Resolution on the situation of migrants in Libya

2012/2879(RSP) - 22/11/2012 - Text adopted by Parliament, single reading

The European Parliament adopted by 43 votes to 0 with 2 abstentions a resolution on the situation of migrants in Libya.

The resolution was tabled by the EPP, S&D, ALDE, Greens/EFA and ECR groups.

It a welcomes the inauguration of the first Libyan Government deriving its legitimacy from democratic elections which were held on in July 2012 when the country witnessed the first peaceful transfer of power in its history. It encourages the members of the government to act decisively in order to build the foundations of a democratic, accountable and functioning state and 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.

Parliament expresses its concern, however, 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. It is concerned, in particular, about the living conditions and treatment of migrant detainees in detention centres, particularly in Kufra, Tripoli, Benghazi and the Nafusa Mountain region, as reported by the International Federation for Human Rights and Amnesty, amongst others. Historically, Libya has relied on migrant workers in sectors including health, education, agriculture, hospitality and cleaning services, and Libya remains a major hub for asylum-seekers and refugees fleeing conflict in Africa, Asia and the Middle East. Between 1.5 and 2.5 million foreigners worked in Libya during the rule of Colonel Gaddafi, and 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.

Parliament 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. Members note that foreigners in Libya are 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. 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.

Noting that some Member States have resumed talks with Libya on migration control, Parliament 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. It also 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.

Parliament **calls on the Government of Libya**, the new Libyan authorities and the GNC to:

- forward appropriate legislation and 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;

- 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;

- 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;

- facilitate the work of any organisations which may help to protect and support asylum seekers, refugees and migrants;

- 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;

- enact a legal status for migrant workers in Libya, affording them full protection as regards respect for their human rights, including labour rights, in accordance with the relevant ILO standards;

- protect all foreign nationals, regardless of their immigration status, from violence, exploitation, threats, intimidation and abuse.