

## EUROPEAN EXTERNAL ACTION SERVICE



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Managing Director

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EEAS.GLOBAL GI.4:  
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OHCHR  
Email: [ohchr-registry@un.org](mailto:ohchr-registry@un.org)

**Subject:** Reply to Joint Communication from Special Procedures

Ref.: AL OTH 131/2025

Dear Special Rapporteurs,

I would like to thank you for your letter of 15 October 2025.

The concerns you express regarding the human rights situation of migrants, refugees and asylum seekers in Libya, as well as the detailed account of the reported incident involving the Ocean Viking, have received our full attention. The European Union (EU) continues to closely follow developments in Libya including through its Delegation in Tripoli, which maintains regular contact with the competent authorities and international partners.

The EU deplores all acts of violence at sea and underlines that the Libyan authorities must fully respect international and human rights law. Following the reported incident, the EU Delegation in Libya raised the matter directly with the Libyan authorities, urging them to take all necessary measures to ensure full compliance with national and international obligations, and ensure accountability. The Libyan authorities informed the EU that an investigation had been opened into the incident, which reportedly happened within the Libyan Search and Rescue (SAR) zone. The EU Commission will assess the outcome of this investigation thoroughly in order to determine any possible further measures.

The EU does not possess investigative powers and relies on competent national authorities to determine responsibilities, particularly when incidents occur in a coastal State's SAR zone, where that State has primary responsibility under international law. Saving life at sea is a moral duty, as well as a legal obligation under international law, including for EU Member States, regardless of the circumstances that have led people to be in distress at sea. The EU has repeatedly called on all actors involved in SAR events to comply with the relevant legal framework and operate with the required diligence and in full respect of international law, international human rights law, international refugee law and international maritime law. The Commission is working closely with implementing partners and with Libyan authorities to ensure compliance with international standards and norms, and a fluid exchange of information on SAR episodes, as well as appropriate follow-up.

The EU believes that preventing such incidents requires close dialogue and continued engagement with the Libyan authorities. We strongly encourage the Libyan government to ensure adequate follow-up to cases of human rights violations. Regular meetings with implementing partners of EU-funded maritime border management projects consistently stress compliance with international standards in SAR operations and allow for a discussion of specific incidents. Libyan border authorities receive trainings on international standards and human rights through EU-funded actions in Libya. In this context, the EU has also urged the Libyan counterparts to adopt the Standard Operating Procedures for SAR operations developed with support of UNODC under an EU-funded action, which include procedures on monitoring and reporting of incidents and procedures to link with the judicial authorities.

On 6 November, the Commission organised a dedicated meeting with civil society representatives active in SAR activities, which included an exchange of views with NGOs on the challenges they face in the Central Mediterranean, including the incident reported by Ocean Viking at the end of August.

Human rights due diligence has been applied throughout EU cooperation with Libya under the Neighbourhood, Development and International Cooperation Instrument – Global Europe (NDICI-GE)<sup>1</sup> and, until the end of 2025, the EU Emergency Trust Fund for Africa (EUTF)<sup>2</sup>. All actions are designed and implemented in line with the “do no harm” principle, the EU's Human Rights-Based Approach (HRBA) to development cooperation, and the EU's legal obligations on human rights<sup>3</sup>.

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<sup>1</sup> Regulation (EU) 2021/947 of the European Parliament and of the Council of 9 June 2021 establishing the Neighbourhood, Development and International Cooperation Instrument – Global Europe, amending and repealing Decision No 466/2014/EU of the European Parliament and of the Council and repealing Regulation (EU) 2017/1601 of the European Parliament and of the Council and Council Regulation (EC, Euratom) No 480/2009 (Text with EEA relevance), PE/41/2021/INIT, OJ L 209, 14.6.2021, pp. 1–78.

<sup>2</sup> [https://trust-fund-for-africa.europa.eu/index\\_en](https://trust-fund-for-africa.europa.eu/index_en).

<sup>3</sup> Article 8.2 of the Neighbourhood, Development and International Cooperation Instrument (NDICI – Global Europe) regulation (2021/947) provides that “The Instrument shall apply a rights-based approach encompassing all human rights, whether civil and political or economic, social and cultural in order to integrate human rights principles, to support the right holders in claiming their rights, with a focus on poorer, marginalised and vulnerable people and groups, including persons with disabilities, and to assist partner countries in implementing their international human rights obligations. That approach shall be guided by the principles of ‘leaving no one behind’, equality and non-discrimination on any grounds.”

The EU has a series of monitoring tools and mechanisms in place, which combine regular partner reporting<sup>4</sup>, verification missions, results-oriented monitoring<sup>5</sup> and independent evaluations. This is complemented by a Third-Party Monitoring Framework established in 2019, which helps the Commission better understand the situation on the ground and its complexities and monitor that EU-funded programmes are carried out with due respect for human rights, so as to adapt them whenever it is needed. In general, contractual requirements include respect for human rights. If it was determined that this has not happened and the human rights violation or abuse was clearly linked to the implementation of an EU-funded project, the contract could be suspended or terminated if suitable.

Work is continuously ongoing to strengthen existing monitoring mechanisms and tools, to ensure that our support to partner countries is in line with our Treaty obligations regarding human rights and does not inadvertently lead to any negative consequences. The Commission recently strengthened its internal guidance on applying the HRBA to international partnerships, also as a response to the recommendations of the European Court of Auditors (ECA) in its Special Report (17/2024) on the EUTF<sup>6</sup>. This includes internal guidance on the HRBA to EU-funded Migration and Forced Displacement projects, which calls for systematic risk assessments, including at the design and formulation phase. Every EU-funded intervention requires a risk identification and assessment, which identifies the likelihood and severity of the risks affecting the project, as well as mitigating measures to be taken to reduce those risks. This exercise also encompasses risks of human rights violations. Guidance for staff, shared with all EU Delegations and relevant headquarters services in May 2025, provides an extensive list of risks that can arise in the context of different migration and forced displacement settings, as well as suggestions for mitigation for each of them. It also provides practical tools for EU programme managers to ensure human rights safeguards are embedded in migration projects from the design phase right until project closure. To clarify internal procedures for reporting and following up on alleged human rights violations, the Commission also formalised an internal procedure for handling specific allegations of human rights abuses and violations connected to EU funded projects, which is still currently ongoing in relation to the Ocean Viking case.

In January 2025, the Commission updated contractual templates to include clearer obligations for its contractual parties regarding the respect of human rights, as well as to report within 30 days instances where they have not been respected.

The EU has taken careful note of the UN Fact-Finding Mission's findings and recommendations. Through the EU Delegation in Tripoli, the EU has been working closely with UN agencies and partners to follow up on these conclusions and promote accountability and reform. In government-controlled areas, gradual improvements have been noted, including increased humanitarian access, closures of detention centres and reduced arbitrary detention. The EU participates in UN-led coordination mechanisms

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<sup>4</sup> Clear reporting requirements are set down in the General Conditions for Contribution Agreements (Article 3) and Grant Contracts (Article 2).

<sup>5</sup> See a detailed description of Results Oriented Monitoring here: [Results Oriented Monitoring - EXACT External Wiki - EN - EC Public Wiki](#)

<sup>6</sup> Special report 17/2024: The EU trust fund for Africa – Despite new approaches, support remained unfocused, OJ C, C/2024/5855, 26.9.2024, ELI: <http://data.europa.eu/eli/C/2024/5855/oj>.

and thematic groups to ensure a coherent international approach and to support progress on human-rights compliance.

The EU is convinced that progress on ensuring that the human rights of refugees, asylum-seekers and migrants are respected, protected and fulfilled needs continued engagement and dialogue with the Libyan authorities and international partners. Disengagement would not improve the situation of migrants or prevent deaths at sea; on the contrary, it would weaken oversight and reduce opportunities for accountability.

In line with the EU Treaties, the European Union remains firmly committed to promoting human rights in all areas of EU external action. The EU will continue to use all available dialogue formats to raise human rights concerns with the Libyan authorities, to call for accountability, and to strengthen monitoring. The EU will adapt its support whenever required, in full conformity with the NDICI-GE Regulation and the EU Treaties.

The EU also engages in exchanges with civil society and non-governmental organisations that closely monitor human rights issues and/or are involved in SAR operations.

Please be assured that the European Union remains fully committed to ensuring that its cooperation with Libya, including regarding migration management, is conducted in strict compliance with international law, including international human rights law. We remain available to provide any further information or clarifications.

Yours sincerely,

*[e-Signed]*

Olivier BAILLY