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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 the situation of migrants in Lybia  
(2012/2879(RSP))

**Hélène Flautre, Franziska Katharina Brantner, Isabelle Durant, Barbara Lochbihler, Judith Sargentini, Rui Tavares, Raül Romeva i Rueda**  
on behalf of the Verts/ALE Group

**European Parliament resolution on the situation of migrants in Libya  
(2012/2879(RSP))**

*The European Parliament,*

- having regard to its previous resolutions on the situation in Libya in particular the one of 15 September 2011,
- having regard to its resolution of 10 March 2011 on the Southern Neighbourhood, and Libya in particular,
- having regard to its recommendation of 20 January 2011 to the Council on the negotiations on the EU-Libya Framework Agreement,
- having regard to the Geneva Convention of 28 July 1951 and the Protocol of 31 January 1967 relating to the Status of Refugees,
- having regard to the African Charter on Human and Peoples' Rights and its protocol on the establishment of an African Court on Human and Peoples' Rights, as ratified by Libya on 26 March 1987 and 19 November 2003 respectively,
- having regard to Rule 122(5) of its Rules of Procedure,
  - A. whereas abuses against foreign nationals take place on a daily basis in Libya against a backdrop of widespread racism and xenophobia; whereas foreign nationals are blamed for crime, disease and other purported ills in Libyan society, notably due to widespread rumors of the use of "African mercenaries" by al-Gaddafi's government,
  - B. whereas in a prevailing atmosphere of lawlessness, racism and xenophobia, undocumented foreign nationals in Libya are at continuous risk of exploitation, arbitrary and indefinite detention in harsh conditions, as well as beatings, sometimes amounting to torture,
  - C. whereas despite the risks, large numbers of foreign nationals continue to arrive in Libya through its porous borders, fleeing war or persecution or searching for better economic opportunities, notably from sub-Saharan Africa,
  - D. whereas foreign nationals are held at a plethora of detention facilities that are specially designed for irregular migrants or held directly by militias, including pregnant women and women with young children, as well as unaccompanied children held alongside adult strangers,
  - E. whereas all refugees and asylum-seekers remain in a legal limbo as Libya has no asylum system,
  - F. whereas the EU has resumed talks with Libya on migration control, and Italy in April signed an agreement with Libya to curtail the flow of migrants,

1. Expresses its strong concern at the exploitation, arbitrary detention, beatings and torture against foreign nationals, especially in nine detention centres where detainees are subjected to torture and other ill-treatment, notably women vulnerable to sexual and gender-based violence;
2. Encourages the Libyan authorities to sign a memorandum of understanding with UNHCR, ratify the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, and adopt asylum legislation consistent with international law and standards;
3. Urges the Libyan authorities to protect all foreign nationals, regardless of their immigration status, from violence, exploitation, threats, intimidation and abuse;
4. Calls on the Libyan authorities to ensure that all detainees are treated humanely, receive necessary medical treatment and are protected from torture and other ill-treatment and to bring to justice suspected perpetrators of torture and other ill-treatment in proceedings that meet international fair trial standards;
5. Calls on the European Union and its Members states to commit to enter into further agreements on migration control with Libya only after Libya demonstrates that it respects and protects the human rights of refugees, asylum-seekers and migrants and puts in place a satisfactory system for assessing and recognizing claims for international protection;
6. Calls on the European Union to ensure that adequate monitoring mechanisms are in place to ensure that human rights are observed in practice;
7. Instructs its President to forward this resolution to the Council, the European External Action Service, the Vice-President of the European Commission / High Representative of the Union for Foreign Affairs and Security Policy, the EU Special Representative for Human Rights, the governments and parliaments of the Member States, UN Women, the UN Human Rights Council and the Government and Parliament of Pakistan.