

Guidance Note

Shelter solution for Migrants, Refugees and Asylum seekers in Libya

1. Introduction

This guidance note has been developed by the SNFI Technical Working Group¹ to provide a strategic framework of shelter solutions for migrants, refugees and asylum seekers. This tailored and contextually nuanced guidance note is needed as non-Libyans face legal and cultural obstacles when finding safe and dignified housing solutions.

In order to effectively guide SNFI partners and stakeholders, these guidelines include five modalities for shelter provision:

- a. Cash for rent,
- b. Host family module,
- c. Rehabilitation of identified shelters,
- d. Collective centre rented and rehabilitation,
- e. Embassies integrated support.

This Guidance Note has been prepared for migrants, refugees and asylum seekers, however parts are applicable to Libyans (host, returnees and IDPs).

2. Background

Libya continues to serve as both a destination and transit country for migrants and refugees seeking a better life or fleeing violence, repression and poverty in their countries of origin. Protection risks are prominent for migrants and refugees, including risks of being arrested and arbitrarily detained, at the risk of sexual and gender-based violence, facing trafficking and extortion, or lacking access to shelter and essential services.

Refugees, asylum seekers and migrants have more severe needs compared to other groups of concern and represent nearly a third of all people in the extreme category in terms of severity of needs. Migrants and refugees are often excluded from national social protection services and safety nets due to restrictive policies and have limited access to basic services, such as health and education, due to lack of documentation, discrimination or ability to afford services. According to the MSNA and DTM assessments, migrants and refugees identified **shelter & non-food items as the second priority need** after health. Migrants and refugees also require legal assistance, access to registration and documentation, as well as protection from arrest and detention.

Duty bearers' lack of awareness of migrants and refugees' rights is a significant challenge, requiring continued engagement of international and national humanitarian actors. Libya is not signatory to the

¹ The TWIG was composed of IOM, DRC, NRC and UNHCR

1951 UN Convention Relating to the Status of Refugees nor its 1967 Protocol and lacks national legislation for refugees and asylum seekers.

High displacement, along with significant damage to civilian infrastructure, particularly in urban areas, increased the demand for adequate housing, adding pressure on their availability and affordability. As a result, rental prices have risen to levels that many poor and low-income families are unable to afford, putting them at increased risk of eviction. This risk is more significant for migrants, asylum seekers and refugees as many they have no natural support network or saved assets.

The SNFI Sector's priority remains to ensure adequate, appropriate and affordable housing options for the most vulnerable people. As detailed below, the Sector will target 32,000 migrants and refugees in 2021 with NFI or Shelter assistance:

	People in Need (PIN)	2021 target	2021 Target for NFI (regular + seasonal)	2021 Target for shelter & infrastructure
Migrants and Asylum Seekers	82,000	22,000	19,500	2,500
Refugees	46,000	10,000	9,700	300
	128,000	32,000	29,200	2,800

3. Goal, Needs, Target and Impact of Adequate Housing²

a) Goal

With the successful execution of shelter rehabilitation and NFI distribution activities, the Sector contributes to improved **living conditions** through provision of housing and essential household items. The SNFI Sector aims to provide a secured and dignified living environment for the inhabitants of collective sites and those living in privately rented accommodations. **Humanitarian principles, protection principles and core standards (Sphere)** are to be considered throughout the entire project implementation.

The right of adequate housing

The right to access adequate housing is protected by international law. It is the right to live somewhere in security, peace and dignity. This right contains freedoms such as the right to choose one's residence and entitlements such as security of tenure. It enshrines protection from forced eviction.

² This guidance note does not cover either NFI, (click [here](#) for full guidance) or Sealing Off kits (SOKs) (click, [here](#) for full guidance)

The concept of “adequacy” means that housing is more than four walls and a roof. It underlines the importance of including a settlement lens, cultural identity and the availability of services in a shelter response. “Adequate” housing or other forms of shelter should provide security of tenure and be:

- affordable, allowing the household to attain other essential goods and services to live in dignity;
- habitable, providing physical safety, protected and adequate living space, access to safe drinking water, adequate water, sanitation and hygiene (WASH) facilities, and food preparation and storage;
- culturally acceptable;
- accessible and usable, including for persons facing mobility barriers; and
- located to provide access to livelihoods opportunities and essential community services.

Shelter is “not just a roof”, it is not merely a product rather a process which requires the engagement of the beneficiaries for the identification of a safe and adequate place to live with dignity and where privacy is respected.

Adequate Housing for Refugees, Asylum Seekers and Migrants

In 2019 IOM’s Displacement Tracking Matrix (DTM) conducted an assessment to provide a baseline understanding of the current housing conditions of refugees, asylum seekers and migrants in Libya as well as related issues that they face in accessing and securing accommodation options. It explores the accessibility, availability, quality, use and awareness of housing options that migrants experience in Libya. Access to sufficient safe water and sanitary facilities, and is available [here](#).

Page 20, figure 8 summaries the results:

PILLARS OF ADEQUATE HOUSING	INDICATORS	Adequate	Marginally inadequate	Moderately inadequate	Severely inadequate
Access to sufficient safe drinking water	Types of main source of water	92% improved water source	8% combination (improved + unimproved water source)	-	0% unimproved water source
Access to improved sanitation facilities	Type of sanitation facilities	78% improved sanitation	7% combination (unimproved + improved)	15% unimproved sanitation	0% bucket or no toilet
Sufficient living areas	Overcrowding (more than 3 people per habitable (9m ²) room)	40% ≤ 3 people / habitable room	14% 4 people / habitable room	7% 5 people / habitable room	39% ≥ 6 people / habitable room
Structural quality and durability & location	Habitation condition	37% no or negligible damage	24% minor damage	20% moderate damage	19% severe damage, destroyed or unfinished
Security of tenure	Type of contract	3% written contract or owner	-	66% verbal contract	31% no contract
Affordability	Livelihood coping strategy index	45% No coping	10% Stress coping	33% Crisis coping	12% Emergency-coping

Sufficient Living Area

Over-crowding is the primary issue whereby 39% of those surveyed shared each habitable room with 6 or more people. There is a clear link between intention to stay / leave and length of time spent in Libya and over-crowding; whereby for those who intend to depart for Europe or have just arrived, predominately live in over-crowded accommodation.

Security of tenure

DTM's survey revealed that 96% of those asked did not have a written tenancy agreement. However, only 3% had experienced eviction while another 3% knew someone who had been evicted. Considering that parts of London have rates close to 2%³ where written contracts are the norm, there is not a clear link between increased risk of eviction and having a written contract.

In Libya there is no legal obligation to have a written contract to consider that there is a contractual engagement between a landlord and a tenant. Further, as refugees, asylum seekers and migrants are all considered "illegal" by the authorities having a written contract creates a risk for the landlords as they can be deemed as supporting illegal⁴ migration in Libya, which is a criminal offense.

From DTM's data and field experience, under the current verbal contractual arrangement migrants, asylum seekers and refugees have a degree of security of tenure. As detailed by SPHERE⁵, Shelter and Settlement, Chapter 6; a due diligence approach to security of tenure is recommended using the 'secure enough' approach and applying a 'do no harm lens'.

Therefore, given the relatively low rates of eviction the Libya SNFI sector does not require a written tenancy contract as prerequisite to receive shelter support. Rather, the sector advocates that the guidance in SPHERE is applied and apply the key actions:

1. Undertake due diligence in programme design and implementation.
2. Understand the legal framework and the reality on the ground
3. Understand how tenure systems, arrangements and practices affect security of tenure for at-risk groups
4. Implement shelter and settlement programmes to support security of tenure.
5. Support protection from forced eviction⁶.

³ <https://thebla.co.uk/london-tenant-eviction-rate-the-highest-in-the-uk/>

⁴ Here we use the term illegal and not irregular as preferred by UNHCR as illegal is the term used in the Libyan framework

⁵ <https://handbook.spherestandards.org/en/sphere/#ch008>, Chapter 6. Security of Tenure

⁶ The SNFI sector jointly leads the Eviction task Force with the Protection Sector

b) Target Group and Beneficiary Selection

This guidance note aims to support SNFI partners in planning and implementing shelter and NFI assistance specificity for refugees, migrants and asylum seekers.

The two strategic objectives are focused on emergency response and contribution towards community restoration, development and nexus.

Sector Objective 1: Provide humanitarian life-saving and life-sustaining shelter and NFI support;

Sector Objective 2: Contribute towards the resilience and social cohesion of communities and households by improving housing and related community/public infrastructure.

The partners will provide SNFI assistance to the target groups of refugees, migrants and asylum seekers with impartiality and addressing the four protection principles, while prioritizing the most vulnerable categories.

The SNFI sector has developed a housing Vulnerability Scoreboard tailored for refugees, asylum seekers and migrants (available upon request) which uses 23 different indicators to guide selection of beneficiaries.

Additionally, DTM's report on migrant's housing confirm that there is a direct relationship between these factors and inadequate housing:

- employment and economic status,
- migration intentions,
- gender,
- disability,
- length of time in Libya.

c) Impact

Emergency

In the sudden onset of an emergency, access to shelter and essential NFIs can be critical for survival.

In life saving and life sustaining assistance to migrants, refugees and asylum seekers the Sector contributes to the provisions of urgently needed relief items (core NFI). Also construction materials and tools might be suitable for an immediate response to repair or upgrade damaged/substandard shelters ensuring living in **safety and dignity**; the Shelter Sector TWIG has developed a tailored [Sealing Off Kit](#) to facilitate the partners to provide assistance in this regard. Reliable water supply and functional sanitary facilities contribute to an enhanced level of personal hygiene and a **healthy living environment**.

In assisting populations at risk of eviction with monetary support (Cash for rent) or identifying alternative accommodation solutions (host family's module) the target group gains **tenancy security** and thus integration into society and access to the job market are improved.

Regular Programming

In protracted emergencies as well as in following the early recovery and development phases, to strengthen the resilience and social cohesion of migrants, refugees and asylum seekers is critical. The rehabilitation/repair of accommodation to **minimum standards** is essential to ensure personal safety and dignity, also contributes to provide security and protection from the climate and weather factors; ultimately reducing the exposition to **diseases and illness**. Additional seasonal household items can be distributed, as necessary and needed, to improve the well-being and to protect from seasonal hazards.

Other shelter modalities may be considered to **secure the tenancy/residency status** in a long term, such as: Cash for rent, host family's module assistance, provision of alternative accommodation and the embassies integrated support.

Health

Functional water supply and sewage solutions and sanitary facilities contribute to **personal hygiene and a healthy living environment**. Sufficient number of washing facilities and toilets are essential to ensure appropriate living conditions. Clean water and protection from the climate elements prevent the residents from illness and diseases, bacterial and virological infections prevalent in overcrowded spaces.

According to **Health Surveillances executed by WHO** (updated December 2020), the following main/leading causes of morbidity are identified in Libya (/ % from total consultation / main areas):

(AURI) Acute Upper Respiratory Infections / 12,38% / Ashati, Benghazi and Alabyar

(ALRI) Acute Lower Respiratory Infections / 2,89% / Almarij and Misurata

(AD) Acute Diarrhea / 2,51% / Zletin

Enhancing construction skills

In the community-driven and beneficiary-based approaches, members of the target group/ community who actively participate in the rehabilitation work as unskilled labourers under the technical guidance of the skilled labourers (masons, carpenters, etc..) have the opportunity to enhance their technical skills. The gained knowledge may result in increasing their opportunities in the **job market** ensuring an income which might lead to **financial independence**.

5. Mainstreaming / Cross cutting

Cross-cutting themes concern accountability to affected people, inclusion, do no harm/conflict sensitivity, gender sensitivity with humanitarian action laying the foundation for peacebuilding and development actions.

Mainstreaming

The Global Protection Cluster defines mainstreaming of cross-cutting issues as *"the process of incorporating protection principles and promoting meaningful access, safety and dignity in humanitarian aid"*.

The following four core protection principles must be taken into account in all humanitarian activities:

- 1 Prioritize safety & dignity and avoid causing harm:** Prevent and minimise as much as possible any unintended negative effects of intervention which can increase people's vulnerability to both physical and psychosocial risks;
- 2 Meaningful access:** Arrange for people's access to assistance and services – in proportion to need and without any barriers (e.g. discrimination). Pay special attention to individuals and groups who may be particularly vulnerable or have difficulty accessing assistance and services.
- 3 Accountability:** Set-up appropriate mechanisms through which affected populations can measure the adequacy of interventions, and address concerns and complaints;
- 4 Participation and empowerment:** Support the development of self protection capacities and assist people to claim their rights, including – not exclusively – the rights to shelter, food, water and sanitation, health, and education.

Cross cutting

Cross-cutting issues focus on particular areas of concern in humanitarian response and address individual, group or general vulnerability issues.

Some of these issues are:

- Age, Gender and Diversity
- Child Protection
- Mental Health and Psychosocial Support
- Disability
- HIV/AIDS

Gender / Age / Diversity

The purpose of the AGD approach is to reinforce partner's commitment to ensure that persons of concern are at the centre of all aspects of our work. Through this approach, we aim to ensure that persons of concern can enjoy their rights on an equal footing and participate meaningfully in the decisions that affect their lives, families, and communities.

To achieve this, partners should undertake core actions in the following areas of engagement:

1. AGD-Inclusive Programming
2. Participation and Inclusion
3. Communication and Transparency
4. Feedback and Response
5. Organizational Learning and Adaptation
6. Gender Equality and Commitments to Women and Girls

Child protection⁷

Humanitarian agencies shall protect children (persons who are under 18 years of age) by responding to their specific needs and risks they face. Interventions shall protect and advocate against all forms of discrimination; prevent and respond to abuse, neglect, violence and exploitation; ensure immediate access to appropriate services; and shall provide sustainable solutions in the child's best interest. Forced displacement and emergency

⁷ <https://emergency.unhcr.org/entry/43381/child-protection>

situations may have devastating effects on children's lives, boys and girls are uniquely vulnerable due to their age and social status.

Priority protection objectives during the first phase of an emergency:

- To ensure that girls and boys are safe where they live, learn and play.
- To strengthen the capacity of children to participate in their own protection.
- To give girls and boys child-friendly access to asylum, refugee and other legal procedures, and to essential documents.
- To ensure that girls and boys with specific needs receive targeted support.

Mental Health and Psychosocial Support:⁸

Key Principles for promoting mental health and psychosocial well-being:

1. Treat all people with dignity and respect and support self-reliance.
2. Respond to people in distress in a humane and supportive way.
3. Communicate in an appropriate language.
4. Prioritize shelter assistance to children for protection support in particular to children who are separated, unaccompanied and with special needs.
5. Strengthen family support.
6. Identify and protect persons with specific needs.
7. Make interventions culturally relevant and ensure adequate interpretation.

Disability

The Convention on the Rights of Persons with Disabilities and its Optional Protocol (CRPD, 2006, A/RES/61/106) defines persons with disabilities to *"include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others"*.

In situations of forced displacement, persons with disabilities have the same rights and basic needs as others and face the same challenges. However, they face numerous additional barriers. They face particular protection risks, including a heightened risk of violence, exploitation and abuse, and high levels of stigma. They have difficulties accessing humanitarian assistance, education, livelihoods, health care and other services. They may be denied certain legal rights and are often excluded from decision-making processes and leadership opportunities.

Protection objectives:⁹

- To identify and assess the needs of persons with disabilities to ensure that all responses take account of and include persons with disabilities, by applying an age, gender and diversity lens and considering their specific needs.
- To provide an immediate and adequate response to specific needs and ensure that shelter programmes are accessible to persons with disabilities on an equal footing with other persons of concern.

⁸ https://www.euro.who.int/_data/assets/pdf_file/0009/297576/MHPSS-refugees-asylum-seekers-migrants-Europe-Multi-Agency-guidance-note.pdf

⁹ <https://emergency.unhcr.org/entry/43586/persons-with-disabilities>

- To create conditions in which people with disabilities do not suffer discrimination and participate in decisions that affect them.
- Persons with disabilities must be enabled to participate as actors in the protection of their families and communities.

6. Safety & Security

Access to adequate and safe accommodation and shelter solutions for refugees, migrants and asylum seekers is challenged by a number of safety and security issues and concerns. Safety and security concerns and associated risks are context specific and should always be assessed on a case-by-case basis depending on the nature and location of the shelter solution and the target group. This section provides an overview of the main issues and considerations that pertain to safety and security.

When designing shelter solutions, recent security updates, changes to the context or any changes in conflict dynamics shall be taken into consideration. An assessment of security situation and any changes and proper analysis of the context shall be undertaken by shelter actors prior to the design of interventions. Shelter actors are advised to consult security and context updates issues by UNSMIL and relevant security codes and protocols¹⁰.

Mines and explosive hazards

Large areas in Libya and particularly in the western regions remain heavily contaminated with mines, explosive hazards and remnants of war with mine clearing efforts still ongoing. When considering shelter solutions or access to accommodation whether in collective sites or in individual housing the area of the shelter shall be assessed and verified as clean from explosive hazards prior to the commencement of any programming or assessments that might put migrants, refugees, asylum, aid workers and other stakeholders at risk.

Collaboration and close coordination of shelter activities with the relevant authorities and demining actors is crucial and should be taken into consideration at the different stages of design and implementation of shelter programs.

Physical safety and security of the shelter/accommodation

When providing any shelter assistance, new construction or rehabilitation whether it is a single shelter unit or collective shelter, the safety and security aspects of the physical conditions shall be thoroughly assessed to ensure that the accommodation provided do not result in any risk to the occupants' safety and security or have possible negative impact on their health and well-being. Below are some of the main factors to be taken into account when designing and implementing shelter interventions:

- Structural soundness and safety aspects shall be assessed by qualified engineers. This is particularly relevant for areas or neighbourhoods that have witnessed fighting, airstrikes or shelling and might be set on natural hazard prone areas;
- Fire hazards. The assessment of accommodation shelter shall also consider the fire prevention measures, escape routes, emergency exits and assembly areas. This shall take into consideration relevant international and local laws on fire safety building codes.

¹⁰ <https://unsmil.unmissions.org/news>

- Electrical risks. The shelter/accommodation shall be free from direct risks to safety due to faulty electrical connections, exposed electricity outlets, not protected cables and wires;
- Other physical risks; these include any additional risks or threats to safety and well-being that can result from the physical state of the shelter or any elements of the shelter that can result in injuries. below are some of the common issues/risks that can be found in sub-standard shelters;
 - open pits or manholes that pose falling hazards
 - staircases, balconies or roofs with no handrail/parapets
 - fencing, steel gates, door or window frames with sharp edges that can cause injuries
 - broken glass windows or panels
- Health and wellbeing. Possible negative impacts of the physical shelter conditions on the health and well-being of occupants (such as respiratory issues associated with poor ventilation or mould)

All of the above listed risks shall be carefully assessed and mitigation measures put in place. This shall be applicable to any type of shelter solution provided and customized on the characteristics of the individuals/households receiving it, allowing feedback and inputs from beneficiaries during the design of the shelter solution is key in mitigating these risks.

Location, access and movement restrictions

The following shall be considered when identifying and selecting the site of shelter/settlement interventions:

- Proximity to active conflict and front lines.
- Presence of mines or explosive hazards: this applies both to the actual location or site of the shelter intervention either to access routes to reach the sites.
- Likelihood, frequency and intensity of foreseen natural hazards that can affect a given area putting on risk the people exposed. The main natural disasters in Libya are connected to climate factors - heavy rains and floods. Location assessment shall be carried out by qualified technical staff with multi focus on geology, topography, land use etc.
- Movement restrictions and threat of detention. The analysis of movement dynamics and whether and how they can negatively impact the intended beneficiaries in the selected location, is particularly important when providing shelter solutions for migrants, refugees and asylum seekers whose movement can be restricted due to lack of personal documents or fear of detention.

7. Responses as regular programming

Regular programming can be defined as being a component of a pre-funded project with activities in accordance with the project activities agreed with the donor. See section 8., for emergency programming. The following summaries the five options.

1. Cash for rent

Cash for Rent (CfR) programming is globally recognised as a standard response for all those displaced and seeking safe and dignified housing. Payments can be made either to the beneficiary or directly to the landlord. If paid to the beneficiary, cash can be unconditional, labelled or conditional, although the preference is labelled or unconditional.

2. Host family's module

This modality is more commonly associated for IDP caseload and depending on the context is an extension of a communities natural response to displacement. However, it is possible to implement for refugees, asylum seekers and migrants on a small scale, case by case basis.

3. Rehabilitation of identified shelters (unfinished building, under-standard houses)

This enables the supply side of the housing market to be addressed by creating new units or improving existing units so that they can be classified as adequate. This assistance addresses primarily single families and individuals, whereas a larger number of beneficiaries using unfinished buildings are falling under collective centre rented and rehabilitation'.

4. Existing collective centre rented and rehabilitation

Identification of suitable sites to host the target group in a secured and dignified environment, negotiating lease agreements with the legal owner and committing to secure the rental payments in due time. Light rehabilitation of identified sites might become necessary.

5. Embassies integrated support (standalone / or to be integrated)

Informal discussions with Embassies in Libya started in 2019, looking at ways in which embassies could support their own national to find adequate shelter. Although there has not been a successful example of a collaboration between a SNFI partner and an embassy, it remains an option and could complement existing projects or even become a stand-alone project.

8. Responses in emergencies

An **emergency** is a situation that poses an immediate risk to health, life, property, or environment. Possible examples are short notice evictions, including from DCs, flare in conflict and new displacement, and spontaneous return.

From the five suggested modalities the following are considered the most appropriate in an emergency:

1. Cash for rent

In an emergency context, labelled cash paid directly to the beneficiary will be faster and require less assessment and field work.

2. Rehabilitation of identified shelters (unfinished building, under-standard houses)

Focus on immediate needs to ensure the basics are covered; safety, access to water and sanitation and protections from the elements.

3. Collective centre rented and rehabilitation

Focus on immediate needs to ensure the basics are covered; safety, access to water and sanitation and protections from the elements.

9. Coordination in Emergencies

In the context of emergencies, such as rescue from sea or smuggler groups, release from detention, incidents of eviction, displacement due to conflict or disasters, the purpose of coordination of Shelter Solution support for migrants, refugee and asylum seekers will involve three milestones:

1. to find safe and dignified shelter options as part of broader State led integration approach whereby Government of Libya takes the lead in the provision of this solution,
2. to promote community-based approach whereby different community groups including migrant, refugee and asylum seeker community leaders, host communities, institutions such as embassies provide save and dignified shelter solution whether for temporary or transition period,
3. to contribute towards finding solutions including resettlement, relocation to safe locations or voluntary return to countries of origin.

The coordination for all these options will be aligned with the humanitarian coordination mechanism led by OCHA and relevant sector coordination mechanisms. The Migration and Refugees Platform (MRP) has now been integrated with the ISCG and therefore the SNFI sector will assume the coordination role in the effort to provide shelter solution for migrants, refugees, and asylum seekers in close collaboration with its partners and agencies that have specific mandate on the provision of various services to the target populations.

10. Conclusion

Despite that shelter is their second priority need after health, refugees, asylum seekers and migrants face challenges in accessing basic services due to lack of documentation, discrimination or ability to afford services.

The SNFI Sector formed a Technical Working Group who considered best practice, lessons learnt of shelter options and solutions and context and as a result, proposes multiple options/modalities which can be considered in both emergency and regular programming responses. Humanitarian principles, protection principles, core standards (Sphere), as well as safety and security for shelter selections are highlighted so they can be considered throughout the response.

Designing and implementing shelter response requires a focus on minimum requirements with aim of to provide a dignified place to live whilst ensuring safety and security of the habitants, while mitigating negative impacts on their health and well-being.

By having multiple modalities for shelter response based on programming categories (regular or/and emergency), shelter sector partners can adapt to programming constraints and capacities and coordinate between the partners for effective response.