

COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Ninety-fourth session
20 November – 8 December 2017
ADVANCE UNEDITED VERSION

**PREVENTION OF RACIAL DISCRIMINATION, INCLUDING EARLY
WARNING AND URGENT ACTION PROCEDURES**

Statement

Racial discrimination and enslavement of migrants in Libya

The Committee on the Elimination of Racial Discrimination, meeting in Geneva at its ninety-fourth session from 20 November to 8 December 2017,

Acting under its Early Warning and Urgent Action Procedures,

Alarmed that so many years after the slave trade was declared illegal, black men from Sub-Saharan countries are being sold in slave markets in Libya, and aware that these persons are subject to anti-black racial discrimination;

Alarmed by reports that notably black women from Sub-Saharan countries, among other migrants and asylum seekers, are being subjected to torture and the worst forms of sexual violence;

Concerned by the information received that thousands of migrants and asylum seekers are facing serious human rights violations including kidnap, torture, sexual violence, arbitrary detention as well as inhumane conditions of detention, while most of such practices remain not recorded, investigated or punished;

Taking into account that the Central Mediterranean route has become the most dangerous itinerary for migrants and asylum seekers trying to reach Europe;

Welcoming the positive efforts of the European Union and of the African Union;

Aware that the present situation benefits smugglers and traffickers of humans, and concerned that certain efforts of the EU and of some of its Member States to ‘combat illegal migration’ may have the effect of worsening the situation;

Acknowledging that the responsibility for the situation of migrants rests with the international community as a whole requiring the cooperation among the countries of origin, transit or destination;

Urges Libya to:

1. **Take** immediate stringent measures against smugglers, traffickers and slavers and to end the sale of humans into slavery and forced labour;
2. **Take** targeted measures to end anti-black racial discrimination against Sub-Saharan migrants and asylum seekers, including the torture and sexual abuse of black women;
3. **Effectively investigate** human rights violations taking place at land and at sea borders as well as in detention, with a view to bringing alleged perpetrators to justice, punishing them with sanctions commensurate to the gravity of the crime if convicted, and providing victims with full reparation;
4. **Decriminalize** irregular migration and adopt an asylum law in accordance with international standards;
5. **Refrain** from automatically detaining migrants and asylum seekers, use detention as a last resort, establish safe alternatives to detention, ensure that all places of detention meet international standards, and that detention is never used for migrant children;
6. **Ensure** that all persons in need of international protection have access to individualised procedures to determine their legal status, and fully protect migrants and asylum seekers from refoulement;
7. **Submit** without further delay its overdue report to the Committee on the Elimination of Racial Discrimination.

Calls upon the international community, including the African Union, and in particular the European Union and its Member States, in accordance with their international obligations and capacities, to:

1. **Ensure** that the protection of the human rights of migrants and asylum seekers is guaranteed in any agreement concluded to address migration, including development cooperation agreements;
2. **Increase** efforts towards implementing long-term solutions, including by increasing opportunities for accessible, regular and safe migration channels;
3. **Step up** search and rescue at sea, and ensure that migrants and asylum seekers are taken to places of safety and are protected against refoulement;
4. **Develop** human-rights-based frameworks for overall migration and border management taking into account the rights and needs of migrants and asylum seekers.

5. **Step up** action to address effectively the root causes of migration, including poverty, corruption, armed conflicts, climate change, persecution of minorities, and other human rights violations.

Calls on all States to fully engage in the Global Compact on Safe, Orderly and Regular Migration, in line with the commitments undertaken in the New York Declaration for Refugees and Migrants;

Calls on the United Nations Secretary General to request the Security Council to establish a commission of inquiry to investigate all human rights violations against migrants and asylum seekers taking place in Libya, including crimes against humanity.

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7 December 2017