

Lawyering for Change 2022 Conference

SUMMARY

Defending migrants' rights in the Mediterranean by strengthening North-South collaborations

Workshop - Wednesday October 12th 2 PM - 3.20 PM

Speakers:

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- **Diletta Agresta** – Project coordinator, Associazione Studi Giuridici Immigrazione (Italia)
- **Sara Prestianni** – Researcher and migration programme officer, Euromed Rights (Belgium)
- **Sami Adouani** – Member of the governing board of the Forum Tunisien pour les Droits Economiques et Sociaux (Tunisia)

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The Mediterranean Sea has become the center of migratory tensions and the symbol of the violation of the Human Rights of refugees, asylum seekers and migrants. These violations occur in both transit and destination countries. Hundreds of people die in the Mediterranean Sea. For the 2022 year, we have estimated 1600 dead and missing. Those violations can be added to all the others that these people already suffered in their countries of origin and of transit - permanent or temporary - like Libya, Tunisia or Morocco. In addition, migration and asylum policies are being tightened, rescue at sea is being criminalized, authorities are refusing to accept displaced people in their own countries and European borders are being externalized to third countries to which border control is delegated.

1. The European policies of asylum and migration externalization: a threat to Human Rights

The European migration policies have a negative impact on the rights of people on the move through the externalization of migratory management to the countries of transit which not only lack an adequate system for asylum and migration but also adopt security policies.

Externalization means negotiating with the countries of origin and transit to delegate to them the control of borders and has two main objectives: to limit departures from third countries; and to implement repatriations. This externalization is not new. Indeed, it has begun since the 2000s with Morocco, Libya, Niger and then Tunisia. In Libya, there were around 24.000 migrants caught in 2017 by Libyan coast-guards, coached by the Italian authorities. This phenomenon is a form of « push back by proxy » in the sense that Italia, by training Libyan coast-guards, makes them accountable of these expulsions in Libya.

Another externalization policy is the « Pact on migration and asylum » presented by the European Commission in September 2020. The external dimension is a pillar of the European

policy on migration and asylum. The externalization still does not meet the objectives of Europe which are to limit arrivals in European countries but only shifts the migratory flows to other increasingly dangerous routes.

2. Tunisia: a security approach, without any hosting system

Tunisia has a strategic geographical situation for the European Union's interests. It is at the same time a country of arrival, transit and departure. Even though a democratic process initiated with the 2011 revolution, the legal framework on migration remains the same.

There is a dominance of security policies in the region. The statements of Italia and Europe wanted to make of Tunisia a safe country and the perfect candidate to be the platform for migratory flows in the Mediterranean region. This power balance is at the advantage of the European Union but at the expense of the protection of migrants and Tunisians arriving in Europe and people of sub-Saharan origin living in or transiting through Tunisia.

In recent years, we have seen a steady increase of departures from Tunisia, an increase of victims and border militarization.

Tunisia is tightening its security policies and therefore stopping the largest number of people at sea. Many of boats leaving Libya are caught by the Tunisian authorities. They leave hundreds of people in a legal and administrative void, without any hosting system or basic rights, which reinforces social tensions and xenophobia.

3. Libya, at the crossroads of threats to migrants' rights and lives

As for Tunisia, the European Union delegates to Libya the role of catching people at sea. Libya is a country where migrants are subjected to exploitation, kidnapping and arbitrary arrests in inhumane conditions. The European Union's support to the Libyan authorities facilitates the forced repatriations in order to implement its externalization migration borders policy and exposes migrants to multiple interceptions at sea followed, arbitrary arrests and risk of trafficking and exploitation.

In 2017, we have seen the institutionalization of the failure of rescue at sea which is now criminalized. The European Union's responsibilities remain on its financial, logistical and coordination support to the Libyan coast-guards; on its reduced institutional presence at sea; on the air monitoring facilitating interceptions and expulsions through Libya. This policy does not bring any answer, violates the international law, fuels a cycle of abuse and causes a protection deadlock. The European States' actions are characterized by the absence of rescue, delayed interventions and facilitation of collective push back by proxy.

This security cooperation between the North and the South reinforces the authoritarian policy which affects African countries in terms of freedom of mobility, restricting the mobility of their citizens.

4. The necessity of a global response through North-South cooperation

These transnational dynamics require a broad mobilization and coordination of the civil society from the North and the South in order to prevent violations and reinforce efficiently and effectively the access to rights for people on the move. It is necessary to fight against discriminations, xenophobia and structural racism; to fight against policy brutality against migrants and refugees; to systematically file a complaint to end this phenomenon; to adopt a circular approach on migration and to abandon policies based on security approaches; to stop security lobbies; to adopt a rhetorical strategy for the right to mobility; to make the European Union accountable for its support to border management which reinforces the security apparatus responsible of Human Rights violations.