



What is MSF's role?

Médecins Sans Frontières (MSF) is present in Libya and on the Mediterranean and was active in Tunisia in 2023 following a spike in violence towards migrants. MSF provides care for people who have suffered from deliberate harm that has been widely documented, including arbitrary detention, deprivation of food and water, beatings, kidnapping, trafficking, torture and sexual violence.

MSF provides care to migrants in detention, at disembarkation points and in community programs, with the limitation that our access is always dependent on fragmented local authorities, some directly involved in abuses against migrants, or simply uninterested in helping non-Libyans. Our activities consist of medical care, mental health care, and, due to the extreme circumstances in Libya, limited protection services. MSF is present notably because of the absence of state services. Our first concern is the risk of death from a lack of medical care or, in the case of our Mediterranean search and rescue (SAR) operation, the particularly high risk of deaths at sea and the lack of proper state SAR presence in particular in the Libyan SAR zone.

EU and Dutch Externalization Policies

[In a recent report, "Death, Despair and Destitution: The Human Costs of the EU's Migration Policies"](#), MSF described how the EU and its member states increasingly relied on arrangements with non-EU countries to prevent people from crossing into the EU or even moving toward it. These deals have resulted in people seeking protection in the EU being violently intercepted and returned to places, such as Libya, Tunisia, and Serbia, where they are exposed to violence, harassment, precarity and cycles of abuse. Across all these contexts of externalized control, MSF has witnessed the negative impacts, on people's health and wellbeing, of violence, precarious living conditions and a lack of access to care and protection. In this position paper, we share our observations on the human toll of EU migration deals with Libya and Tunisia in particular. The below is largely based on our medical data and on patient testimony:

- MSF teams regularly treat migrants victims arbitrarily detained in Libyan Detention Centres, and victims of injuries from violence by guards, including severe beatings with batons, metal pipes or electricity cables, shootings, and sexual violence. MSF treated approximately 300 such cases in the 18 months from January 2022 to July 2023. Detainees typically only leave the detention centres after paying ransom to the guards.
- There is insufficient funding for migrant healthcare in Libya. As far as healthcare exists, it is largely inaccessible for non-Libyans. This is particularly concerning due to the severity of health needs amongst migrants, including clear mortality consequences. MSF finds itself one of the increasingly few organizations providing healthcare to migrants in Libya.
- Regular cases of severe malnutrition amongst detainees are a clear indication of both the poor treatment in detention and the lack of access to regular medical care. For migrants requiring secondary healthcare in Tripoli, MSF has observed extremely high mortality rates of 6-7% for 2022 and 2023.
- MSF's mental health teams encounter high rates of anxiety, depression, self-harm and suicide attempts amongst our patients in Libya, consistent with the high rates of violence and trauma they are exposed to in Libya or in attempting to cross the Mediterranean Sea.
- MSF's patients attest that Tunisia, Libya and Algeria are deporting migrants between each other. In Libya and Niger, MSF also assisted people previously intercepted by the Tunisian Coast Guard and subsequently expelled to Libya and Algeria. The border zones and no-man's lands between these countries are often in deserts. Deaths of migrants are common in these zones due to a lack of drinking water. MSF heard from patients that they were sold by Tunisian borders guards to their Libyan counterparts or other militia.
- In Tunisia, violence against migrants, particularly Sub-Saharan Africans, has reached unprecedented levels since a xenophobic speech by president Saeed in February 2023. Violence by both local populations, including a spreading of the Libyan system of torture for ransom, and by state armed forces, including pushbacks to neighbouring countries, have continued unabated since, without impacting the negotiations between Tunisia and the EU including on migration control. That process, initiated by the EU Commission president together with the Prime Ministers of Italy and the Netherlands, has been strongly criticized, including by the EU

Parliament, for its opacity as well as its lack of care for the rapid authoritarian and xenophobic evolution of a Tunisian state. Like Libya, Tunisia cannot be considered a safe place for migrants anymore.

Context and implications of current European policies

- European policies have not prevented the Central Mediterranean from becoming the deadliest migration route in the world. [IOM reports](#) that 1,897 people were dead or missing on this route in 2023 and that since 2014 the death count reached at least 29,000.
- The EU finances Italian support to the Libyan Coast Guard with materiel (ships) and facilitates regular communication about migrant coordinates on the Mediterranean via Frontex. There is a clear link between interceptions at sea, the subsequent arbitrary detention of survivors and the described abuses they suffer in detention centres. Approximately 17,000 migrants were intercepted and returned to Libya by the Libyan authorities in 2023. There are no known human rights conditions or guarantees in the cooperation with Libya.
- Interceptions by the EU-supported Libyan Coast Guard also systematically put migrants in danger at sea. MSF's SAR-vessel Geo Barents has repeatedly witnessed this or been targeted itself by Libyan forces at sea, with unsafe manoeuvres, gunshots and dangerous interference in rescue operations.
- On 16 April 2024 minister Van der Burg (Security and Justice) stated, in reply [to parliamentary questions](#), that "To the Cabinet's knowledge, in practice, only persons rescued from the sea by the Libyan Coast Guard in Libya's SAR zone are transferred to Libya." MSF has observed practices to the contrary: Just last March, [MSF witnessed two violent incidents](#) including a pushback by the Libyan Coast Guard in the Maltese SAR-region: despite MSF's offer to provide assistance and bring the people to a place of safety according to international maritime legislation, Maltese authorities and Frontex coordinated with a Libyan Coast Guard patrol vessel – donated by [Italy](#) – to intercept and forcibly return over 100 people to Libya.
- [The UN Fact-Finding Mission](#) to Libya reported on the collaboration between migrant smugglers and Libyan Coast Guard personnel, one of whom is on the Security Council sanctions list notably for involvement in trafficking and smuggling. Widespread human trafficking continues in Libya; MSF sees the consequences in the physical and psychological injuries of patients following imprisonment and torture.
- The UN Fact Finding Mission believes that crimes against humanity may have been committed against migrants by Libyan actors and that there is evidence that monetary and technical support of the EU and its member states has contributed to violent interception and detention of migrants. In one report, the [Fact Finding Mission](#) implicitly refers to EU policies when mentioning "the responsibility that may be borne by third states and that further investigations are required in order to establish the role of all those involved, directly or indirectly in these crimes".

Recommendations

- Human dignity for people on the move should be brought into the heart of the Dutch and EU migration policy, as, according to article 1 of the EU Fundamental Rights Charter, "Human dignity is inviolable. It must be respected and protected."
- The Netherlands should ask the EU to adopt guidelines on fundamental rights and protection in migration partnerships with third countries by member states and by the EU itself.
- The support to the Libyan Coast by the EU should stop as long as human rights and international humanitarian law are not fully respected. The Netherlands should demand accountability for the alleged crimes against humanity in Libya as described by the UN Fact Finding Mission.
- The Netherlands should demand the full publication of EU reports about the effects and results of its spending of funds in third countries on migration management, beyond just mentioning the destination of these funds.
- The Netherlands should ask the EU to demand and facilitate dignified asylum and reception legislation and practices, including access to healthcare, in third countries with which it pursues or has migration cooperation.
- The Netherlands should invest in regular, safe migration routes and pathways as the absence of these push people on the move into unsafe, irregular migration.

Contact: Steven Purbrick, Artsen zonder Grenzen +61-456359272, steven.PURBRICK@paris.msf.org;
Erik Laan, Artsen zonder Grenzen, +31-6-28807222, erik.laan@amsterdam.msf.org