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## **MOTION FOR A RESOLUTION**

with request for inclusion in the agenda for a debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 122 of the Rules of Procedure

on Migrants' situation in Libya  
(2012/2879(RSP))

**Ana Gomes, Véronique De Keyser, Pier Antonio Panzeri, Pino Arlacchi,  
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on behalf of the S&D Group

**European Parliament resolution on Migrants' situation in Libya  
(2012/2879(RSP))**

*The European Parliament,*

- having regard to the 1951 UN convention relating to the Status of Refugees and its 1967 Protocol,
- having regard to the Libyan ratification of African Union Convention Governing the Specific Aspects of Refugee Problems in Africa on 25 April 1981,
- having regard to the Report of the Secretary-General on the United Nations Support Mission in Libya adopted on 30 August 2012,
- having regard to European Union decision on deployment of an expert mission in Libya aimed at assisting the Libyan authorities to assess needs on border management made on 2 March 2012,
- having regard to the Joint Communication to the European Parliament, the Council, The European Economic and Social Committee and the Committee of the Regions: A new response to a changing Neighbourhood issued on 25 May 2011,
- having regard to the first Country Strategy Paper (CSP) and National Indicative Programme (NIP) 2011-2013 for Libya adopted by the EU in 2010,
- having regard to Rule 122 of its Rules of Procedure,

A. whereas Libya held its first democratic and free elections in July 2012 in a remarkably peaceful and orderly way; whereas the country witnessed the first pacific transfer of power in its history on 9 August from the National Transitional Council to the General National Congress, tasked with adopting a Constitution and other essential legislative reforms

B. whereas the first Libyan government formed following democratic elections in over fifty years has just been sworn in on the 14th of November 2013;

C. whereas Libya faces a post-revolutionary period, full of challenges ranging from security (disarmament, demobilization and reintegration (DDR) of the revolutionary militias and reform of national army, police, border and other state security forces), national reconciliation, transitional justice and enforcing the rule of the law and ensuring respect for human rights, and embarking on many other reforms crucial to build up democratic institutions and a democratic State;

D. whereas the 17 of February Revolution was carried out to liberate Libyans from the Gaddafi dictatorship and to build a new democratic Libya respectful of universal human rights and fully integrated into the world community, and that the new leaders of Libya have publicly declared that the country is keen to cooperate with the international community and most notably with the European Union, having requested EU's assistance in a number of areas;

E. whereas for its particular geographical location and its economic activity, Libya was and still is a destination or transit country for people originating from all over Africa; whereas Libya's own economic development requires foreign labour force and will further stimulate economic migrants and other persons to come from all over Africa and elsewhere;

F. whereas the capacity of the authorities to control the arrival of people through most of the 4,378 km of Libya's land boundaries is extremely limited; and whereas, according to several international NGOs, migrants often enter the country irregularly to feed the high demand for migrant labour, and some of the foreigners who arrive should be recognised as refugees and asylum-seekers;

G. whereas foreigners in Libya are still particularly vulnerable to abuse, because of the security vacuum, the proliferation of weapons, the absence of national legislation on asylum and on migrant workers, the inadequate judicial system and the weak governance;

H. whereas detention facilities for irregular migrants, which are managed by the Department of Combating Irregular Migration under the Ministry of Interior, rely on armed militias (*katiba*) to maintain law and order, since there is still not in place a national security system; and whereas the transfer of control of detention facilities from the *katiba* to the Ministry of Justice is too slowly being implemented;

I. whereas human rights abuses and violations of migrants, asylum seekers and refugees occur regularly in Libya and undocumented foreigners continue to be at risk of exploitation, racism, arbitrary detention, beatings and torture;

J. whereas Libya has not yet ratified the 1951 UN Convention relating to the Status of Refugees;

K. whereas UNHCR, albeit now present, has not yet a legal status in Libya;

L. whereas a fully functioning government in Libya is a prerequisite for the negotiation by the EU, the UN and other international partners of any cooperation agreements with Libya;

1. Welcomes the inauguration of the first Libyan Government deriving its legitimacy from democratic elections and encourages its members to act decisively to build the foundations of a democratic, accountable and functioning State structure in Libya; calls upon all international actors, and namely upon the EU, to stand ready to assist the Libyan Government and GNC in this daunting effort;

2. Notes that Libya must adopt and enact legislation in line with her international obligations, namely ensuring respect for universal human rights; but also acknowledges that it will take time until all people, Libyan nationals as much as foreigners, are afforded the appropriate level of protection and recourse by State authorities, recognizing that overcoming the disastrous legacy of the Gaddafi oppressive rule will require determined action and proper training, until fully accountable rights-based legal, judicial and security systems are in place;

3. Expresses its concern with the particularly vulnerable security and human rights situation of foreigners presently in Libya, especially those coming from Sub-Saharan and Eastern Africa seeking work, political asylum or those still in prison waiting trial for war crimes committed in Libya;

4. Expresses deep concern about the extreme conditions of detention to which foreign persons are subjected, including women and children, and about their lack of recourse to an adequate legal framework and protection, causing indefinite detention and no possibility of appeal against deportation;

5. Is worried about the racist and xenophobic attitudes reported as common in Libya towards foreigners, especially towards poor men, women and children originating from Sub-Saharan Africa who are particular targets of violence, hate crimes and all sorts of abuse, namely now often perpetrated by the *katiba*;

6. Calls upon the Government of Libya and the General National Congress to pass adequate legislation and instructions to any national or local structures to ensure fair treatment, non discrimination and the necessary protection to any refugees, asylum seekers and migrants, with special attention to the security and rights of women and children;

7. Expects the new Libyan authorities to ratify without delay the 1951 UN Convention relating to the Status of Refugees;
8. Calls upon the new Libyan authorities to immediately grant legal status to UNHCR and facilitate its work;
9. Calls upon the new Libyan authorities to facilitate the work of any organizations which may assist in the protection and support for asylum seekers, refugees and migrants;
10. Calls for the enactment of a functioning asylum system in Libya and for the reform of the legislation regulating the entry and stay of foreign nationals in the country; calls upon the EU to technically and politically assist its neighbour Libya in such an effort;
11. Calls for the enactment of a legal status for migrant workers in Libya, affording them full protection in respect for their human rights, including labour rights in accordance with relevant ILO norms;
12. Calls upon the EU to act considerately when negotiating future cooperation agreements with the new Libyan authorities, ensuring that such agreements include monitoring mechanisms on the protection of basic human rights of migrants, refugees and asylum seekers;
13. Invites the HR/VP to elaborate, in coordination with the Government of Libya, a comprehensive approach for the mobility of Libyans and other persons coming from Libya, based on targeted development and human rights strategies, tackling security challenges and enhancing the effectiveness of EU efforts to assist in the build up of democratic institutions in Libya and democracy promotion throughout the region;
14. Calls upon foreign companies working in Libya, in particular European companies, to ensure full compliance with their corporate social responsibilities (CSR) as a principled policy throughout their activities, ensuring enactment of CSR in particular towards migrant workers;
15. Instructs its President to forward this resolution to the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the Libyan Government and GNC, the UNSG, the Arab League and the African Union.