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REPORT

with a proposal for a European Parliament recommendation to the Council on the negotiations on the EU-Libya Framework Agreement (2010/2268(INI))

Committee on Foreign Affairs

Rapporteur: Ana Gomes

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United in diversity

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PROPOSAL FOR A EUROPEAN PARLIAMENT RECOMMENDATION TO THE COUNCIL

on the negotiations on the EU-Libya Framework Agreement (2010/2268(INI))

The European Parliament,

- having regard to the proposal for a recommendation to the Council by Ana Gomes on behalf of the S&D Group on the ongoing negotiations on the EU-Libya Framework Agreement (B7-0615/2010),
- having regard to the General Affairs and External Relations Council conclusions of 15 October 2007 on opening discussions for a Framework Agreement between the EU and Libya, as well as the European Council conclusions of 18-19 June and 29-30 October 2009 on migration-related policies,
- having regard to the Memorandum of Understanding jointly signed by Commissioner Ferrero-Waldner and European Affairs Secretary El Obeidi on 23 July 2007,
- having regard to the ongoing negotiations between the EU and Libya on a Framework Agreement,
- having regard to the HIV Action Plan for Benghazi, launched in November 2004,
- having regard to the current EU-Libya practical cooperation on migration and to the Migration Cooperation Agenda signed by the Commission and Libya on 4 October 2010,
- having regard to the Universal Declaration of Human Rights of 10 December 1948,
- 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 several human rights instruments that Libya has signed, such as the International Covenant on Civil and Political Rights (1970), the International Covenant on Economic, Social and Cultural Rights (1970), the International Convention on the Elimination of All Forms of Racial Discrimination (1968), the Convention on the Elimination of All Forms of Discrimination against Women (1989), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1989), the Convention on the Rights of the Child (1993) and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (2004),
- having regard to United Nations General Assembly (UNGA) Resolution 62/149 of 18 December 2007 calling for a moratorium on the use of the death penalty, and UNGA Resolution 63/168 of 18 December 2008 calling for the implementation of the 2007 General Assembly resolution 62/149,
- 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, ratified by Libya on 26 March 1987 and 19 November 2003 respectively,

- having regard to the African Union Convention governing the specific aspects of refugees in Africa of September 1969, to which Libya has been a party since 17 July 1981,
 - having regard to the Charter of Fundamental Rights of the European Union,
 - having regard to its resolutions of 18 January 2007 on the death sentence imposed on medical personnel in Libya¹ and of 17 June 2010 on executions in Libya²,
 - having regard to Rule 121(3) and Rule 97 of its Rules of Procedure,
 - having regard to the report of the Committee on Foreign Affairs (A7-0368/2010),
- A. whereas, despite the persisting authoritarian rule and the systematic violation of international conventions on fundamental rights and freedoms, Libya has expanding commercial and political relations with EU Member States and plays a role as a partner for the EU in the Mediterranean region and in Africa, across a wide range of issues with an impact on security and stability, notably migration, public health, development, trade and economic relations, climate change, energy and cultural heritage,
- B. whereas several EU Member States have close relations with Libya, with national companies and banks serving as a vehicle for Libyan financial investment in Europe, and whereas on 30 August 2008 Italy signed a Friendship Agreement with Libya governing relations in various fields, including cooperation on managing migration and financial reparations for war and colonial rule; whereas on 9 November 2010 the Italian Parliament asked the Government to revise this Treaty,
- C. whereas the EU-Libya Framework Agreement currently under negotiation covers a wide range of areas, from strengthening political dialogue to managing migration, developing trade and economic relations, energy security and improving cooperation in different sectors; whereas the Framework Agreement is expected to provide an opportunity to step up political dialogue between Libya and the EU,
- D. whereas respect for human rights, democracy and the rule of law, as well as opposition to the death penalty, are fundamental EU principles; whereas Parliament is strongly committed to the universal abolition of the death penalty and repeatedly urged the revocation of the death sentences and release from prison of the five Bulgarian nurses and the Palestinian doctor who were imprisoned in Libya for several years, besides condemning executions of Libyan and non-Libyan citizens which have taken place in Libya,
- E. whereas Libya has ratified the African Union Convention governing specific aspects of refugee problems in Africa, Article 8 of which underlines that this Convention shall be an effective complement in Africa of the 1951 UN Convention on Refugees and that its

¹ OJ C 244E, 18.10.2007, p. 208.

² Texts Adopted, P7_TA(2010)0246.

Members should cooperate with the UNHCR; whereas, however, Libya has not ratified the 1951 UN Convention on Refugees, which is the only international convention which provides a comprehensive definition of refugees, to be accompanied by binding protection measures and a specific mechanism for monitoring by the Office of the United Nations High Commissioner for Refugees,

- F. whereas there is substantial evidence of Libya's practice of widespread discrimination against migrant workers on the basis of their national or ethnic origin, particularly its racial persecution of African migrant workers, and whereas the European Parliament is deeply concerned about reported acts of sexual violence against women,
 - G. whereas Article 19(2) of the Charter of Fundamental Rights of the EU bans any removal, expulsion or extradition to a state of persons who are at a serious risk of being subjected to the death penalty, torture or other inhuman or degrading treatment or punishment,
 - H. whereas Libya was elected to the UN Human Rights Council on 13 May 2010 and has ratified several human rights instruments and whereas, as a consequence, Libya has specific international legal obligations to respect human rights, but has failed so far to take concrete measures to improve its human rights record and to launch genuine cooperation with the UN Special Procedures and Treaty Bodies; whereas human rights are indivisible and yet, despite enjoyment of some economic and welfare benefits due to the State's distribution of the national income, Libyans and foreigners in Libya do not enjoy most civil and political rights, namely freedom of expression, assembly and association, the right to a fair trial, labour rights, women's rights and free elections, and whereas cases of arbitrary detention, torture, involuntary disappearances and discrimination often occur, notably affecting migrants,
 - I. whereas the exercise of State power in Libya is not anchored in the rule of law or in democratic accountability and has led to arbitrary and unpredictable behaviour regarding foreign persons and interests, such as recently occurred with Swiss businessmen, and foreigners executed for common criminality, whose identity was not disclosed,
1. Addresses, in the context of the ongoing Framework Agreement negotiations, the following recommendations to the Council:
- (a) Notes the recent Council decision to finally allow a limited number of Members of Parliament to read the mandate given to the Commission to negotiate a Framework Agreement between the EU and Libya; regrets however the delay in this decision and calls for the EP to be granted access to the mandates of all international agreements under negotiation, in accordance with Article 218(10) TFEU, which states that Parliament shall be immediately and fully informed at all stages of the procedure;
 - (b) Welcomes the opening of negotiations between the EU and Libya, as a step to develop a new relationship for the EU in the Mediterranean region and in Africa; considers cooperation with Libya useful in addressing issues such as security and stability, migration, public health, development, trade, climate change, energy and culture;

- (c) Urges the Council and the Commission to strongly recommend that Libya ratify and implement the Geneva Convention on Refugees of 1951 and its 1967 Protocol, including full cooperation with UNHCR so as to guarantee adequate protection and rights for migrants, and adopt asylum legislation that recognises refugees' status and rights accordingly, notably the prohibition of collective expulsion and the principle of 'non-refoulement';
- (d) Reminds the Council and the Commission of their obligations to ensure full compliance of the EU's external policy with the Charter of Fundamental Rights, particularly its Article 19, which prohibits collective expulsion and grants the principle of 'non-refoulement';
- (e) Urges the Council and the Commission to request that the Libyan authorities sign a Memorandum of Understanding granting UNHCR a legal presence in the country, with a mandate to exercise its full range of access and protection activities;
- (f) Urges the Council and the Commission to ensure that a readmission agreement with Libya could only be envisaged for irregular immigrants, excluding therefore those who declare themselves asylum-seekers, refugees or persons in need of protection, and reiterates that the principle of 'non-refoulement' applies to any persons who are at risk of the death penalty, inhumane treatment or torture;
- (g) Calls on the Council to offer resettlement to recognised refugees identified by UNHCR in Libya according to the agreed Migration Cooperation Agenda of 4 October 2010;
- (h) Calls on the Council and the Commission to strengthen their support for UNHCR activities while promoting towards the Libyan authorities respect for international humanitarian standards for undocumented migrants in the country, including the systematic access of the UNHCR to detention centres;
- (i) Calls on the Council and the Commission to propose assistance to Libya, involving UNHCR, IOM, ICMPD and other expert agencies, aimed at addressing the problem of trafficking of human beings in the region, with special attention to the protection of women and children, including assistance to integrate legal migrants and to improve conditions for migrants found illegally in the country; to this effect welcomes the agreement on a migration cooperation agenda signed between Commissioners Malmström and Füle and the Libyan authorities in October 2010;
- (j) Urges the Commission to disclose to Parliament all detailed information related to the financial external instruments used for the EU-Libya Partnership Agreement;
- (k) Urges the Council to encourage Libya to commit to a moratorium on the death penalty, in compliance with the UNGA resolutions adopted on 18 December 2007 and 18 December 2008, with a view to abolishing the death penalty, and to release statistics on all persons executed in Libya since 2008 and divulge the identity of the persons concerned and the charges on which they were convicted; calls on the HR/VP to demonstrate the political priority which the EU assigns to abolition of the death penalty by systematically raising this issue with Libyan authorities;

- (l) Calls on the Council to insist on the inclusion in the Framework Agreement of a clause on the International Criminal Court, leading Libya to consider ratifying the Rome Statute;
- (m) Calls on the Council to propose to Libya cooperation on programmes to strengthen regional synergies on sustainable development and environmental matters, such as climate change, water scarcity and desertification;
- (n) Calls on the Council and the Commission to encourage, during the negotiations on the Framework Agreement, Libya's participation in the Euro-Mediterranean Partnership and the activities and main projects of the Union for the Mediterranean;
- (o) Calls on the Commission to fully respect its obligation under Article 218 TFEU by duly informing Parliament on what is being sought by the EU on 'nuclear cooperation' with Libya under the 'Energy' chapter in the Framework Agreement negotiations, including all political and security implications;
- (p) Congratulates Libyan health authorities and professionals on the remarkable improvement in medical and scientific capacities to deal with HIV-AIDS, which was achieved through the Benghazi Action Plan, jointly implemented by the EU and Libya, and supports the requested extension of such cooperation to other infectious diseases and other medical centres in Libya; calls on EU Member States to extend specialised healthcare to Libyan patients, including facilitating temporary treatment in specialised institutions in Europe;
- (q) Considers that the Framework Agreement should include assistance on institutional capacity building, as a means to strengthen civil society, support modernisation, encourage democratic reforms, independent media and an independent judiciary, and encourage other efforts to open up space for business, academia, NGOs and other Libyan stakeholders;
- (r) Calls on the Council and Commission to ensure that the programmes designed for trade focus on provision of actual support to enterprises, particularly small and medium-sized businesses, in order to maximise their export potential;
- (s) Calls on the Council and Commission to encourage Libya to fully respect its pledges given when acceding to the UNHRC and thus urges Libya to issue standing invitations to those appointed under UN special procedures such as the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on torture, the Special Rapporteur on freedom of expression and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance as well as the Working Group on enforced and involuntary disappearances and the Working Group on arbitrary detentions, as requested in the recent Universal Periodic Review on Libya; calls in the same spirit for unfettered access to the country for independent scrutiny of the overall human rights situation;
- (t) Calls on the Council to ensure that Schengen visas for Libyans are issued without

unnecessary delays, to examine other facilitation procedures and to persuade Libyan authorities to facilitate visas for Europeans residing or conducting professional activities in Libya;

- (u) Recommends the establishment of an EU Delegation in Tripoli as soon as possible;
2. Instructs its President to forward this recommendation to the Council and, for information, to the Commission and the Governments of the Member States of the European Union.

EXPLANATORY STATEMENT

Europe cannot ignore Libya, nor be indifferent to the country's evolution. Libya is strategically important for the EU, located on the southern shore of the Mediterranean and participating in the 5+5 dialogue. As a member of the African Union, Libya shares with the EU an interest in implementing the Joint Africa-EU Strategic Partnership and in promoting sustainable development in Africa. Libya plays a role in regional and global security, including in countering the spread of extremism and in maritime governance. With 6 million nationals, Libya holds the largest proven oil reserves in Africa and is Europe's third largest supplier of total EU imports of energy (oil and gas). Economic interdependence is a fact: the EU is the first trading partner for Libya, covering almost 70% of its total trade in 2009. Libya is also a key country of transit for migrants and refugees seeking to reach Europe. Europe and Libya share an interest to preserve the common cultural heritage. Several EU Member States have intense relations with Libya, with many companies and banks serving as vehicles for Libyan financial interests in Europe. At least two EU Member States have recently signed agreements with Libya: France, in 2008, on cooperation on civil use of nuclear power; Italy, in 2009, a Friendship, Partnership and Cooperation Treaty.

In 2007 EU and Libya signed a Memorandum of Understanding which sealed the release of 5 Bulgarian nurses and one Palestinian doctor in detention in Libya and launched the Benghazi Action Plan to assist Libya in dealing with HIV-AIDS. Negotiations for a Framework Agreement started in 2008, on the basis of a mandate given by the EU Council to the Commission. The European Parliament, despite the powers conferred to it in the Lisbon Treaty, was not yet given access to the contents of such a mandate.

The shedding by Libya of its nuclear programme in December 2003 and its acceptance to pay reparation for victims of the Lockerbie and UTA terrorist attacks had a decisive impact in bringing the country back from the pariah and sponsor of terrorism status which had led it into isolation, UN sanctions (trade, arms and civil aviation embargos) and American bombing of Tripoli and Benghazi in 1986.

Because of its dependency on oil and gas exports, Libya is seeking to develop its international relations, having invested heavily in Africa (its relations with the Arab world are fraught with contradictions) and in international organisations. Modernising and diversifying its economy will demand a more favourable business and investment environment. However, the major political reforms that such an environment will require are unlikely, while autocratic exercise of the State power persists in Libya.

For over forty years, Libya has been ruled by a dictatorial regime in which power is concentrated in one man, Colonel Khadafy, the longest serving African and Arab leader. Libyans enjoy free education and healthcare and subsidised housing, benefitting from some degree of social distribution of the oil income. But, despite the GDP growth rates, development falls behind other oil-rich countries and Libya is one of the less diversified economies in the region, foreign investment remaining at the mercy of the unpredictable decisions of the ruler.

The Libyan people do not enjoy basic human rights and freedoms, despite the fact that their

State has specific international obligations to respect human rights, having been recently elected to the United Nations Human Rights Council and having ratified a number of legally binding international instruments.

Capital punishment is regularly carried out. At least five European nationals (the Bulgarian nurses) were on death row in recent years. 18 people were executed in 2010, several being foreigners, but their identities, nationalities and charges were not disclosed by the Libyan authorities.

State power not anchored in the rule of the law, nor on democratically accountable institutions, has led to arbitrary and unpredictable behaviour regarding foreign persons and interests in Libya, such as recently occurred with a Swiss businessman. Libyans and foreigners living in Libya do not enjoy most civil and political rights, namely freedom of expression, assembly and association, fair trial, labour rights, women's rights, free and fair periodical and universal elections, with cases of arbitrary detention, torture and involuntary disappearances often occurring.

Libya needs foreign labour. Almost 2 million foreigners – i.e. equivalent to one third of nationals – work in Libya. However, discrimination targeted against migrants is widespread, Libya not recognising a particular status to people legally working in the country, nor facilitating their remittances. Women migrants are particularly often victims of discrimination, exploitation and human trafficking.

Libya also does not have an asylum law, therefore not legally recognising the need to protect people escaping persecution. Nevertheless, despite not having signed the UN Convention on Refugees of 1951, but having ratified the African Convention on the Protection of Refugees, Libya allowed the UNHCR to operate in the country for several years, but recently abruptly determined the closure of its office. This is a source of major concern for the European Parliament, as per its resolution of 17 June 2010.

Libya's Constitution states that 'the extradition of political refugees is prohibited'. However Libya has repeatedly returned people found illegally in the country to their countries of origin, disregarding serious risks to their lives. Prior to the closure of the UNHCR office in Tripoli, there were 8950 refugees and 3680 asylum-seekers registered in Libya. Most originate from Eritrea, Iraq, Somalia, Sudan, Ethiopia and Chad. Around 3700 are Palestinian refugees.

The EU has requested a 'readmission agreement' as part of the Framework Agreement, but Tripoli has no intention to accept it. Given the systematic disregard for human rights in Libya and the persistence of torture and death penalty, it is unconscionable that the Council and the Commission seek such an agreement to return people forcibly to Libya.

Such is, however, the practice of Italy under the Friendship Agreement, in breach of EU legal obligations. Italian supported Libyan patrols in the Mediterranean fighting clandestine migration have reduced the number of migrants arriving in Italy, at the cost of human rights: in 2009 nearly 1000 persons were returned to Libya by Italy, after being rescued or intercepted at sea; according to the Italian Interior Minister, in the first 3 months of 2010 there was a 96% drop in arrivals compared with 2009. A recent incident (September 12, 2010) illustrated how migrants' lives are put at risk: an Italian fishing boat off the Libyan coast was shot at by a Libyan patrol using a vessel donated by Italy. Libya apologised, but the Italian Interior Minister suggested that the Libyans 'perhaps...mistook the fishing boat for a boat with

illegal migrants...' as if, in that case, it would be justified to shoot.

Following international protests over the prospect that Libya was returning hundreds of refugees/migrants to Eritrea last June, the Libyan authorities decided to release all illegal persons (numbering in the thousands) in the country's 18 migrants detention centres – where living and health conditions were generally appalling - giving them a 3 months deadline to legalise their presence in the country. Given, however, the shortage of jobs and legal avenues, most of these people are barely surviving in the streets, many seeking repatriation.

Governance in Libya is poor and state and civil institutions are extremely weak. The judiciary and media are not independent. However, in the last years there were attempts to strengthen administrative capacities, create a more favourable environment for business and open up some political space for civil society.

EU-Libya cooperation can make a difference in helping strengthen Libyan capacities. A successful example is the Benghazi Action Plan, through which Libya achieved remarkable improvement in medical and scientific capacities to deal with HIV-AIDS, saving children and adults affected. Libyans appreciate the results and expressed the wish to extend such cooperation with the EU to the treatment of other infectious diseases and other medical centres. EU Member States should be encouraged to provide healthcare assistance to Libyan patients, including facilitating temporary treatment in specialised institutions in Europe.

Most of the challenges faced by Libyan development can only be addressed in a context of regional cooperation, given the interdependence of managing migration and fighting climate change and desertification. By acting in isolation, Libya has aggravated some of these problems, as with the Great Man Made River, which is depleting irreplaceable aquifers. The EU must encourage Libya to establish regional synergies to tackle threats which have serious implications beyond Libya.

The Framework Agreement currently under negotiation between the EU and Libya may be useful to give strategic direction and structure the development of existing relations, while ensuring that they are conducted in full respect for European values and principles and will foster EU common interests. The bilateral agreement for French-Libyan cooperation in civilian nuclear power must be assessed to ensure that it complies with EU commitments and IAEA principles to fight nuclear proliferation and guarantee security. And as for the Italian-Libyan Friendship Treaty, the Italian Parliament has on November 9, 2010, called for its revision to ensure that it complies with Italian international obligations and Constitution, namely in what concerns the right to asylum and the right to life.

The European Parliament should recommend that negotiations with Libya be reviewed by Council and Commission, essentially along the following lines:

- Ensure that Libya will sign with the **UNHCR an 'accord de siege'** and insist on Libya's ratification of the **1951 Geneva Convention**.
- Insist that Libya adopts a **moratorium on the death penalty**.

- Engage Libyan authorities on the prospect of accepting jurisdiction of the **International Criminal Court**.
- It is absolutely unacceptable that Council and Commission go on seeking a **‘readmission agreement’** with Libya. This goes against EU core values and the EU Charter of Fundamental Rights. Efforts to externalise migration flows management cannot include EU tolerance for ‘push back’ practices or any other endangering the lives of migrants/refugees.
- The EU should encourage and assist Libyan authorities to **improve the status of legal migrants**, provide migrants with access to resident permits and **fight trafficking of human beings**. Assistance for the improvement of centres for people found illegally in the country must be a priority for the EU.
- Council and Commission should engage Libyan authorities on discussions about the main **human rights problems**, namely urging revision of the legislation that restricts rights of expression, association and assembly; release of prisoners held without due process; investigations on torture or ill-treatment of prisoners, exploitation and sexual abuse of refugees, asylum-seekers and migrants, as well as accountability for disappearances, extrajudicial executions and corporal punishments such as flogging and amputation; ceasing all forcible expulsions of refugees or migrants to countries where they risk persecution; account and provide redress for families of persons who disappeared or were killed in custody, such as the Abu Selim prison victims; repeal all discrimination against women, such as laws on marriage, divorce, sexual relations outside marriage and inheritance; and fight impunity, namely holding security forces accountable and submitting the Internal Security Agency to judicial oversight.

In conclusion, Libya’s strategic importance combined with the many challenges it poses, underline the need for a comprehensive EU policy towards Libya. The EU needs to engage with Libya across a broad range of issues. This Framework Agreement must also be a substantive tool to promote the rule of law, respect for human rights, protection of migrants and refugees and sustainable development in Libya.

10.11.2010

PROPOSAL FOR A RECOMMENDATION B7-0615/2010

pursuant to Rule 121(3) of the Rules of Procedure

by Ana Gomes, on behalf of the S&D Group

on the ongoing negotiations on EU-Libya Framework Agreement

The European Parliament,

- having regard to the General Affairs and External Relations Council conclusions of 15 October 2007 on opening discussions for a Framework Agreement between the EU and Libya, and to the European Council conclusions of 18-19 June and 29-30 October 2009 on migration-related policies,
 - having regard to the ongoing negotiations between the EU and Libya on a Framework Agreement, to the recently signed Migration Cooperation Agenda and to the current EU-Libya cooperation on migration and HIV-AIDS,
 - having regard to the Universal Declaration of Human Rights of 10 December 1948,
 - 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 Union Convention governing the specific aspects of refugee problems in Africa of September 1969,
 - having regard to the Charter of Fundamental Rights of the European Union,
 - having regard to its resolution of 17 June 2010 on executions in Libya,
 - having regard to Rule 121(1) of its Rules of Procedure,
- A. whereas, despite persisting dictatorial rule, Libya has expanding trade and political relations with EU Member States and plays a role as a partner for the EU in the Mediterranean region and in Africa across a wide range of issues, notably migration, development, climate change, security and stability, including countering the spread of extremism, and energy security,
- B. whereas the Framework Agreement currently under negotiation covers a wide range of areas, from strengthening political dialogue to developing trade relations and improving cooperation in various sectors,

- C. whereas respect for human rights, democracy and the rule of law, as well as opposition to the death penalty, are fundamental EU principles; whereas the European Parliament is strongly committed to the universal abolition of the death penalty,
- D. whereas Libya has not ratified the 1951 UN Convention on Refugees, but has ratified the African Union Convention governing the specific aspects of refugee problems in Africa, which emphasises, in its Article 8, that 'the present Convention shall be the effective regional complement in Africa of the 1951 United Nations Convention on the Status of Refugees' and that 'the Member States shall cooperate with the United Nations High Commissioner for Refugees',
- E. whereas Article 19(2) of the Charter of Fundamental Rights of the European Union bans any removal, expulsion or extradition to a state where there is a serious risk of being subjected to the death penalty, torture or other inhuman or degrading treatment or punishment,
- F. whereas Libya has ratified the International Covenant on Economic, Social and Cultural Rights (1970), the International Covenant on Civil and Political Rights (1970), the International Convention on the Elimination of All Forms of Racial Discrimination (1968), the Convention on the Elimination of All Forms of Discrimination against Women (1989), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1989); the Convention on the Rights of the Child (1993), and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (2004), among other international human rights instruments,
- G. whereas, despite persistent serious human rights violations, Libya was recently elected to the United Nations Human Rights Council,
- H. whereas, as a consequence of the two points previously mentioned, Libya has specific international legal obligations to respect human rights,
- 1. Addresses, in the context of the ongoing Framework Agreement negotiations, the following recommendations to the Council:
 - a. Urges the Council to give Parliament access to the mandate issued to the Commission to start the negotiations on a Framework Agreement between the EU and Libya, in accordance with Article 218(10) TFEU, which states that Parliament must be immediately and fully informed at all stages of the procedure;
 - b. Urges the Council and the Commission to insist that Libya ratifies the Geneva Convention on Refugees of 1951 and recommends offering assistance to Libya in order to implement its accompanying measures;
 - c. Urges the Council and the Commission to request that the Libyan authorities grant UNHCR a legal presence in the country, with a mandate to exercise its full range of protection activities;
 - d. Urges the Council to cease pursuing a readmission agreement with Libya, as sending individuals back to a country with a record of continuous human rights violations and

the use of the death penalty would be in breach of EU legal obligations to protect human rights; furthermore, calls on the Council to offer refugees identified in Libya a programme of resettlement in EU Member States and to propose measures to address the problem of trafficking of human beings in the region, with special attention to the protection of women and children;

- e. Urges the Council to pursue an agreement on a moratorium on the death penalty in Libya, leading to its abolition, and to call on the Libyan authorities to release information and statistics on the persons executed in Libya since 2008;
 - f. Calls on the Council to strengthen regional synergies on sustainable development and environmental matters, such as climate change, water scarcity and desertification;
 - g. Considers that a Framework Agreement should include assistance on institutional capacity-building as a means to strengthen civil society, to support Libyan modernisation efforts, to encourage democratic reforms and to open up political space;
 - h. Recommends the establishment of an EU delegation in Tripoli;
2. Instructs its President to forward this recommendation to the Council and, for information, to the Commission and the governments of the Member States of the European Union.

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	9.12.2010
Result of final vote	+: 52 -: 0 0: 0
Members present for the final vote	Gabriele Albertini, Frieda Brepoels, Arnaud Danjean, Michael Gahler, Marietta Giannakou, Ana Gomes, Andrzej Grzyb, Takis Hadjigeorgiou, Richard Howitt, Anneli Jäätteenmäki, Ioannis Kasoulides, Nicole Kiil-Nielsen, Maria Eleni Koppa, Andrey Kovatchev, Wolfgang Kreissl-Dörfler, Eduard Kukan, Alexander Graf Lambsdorff, Vytautas Landsbergis, Krzysztof Lisek, Sabine Lösing, Ulrike Lunacek, Mario Mauro, Kyriakos Mavronikolas, Alexander Mirsky, María Muñoz De Urquiza, Norica Nicolai, Ria Oomen-Ruijten, Pier Antonio Panzeri, Ioan Mircea Pașcu, Vincent Peillon, Alojz Peterle, Bernd Posselt, Hans-Gert Pöttering, Cristian Dan Preda, Fiorello Provera, Nikolaos Salavrakos, Jacek Saryusz-Wolski, Werner Schulz, Charles Tannock, Inese Vaidere, Graham Watson
Substitute(s) present for the final vote	Elena Băsescu, Emine Bozkurt, Hélène Flautre, Lorenzo Fontana, Kinga Gál, Liisa Jaakonsaari, Elisabeth Jeggle, Indrek Tarand, Traian Ungureanu, Janusz Władysław Zemke
Substitute(s) under Rule 187(2) present for the final vote	Eleni Theocharous