

# Beyond borders, beyond boundaries

A Critical Analysis of EU Financial Support  
for Border Control in Tunisia and Libya



In recent years, the European Union (EU) and its Member States have intensified their effort to prevent migrants and asylum seekers from reaching their borders. One strategy to reach this goal consists of funding programs for third countries' coast guards and border police, as is currently happening in Libya and Tunisia.

These programs - funded by the EUTF for Africa and the NDICI-Global Europe - allocate funding to train and equip authorities, including the delivery and maintenance of assets. NGOs, activists, and International Organizations have amassed substantial evidence implicating Libyan and Tunisian authorities in severe human rights violations, with instances in Libya amounting for crimes against humanity and gross human rights violations. Search and rescue NGOs have documented cases in which Tunisian and Libyan officials, using vessels facilitated by Italy and the EU, directly engaged in acts of violence against individuals in distress, especially during maritime interception operations, which form part of program-specific activities.

**The study wants to answer the following questions:**

**What is the state of EU funding for programs aimed at enhancing border control capacities in Libya and Tunisia?**

**What is the human rights impact of these initiatives?**

**What is the framework for human rights compliance?**

**How do the NDICI-Global Europe decision-making processes work?**

The report highlights that the shortcomings in human rights compliance within border control programs, coupled with the lack of proper transparency clearly contradicts EU and international law. Moreover, this results in the insufficient consideration of the risk of human rights violations when allocating funding for both ongoing and new programs.

This is particularly concerning in the cases of Tunisia and Libya, where this report collects evidence that the ongoing strategies, regardless of achieving or not the questionable goals of reducing migration flows, have a very severe human rights impact on migrants, asylum seekers and refugees.

### Situation in Tunisia & Libya

The main beneficiaries of the EU funding for border management activities are the Libyan and Tunisian authorities. As denounced since the very beginning of the cooperation with Libya and Tunisia, there have been systematic instances of violence involving these authorities, implicating them in human rights violations during the execution of program-specific tasks. For example, evidence shows widespread violent and criminal behaviour, especially in the context of sea interceptions, leading to the pushback of migrants and asylum seekers in Tunisia and Libya. This constitutes a violation of the Geneva Convention's non-refoulement principle, since Libya and Tunisia cannot be considered "safe countries" for refugees. But it also contradicts EU law, as the EU is bound to spend its funds in accordance with human rights standards, even when operating beyond its borders, as stipulated by the treaties and the NDICI-Global Europe Regulation.

**In Tunisia**, the abuses include physical violence (reports of coastguards using iron or wooden batons or tear gas against migrants), firearms use (shots are often fired into the air or at boat engines, causing panic and potential shipwrecks), engine removal and boat collisions (coastguards, using their boat's powerful engines, collide with migrant boats, often causing them to sink).

**In Libya**, the UN documented collusion between the DCIM (General Directorate for Combating Illegal Immigration), together with the so-called Libyan Coast Guard, with militias and traffickers in the context of interception and deprivation of liberty of migrants, enslavement, forced labour, imprisonment, extortion and smuggling.

### Lack of transparency and accountability

Furthermore, the study analyses the lack of human rights compliance by the EU, the opacity in decision-making and the lack of transparency, all of which hampers the understanding of the EU's fund disbursements and commitments. As a consequence, the oversight role of the Members of the European Parliament is weakened as are the efforts of Civil Society Organizations (CSOs) advocating for the protection human rights and democratic standards.

### Recommendations

The following recommendations underline the urgent need for improving human rights accountability and the transparency of the EU-supported border management programs in third countries:

#### Human rights come first

Before funding a new program, a full human rights assessment in Tunisia and Libya has to be carried out. No more funding should be allocated or disbursed until the situation on the ground is taken into consideration.

#### Keep an Eye on the Ball

Continuous checks are vital. Due human rights assessments on the ongoing programs and consequent reviews, real-time tweaks, and suspension of the programs when human rights are not respected, are necessary.

#### Give Voice to the Voiceless

Meaningful engagement with CSOs is key. Ground-level insights and direct representation from those affected should not be an afterthought. They are central to informed decisions.

#### Shine a Light

EU citizens deserve transparency - they have the right to know what the EU does with their money. Clear, accessible information on programs and their implementation build trust and accountability.

#### Democracy in Action

The European Parliament must be a key player in planning and overseeing these programs. More eyes, more democracy, more assurance that human rights are not just a tagline.