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Plenary sitting

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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 in Libya
(2012/2879(RSP))

Marietje Schaake, Louis Michel, Edward McMillan-Scott, Sarah Ludford, Anneli Jäätteenmäki, Jelko Kacin, Johannes Cornelis van Baalen, Ivo Vajgl, Marielle de Sarnez, Kristiina Ojuland, Robert Rochefort, Hannu Takkula, Ramon Tremosa i Balcells, Izaskun Bilbao Barandica, Sonia Alfano

on behalf of the ALDE Group

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

The European Parliament,

- having regard to the suspension on 22 February 2011 of the negotiations on an EU-Libya Framework Agreement,
 - having regard to its previous resolutions on Libya, in particular that of 15 September 2011,
 - having regard to the ENP Package on Libya of 15 May 2012,
 - having regard to its resolution of 14 June 2012 on human rights and the security situation in the Sahel region (2012/2680(RSP)),
 - having regard to the Foreign Affairs Council Conclusions of 23 July 2012,
 - having regard its resolution of 12 September 2012 on the Annual Report from the Council to the European parliament on the Common Foreign and Security Policy (12562/2011 - 2012/2050(INI)),
 - having regard to the statements by the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) of 13 July 2012 and 3 November 2012 on Libya,
 - having regard to Rule 122 of its Rules of Procedure,
- A. Whereas on 3 November 2012 after the approval of the National General Congress the Government of Prime Minister Zidan was appointed;
- B. Whereas the EU has welcomed the pluralistic and overall peaceful conduct of Libyan elections for the National General Congress on 7 July 2012, and has commended the Libyan authorities, notably the High National Election Commission, for their preparation and management;
- C. Whereas the EU has also saluted the important work undertaken by the Libyan National Transitional Council under the chairmanship of Mr. Abdul Jalil and by the interim government led by Prime Minister Mr. Al Keib;
- D. Whereas the EU has expressed its concerns about reports of torture and illegal detention and has called the Libyan authorities to conduct independent investigations into these reports and to bring those responsible to justice;
- E. Whereas migrants, asylum seekers and refugees, in particular those of sub-Saharan African origin, suffer severe violations of their basic human rights, in Libya are

particularly vulnerable to abuse given the ongoing security challenges Libya is facing, including the wide proliferation of weapons;

- F. Whereas little reliable information is available on the treatment of between 1.5 and 2.5 million foreign workers in Libya during the rule of Colonel Gaddafi;
- G. Whereas according to data from the International Organisation for Migration (IOM) published at the end of November 2011, nearly 800.000 migrants fled to neighbouring countries during the Libyan conflict;
- H. Whereas during the Libyan conflict the majority of EU Member States refused to accept Libyan refugees, including those detained at the Tunisian border in the Choucha camp and the Egyptian border in Salloum who were granted refugee status by the UNHCR;
- I. Whereas many sub-Saharan Africans were targeted, after having been collectively accused of being "mercenaries" supporting the Gaddafi regime, also reviving racist sentiments;
- J. Whereas no accurate estimations of the number of migrants and asylum seekers currently present in Libya are available;
- K. Whereas migrants come to Libya to seek work and to be able to send money home to their families, or to use the country as a transit route to reach Europe, particularly for those fleeing repression and political unrest in their countries of origin and seek asylum which can offer the protection and assistance needed and to which they are entitled under international law.
- L. Whereas clandestine transports to and within Libya are rampant, as well kidnapping of migrants that are forced to pay money to be allowed to continue their journey; whereas those who had not enough money were forced to contact their families to make cash transfers;
- M. Whereas ex-rebel groups (*Katibas*) have taken up responsibilities for maintaining law and order in parts of the country, beyond the control of government authorities, including migration issues;
- N. Whereas many migrants are mistreated and have had money and valuables stolen, after which they generally are transported to a detention camp
- O. Whereas the practice of systematically detaining migrants suspected of being in an irregular situation, for indefinite periods, is contrary to international human rights norms;
- P. Whereas Libya has not ratified the 1951 UN Convention relating to the Status of Refugees;
- Q. Whereas Libya is party to the Organization of African Unity's 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa;

- R. Whereas foreign companies, many of them European, will resume their investments in Libya and the country will likely become a hub of intra-African migration;
1. Is concerned by the humanitarian situation of migrants in Libya and expresses its concerns about the appalling living conditions of migrant detainees in detention centres in Tripoli, Benghazi and the Nafusa Mountain;
 2. Condemns the lack of protection leading to indefinite detention of migrants, and the lack of appeal against deportation;
 3. Urges the Libyan authorities to immediately close migrant detention camps, where living conditions violate human dignity, to take specific measures to protect the rights of particularly vulnerable detainees including pregnant women, the sick, children and unaccompanied minors;
 4. Calls on the Libyan authorities to adopt provisions in the new constitution that guarantee human rights protection for all, in accordance with international standards and enshrine the principle of non-discrimination; and to develop a migration policy within the framework of the rule of law and respect for international law;
 5. Urges the Libyan authorities to adopt the 1951 Refugee Convention;
 6. Calls the EU to support the introduction of a functioning asylum system and for reform of the legislation regulating the entry of foreign nationals into the country and their right to settle;
 7. Calls on the EU to promote measures to ensure the protection of the human rights of migrants, refugees and asylum seekers, including monitoring mechanisms, and to bear this in mind when negotiating new cooperation agreements with Libya;
 8. Encourages closer cooperation between the EU, UNHCR, and other UN agencies involved in the post-conflict process which will pave the way for a multi-agency recovery plan for Libya;
 9. Invites the HR/VP to elaborate in coordination with the Minister of Foreign Affairs of Libya a comprehensive approach for mobility based on targeted development and human rights strategies, to tackle security problems and enhance the effectiveness of EU efforts for democracy promotion;
 10. 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 institutions of ECOWAS and the African Union, and the Libyan authorities.