Input for the OHCHR's forthcoming report to the 80th session of the General Assembly to the externalization of migration and the impact on the human rights of migrants *(6.6.2025)*

Introduction

1. Brot für die Welt is the globally active development and relief agency of the Protestant Churches in Germany. We collaborate with partner organizations in more than 90 countries all across the globe to empower the marginalized and to improve their living conditions. Strengthening the rights of migrants (including refugees) is a key goal of our work.

2. The externalization of migration control and protection has been a main field of concern for us and our partner organizations. We have published three reports that critically assess the effects of the EU's migration partnerships with Egypt, Niger, and Tunisia. Our web-dossier Smartphones and people on the move sheds light on the role of technology in externalization policies. This input is based on these publications and is also linked to our submission to the OHCHR on monitoring human rights violations in the context of migration.

3. In this input, we will focus on the effects of the EU's externalization policy for migrants. However, we must stress that externalization not only negatively effects migrants. It also has severe consequences for the cooperating countries as a whole. Externalization is disrupting regional migration patterns (like in the Sahel) with severe consequences for the local economy. It often promotes authoritarian rule, worsens the rule of law and leads to the suppression of human rights defenders and civil society as a whole.

Examples of externalization measures

4. Cooperation agreements have become an important base of EU's externalization policy in recent years. It has concluded such agreements with Tunesia, Mauretania, Egypt, Jordan, and Libanon, amongst others. These agreements not only consist of measures in the field of migration, but tackle a wide range of issue, such as financial support, investments in the local economy, or a better access to EU markets. For example, the new EU-Egypt agreement from 2024 includes a generous financial and investment package worth €7.4 billion, with at least €200 million earmarked for migration. In this regard, the EU and its member states are instrumentalizing other policy fields (like trade or development cooperation) to push countries to cooperate in the field of migration.
5. Externalization is enacted through different measures including (a) police cooperation and border fortification, (b) supporting legislative reforms, (c) deportations and readmission. The EU Trust Fund for Africa (EUTF) was one of the main financial sources for implementing such measures until recently. EU member states often co-fund projects under the EUTF but simultaneously pursue their externalization agenda on a bilateral basis.

Examples for police cooperation and border fortification

6. In Tunisia, the EU has funded projects such as the Border Management Programme for the Maghreb Region (€34.5 million for Tunisia) implemented by the International Center for

Migration Policy Development (ICMPD) (2018-2022) or the Reform of the Security Sector (€23 million, 2014-2020). Both seek to strengthen the capacities of the Tunisian authorities in the areas of border surveillance and irregular migration prevention. They also facilitate the coordination between different national and international actors in charge of border management, including EU agencies such as EASO, Europol and the European Union Agency for Law Enforcement Training (CEPOL). EU-member states like Germany are also engaged in Tunisia, providing equipment such as speedboats and lifeboats, vehicles or light masts to Tunisian security forces. Tunisia is one of the focal countries of the „Ertüchtigungsinitiative"(empowerment initiative) of the German defense ministry. In Tunisia, this initiative seeks to strengthen military and police structures through training and equipment .From 2016 to 2021, €103 million have been channeled to Tunisia through this initiative. Among others, the money has been used to establish a sensor-based mobile border security system at the Libyan border. The German development cooperation GIZ also provides training to the Tunisian coast guard.

7. In Egypt, the EU Commission has been providing Egypt with security equipment directly (at least €110 million until 2024) since the launch of a border management project in 2022. The acquisition of surveillance equipment (patrol vessels, thermal imaging cameras, satellite positioning systems) is supposed to help Egyptian authorities to prevent irregular migration by sea and strengthen the surveillance of Egypt's land borders. The project is being implemented by IOM and the French state-owned CIVIPOL. Germany's Police also conducts training sessions for Egyptian security forces at the Cairo Police Academy. UNODC and IOM have likewise offered trainings on migration to Egyptian officials from the judiciary, the prosecution as well as the police in the facility. In such projects, both UN bodies usually focus on combating organized crime and smuggling networks and have repeatedly supplied equipment to Egyptian authorities.
8. Niger became one of the closest externalization-partners of the EU before the coup d'etat in 2023. Thereby, the country turned into a major recipient of EU funding in the region. Between 2015 and 2022, the EU funded 19 projects totaling €687 million. A significant part of it (13 out of 19 projects) was spent on policies focusing almost exclusively on border controls and law enforcement. Within this same period, Germany funded 43 projects amounting to €561 million. Over €166 million (30%) was directly spent on 14 migration-related projects. Nigerien state security actors received material support and training to increase border controls and fight smugglers. For example, European Capacity Building Sahel Niger (EUCAP Sahel Niger) trained 19.000 security officials between 2012-2019 and provided equipment of € 2,1 million in 2019. The mission's original mandate on counterterrorism was expanded to migration in 2015. In 2022, EUCAP Sahel Niger signed a working agreement with Frontex, aimed at increasing coordination on migration and boarder security. A particular outcome was sharing border surveillance and biometric data between Niger and external actors. European police officers were also directly engaged in border controls on Nigerien territory. In "Joint Investigation Teams", Spanish and French police officers directly worked with their Nigerien peers in dismantling smuggling and trafficking networks.

Examples for cooperation on legislative reforms

9. One of the most significant policy outcomes of the migration cooperation between the EU and Niger was the adoption and implementation of Law 2015-36. It marked a turning point from a laissez-faire approach to a repressive stance on migration by the Nigerien government. The law criminalized any activity that facilitates the „illegal entry or exit" of

migrants in Niger as well as its support. Therefore, it also targeted economic sectors linked to migration like transportation and accommodation with severe consequences for local business. European security actors and the United Nations Office on Drugs and Crime (UNODC) were involved in the making of the law. EU funds supported its implementation. The law has been criticized for its lack of compliance with international standards.

10. In Egypt, the EU has provided direct assistance for two migration-related legislative reforms since 2016 by granting funds or advisory services: the 2016 law against human trafficking and smuggling and the asylum law from 2024. The first law itself stipulates severe penalties for smugglers whereas the amendment to the law, ratified in 2022, not only significantly increases fines and prison sentences for smugglers, but also penalties for "aiding and abetting" irregular migration. The sections on the latter offense are so vaguely worded that abuse of the law's stipulations seems inevitable. The new Egyptian asylum law is for violating fundamental rights of asylum applicants.
11. In Tunisia, the EU also has supported the development of a national system for asylum and international protection with a total EUTF funding of €18.5 million. However, the law has not materialized yet. The EU's support for partner countries in setting up their own asylum system is not bad per se. However, the EU's intention to create safe third countries to which asylum procedures can be outsourced is highly questionable.

Deportations and readmissions

12. Many EU member states have concluded readmission agreements with Egypt, Tunisia, and other countries. Most of these agreements are not public and therefore lack democratic scrutiny. The EU is putting a lot of pressure on third countries to sign such agreements. For example, the EU plans to remove states unwilling to co-operate from the list of General System of Preferences (GSP) countries that are granted preferred access to the EU market.

Transparency and Monitoring

13. Externalization is mostly done in informal ways, using soft arrangements like MoUs (e.g. EU migration partnerships with Egypt and Tunisia) or not having any written arrangements at all (e.g. cooperation with Niger before the coup 2023). This makes monitoring extremely difficult if not impossible.
14. The lack of transparency of EU's externalization agenda is also evident at its most important body: MOCADEM (Operational Coordination Mechanism on the External Dimension of Migration). MOCADEM plans, implements and monitors the external migration policy of the EU and its member states. Nevertheless, the exact agenda of each meeting is secret. The EU Parliament has no access to the minutes of the meetings. The documents and situation reports discussed in the meetings are also kept secret.
15. Statewatch and migration-control.info have been regularly publishing the bulletin "Outsourcing Borders" that aims to enhance public scrutiny of EU's border externalization policies by publishing internal EU documents on the topic.

Cooperating States

16. In Egypt, the financial and diplomatic support as well as arms supplies for Egypt's de facto military regime by the EU, its member states and other relevant actors (e.g. IOM and UNODC) comprehensively consolidate the rule of al-Sisi and his regime. Italy, Germany and

France, in particular, have repeatedly supplied equipment or training to Egyptian security forces, which could be used for human rights crimes, spying on the opposition or dispersing protests. The close cooperation with the EU not only strengthens the Egyptian regime internally but also enhances the regime's diplomatic standing internationally.

17. Tunisian president Kaid Saied has used the cooperation with the EU in the field of migration to strengthen his authoritarian rule. The EU has been closely collaborating with Tunisian security actors and President Saied. This is even more worrying as repression against parties of the opposition, civil society organizations, journalists and independent lawyers and judges has become the new normal in Tunisian politics. With President Saied's increasing disregard for democracy, the rule of law and human rights, it is questionable what future cooperation on migration could look like that respects those principles.
18. In Niger, the old regime used the close cooperation with the EU in the field of migration to get access to development funds, to enhance its reputation on the international level, and to strengthen its security forces. However, it was an integral part of the Nigerien military that carried out a coup d'etat and stopped the cooperation in 2023.

Non-State actors

19. In North and West Africa, ICMPD is a key non-state actor that enforces the externalization agenda for the EU. For example, it supports the Tunisian and Lybian coast guard with various projects. It lacks public scrutiny.

Use of Technology

20. Under the guise of development cooperation, the EU is increasingly financing technological surveillance measures in third countries in order to prevent migrants from coming to Europe or to facilitate their identification.

21. Identification based on technology: The EU is investing in the expansion of biometric databases in African countries so that technological identification systems facilitate the identification of the origin and consequently the return in the event of migration (e.g., €30 million in Côte d'Ivoire under EUTF).

22. Surveillance: According to the Airbus group, the EU is using the drone "Heron 1" in the Mediterranean equipped with the technology to locate satellite telephones and smartphones. So called COMINT sensors are used to record and analyze communication connections. Furthermore, Frontex awards contracts to private companies usually procuring military and secret services for further technical upgrades to locate technical devices via mini satellites. Frontex shares part of the information it gathers with the Libyan and Tunisian coast guard.

Human Rights Implications

23. The EU-Egypt migration partnership has resulted in stricter border controls, increased surveillance, and a focus on preventing departures rather than protecting rights. Migrants and refugees face limited access to asylum, arbitrary detention, and risk of refoulement. Pushbacks to Sudan have become a regular practice. There are also deportations to Eritrea and Yemen, both countries with disastrous human rights records. The shrinking space for

independent monitoring exacerbates the vulnerability of migrants and refugees. The police equipment and trainings provided to Egyptian authorities by the EU and its member states favor Egypt's systematic violations of international human rights and refugee law.

24. The EU-Tunisia agreements have led to increased pushbacks at sea and on land, and the criminalization of migration. Migrants face violence, arbitrary detention, and lack access to protection. Migrants and refugees are regularly "dumped" in the desert on the border to Libya and Algeria by Tunisian security forces. The UNHCR has stopped the registration of asylum applicants. The criminalization of migration and cooperation with EU border agencies have contributed to a climate of fear and impunity. It has become increasingly difficult to get access to border zones or to prisons where migrants and asylum seekers are held. Humanitarian and legal support for migrants and refugees has come to a halt because NGOs and activists face serious repercussions, including lawsuits and arbitrary detention.
25. In Niger, the EU's externalization agenda led to the criminalization of migration through national legislation closure of traditional migration routes, and increased risks for migrants. Mobility became more expensive and dangerous, as smugglers had to go under the radar and resort to secondary routes. This increased the risk of exploitation, accidents, protection concerns especially for women and children, and migrant deaths. Human trafficking networks have gained a foothold in Agadez region. Increased police and border controls have led to more pushbacks, arbitrary detention and racketeering. Furthermore, Law 2015-36 has infringed upon the Free Movement Protocol of the Economic Community of Western African States (ECOWAS).

Responsibility and jurisdiction

26. The involvement of the EU and its member states in migration control in countries like Niger, Egypt or Tunisia blurs responsibility for human rights violations. Migrants are often caught in legal limbo, with neither the country of origin, transit, nor destination accepting responsibility

RECOMMENDATIONS

27. The UN should make sure that UN-agencies do not participate in any externalization activities that could violate the rights of migrants and refugees.
28. The EU and its member states should publish all cooperation agreements with third states that tackle migration issues, as well as a comprehensive list of all migration-related funded there, including the content and objectives of the projects and the actors involved.
29. The European Union should clearly separate migration control objectives from development, trade, and financial cooperation in its agreements with third countries. All migration-related measures within such agreements must be strictly conditional on the respect for human rights, refugee protection, and the rule of law.
30. The EU and its member states must establish independent monitoring mechanisms that evaluate if migration-related projects funded in third countries and all involved actors fully respect the rights of migrants and refugees and fundamental human rights in general.