and other stakeholders who might be useful. When appropriate EUDEL can establish additional coordination mechanisms.

As part of its prerogative of budget implementation and to safeguard the financial interests of the Union, the Commission may participate in the above governance structures set up for governing the implementation of the action.

## **5. PERFORMANCE MEASUREMENT**

### **5.1 Monitoring and Reporting**

The day-to-day technical and financial monitoring of the implementation of this action will be a continuous process, and part of the implementing partner's responsibilities. To this aim, the implementing partner shall establish a permanent internal, technical and financial monitoring system for the action and elaborate regular progress reports (not less than annual) and final reports. Every report shall provide an accurate account of implementation of the action, difficulties encountered, changes introduced, as well as the degree of achievement of its results (Outputs and direct Outcomes) as measured by corresponding indicators, using as reference the logframe matrix.

The Commission may undertake additional project monitoring visits both through its own staff and through independent consultants recruited directly by the Commission for independent monitoring reviews (or recruited by the responsible agent contracted by the Commission for implementing such reviews).

Roles and responsibilities for data collection, analysis and monitoring: As stated in the Better Regulation, to be comprehensive, the monitoring system put in place must also cover the objectives of the action. Implementing partners' monitoring system is therefore expected to measure, and report, on progress in relation to the planned outputs, outcomes and impact of the action by means of RACER (Relevant, Accepted, Credible, Easy, Robust) and SMART (Specific, Measurable, Achievable, Realistic, Time-related) indicators related to a baseline situation. A balanced indicator system should also include both quantitative and qualitative indicators as well as gendered indicators to be able to monitor gender equality.

Establishing corresponding baselines and targets for each indicator selected will be the responsibility of implementing partners' and this information will be provided at contracting level (at the latest at the end of the inception phase). If a baseline survey is deemed necessary, correlated periodic and/or final studies to collect results data during and/or at the end of implementation will need to be envisaged. Such surveys can be financed under the regular budget of the action and should be budgeted accordingly at contracting level (through specific budget lines identified for this purpose).

The Monitoring system put in place will collect and analyse data to inform on progress towards achievement of planned results to feed decision-making processes and to report on the use of resources. Result-based reporting will hence be used to foster the active and meaningful participation of all stakeholders involved in the action. In this sense, result-based reports will be presented and discussed during the action's steering committee or any other relevant coordination mechanisms established in the framework of this action.

This action does not specifically foresees to provide support to and strengthen the partner country's M&E capacities to monitor progress.

## 5.2 Evaluation

Having regard to the importance of the action, a mid-term or a final evaluation will be carried out for this action or its components via independent consultants contracted by the Commission.

In case a mid-term evaluation is envisaged, it will be carried out for learning purposes, in particular with respect to the intention to launch a second phase of the action when relevant.

In case a final evaluation is envisaged it will be carried out for accountability and learning purposes at various levels (including for policy revision), taking into account in particular the fact that the field of migration and protection is very sensitive and its lifesaving character requires close analysis of its effectiveness as well as to continuously analyse the acceptance and the participation of direct beneficiaries (right holders).

The Commission shall inform the implementing partner at least 30 days in advance of the dates envisaged for the evaluation missions. The implementing partner shall collaborate efficiently and effectively with the evaluation experts, and inter alia provide them with all necessary information and documentation, as well as access to the project premises and activities.

The evaluation reports shall be shared with the partner country and other key stakeholders following the best practice of evaluation dissemination<sup>33</sup>. The implementing partner and the Commission shall analyse the conclusions and recommendations of the evaluations and, where appropriate, in agreement with the partner country, jointly decide on the follow-up actions to be taken and any adjustments necessary, including, if indicated, the reorientation of the project.

The financing of the evaluation shall be covered by another measure constituting a Financing Decision.

## 5.3 Audit and Verifications

Without prejudice to the obligations applicable to contracts concluded for the implementation of this action, the Commission may, on the basis of a risk assessment, contract independent audit or verification assignments for one or several contracts or agreements.

## 6. COMMUNICATION AND VISIBILITY

Communication and visibility is a contractual obligation for all entities implementing EU-funded external actions to advertise the European Union's support for their work to the relevant audiences.

To that end they must comply with the instructions given in the [Communication and Visibility Requirements of 2018](#) (or any successor document), notably with regard to the use of the EU emblem and the elaboration of a dedicated communication and visibility plan, to be completed for every action at the start of implementation.

These obligations apply equally, regardless of whether the actions concerned are implemented by the Commission, the partner country (for instance, concerning the reforms supported through budget support), contractors, grant beneficiaries or entrusted entities. In each case, a reference to the relevant contractual obligations must be included in the respective financing agreement, procurement and grant contracts, and contribution agreements.

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<sup>33</sup> See best [practice of evaluation dissemination](#)

Communication and visibility measures may be funded from the amounts allocated to the action. For the purpose of enhancing the visibility of the EU and its contribution to this action, the Commission may sign or enter into joint declarations or statements, as part of its prerogative of budget implementation and to safeguard the financial interests of the Union. Visibility and communication measures should also promote transparency and accountability on the use of funds.

Effectiveness of communication activities on awareness about the action and its objectives as well as on EU funding of the action should be measured.

Implementing partners shall keep the Commission and concerned EU Delegation/Office fully informed of the planning and implementation of specific visibility and communication activities before work starts. Implementing partners will ensure adequate visibility of EU financing and will report on visibility and communication actions as well as the results of the overall action to the relevant monitoring committees.

For communicating on Team Europe Initiatives, the EU and its Member States can rely on the specific guidance on the Team Europe visual identity.

Any exception to the standard contractual visibility obligations are granted on a case-by-case basis only. Any such exceptions must be duly justified and have the prior, written authorisation of the European Union (see the section 5.1.2 of the Communication and Visibility Requirements of 2018). This Action may require some exception due to the sensitivity and security challenges of the operational environment in Libya.