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The situation in Libya: prospects and role of the Council of Europe

Reply to Recommendation[1]: Recommendation 2127 (2018)
Committee of Ministers

1. The Committee of Ministers is deeply concerned by the deterioration in the humanitarian situation in Libya and the numerous violations of human rights which have been committed there since the events in 2011. The principal victims of the state of disorder throughout the country are Libyans themselves and other people in the country, notably migrants and refugees, whose ill treatment is deeply concerning. The situation in Libya has also led to a substantial increase in cross-border threats such as terrorism or human trafficking, which also affect European countries.

2. The Committee of Ministers agrees with the Parliamentary Assembly that the establishment of unified state structures in Libya is a priority and that the Council of Europe, in co-ordination with the United Nations, the internationally-recognised Government of National Accord and other stakeholders, can contribute to the efforts by the Libyan authorities to tackle the many challenges facing them in terms of establishing stable and democratic institutions, as a precondition for respect for human rights and the rule of law. Any such initiatives should be carried out in co-ordination with, and as a complement to, the UN-facilitated political process.

3. In this context, it points out that, at its 121st Ministerial Session, the Committee of Ministers endorsed the Secretary General's proposals on opening up co-operation towards the countries of North Africa, the Middle East and Central Asia with a view to establishing a common legal area based on the Council of Europe's values and instruments. The aim of the Council of Europe's policy towards neighbouring regions is to facilitate democratic political transition and promote good governance in the beneficiary countries, while reinforcing and expanding the Council of Europe's regional action in combating cross-border and global threats.

4. When the countries covered by the neighbourhood policy clearly express their interest and extra-budgetary resources are available, the Council of Europe can provide them with its proven expertise in the fields of human rights, the rule of law and democracy. Two types of institutionalised co-operation exist at present: firstly, neighbourhood co-operation priorities, involving priority co-operation activities in specific fields;[2] and, secondly, neighbourhood partnerships, which combine enhanced political dialogue and co-operation activities under closer partnerships.[3]

5. In addition, limited and targeted *ad hoc* co-operation activities and/or regional activities with other countries of the regions covered by the policy may also be conducted. This applies in particular to Libya. In this context, the Venice Commission, in close co-ordination with the European Union, is contributing actively to the work being done under the aegis of the United Nations Support Mission in Libya concerning the draft legislation on the constitutional referendum and the forthcoming elections.

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1. Adopted at the 1323rd meeting of the Ministers' Deputies (12 September 2018).
2. There are three documents of this type at present, with Kazakhstan, the Kyrgyz Republic and Palestine* respectively (*This designation shall not be construed as recognition of a State of Palestine and is without prejudice to the individual positions of Council of Europe member States on this issue).
3. With Jordan, Morocco and Tunisia.

6. Any new requests for co-operation which the Libyan authorities submit to the Council of Europe, in particular in connection with the referendum, the elections and related media coverage in conformity with European standards, will be considered with all due attention, subject to funding being available.

7. Possible assistance for the establishment of criteria for monitoring respect for the human rights of migrants in Libya and in Libyan territorial waters based on the relevant conventions and, in particular, on the European Convention on Human Rights (ETS No. 5) and its case law could also be considered, in co-operation with other relevant partners. On this point, the Committee of Ministers would, however, point out that such criteria already exist. The Council of Europe uses them effectively through its various monitoring mechanisms with respect to its member States and all countries which have acceded to its specific conventions.