

EUROPEAN EXTERNAL ACTION SERVICE



Head of Division

Middle East and North Africa
MENA.3. Maghreb

Brussels, 27 MARS 2018

Dear Petitioner,

The Commission is aware of the dire situation faced by migrants in Libya and condemns the lucrative criminal activities of smugglers and traffickers, as well as all acts of slavery. The Commission feels a moral duty to respond to emerging challenges along the Central Mediterranean migration route and, in particular, in Libya. As stated by the President of the European Commission in his State of the Union Address to the European Parliament, *"Europe has a responsibility – a collective responsibility – and the Commission will work in concert with the United Nations to put an end to this scandalous situation that cannot be made to last."*

The main thrust of the European Union's policy to address migration challenges on the Central Mediterranean route is synthesised in the communication published on 25 January 2017: *Migration on the Central Mediterranean route, Managing Flows, Saving Lives*. The Communication was endorsed by the EU's Heads of State and Government in the European Council with the Malta Declaration on 3 February 2017. During the course of 2017, the Commission has taken additional steps and commitments in the Action Plan for Italy (4 July 2017). On 28 August 2017, the Heads of State and Government of France, Germany, Italy, Spain; together with the EU High Representative and Vice-President of the European Commission Federica Mogherini, highlighted that efforts to deter hazardous journeys across the Central Mediterranean Route should be made in parallel with efforts to improve human rights protection and living conditions for migrants in Libya. Progress made in these efforts have been regularly reported, including in the Communication on the European Agenda on Migration launched on 27 September, as well as in regular reports on the Partnership Framework (with the latest one issued on 15 November), and the Migration Roadmap published by the Commission on 7 December as a contribution to the Leaders' debate.

In order to deliver on these commitments, the European Commission has already put in place a number of actions. A first comprehensive programme of €90 million in support of migration management in Libya was adopted by the EU Emergency Trust Fund for Africa in April 2017. Its objectives are to enhance protection and assistance for migrants and refugees in the country, as well as to improve socio-economic conditions for both migrants and Libyan citizens in local communities.

The protection component of the programme is designed to better protect and assist the most vulnerable migrants in detention centres and in urban settings, as well as migrants rescued at sea in Libyan territorial waters and disembarked in Libya. It ensures, therefore, that basic needs of migrants in detention centres are met. The programme supports international organisations such as the United Nations High Commissioner for Refugees (UNHCR), the International Organisation for Migration (IOM), and the United Nations International

Children's Emergency Fund (UNICEF) to address the situation of the persons in need, including voluntary humanitarian return and reintegration of the most vulnerable migrants into their countries of origin. In parallel, EU Delegations have addressed their counterparts in West Africa, together with the IOM, so as to accelerate delivery of travel documents for migrants stranded in Libya. Better migration management and protection of migrants in Libya rank high on the European Commission's agenda.

In the margins of the African Union/European Union Summit, the United Nations Secretary General, Antonio Guterres, the Chairperson of the African Union Commission, Moussa Faki Mahamat, the President of the European Commission, Jean-Claude Juncker, and the HRVP agreed to put in place a joint EU-AU-UN Task Force that met in Brussels on 14 December. It was agreed to step up efforts to save and protect lives of migrants and refugees along the routes and in particular inside Libya, increasing the number of AVRs (an additional 15,000 by end of January 2018) and facilitating the resettlement of those in need of international protection (1,000 by end of January 2018).

A direct follow up of the 14 December 2017 meeting was a joint EU-AU-UN Task Force mission, which visited Tripoli on 22 February to take stock of progress made and to further enhance cooperation with Libyan authorities in the joint response to migration and protection challenges.

The Joint Mission welcomed progress achieved with the Voluntary Humanitarian Return of 19,370 migrants back to their countries of origin in 2017 and 9,379 since 28th November 2017 to date. In parallel, 1,211 refugees were evacuated from Libya to Niger in view of their resettlement since December 2017. Additional efforts are, however, needed to ensure the protection of refugees, including by allowing the UNHCR to work beyond the seven official nationalities recognised by the Libyan government in the framework of their evacuation out of Libya for their resettlement.

In addition to assisting migrants inside Libya, the European Commission has set aside 500 million euro to support EU Member States in their efforts to resettle 50,000 persons in need of international protection as per the Commission's call. Persons will be resettled from key priority regions from key third countries along the main migratory routes, including Libya, Niger, Chad, Egypt, Ethiopia, and Sudan. Over 39,700 new resettlement pledges have so far been made by 19 Member States.

The Commission would like to emphasize that the EU is neither funding any militia or armed groups, nor is it financing or supporting in any way the system of detention of migrants. The targeted projects that are being implemented aim at alleviating the suffering of migrants held in detention by improving access to life saving protection services and assistance (e.g. by providing basic equipment such as sanitation, ventilation, and hygiene kits). In addition to the immediate crisis response, the EU intends to foster the establishment of alternatives to detentions, in the form of safe spaces that are open 24/7 to cater the most vulnerable cases, to be managed by IOM and UNICEF. The EU is devising the provision of services including counselling and psycho-social support, medical treatment, and other targeted services on a continuous basis.

The Commission understands the Petitioners' doubts as regards the funding of the International Organisations in light of the severe situation on the ground and the insufficient results achieved so far. Notwithstanding, the Commission believes that the organisations which will benefit from EU funding to enhance the protection space for migrants are the best

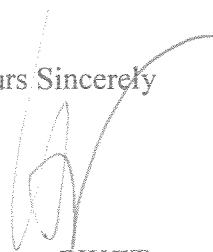
placed to deliver, considering their expertise and presence on the ground. The challenges they face are due to the complexity of the Libyan operational arena resulting from protracted instability, violence, and armed-conflict undermining the effectiveness of international cooperation efforts.

Cooperation of the EU with the internationally recognised Libyan Government of National Accord (GNA) is ongoing and takes place in many domains, including health, education, public governance, and economic development. EU support to the Libyan Coast Guard should be set therefore against the broader framework of EU-Libya cooperation in the process of capacity building and stabilisation. Similarly, EUNAVFOR MED Operation Sophia is only one element of a more comprehensive EU response to the issue of irregular migration and forced displacement, which seeks to address not only its physical component, but also its root causes as well, such as conflict, poverty, climate change, and persecution.

Operation Sophia's core mandate is to undertake systematic efforts to identify capture and dispose of vessels and enabling assets used or suspected of being used by migrant smugglers or traffickers. This is part of the wider EU effort to disrupt the business model of human smuggling and trafficking networks in the southern central Mediterranean and prevent the further loss of life at sea. In the context of Operation Sophia, as well as other programmes, the EU and its Member States are engaging in overarching training programmes for the personnel of the Libyan Coast Guard, whereby human rights modules are a core component of the curricula. Moreover, vetting trainees entails accurate security checks that are carried out by the competent services of the participating Member States.

The Commission is aware that the number of trained people remains very limited at the moment and that more needs to be done in terms of monitoring and accountability of the operation of the Libyan Coast Guard and of its personnel. Rest assured that devising the appropriate monitoring and accountability mechanisms is a crucial concern of the EU. In addition, a EUR 46.3 million project under the EU Emergency Trust Fund for Africa, aims at strengthening the capacity of relevant Libyan authorities in the areas of border and migration management, including border control and surveillance, addressing smuggling and trafficking of human beings, search and rescue at sea and in the desert.

Yours Sincerely



Vincent PIKET