



21.11.2012

B7-0504/2012 }
B7-0507/2012 }
B7-0516/2012 }
B7-0518/2012 }
B7-0519/2012 } RC1

JOINT MOTION FOR A RESOLUTION

pursuant to Rules 122(5) and 110(4), of the Rules of Procedure

replacing the motions by the following groups:

S&D (B7-0504/2012)
ECR (B7-0507/2012)
PPE (B7-0516/2012)
Verts/ALE (B7-0518/2012)
ALDE (B7-0519/2012)

on the situation of migrants in Libya
(2012/2879(RSP))

Bernd Posselt, Elmar Brok, Cristian Dan Preda, Filip Kaczmarek, Roberta Angelilli, Mario Mauro, Tunne Kelam, Eija-Riitta Korhola, Sergio Paolo Francesco Silvestris, Zuzana Roithová, Monica Luisa Macovei, Sari Essayah, Giovanni La Via, Laima Liucija Andrikiienė, Elena Băsescu, Philippe Boulland, Eduard Kukan, Jean Roatta

on behalf of the PPE Group

Ana Gomes, Véronique De Keyser, Pier Antonio Panzeri, Pino Arlacchi, Joanna Senyszyn, Liisa Jaakonsaari

on behalf of the S&D Group

Marietje Schaake, Louis Michel, Edward McMillan-Scott, Sarah Ludford, Anneli Jäätteenmäki, Jelko Kacin, Johannes Cornelis van Baalen, Ivo Vajgl,

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PE493.713v01-00 }
PE493.714v01-00 } RC1

**Marielle de Sarnez, Kristiina Ojuland, Robert Rochefort, Hannu Takkula,
Ramon Tremosa i Balcells, Izaskun Bilbao Barandica, Sonia Alfano,
Annemie Neyts-Uyttebroeck**

on behalf of the ALDE Group

**Hélène Flautre, Franziska Katharina Brantner, Isabelle Durant, Barbara
Lochbihler, Judith Sargentini, Malika Benarab-Attou, Rui Tavares, Nicole**

Kiil-Nielsen, Raül Romeva i Rueda

on behalf of the Verts/ALE Group

Charles Tannock, Geoffrey Van Orden

on behalf of the ECR Group

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

The European Parliament,

- having regard to the 1951 UN convention relating to the Status of Refugees and the 1967 Protocol thereto,
 - having regard to Libya's ratification on 25 April 1981 of the African Union Convention Governing the Specific Aspects of Refugee Problems in Africa,
 - having regard to the African Charter on Human and Peoples' Rights and the Protocol thereto 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 its previous resolutions on Libya, in particular that of 15 September 2011¹,
 - 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 region²,
 - 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 Policy³,
 - 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 the Report of the Secretary-General on the United Nations Support Mission in Libya, adopted on 30 August 2012,
 - having regard to Rules 122(5) and 110(4) of its Rules of Procedure,
- A. whereas Libya held its first democratic and free elections in July 2012 in a remarkably peaceful and orderly manner; whereas the country witnessed the first peaceful transfer of power in its history on 9 August 2012, 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 was sworn in on 14 November 2012;

¹ Texts adopted, P7_TA(2011)0386.

² Texts adopted, P7_TA(2012)0263.

³ Texts adopted, P7_TA(2012)0334.

- C. whereas Libya faces a post-revolutionary period, full of challenges ranging from security (disarmament, demobilisation and reintegration (DDR) of the revolutionary militias and reform of the national army, police, border and other state security forces), national reconciliation, transitional justice, and the enforcement of the rule of the law and of respect for human rights, to the need to embark on many other reforms of crucial importance to building democratic institutions and a democratic state;
- D. whereas, historically, Libya has relied on migrant workers in sectors including health, education, agriculture, hospitality and cleaning services; whereas Libya is still a major hub for asylum-seekers and refugees fleeing conflict in Africa, Asia and the Middle East;
- E. whereas the authorities' capacity to control the arrival of people through most of the 4 378 km of Libya's land boundaries is extremely limited;
- F. whereas between 1.5 and 2.5 million foreigners worked in Libya during the rule of Colonel Gaddafi; whereas, from the beginning of the liberation on 17 February 2011, many migrants were forced into mercenary groups under Gaddafi's rule and a large proportion of them are now in detention without trial or have fled the country; whereas, according to the International Organisation for Migration (IOM), some 800 000 migrants had already fled the country towards neighbouring countries by the end of November 2011, but many have returned or arrived in the meantime;
- G. whereas human rights abuses and violations are committed regularly in Libya against migrants, asylum seekers and refugees, and whereas undocumented foreigners continue to be at risk of exploitation, racism, arbitrary detention, beatings and torture, including while in detention;
- H. 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 weak governance; whereas foreign nationals, including pregnant women, women with young children and unaccompanied children held alongside adults, are held at a plethora of detention facilities that are specially designed for irregular migrants or held directly by militias;
- I. whereas recent reports issued by the International Federation for Human Rights, Migreurop, Amnesty International and Justice Without Borders for Migrants (JWBM), based on a number of investigations in Libya in June 2012, highlight repeated mistreatment of migrants held in eight detention centres in Kufra, Tripoli, Benghazi and the Nafusa Mountain region;
- J. whereas Libya has not yet ratified the 1951 UN Convention relating to the Status of Refugees;
- K. whereas the UNHCR, though now present, does not yet have a legal status in Libya;
- L. whereas some Member States have resumed talks with Libya on migration control;
- M. whereas a fully functioning and democratic government in Libya is a prerequisite for the negotiation by the EU, the UN and other international partners of any cooperation

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agreements with Libya;

1. Welcomes the inauguration of the first Libyan Government deriving its legitimacy from democratic elections and encourages the members of the government to act decisively in order to build the foundations of a democratic, accountable and functioning state structure in Libya; calls on all international actors, in particular the EU, to stand ready to assist the Libyan Government and the General National Congress (GNC) in this daunting task;
2. Calls on Libya to adopt and enact legislation in line with its international obligations, in particular with regard to ensuring respect for universal human rights; acknowledges, however, that such efforts will require time, given that the new elected government has just been sworn in; recognises that overcoming the disastrous legacy of the oppressive Gaddafi regime will require determined action and proper training, until fully accountable rights-based legal, judicial and security systems are in place;
3. Expresses its concern about the particularly vulnerable security and human rights situation of foreigners currently in Libya, especially those coming from sub-Saharan and Eastern Africa in search of work or political asylum and those still in prison; is concerned, in particular, at the living conditions and treatment of migrant detainees in detention centres, particularly in Kufra, Tripoli, Benghazi and the Nafusa Mountain region;
4. Expresses deep concern about the extreme conditions of detention to which foreign persons, including women and children, are subjected – many of them victims of sexual and gender-based violence – and about their lack of recourse to an adequate legal framework and protection, causing indefinite detention and no possibility of appeal against deportation;
5. Urges the Libyan authorities to protect all foreign nationals, regardless of their immigration status, from violence, exploitation, threats, intimidation and abuse;
6. Calls on the Government of Libya and the GNC to adopt legislation and pass on instructions to all national and local structures in order to ensure fair treatment, non-discrimination and necessary protection for all 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 and the 1967 Protocol thereto, and adopt asylum legislation consistent with international law and standards;
8. Calls on the new Libyan authorities immediately to grant legal status to the UNHCR and facilitate its work; encourages closer cooperation between the EU, the UNHCR and other UN agencies involved in the post-conflict situation;
9. Calls on the new Libyan authorities to facilitate the work of any organisations which may help to protect and support asylum seekers, refugees and migrants;
10. Invites Libya to enact legislation in order to regulate the entry and stay of foreign nationals in the country, including a functioning asylum system; calls on the EU to provide Libya, its neighbour, with technical and political assistance in this task, including measures to improve

the current detention facilities;

11. Invites Libya to enact a legal status for migrant workers in Libya, affording them full protection of their human rights, including labour rights, in accordance with the relevant ILO standards;
12. Calls on the EU and its Members States to act considerately when negotiating future cooperation agreements and migration control agreements with the new Libyan authorities, ensuring that such agreements include effective monitoring mechanisms for the protection of the human rights of migrants, refugees and asylum seekers;
13. Calls on 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;
14. 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 UN Secretary General, the Arab League and the African Union.