

## Open letter from civil society organizations: Human rights at risk in EU-Tunisia Cooperation

Dear Members of the Sub-Committee on Human rights (DROI) at the European Parliament,

Dear Members of the European Commission,

Dear Members of the European Union External Action Service,

We, civil society organizations from both shores of the Mediterranean, write to express our deep concern at the direction taken by the European Union in its cooperation with Tunisia. As Tunisia faces an acute socio-economic crisis and a sharp regression in the rule of law since the authoritarian turn taken by President Kaïs Saïed on 25 July 2021, the European Union's response, marked by informal agreements and unconditional financial support, raises serious ethical, legal, and strategic concerns.

Tunisia is experiencing what the OECD has described as "the worst crisis in a generation". With an inflation rate reaching 10.4% in early 2023, the highest rate since 1984, shortages of essential goods, Tunisia has not concluded the €1.9 billion economic deal with the International Monetary Fund (IMF), following President Kaïs Saïed's decision to reject the conditions attached to the agreement. Simultaneously, Tunisia's political institutions have been systematically dismantled since the 2021 coup : Parliament was suspended, the judiciary stripped of its independence, and a new constitution concentrated power in the hands of the President. The breakdown of the rule of law is widespread: arbitrary detention, misuse of pretrial detention, and attacks on the legal profession and civil society have become systemic. Journalists, lawyers, and human rights defenders face harassment and persecution.

This authoritarian turn has been accompanied by repressive, state-driven xenophobia. In February 2023, President Saïed publicly accused sub-Saharan migrants of participating in a "criminal plan" to alter Tunisia's demographic identity, rhetoric that unleashed a wave of racist violence. The RRX State Trafficking Report, presented at the European Parliament on 29 January 2025, a communication from the Office of the United Nations High Commissioner for Human Rights (OHCHR) (AL TUN 6/2024), indicate that since 2023, more than 100 000 persons fleeing the country have been intercepted, and a significant proportion of them were expelled from Tunisia to Algeria and Libya – some were reportedly sold to militias.

Meanwhile, in such context, the European Union not only has remained silent in face of these violations, but above all has chosen to strengthen its financial support for Kaïs Saïed's repressive and anti-migration policy. The clearest expression of this is the 2023 Memorandum of Understanding (MoU) signed between Team Europe and Tunisia. The European Commission committed to providing over €1.1 billion in financial support to the country and immediately disbursed €105 million for migration control, through an informal and non-binding Memorandum of Understanding (MoU), a type of agreement that does not formally require the prior approval of the European Parliament, the Council, or consultation with the EU Ombudsman, raising questions about democratic oversight and transparency, without any requirements for human rights safeguards, while the disbursement of €900 million of macrofinancial support, essential to respond to the socio-economic crisis in the country, is still on hold. To date, 62% of this funding has been allocated to police forces, border management, surveillance equipment, and maritime control, despite reported violence, collective expulsions, and

gross abuses against migrants along Tunisia's coasts, including through the use of EU funds and equipment as demonstrated through several investigations. If the EU welcomes the drastic reduction in arrivals by sea from Tunisia to Italy since October 2023, it is directly attributable to the violence and intensity of operations to intercept migrants at sea.

Additionally, this securitization of EU migration policy fuels a dynamic of criminalization of migration and solidarity in Europe as well. In 2024, as revealed by the latest report of the NGO PICUM23, the criminalization of people crossing borders irregularly increased by 20% compared to 2023. In 2024, 142 individuals were subjected to criminal or administrative proceedings for acts of solidarity with migrants. Simultaneously, at least 91 migrants, were prosecuted under counter-smuggling laws. In Italy alone, local NGOs tracked 128 cases of facilitation-related criminalization, with two-thirds of the accused held in pre-trial detention. The current proposal for a revision of the EU's Facilitators Package may intensify this trend of repression by creating further legal ambiguity and stigmatization of civil society acting in solidarity with migrants.

This is a reflection of the project of a fortress Europe, with closed and externalized borders, informally mainstreamed in Europe's neighborhood policy, at the expense of fundamental rights and freedoms and institutional balance.

It is important to recall that the European Union has long pledged to place human rights at the center of its external action. Article 21 of the Treaty on the European Union (TEU) commits the EU to uphold democracy, the rule of law, and the universality of human rights in all its foreign relations. Article 29 of the NDICI Regulation prohibits EU funds from supporting activities that violate fundamental rights. Article 2 of all Association Agreements between the EU and third countries establishes human rights as an essential element, requiring the EU to consider human rights impacts when implementing cooperation. In addition, the judicial control of the human rights impact of such agreements is ensured by the Court of Justice of the EU, notably through the 2015 General Court ruling *Frente Polisario v. Council* which obliges the EU to "avoid situations where an agreement "indirectly encourages violations of fundamental rights".

Therefore, the EU's choice to bypass EU democratic institutions and omit human rights conditionality violates the spirit and letter of EU law and foreign policy doctrine, erodes the EU's credibility both externally and internally, and encourages authoritarian practices by rewarding repression.

To restore coherence between its legal obligations and political action, we, civil society organizations from Europe and Tunisia, call on the European Union and its Member States to:

- Enforce clear and binding conditionality for all financial support to Tunisia; Require ex-ante human rights impact assessments before any agreement is signed; Involve independent third-party monitors, including NGOs, in both evaluation and implementation stages, and protect them from retaliation.
- Include suspension clauses in all agreements to allow for an appropriate response in case of serious human rights violations; Ensure public transparency of all human rights reports and negotiation processes; Guarantee parliamentary scrutiny and judicial oversight over informal cooperation tools like MoUs; Follow the guidelines provided by the EU Ombudsman, and the multiple calls of the UN Human rights committee to protect human rights in Tunisia.
- Halt disbursements that directly or indirectly support security forces implicated in abuse; Apply due diligence and "do no harm" principles in the funding of infrastructure, energy, or migration-related projects, particularly those involving EU companies.

- Cease externalizing EU migration policies, notably through the qualification of “safe third country”, to countries without functioning asylum systems, or those that could use detained migrants as hybrid threats; Rethink the proposed “return hubs” under the Return Regulation and avoid policies that foster further abuse.
- Recognize that economic instability, repression and violations of the rule of law are the primary drivers of instability and therefore are push factors for migration; that the securitization, informalization and externalization of EU migration policies fuels a dynamic of criminalization of migration and solidarity on both shores of the Mediterranean Sea

The European Union’s credibility as a global actor is at stake. Respecting human rights in Tunisia means defending the rule of law in Europe. The EU cannot claim to promote stability while trading justice, human dignity and accountability for border control. It is a question of political will and responsibility on the part of European leaders to put human rights at the center of the European Union's neighborhood policy with Tunisia.

We thank you for your attention and consideration, and remain at your disposal for any further dialogue.

Please accept our sincere regards.

Signatories :

- Associazione per gli studi giuridici sull'immigrazione (ASGI)
- Avocats Sans Frontières
- Captain Support Network
- Fédération internationale des droits humains (FIDH)
- Ligue des Droits de l’Homme France
- R42 Sail And Rescue
- SARAH gemeinnützige UG
- SOS Humanity