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*Il Rappresentante Permanente d'Italia
presso il Consiglio d'Europa
Strasburgo*

Strasbourg, 20th February 2020

Dear Commissioner,

With reference to your letter dated 13th February 2020, I have the pleasure to convey to you the following considerations.

I am convinced that the Memorandum has proven effective in countering illegal trafficking of human beings along the central Mediterranean route and has been instrumental in reducing the number of attempts at crossing the sea and thus the unacceptable death toll connected to this scheme. More specifically, the number of casualties along this route went down from 2,853 in 2017 to 743 in 2019.

We are fully aware that there is room for improvement in the cooperation established in 2017 with Libya, but figures as such tell us that we have to keep working along this direction, rather than disengaging from the country. Hence, our overall objective is to guarantee better protection to migrants and asylum seekers in Libya and progressively replace the current system based on detention centers with new formulas, adhering to the principles of the rule of law, victim-centered and human rights oriented.

That objective has been, and continues to be, pursued also through a strengthened and fruitful partnership with the United Nations. In the last years, Italy has reinforced its unwavering support to UN activities in Libya by funding dozens of projects aimed at improving living conditions for migrants, refugees, IDPs and local communities. Likewise, Italy's political advocacy and financial support proved essential to the operations of UNHCR's Emergency Transit Mechanism and Gathering and Departure Facility, both tools devised for rescuing vulnerable refugees in Libya. On top of that - and in addition to the thousands of migrants stranded in Libya that have benefited from IOM's voluntary

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humanitarian returns funded by our country - as of today Italy remains the only European country that carries out direct humanitarian evacuations of hundreds of refugees from Libya straight into its own territory, ensuring their integration and wellbeing in our society.

As you correctly state, negotiations with the Libyan government - based on the Italian proposals - have just begun. Italy is confident that an amended agreement with improved terms of cooperation may be reached timely. Amendments proposed by Italy include, inter alia, explicit references to and acceptance of international humanitarian and human rights law, including principles and purposes of the 1951 Refugee Convention of Geneva. The new text suggests a number of actions in order to improve conditions of migrants held in official centers, while those in a situation of vulnerability (i.e. women and children) should be immediately released. When conditions allow, a new system should be established, placed under the responsibility of the Libyan Ministry of Justice, based on the rule of law, on appropriate judicial procedures and on the principles of fair trial.

International engagement would prove a most valuable asset. In this sense, Italy is very much looking forward to cooperating with other international partners, including the Council of Europe and its Members States, in order - as you mention - to support e.g. the efforts of international organisations to provide protection to asylum seekers and migrants in Libya, to establish humanitarian corridors, evacuation and resettlement programs. Your intervention towards this direction and your call for more solidarity are indeed a welcome sign of support.

Ultimately, collective and coherent efforts by the International Community in supporting a substantial and durable stabilization of Libya - through the commendable efforts of the United Nations and of the Special Representative of the Secretary General for Libya, Ghassan Salamé, within the Berlin Process - would be instrumental in creating a political, security and rule of law environment conducive to a more effective management of all aspects of the complex and delicate migratory issue in Libya. We count in the support of the Council of Europe and of all its Member States in achieving this objective.

I would be pleased to further discuss this matter with you.

Yours sincerely,
