

## AMNESTY INTERNATIONAL POSITION PAPER ON EXTERNAL MIGRATION COOPERATION STANDING COMMITTEE FOR JUSTICE AND SECURITY, HOUSE OF REPRESENTATIVES OF THE NETHERLANDS

### POLICY CONSIDERATIONS IN EXTERNAL COOPERATION ON MIGRATION

- Well-managed migration and mobility policies based on human rights and the rule of law have the **potential to ensure inclusive growth, sustainable development, and advance strategic partnerships** within and between countries of origin, transit, and destination.
- Amnesty International's global body of research and [analysis](#) has found that when such cooperation is limited to preventing and deterring arrivals by externalising border enforcement, the necessary safeguards and oversights are often evaded, and the outcome is marked by a significant downgrading of human rights standards, undermining of internal/external policy coherence, and reduced autonomy and influence vis-à-vis external partners. These arise from both the policy objectives as well as the means through which these objectives are achieved and maintained.
- **The prevailing approach to external migration policies in Europe centres on the narrow objective of countering irregular border crossings and 'externalising' responsibility** for border management and refugee protection to states outside the EU. This reductive focus has hampered capacity to cooperate towards safe and regular mobility and a fairer distribution of responsibility. This approach has, moreover, generally been implemented through **partnerships with states that do not uphold human rights** and that often lack adequate monitoring in addition to evading, public parliamentary and judicial oversight.
- These policies may have severe impacts on: the **right to seek asylum**, particularly when the partner countries that people are prevented from leaving or are returned to lack an effective asylum system or may expose them to rights violations; the **principle of non-refoulement**, by contributing to pullbacks, pushbacks or returns without adequate assessments of protection needs, both directly or indirectly; the **right to liberty**, as various forms of deprivation of liberty and at times arbitrary detention are often involved to prevent people's onward movement; as well as **protection from torture and other ill-treatment**. These risks are all the more significant where cooperation lacks an adequate assessment of the human rights records of partner countries and adequate monitoring and conditions.
- **The EU and member states should abandon the tried-and-failed model of trapping people in countries where their rights are at risk, avoid further complicity in rights abuses and further exposing themselves to blackmailing by authoritarian governments, and firmly uphold human rights in their external action.**

### CONCERNS REGARDING THE EU'S ENGAGEMENT ON MIGRATION WITH THIRD COUNTRIES

#### 1. AIM AND FOCUS OF RECENT MIGRATION AGREEMENTS

- The primary aim of **most recent EU migration agreements with third countries** is to prevent people's access to the EU's territory, including by containing them in countries in which they are exposed to rights violations, that lack effective asylum systems or protection from refoulement and arbitrary detention, and where they often lack access to adequate services. Recent agreements with **Tunisia** and **Egypt**, as well as ongoing cooperation with **Libya** and **Türkiye**, seek to reduce arrivals to Europe, including through increased interceptions at sea and disembarkations by respective coast guards, despite overwhelming evidence of abuse, violence, and unlawful returns taking place.
- **Refugee protection** and the **expansion of safe pathways**, by contrast, represent a secondary or minimal part of these agreements. While Amnesty International welcomes efforts to strengthen refugee protection in third countries and to expand safe, regular and dignified pathways to Europe, these commitments have not been on a scale to provide an effective alternative; offer few options for people in particularly vulnerable situations; and fail to compensate for the significant harms of the restrictions imposed by these partnerships.
- This approach also **undermines the international refugee protection system**, with European governments increasingly shifting rather than sharing responsibility for upholding the right to asylum worldwide.

#### 2. DUE DILIGENCE AND PRESENCE OF EFFECTIVE HUMAN RIGHTS SAFEGUARDS

- While international human rights standards may be mentioned in the text of recent agreements, these have not been accompanied by concrete efforts to ensure human rights compliance in practice or guarantee that EU funding does not benefit actors contributing to human rights violations.
- No ex-ante **human rights impact assessment** was conducted ahead of these deals, which should be public and based on robust benchmarks. EU funding, equipment, and technical support has not come with **concrete human rights indicators and effective independent monitoring attached**, and no clauses are foreseen to **suspend cooperation** in the event of rights abuses by actors benefiting from EU support.

### 3. PARLIAMENTARY AND PUBLIC SCRUTINY, INVOLVEMENT OF CIVIL SOCIETY

- Many migration deals have taken an informal format and been negotiated by ad hoc configurations of actors (e.g. 'Team Europe' formats), which limit transparency, including as to the beneficiaries and impact of EU funds, and carry unclear legal implications.
- In this context, both the **European and national parliaments have been denied adequate scrutiny** over the development, ratification, implementation, and monitoring of key agreements. Several states themselves and the European External Action Service expressed frustrations over their limited oversight of EU-Tunisia negotiations.
- Similarly, **civil society organisations** in the EU and third countries alike have not been consulted or involved in the development of these deals – casting doubt on the EU's stated commitments to support civil society in Tunisia, Egypt, and other partner countries.

### 4. IMPLICATIONS FOR THE EU'S EXTERNAL ACTION

- These agreements have rendered the EU **less critical of third countries' glaring human rights abuses, weakening Europe's credibility as an autonomous global power and credible human rights actor**. The EU's cooperation with Libya, for instance, was found by UN Commissioned Investigators to have aided and abetted violations of international human rights law, international humanitarian law and the commission of crimes against humanity.
- European leaders have been **reluctant to raise public concerns or condemnation** over violence against asylum seekers, refugees and migrants, unlawful returns, or human rights abuses perpetrated by their migration partners. They have also been silent regarding assaults on the rule of law; repression of dissent, free speech and civil society; or the jailing of critics, journalists and judges by authorities in [Egypt](#) and [Tunisia](#). In doing so, Europe risks enabling the **consolidation of a tightened grip on power by repressive leaders**.
- Europe's ambitions as a strategic, values-drive global actor which promotes human rights, sustainable development, and a rules-based global order is hugely undermined by this **double-standards approach and the dependency it affords to third states who may leverage such influence** for their own political gains.

### 5. EVIDENCE OF ABUSES IN THE CONTEXT OF THESE AGREEMENTS

- Against the background of the EU's new migration partnership with [Egypt](#), [Amnesty International](#) documented extensive abuses against refugees, asylum seekers and migrants, including detention in cruel and inhumane conditions and unlawful [deportations](#) without due process.
- In [Tunisia](#), [Amnesty International](#) has warned that the EU risks [complicity](#) in human rights abuses through its assistance for Tunisian authorities, despite their ongoing systematic use of collective expulsions of asylum seekers, refugees and migrants to Libya and Algeria – including children or pregnant women. These take place without a judicial process or individualised assessments of protection needs and vulnerabilities; sometimes involve violence; and have resulted in [multiple documented deaths](#) and grave humanitarian needs in desert areas.
- In [Libya](#), [Amnesty International](#) has [documented](#) how assistance from Italy and the EU continues to enable Libyan coastguards to intercept thousands of people at sea every year, and take them back to detention centres in Libya, where they are subjected to "[hellish](#)" conditions, including prolonged arbitrary detention; enforced disappearances; torture and other ill-treatment, including rape; unlawful killings; and various forms of exploitation, amounting, per the UN, to [crimes against humanity](#).
- Cooperation with [Türkiye](#) through the [EU-Türkiye Statement of 2016](#) has likewise exposed refugees and migrants to [human rights violations](#), with people being returned from Türkiye to [Syria](#) and [Iran](#) in violation of *non-refoulement*, experiencing violence and [unlawful returns at Greek borders](#), or becoming trapped in [undignified living conditions](#) on the Greek islands following the implementation of the deal.

## WHAT ARE THE ALTERNATIVES?

EU institutions and member states should take [four key steps](#) towards a **more humane, sustainable and rights-compliant approach to migration and asylum across the Mediterranean**:

- (1) Ensure proactive search and rescue operations in the Mediterranean, accompanied by a predictable system for disembarkation and relocation in the EU.
- (2) Protect rights in migration-related cooperation with partner countries – building in strong human rights protection mechanisms, monitoring, and conditions for all financial, technical, or practical support.
- (3) Commit to global responsibility-sharing and to investing into safe and regular migration pathways, including refugee resettlement, humanitarian admissions, and employment, study, or family reunification pathways.
- (4) Ensure accountability for human rights violations wherever they have taken place.