



SAVING LIVES IN THE ABANDONED SEA

One Year of *Life Support*



30
YEARS

EMERGENCY
MEDICINE, HUMAN RIGHTS AND EQUALITY



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EMERGENCY ONG Onlus

is an independent non-governmental organisation founded in Italy in 1994 with two objectives: to provide free, high-quality medical and surgical treatment to victims of war, landmines and poverty, and to promote a culture of peace, solidarity and respect for human rights.

EMERGENCY believes that treatment is a fundamental human right and should be recognised as such for every individual. For treatment to be truly accessible, it must be completely free of charge; for it to be effective, it must be of high quality.

Since 1994, EMERGENCY has worked in 20 countries around the world, providing free care to more than 13 million people.





1



Introduction



1.1 BACKGROUND



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Every year, thousands of people make the perilous journey across the Mediterranean Sea to Europe, fleeing war, persecution, violations of their human rights, poverty and the impacts of climate change. They come in search of protection or better living conditions, from countries that have been struck by complex and often ignored crises. After months or even years of migration, having survived violence, abuse and extortion, and with no experience of sailing, they board collapsing, overcrowded boats, organised by traffickers.

Though the phenomenon is neither new nor unique to Europe, the solutions chosen by the continent to repel – rather than manage – these migration flows have proven to be anything but effective. In 2023, there was actually more migration by sea than in recent years. The Tunisian route overtook the Libyan route, landings on Greek islands began rising again in the second half of the year, and the Atlantic route reached levels not seen since 2018. The causes of this increase are many and complex, and include: greater levels of armed conflict (especially in Africa and the Middle East), increasing political instability resulting in several coups, a worsening of already chronic socio-economic crises, and the effects of climate change.

In 2023, **259,404 people came to Italy, Greece, Spain, Cyprus and Malta** by sea¹ and **2,734 people lost their lives or went missing** – averaging more than seven a day. The total number of people dead or missing in the Mediterranean Sea since 2014 is now at least 28,000, 22,631 of whom disappeared in the central Mediterranean alone, which remains the deadliest route.² For their families, they are “unsolved losses,” as in most cases it is impossible to identify the deceased or determine

which country they are from. The figures are in fact an undercount, since they do not take into account all the “invisible shipwrecks” of those who drown and are never found.

In the absence of structured solutions and safe, legal channels into Europe, **human trafficking** has grown and learnt to adapt to the policies by which Europe externalises its borders, to boats being intercepted and pushed back more often, and to social and political change in the countries migrants come from and travel through. New routes have taken shape, like the **Ionian route from Turkey** and the **eastern Libyan route to Italy**. These two routes cross vast stretches of international waters not patrolled by search and rescue forces. It is no coincidence that the worst shipwrecks in 2023 occurred along these routes: the **Cutro shipwreck** on 26 February, in which at least 98 lives were lost 500 feet off the Italian coast of Crotona, Calabria; and the **Pylos shipwreck** on 14 June, in which 596 people died or went missing.

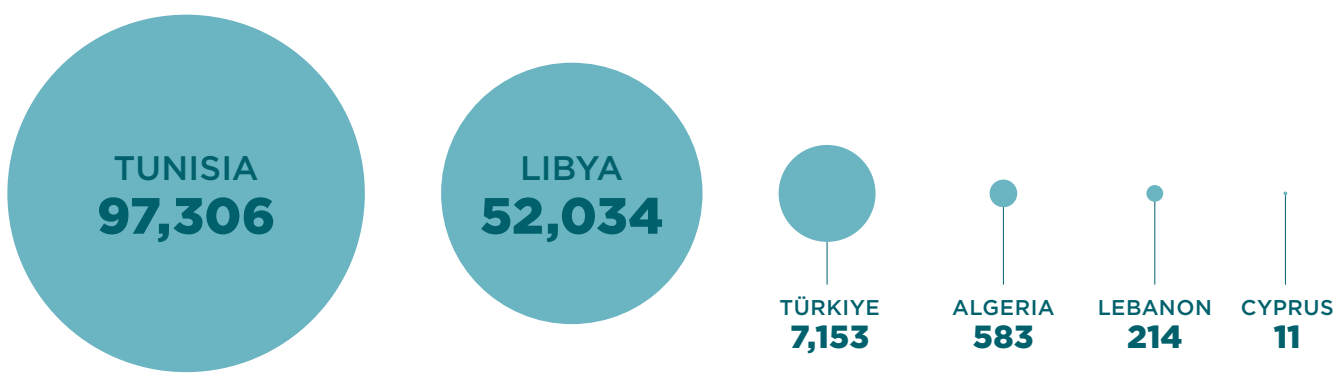
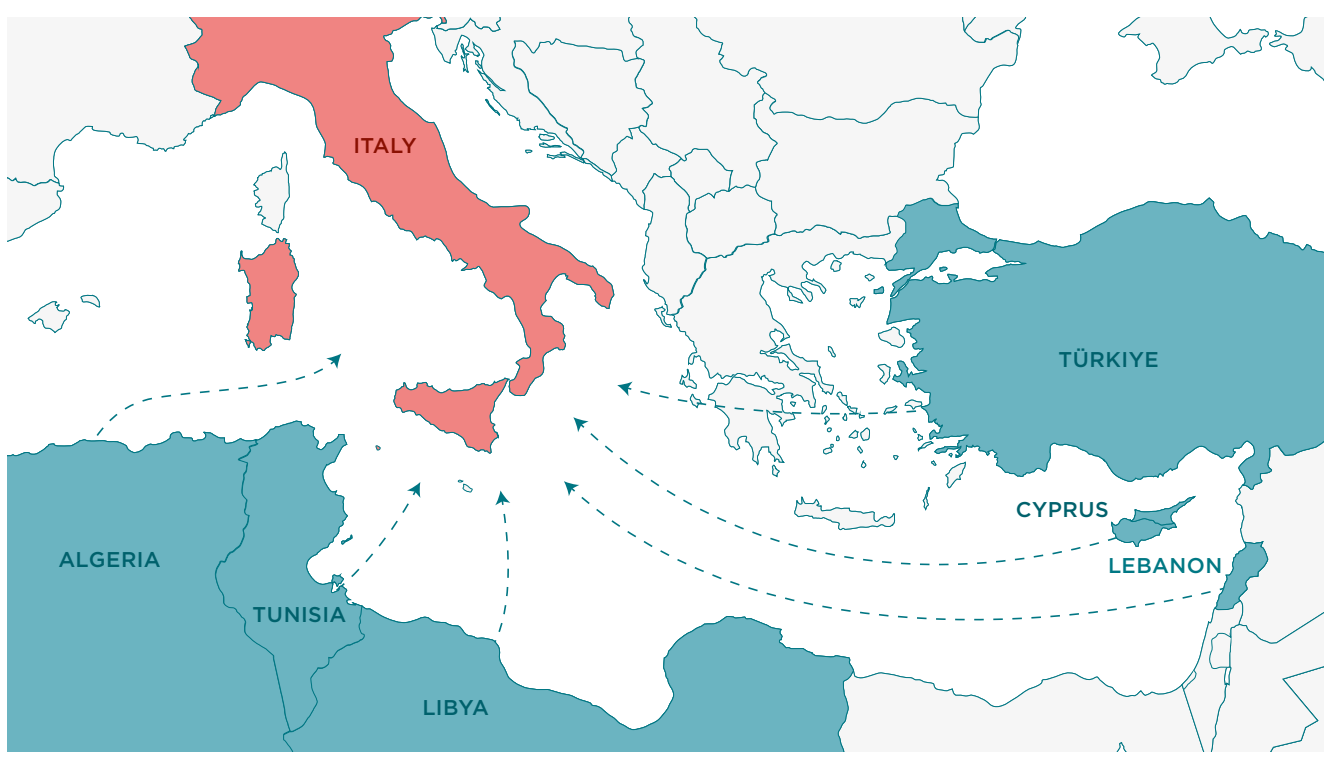
Leading the rest of Europe in the externalisation of its borders to North Africa, **Italy** nonetheless still receives the most landings. In 2023, 157,301 people landed on Italian shores, an increase of 50% compared to 2022.³ Of them, 17,319 – about 12% – were unaccompanied minors.⁴

Though obligations are clearly set out under international law, since the end of Operation Mare Nostrum in October 2014, European countries have **gradually abandoned the central Mediterranean** and pursued a **policy of externalising borders, refoulement and containment** of migrants in North Africa.



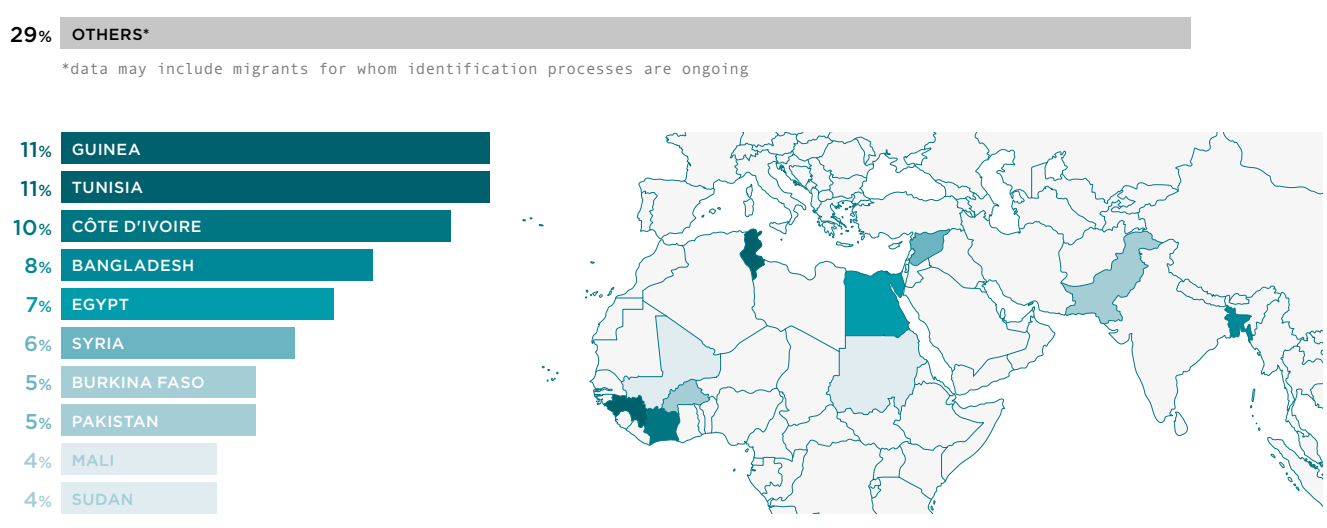


SEA ARRIVALS IN 2023 BY DEPARTURE SITE



Source: UNHCR - Data as of 1 January 2024

NATIONALITIES DECLARED AT TIME OF DISEMBARKATION



Source: Italian Ministry of the Interior (Department of Public Security) - Data as of 1 January 2024





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Since 2014, the European Union (EU) has sent no search and rescue missions into the Mediterranean Sea; in the Italian Search and Rescue (SAR) region, this activity has been carried out almost exclusively by the country's Coast Guard. The resulting **"rescue gap"** claims victims daily and is only partly addressed by the intervention of the "civil fleet" and non-governmental organisations (NGOs) whose stated mission is to defend the right to life.

Charities working at sea have been hindered and criminalised since 2017. According to the European Union's Fundamental Rights Agency, Germany, Italy, Malta, the Netherlands and Spain have taken administrative action or opened criminal proceedings 63 times against NGOs working at sea. A third of these cases were criminal trials against ships' staff or crews.⁵

The already shrinking humanitarian space left to NGO ships for search and rescue at sea was further curtailed in 2023, when the **Piantedosi decree** (Decree Law no. 01/23, later converted into Law no. 15/23; see section 3.2 "New Practices") – the Italian government's first legal act that year – came into effect. This, coupled with ships regularly being **assigned distant ports for disembarkation**, drastically reduced the opportunities for NGO ships to conduct rescue missions. As a result of the Piantedosi decree, there have been **14 administrative detentions** lasting a total of 260 days,⁶ and **NGOs' ships have spent more than 370 days in total travelling to distant ports.**⁷ This diverts time that could be spent rescuing and protecting life at sea, a price paid not just by the humanitarian organisations, whose work is criminalised, but above all by the men, women and children on boats in distress.



WHO IS RESPONSIBLE FOR RENDERING ASSISTANCE AT SEA?

The legal framework for sea rescue and treatment of refugees and asylum seekers is provided by legislation in **international maritime law** and in **international laws on asylum, human rights and combating transnational crime**.

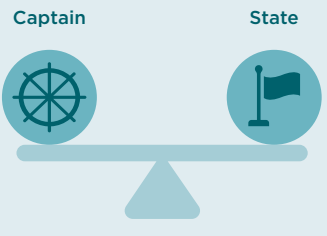
According to international maritime law, a ship's **captain** must proceed as quickly as possible to the rescue of people in danger and give them assistance, as soon as the former becomes aware they are in need of help (article 98, United Nations Convention on the Law of the Sea, UNCLOS, 1982). The International Convention for the Safety of Life at Sea (SOLAS, 1974) makes the **protection of life an indisputable priority** and requires ships' captains to record in their logs their reasons for not rendering assistance to people in danger.

The Search and Rescue Convention (SAR, 1979) sets out **states' obligations** and makes each coastal country responsible for an allotted SAR region, in which it must provide rescue and coordinate operations through a rescue coordination centre (RCC), using every search and rescue vessel at its disposal.

The SAR Convention also states that **coastal countries** are responsible for coordinating rescue operations with each other, and that in the event of a state failing to respond to a case of distress in its own SAR region, those states in charge of neighbouring SAR regions have a duty to collaborate and intervene.



WHO IS RESPONSIBLE FOR RENDERING ASSISTANCE AT SEA?



SEARCH AND RESCUE REGIONS OF RESPONSIBILITY IN THE CENTRAL MEDITERRANEAN

- Italian SAR region
- Overlap of Italian and Maltese SAR regions
- Maltese SAR region
- Libyan SAR region

WHAT CONSTITUTES A DISTRESS CASE?

Distress is understood as a “situation wherein there is a reasonable certainty that a vessel or a person is threatened by grave and imminent danger and requires immediate assistance” (SAR Convention).

The vessels in which migrants cross the Mediterranean are overcrowded and unsuited to long voyages, especially in bad weather, and do not have competent crews nor the proper equipment for sailing. According to the criteria in international guidelines and EU regulation no. 656/2014, such a vessel is to be considered in distress from the moment it leaves the North African coast and begins its journey.⁸

WHAT IS A PLACE OF SAFETY?

According to the Maritime Safety Committee’s guidelines (MSC 78/26/Add.2, Annex 34), a **place of safety** (PoS) is a place where rescue operations can be considered to terminate rapidly, and where the safety of the rescued people is no longer threatened and their basic needs can be met.

When those rescued at sea are asylum seekers or refugees, this must take into account the need to avoid disembarkations in territories where the lives or freedoms of those alleging a well-founded fear of persecution would be threatened.





1.2

WHY EMERGENCY GOES TO SEA

EMERGENCY believes that rescuing the lives of people in danger at sea is a duty, just like its work in other projects to help victims of war and poverty.

Life Support is part of EMERGENCY's commitment to those whose rights are not recognised nor protected. The violation of human rights in the Mediterranean Sea has reached such great proportions that it can be considered a **humanitarian crisis**. As a medical and humanitarian association, EMERGENCY has decided to put itself on the front line, operating its own ship to help save lives at sea and to put the right to life back at the centre of the debate.

EMERGENCY had already worked on humanitarian ships sailed by other non-profit organisations (en.emergency.it/what-we-do/humanitarian-programmes/completed/#sar) and witnessed the desperate Mediterranean crossings made by migrants. In 2021, EMERGENCY decided to invest resources in launching and managing its own ship, putting into practice the skills and knowledge developed over the preceding years.

EMERGENCY's search and rescue work is part of its **broader project to help migrants and the most vulnerable in Italian society**, which began in 2006 with the opening of its first Outpatient Clinic in Palermo, Italy. Since then, EMERGENCY has worked in six different Italian regions, in both mobile and fixed clinics, to provide basic medicine, nursing, psychological support, cultural mediation and socio-medical support to vulnerable people, including migrants.

Deaths in the Mediterranean Sea have increased in the last few years, while the campaign of criminalising NGOs has intensified. With administrative detentions, preventive seizures and distant port assignments, NGO activities at sea face a range of obstacles and interruptions. The expansion of the "civil fleet" is therefore necessary to increase the chances of saving the lives of people fleeing to Europe. Such a commitment is crucial to pursue a **humanitarian approach** vis-à-vis what is happening in the Mediterranean Sea, overcoming political instrumentalisation and valuing the contribution of every section of civil society.





2

EMERGENCY'S Project





2.1

LIFE SUPPORT

The ship is called **Life Support** after the organisation's original name: EMERGENCY - Life Support for Civilian War Victims. The mission of this search and rescue ship is to help save lives and to allow people leaving their home countries to begin new lives.

Life Support is a supply vessel, a ship equipped to carry out special services, a feature that has provided great flexibility in equipping and reallocating spaces on board for search and rescue activities. It is further designated as a salvage and rescue ship. The ship is 51.3 metres long and 12 metres wide.

It is certified for **hosting up to 175 rescued passengers** in addition to the staff on board. The **Life Support team** is composed of 28 people: nine sailors, 17 staff from EMERGENCY and two further people chosen on the basis of specific needs. Among the EMERGENCY staff, the medical team consists of two nurses and a doctor, supported by two cultural mediators. All of them have experience in complex humanitarian and medical settings.

In line with the existing coordination mechanisms with national and international authorities, and respecting international laws regarding the sea, human rights and refugees, **Life Support answers calls for help from vessels in danger in the areas where it operates**. Potential distress cases are identified by various sources: the switchboard at Watch the Med Alarm Phone, other NGOs patrolling the area by sea or air, the maritime Rescue Coordination Centres (RCCs) of coastal states, European or international ships and aircraft, merchant vessels, or simply sighted from the ship's own Bridge. A careful rescue strategy is then defined, based on the condition of the endangered craft, its location in the sea and the weather.

The **reception and welcome area** for the rescued people, designed from scratch, is spread over two decks: the uncovered boat deck, measuring 90 square metres, where passengers are brought on board after they are rescued, and a covered main deck, measuring 270 square metres with a medical clinic, toilets, beds and a seating area.

The **boat deck** has benches shaded by canvas, as well as a shower. It can be identified by the cordons separating the areas where the crew and the search and rescue team work. As soon as the shipwrecked people are on board, they are given a coloured, numbered wristband to mark which rescue they belong to. The boat deck is important to the medical team, allowing them to assess each person's state of health following the same **triage** method as applied in hospitals. Depending on the outcome of their

triage, each person is assigned a code that determines whether they will be taken to the clinic, onto the main deck, into observation, over to the nearby benches or to the open reception area.

After receiving a wristband and triage, the survivors are searched in line with the ship's security plan, to verify they have no weapons or other items that could pose a security risk, as is also procedure in all EMERGENCY hospitals. The rescued people then move on to a space on the boat deck where they are given blankets.

Once everyone from the rescue has been stabilised, some personal details are collected and linked to their assigned wristband numbers: country of origin, age, whether they have family or relatives. People are then taken to the **main deck** where they receive personal hygiene kits, new clothes and the basic necessities for their meals on board.

In the **sleeping area** on the covered deck, curtains hung from steel ropes separate families with children, single women and children, and single men. There are toilets and showers here, separated for men and women. Meals and water are also distributed in the sleeping area.

The **clinic** is equipped to provide basic medicine and advanced emergency management (cardiorespiratory monitoring and support systems). In very serious cases, urgent medical evacuation (MEDEVAC) is requested to transfer patients to a suitable hospital.

Cultural mediators play a central role in operations, from the first approach of a distress case, to the reception and care for the survivors on board. Having mediators on board to listen to and guide rescued people ensures communication and reduces pressure. The survivors are informed of their rights and the possibility to apply for international protection. The authorities and support agencies at the port are informed of any specific vulnerabilities, to facilitate and better prepare disembarkation procedures in order to give the survivors the best opportunity to receive assistance in a timely and adequate manner once on land.





SHIP SPECIFICATIONS

Flag: Panama 

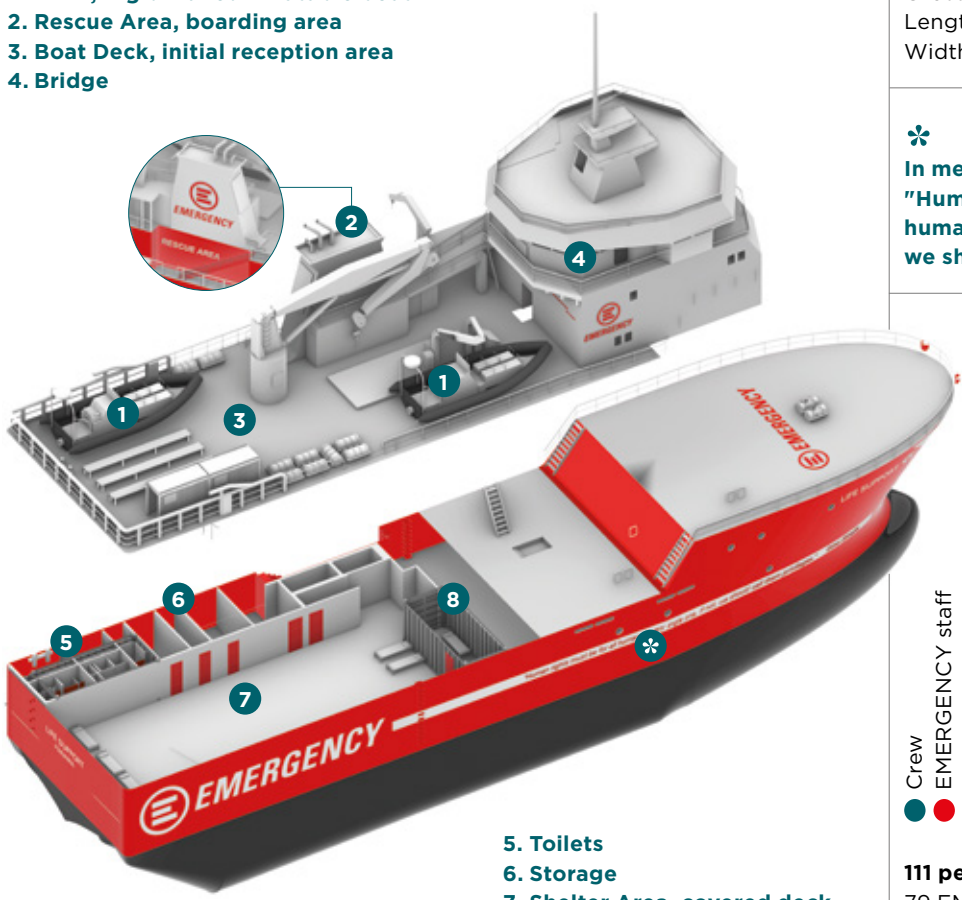
Class: **Supply Vessel**

Designations: **Special Service**

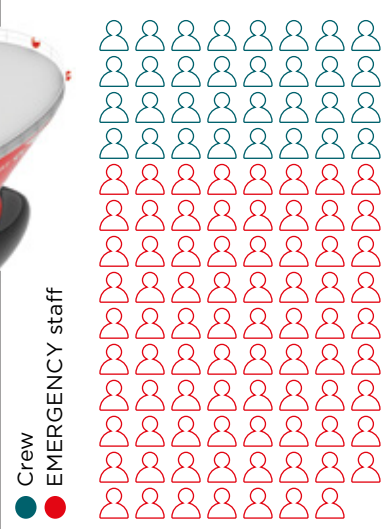
Designations: **Salvage and Rescue**

- 1. RHIB, Rigid-hulled inflatable boat
- 2. Rescue Area, boarding area
- 3. Boat Deck, initial reception area
- 4. Bridge

Gross tonnage: 1,350 tonnes
 Length: 51.3 metres
 Width: 12 metres



*
In memory of Gino Strada:
"Human rights must be for all humans, every single one. If not, we should call them privileges."



- 5. Toilets
- 6. Storage
- 7. Shelter Area, covered deck
- 8. Outpatient Clinic

111 people (32 crew members and 79 EMERGENCY staff) have worked on rotation on board *Life Support*

Life Support has a system installed for collecting micro-plastics. The most common and problematic type of solid debris in the sea is plastic and polymeric components, which are not biodegradable and can remain in the marine environment forever, harming flora and fauna. Every hour, the system filters about 15 cubic metres of water, collecting micro-plastics. The opportunity to save people at sea has also become an opportunity to care for the marine environment.



When we are out at sea and about to carry out a rescue, the cultural mediator has a very important role.
When we reach the boat in distress, the people are scared and worried.
We calm them down and put in place the operational procedures to save them all.
On board, we give them essential legal information and listen to their stories.
These are stories of forced labour, exploitation, sexual violence, abuse. Many are similar: there are people who have lived for many years in Libya in difficult conditions, have been tortured, have been blackmailed.
There are often pregnant women, children travelling alone, young children. Every story strikes you and at the same time shows you how brave and determined these people are. When you listen to them you understand that they had no choice but to cross the Mediterranean Sea – even though it's now the most dangerous migration route in the world.

Yohanes Ghebray – *Cultural Mediator on Life Support*





2.2 ONE YEAR ON *LIFE SUPPORT*

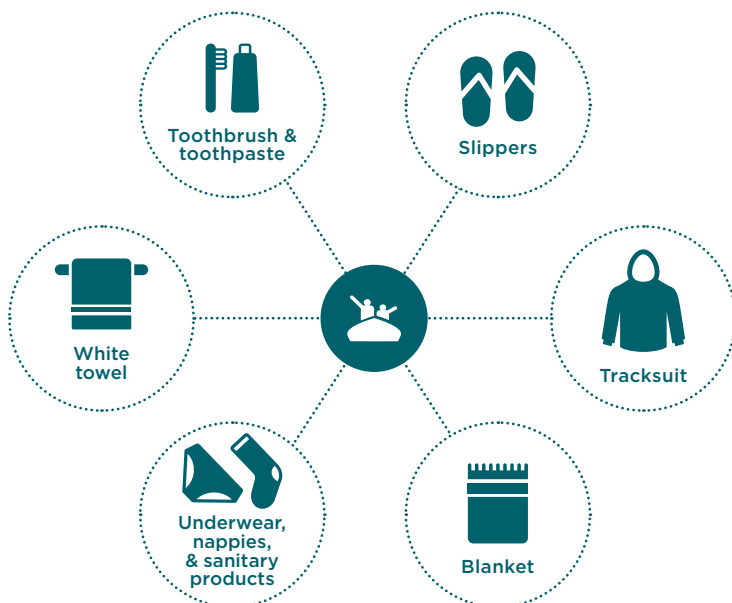


© Dario Bosio



KITS DISTRIBUTED TO RESCUED PEOPLE ON BOARD *LIFE SUPPORT*

FOOD DISTRIBUTED



12,200

meals for rescued people



8,500 L

of water for rescued people



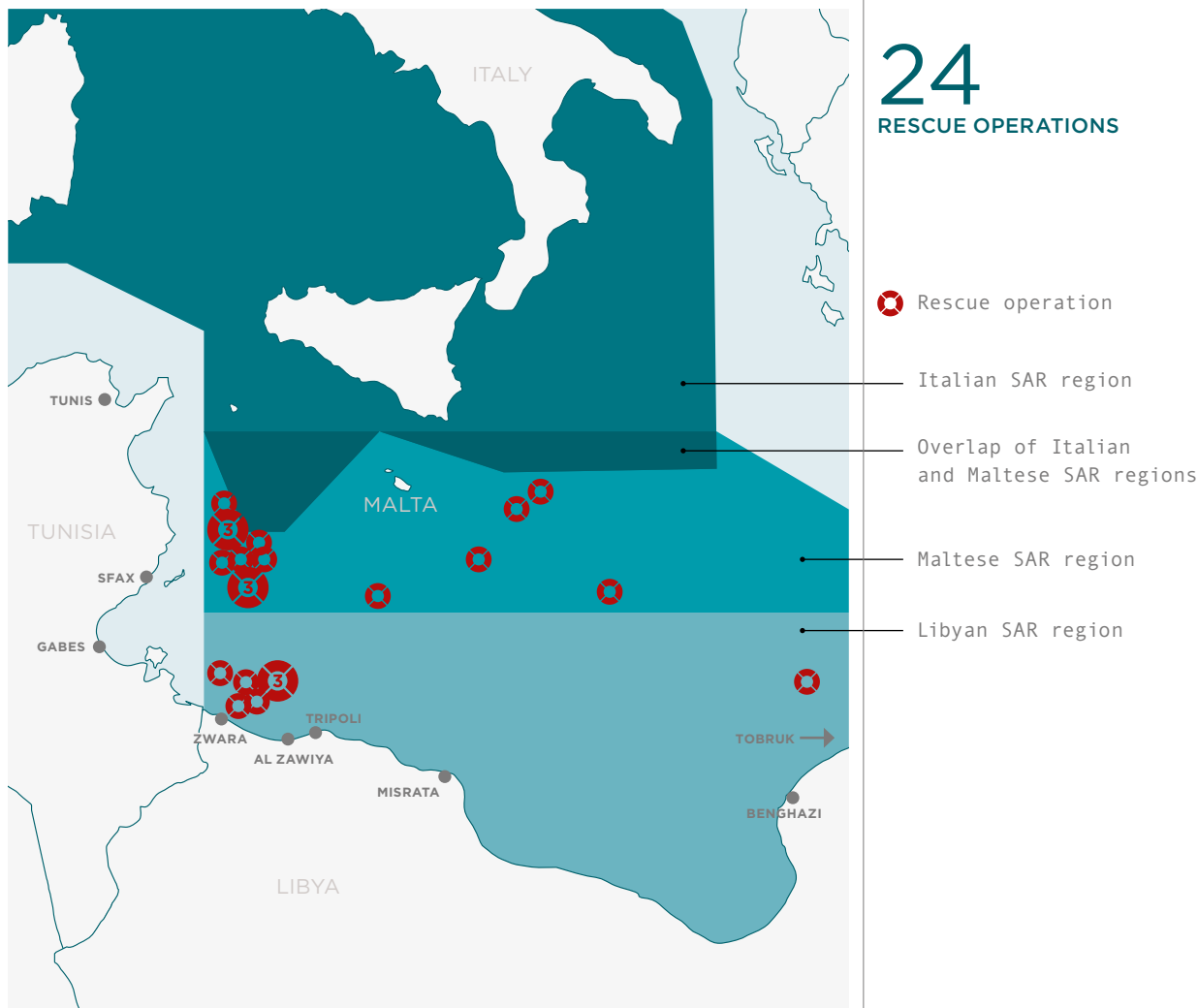


Life Support left the port of Genoa for its first mission on 13 December 2022. In its first year of operation, it carried out **15 missions**, one of which involved no rescues. It covered **almost 40,000 km** (roughly equal to the earth's circumference), and sailed for 105 days in Mediterranean waters.

15
MISSIONS

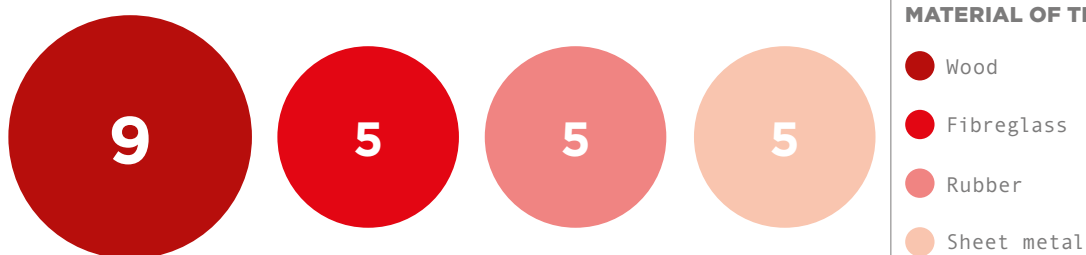
During the missions, *Life Support* **rescued 1,219 people from international waters** in **24 rescue operations**, eight of which were in the Libyan SAR region and 16 in the Maltese SAR region.

24
RESCUE OPERATIONS



Most of the distress cases rescued by *Life Support* came on the **western Libyan route**, in particular from Zwara and Zawiya. Three boats had left **eastern Libya**, from Benghazi or Tobruk. Six had left from Sfax, **Tunisia**.

Typically found on the Tunisian route are the so-called "iron boats," which are built from pieces of sheet metal that are poorly welded together. Characterised by instability and poor buoyancy, the iron boats are particularly hard to rescue because of their sharp edges, which can damage the inflatable tubes of the rescue RHIBs.



Number of boats rescued





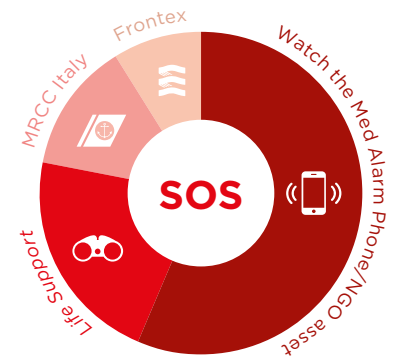
REPORTS OF DISTRESS CASES

Around half (13) of the rescued vessels were brought to the attention of *Life Support* by aircraft of other NGOs or by Watch the Med Alarm Phone. This figure shows the importance of coordination between alert systems and assets on land, at sea and in the air to locate and quickly assist boats in distress.

A further five cases were spotted from the bridge of *Life Support*, without instructions or coordinates received through any other channel. Though this figure is lower, it shows the importance of having a presence at sea solely for search and rescue, to reduce deaths and invisible shipwrecks.

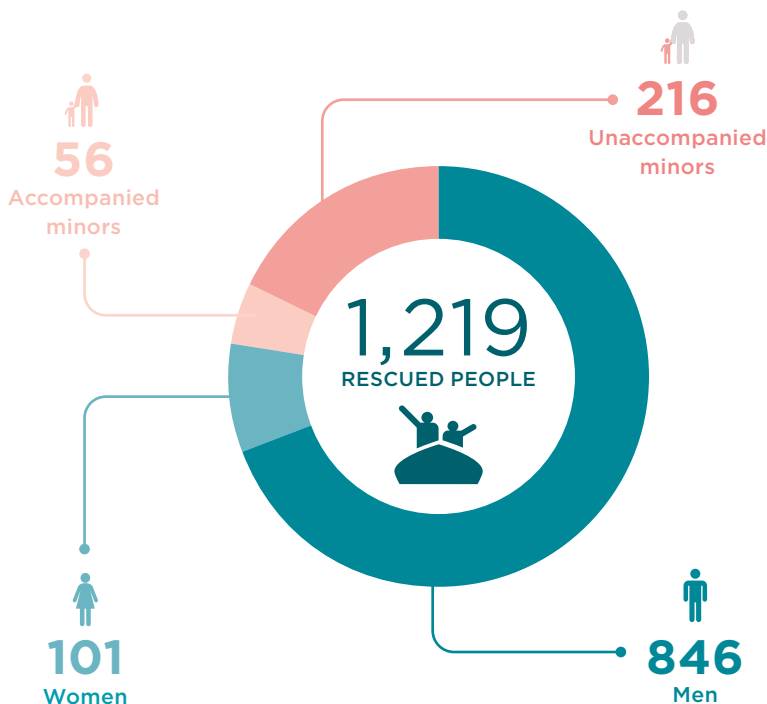
Just two distress cases were reported by the European Border and Coast Guard Agency (Frontex), whose mandate is to "provide technical and operational assistance in the support of search and rescue operations ... which may arise during border surveillance operations at sea."⁹ The agency has four planes and one drone for use in the central Mediterranean.¹⁰ Three rescues were carried out after reports from the Italian Coast Guard.

SOURCE OF DISTRESS CASE REPORTS



Archivio EMERGENCY

RESCUED PEOPLE



43 families



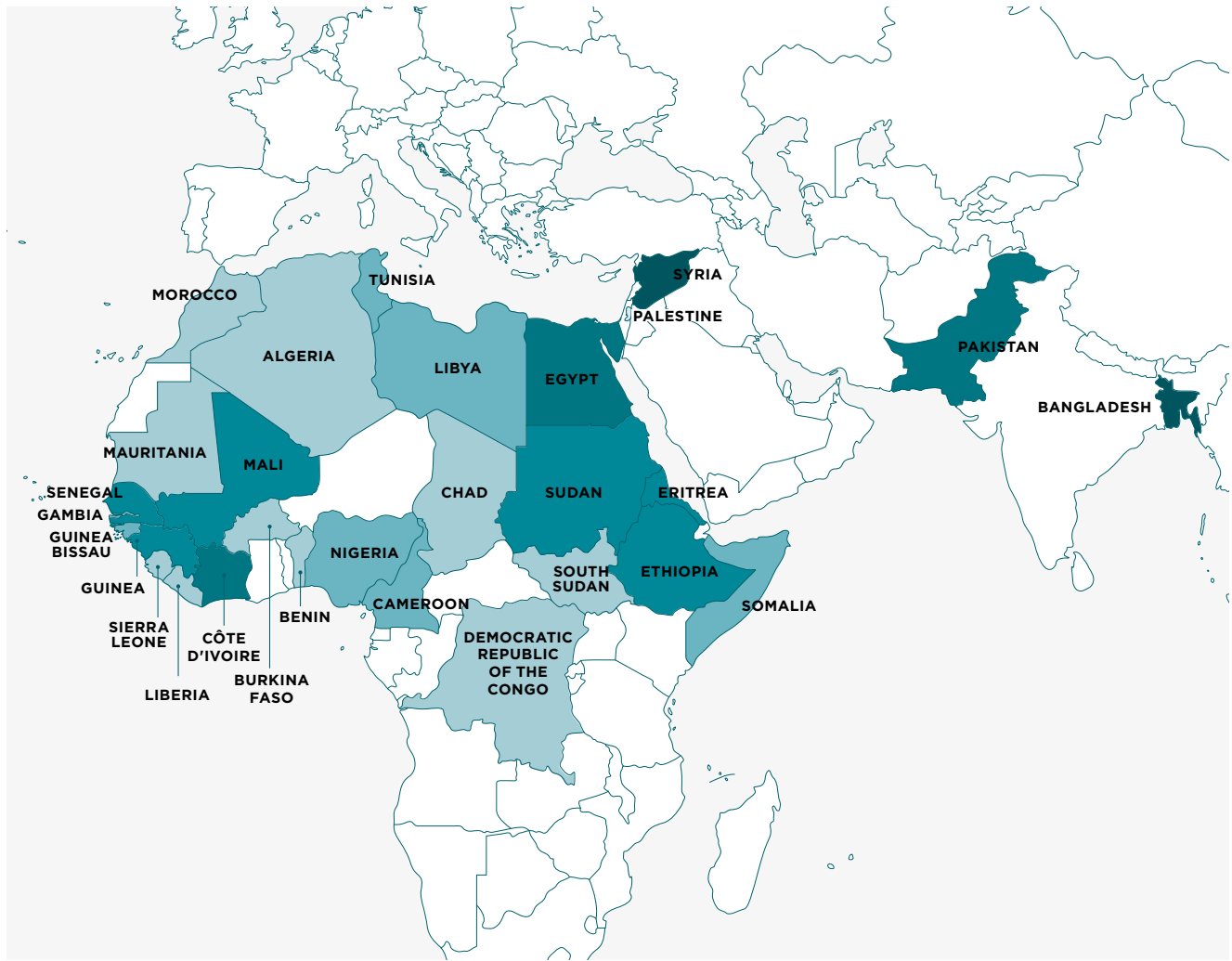
7 pregnant women





COUNTRY OF ORIGIN

Number of rescued people: ● 1-10 ● 11-50 ● 51-90 ● 91-140 ● >140



MEDICAL ACTIVITY ON BOARD

EMERGENCY has paid particular attention to the care provided on its ship. On board *Life Support* there are a **doctor** and **two nurses**, a **clinic** equipped for medical emergencies and basic medicine, and an **area for clinical observation**.

There is always someone from the medical staff **on board the RHIB**, the rescue dinghy equipped to approach people from the water. This staff member's task is to assess the general clinical condition of the people in distress and report back to the team on the ship so they can prepare accordingly. In this phase of rescue, it is essential to stabilise any critical cases in advance and make their evacuation a priority.

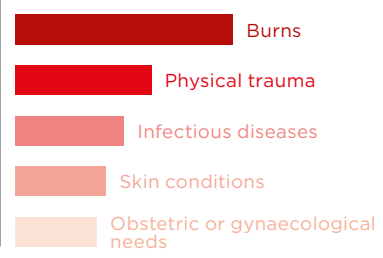
Medical activities continue on board throughout the voyage. The Outpatient Clinic is at the centre of the hospitality area, where rescued people are welcomed, so that it is always visible and accessible. Most treatment consists of **basic healthcare**, with a few cases of medium severity caused by the voyage at sea, like **dehydration, osteo-articular and muscular problems, respiratory tract infections**, which often occur due to inhalation of fumes, and **burns** from the mixture of saltwater and fuel that often spills where people crouch in the hulls of boats.

During the first 15 missions, the clinic on *Life Support* treated **112 patients**, of whom 32 were female and 20 were under the age of 18.

Patients mainly visited the clinic for burns (24 cases), followed by physical trauma (15), infectious diseases (12), skin conditions (10), and obstetric or gynaecological needs (9). 59 patients were kept in observation on board the ship, to assess and monitor their state of health.

112
PATIENTS VISITED
IN LIFE SUPPORT'S
OUTPATIENT CLINIC

MAIN REASONS FOR CLINIC VISITS





The people we rescue at sea are not used to being cared for by anyone. For months, sometimes for years, no one has taken care of them. About half the people we see have conditions, often trauma, dating back months before the rescue. By the time we see them in the clinic, after months of neglect, their conditions are often chronic. This is also true of the patients' psychological condition.

In this first year of activity, we have not had any serious clinical cases or cases that would require immediate evacuation. So, we find ourselves writing to the health authorities the generic formula

“general condition: good/satisfactory,” which might be clinically true,

but is actually grossly inaccurate.

No one would say that, after what they have been through, they are well.

Roberto Maccaroni – *Medical Director, Life Support*





3

Humanitarian Space in the Mediterranean Sea





There are various definitions of **humanitarian space**. It may be understood as “physical access of humanitarians to people in need”, or the “ability of people in need to get life-saving assistance and protection,”¹¹ or the “ability to operate freely and meet humanitarian needs in accordance with the principles of humanitarian action.”¹²

The **fundamental humanitarian principles** are:

- **Impartiality:** obligation to provide assistance solely on the basis of needs, without discrimination.
- **Neutrality:** No involvement in conflict.
- **Independence:** Autonomy of humanitarian aims from political, economic, military or other influences.
- **Humanity:** A conviction that human beings are equal in the face of suffering and that human life must be protected.

Humanitarian space and fundamental humanitarian principles do not exist in the Mediterranean Sea today. The right to life, and the human rights of people seeking protection, are not ensured, while the independent work of humanitarian organisations, whose mission is to protect life at sea, is hindered and criminalised. Despite the high number of victims, Europe has not acknowledged the situation in the Mediterranean as a humanitarian crisis, but treats it as a matter of defence and of border security, the measures for which are increasingly being externalised.





3.1 PERSISTENT BAD PRACTICES

Operation Mare Nostrum was started to “tackle the state of **humanitarian emergency**”¹³ with the double objective of saving lives at sea and bringing to justice those profiting by illegally trafficking migrants. With its conclusion in October 2014, a new phase began, characterised by a gradual disengagement of institutional assets in the central Mediterranean.

Although later EU-led missions (Triton, Themis, EUNAVFOR Med Sophia) greatly extended their area of operations, naval assets were not increased for search and rescue. On the contrary, **law enforcement** and the **fight against human trafficking** and illegal immigration gradually took centre stage, so that by 2023 a quarter of rescues were classified as police operations,¹⁴ and training commitments to the Libyan coast guard and navy have increased.¹⁵ The EU’s current operation (IRINI) is mainly mandated to enforce the arms embargo against Libya; it helps prevent human trafficking using **aerial surveillance** alone.¹⁶

Meanwhile, on 27 June 2018, Libya informed the International Maritime Organisation that it had created its own **SAR region**, covering about 300,000 square kilometres. Enabled by financial and material aid and training from the EU and its Member States,¹⁷ this allowed neighbouring coastal states to refuse to coordinate search and rescue operations in international waters outside their own SAR regions – so they would not be obliged to assign rescue ships a safe place to disembark on their own territory.¹⁸

PRACTICE OF NON-ASSISTANCE

On paper, Libya has committed to search and rescue operations in its SAR region, but several factors - including internal instability and fragmentation, and a multitude of actors involved - have prevented coordinated operations. The **inaction of neighbouring states** when confronted with a distress case is therefore contrary to international law. As noted on the Italian Coast Guard’s website, in line with the SAR Convention, “should the state responsible for that SAR region not take on coordination of rescue operations, those operations shall be coordinated by the national search and rescue authority that is first made aware and is able to provide the best possible assistance.”¹⁹ The division of international waters into SAR regions was in fact designed to optimise rescue coordination, not to create exclusive areas of operation.²⁰

In the central Mediterranean, the principle that states cooperate on search and rescue operations faces another

obstacle: Malta did not ratify the **2004 amendments** to the SAR Convention, which include the guidelines from the Maritime Safety Committee and provide instructions on multistate coordination and the assignment of a place of safety for disembarkation. Malta therefore disputes its responsibility for rescue operations in its own SAR region (unless vessels sailing under the Maltese flag are involved).²¹ Malta has also adopted a very limited interpretation of distress, requiring an explicit request for assistance and a clear and immediate danger to life.²²

According to the Malta country report from the Asylum Information Database (AIDA), in 2022 Malta ignored requests for rescue and failed to save 7,459 people in distress in its own SAR region.²³ Other estimates are even greater, suggesting that Malta ignored 20,000 distress cases in 2022.²⁴ Its **failure to rescue** continued in 2023, throughout which Malta recorded just **380 arrivals by sea**,²⁵ most of whom set out from the Libyan coast.²⁶ This is an incredibly low figure given the extent of the Maltese SAR region and that 218,484 attempts were made to cross the central Mediterranean in the same period.²⁷

Malta has also taken a **hostile attitude toward NGOs** that carry out rescue activities. Its authorities do not respond to reports of distress by e-mail or phone and prefer to instruct **merchant ships** to monitor and, in rare cases, rescue vessels in distress.²⁸ Of course, the captains of all vessels, including merchant ships, have an obligation to render assistance, but the failure to recognise NGO vessels as available assets - designed, equipped and staffed specifically for search and rescue activities - represents a serious failure to coordinate and utilise all available resources to save lives at sea, contrary to international maritime law.



In April 2023, Malta coordinated a rescue of two boats in distress for the first time, after continuous pressure from NGOs. Although, while en route to its assigned port, *Life Support* had offered and repeated its willingness to assist with any distress cases, the operations were carried out by two merchant ships.²⁹



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PUSHBACKS AND INTERCEPTIONS

A **pushback** is one of “various measures taken by states which result in migrants, including applicants for international protection, being summarily forced back to the country from where they attempted to cross or have crossed an international border without access to international protection or asylum procedures or denied of any individual assessment on their protection needs.”³⁰

These actions are linked to **pullbacks**, agreements between states to contain and hold migrants in one place in exchange for economic and financial support.³¹ Pushbacks and pullbacks violate international law, especially the **principle of non-refoulement**.

“Pushback” and “pullback” have become common terms used in the Mediterranean Sea. According to the International Organization for Migration (IOM), in 2023, **17,025 migrants were intercepted and pushed back to Libya**. As of November 2023, the Tunisian National Guard estimated that **69,963 people were pushed back to Tunisia** that year, more than twice as many as in 2022; 78% were foreign nationals and the remainder were Tunisian citizens.³³

These pushbacks are not only carried out by official actors or militias performing interceptions, but also by merchant ships, coordinated by European states in international waters.

PRINCIPLE OF NON-REFOULEMENT

The **principle of non-refoulement** is part of conventional and customary international law and set out in article 33 of the Geneva Convention on the Status of Refugees of 1951:

“No Contracting State shall expel or return a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.”

As stated by the European Union Fundamental Rights Agency in its guidelines on reducing the risk of refoulement:

“For all persons, regardless of their legal status, the principle of non-refoulement is a core component of the prohibition of torture and cruel, inhuman or degrading treatment or punishment enshrined in Article 7 of the 1966 International Covenant on Civil and Political Rights, Article 3 of the 1984 United Nations Convention against Torture and Article 3 of the European Convention of Human Rights (ECHR) as interpreted by the European Court of Human Rights. Such provisions do not allow for any derogation, exception or limitation.”





On its sixth mission, *Life Support* received a report of two distress cases, one of which was quickly rescued. Once on board *Life Support*, the rescued people reported that two boats, each carrying about 30 people, had left together from the city of Tobruk, Libya.

Later, it was learnt from other NGOs working at sea that the merchant ship GRIMSTAD had rescued the second craft and then taken its passengers back to Libya, under the instructions of the Italian Maritime Rescue Coordination Centre (MRCC).³⁴ *Life Support* attempted, without success, to contact GRIMSTAD's bridge and shipping company to alert them that landing rescued people in Libya qualifies as a violation of international law; a rescue operation can only be considered complete once the rescued people have disembarked in a place of safety (Annex to SAR Convention, paragraph 1.3.2, and MSC resolution no. 167(78)). As has now been stressed by several international institutions,^{35,36} Libya can in no way be considered a safe place for disembarkation after a search and rescue operation. This was a serious instance of pushback by proxy.



On its eighth mission, at 14:04 on 23 May 2023, *Life Support* received a report of a distress case from Watch the Med Alarm Phone (AP699), within the Maltese SAR region. The report described a boat with two decks, made of rusty blue iron, with about 500 people on board, including 45 women – some of them pregnant – and 55 children. It was also reported that there were no life jackets or fresh water on the boat.

At 15:02, *Life Support* sent an e-mail to the Maltese and Italian maritime RCCs, offering to assess the case and provide assistance if needed. The authorities were required to authorise and coordinate the rescue operation should immediate assistance be deemed necessary. In the absence of a response, and in compliance with international law, *Life Support* changed course and sailed to the last known location of the endangered craft.

At 17:00, EMERGENCY again contacted the Italian RCC to inform them of the distress case and the ongoing operations. As *Life Support* was in the Maltese SAR region, the Italian RCC advised the ship to contact the Maltese authorities. Several attempts to reach the authorities failed.

At 07:51 on 24 May 2023, the Maltese authorities made contact, informing *Life Support* that its assistance was not needed, that Malta was managing the case and no further instructions were needed. No other information was provided, but the authorities requested that *Life Support* send its request for intervention via e-mail. At 08:42, a second e-mail was sent to all the competent authorities, repeating the information previously provided and requesting coordination. Again, this e-mail received no reply.

At 22:00, *Life Support* reached the last known location of the distress case and began search operations. *Life Support*, the NGO ship *Ocean Viking*, which arrived shortly after, and several air assets were unable to locate the boat. After many hours of searching, *Life Support* left the area at 14:00 on 25 May 2023.

International agencies later reported that case AP699 had been intercepted and pushed back to Libya by the Libyan militia Tareq Bin Zeyad, in breach of international law. More details on this incident can be found here: <https://en.emergency.it/blog/mediterranean/500-people-abducted-at-sea-malta-coordinates-criminal-mass-pushback-by-proxy-to-a-libyan-prison/>





3.2 NEW BAD PRACTICES

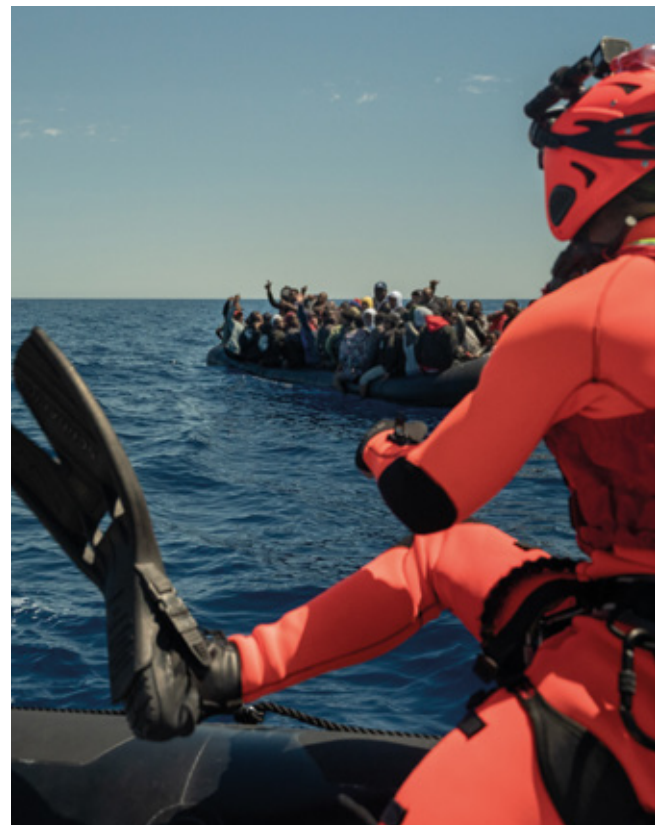
While the humanitarian space in the central Mediterranean has gradually shrunk since 2017, efforts in Italy to criminalise and obstruct the work of NGOs reached new heights in 2023.

Decree Law no. 01/23, known as the Piantedosi decree and titled “Urgent provisions to manage migration flows,” was the government’s first legislative act of the year.

Later converted into **Law no. 15/23**, it contains provisions that create unjustifiable conditions and hinder NGO search and rescue operations in the central Mediterranean, seriously increasing the risk of deaths at sea.

The application of the Piantedosi decree began in parallel with a new practice of **assigning distant ports of disembarkation** in Northern and Central Italy only to search and rescue ships sailed by NGOs.

One year on, the aims of these measures are quite clear. They are intended to target NGOs – despite the latter accounting for just a small share of the migrants arriving in Italy by sea – to **limit the presence of humanitarian ships at sea** and to **weaken the sustainability and efficacy of their operations**, by forcing them to divert funds from rescue activities to longer navigations toward distant ports.



© Dario Bosio

A NEW CODE OF CONDUCT

The Piantedosi decree defines six conditions that allow for an “exception to operate,” under which the activities of NGO ships are considered lawful and the ban on disembarkation does not apply:

- a. The ship used to carry out systematic search and rescue at sea operates in compliance with the certifications and documents released by the relevant authorities of the flag state and is maintained in compliance with the same, with a view to safety when sailing, prevention of pollution, certification and training of crew, and living and working conditions on board.
- b. Actions are quickly taken to inform people brought on board of their opportunity to request international protection and, if they are interested in doing so, to collect relevant data to be made available to the authorities.
- c. The ship asks immediately after the rescue to be assigned a port for disembarkation.
- d. The port assigned by the relevant authorities is reached without delay in order to complete the rescue operation.
- e. The Italian maritime search and rescue authorities, or, if a port has been assigned, the public security authorities, are given the information needed to create a detailed reconstruction of the rescue operation.
- f. The ship’s search and rescue operations at sea have not led to dangerous situations on board or prevented it reaching its port of disembarkation promptly.

Violations of the provisions may result in penalties, including fines between 10,000 and 50,000 euros and administrative detention of the ship for up to two months. Repeated violations may lead to seizure of the ship.





PIANTEDOSI DECREE

In its first year, the Piantedosi decree has had terrible consequences for people finding themselves in dangerous situations trying to cross the central Mediterranean.

At parliamentary hearings for the decree's conversion into law, civil society organisations and legal experts raised concerns about the **legitimacy** of the measure. The **criteria of urgency and necessity**, which are essential for this legislative process to proceed, did not seem to apply. Nonetheless, the decree was just the first of several in 2023, all of which reinforced an approach to **migration as an emergency and a threat to security**.

The decree diverted attention from the real mandate of search and rescue operations – to save lives – and formed instead a new code of conduct with provisions that are either unnecessary, because they already exist in international law, or **discriminatory**. Some are elaborated below.

The demand that NGOs operate in compliance with certifications and documents that respect international legislation and standards (letter a) discriminates against these organisations and lays the groundwork for new administrative detention. This provision is at odds with a recent **ruling from the Court of Justice of the European Union** (joint cases C-14/21 and C-15/21): it stated that the country of reception (in this case, Italy) may inspect ships that carry out systematic search and rescue work and are in one of its ports or its waters, in order to check that maritime security regulations are being followed; however, to justify such an inspection, that country must have concrete and substantiated proof of serious indicators of danger to health, security, the environment or working conditions on board. Neither may the country of reception demand certificates other than those issued by the ship's flag state, which is solely responsible for them.³⁷



Despite the ruling by the Court of Justice of the European Union, after its first rescue in December 2022, *Life Support* remained moored in Livorno harbour for **49 days** while the Italian Coast Guard made numerous unjustified requests for clarification to the ship's flag state, Panama.

As for **informing rescued people about international protection** and gathering **expressions of interest** (letter b), it is the duty of states to ensure people have access to asylum procedures and assess their asylum requests. The EU Asylum Procedures Directive and the Dublin Regulation set out the rules on this front and define the state responsible for examining requests. In its latest position paper in December 2022, the **UNHCR** underscored that a private vessel is not suitable for such activities and that **asylum requests should only be processed on dry land**, after disembarkation, in a place of safety, and only once the immediate needs of the rescued people have been met.³⁸

This approach is in keeping with the **guidelines of the International Maritime Organisation** (MSC resolution no. 167(78)), which state that any operation or procedure that falls outside the scope of assisting those in distress – such as screening or assessment of rescued people's status

– should not hinder the provision of such assistance or unduly delay their landing.

The demands to communicate and **share information with the authorities** in order to reconstruct search and rescue operations (letter e), and immediately request the assignment of a port of disembarkation (letter c), are utterly superfluous and irrelevant. In line with international legislation and guidelines and the Italian national maritime search and rescue plan, *Life Support* already shares all information promptly with national RCCs in the area, including progress of its rescue operations: the reception of a distress alert or sightings from the ship's bridge, assessment of distress cases, launching of stabilisation and rescue procedures, completion of rescue procedures, request for a port of disembarkation, and a report describing operations on each rescue ("SitRep") and mission ("MisRep").

Yet it has been another provision – at first seemingly more conducive to rescued people's rights – that has most hindered NGO activities at sea, making **multiple rescues almost impossible**. It is required that ships reach the assigned port of disembarkation without delay (letter d). This has ensured the assignment of a Place of Safety (PoS) immediately after communication of a completed rescue. Although positive in principle, in practice it has harmed life-saving capacity in the central Mediterranean. Ordering search and rescue NGOs to immediately return to a port – often a very distant one – while distress cases at sea remain unattended, contravenes each captain's obligation to provide assistance to people in distress.

This clause was the **main cause of detentions** for NGO ships in 2023 and raises the greatest concern because it criminalises those who, in compliance with international law, save lives at sea regardless of political or national defence considerations, which should be addressed only once people in distress are safe.



During its missions, *Life Support* has received mixed instructions from the Italian authorities in response to further distress cases after an initial rescue.

Although in every case the authorities have stressed the need to respect the Piantedosi decree, at times *Life Support* has been asked to adjust its course to assess distress cases, while in other instances the authorities have ordered the ship not to change course or sailing speed and to continue to its assigned PoS, without providing any reassurance that the cases would be assisted.

Since December 2022, in which time the Italian authorities have coordinated 10 multiple-rescues, *Life Support* has had a **negative answer or no answer at all to 42 alerts** of distress cases sent to the Italian RCC after conducting an initial rescue and being assigned a port of disembarkation.



DISTANT PORTS

The Piantedosi decree came into effect at the same time as a systematic practice of assigning NGO ships distant ports, very far from the areas in the central Mediterranean where they conduct their rescue operations.

ASSIGNED PORTS

● Assigned ports ● Nearby port as reference



EXTRA DAYS OF NAVIGATION*

+28

for the rescued people



+56

for the staff and crew



EXTRA KILOMETRES OF NAVIGATION*

+22,600 KM



--- Circumference of the earth (40,075 km)

— Extra km covered by *Life Support*

In 14 missions with rescues, *Life Support* was assigned the ports: Brindisi (2 times), Civitavecchia (1), Livorno (3), Marina di Carrara (3), Naples (1), Ortona (2), Ravenna (1) and Taranto (1). To reach each of these, it travelled an average of 630 nautical miles and navigated for 3.5 days. In total, **almost half of the days** *Life Support* has spent sailing were **dedicated to reaching a distant port**, instead of search and rescue.

To get to the ports and return to the central Mediterranean, EMERGENCY has **spent 938,248 euros**, funds that would have been valuable for other missions or assistance to people in distress at sea.

The practice of assigning distant ports is in breach of the relevant international law, which specifies that states should coordinate and cooperate in rescue operations and **identify a safe port as soon as possible** – a safe port being understood as one **where rescue operations can be swiftly completed**, rescued people's safety is not threatened and their fundamental needs can be met (SOLAS, chapter V, regulation 33, SAR Convention, paragraph 3.1.9, MSC resolution no. 167(78), paragraph 6.12, and EU regulation no. 656/2014, article 2.12). Disembarkation must be made **as soon as reasonably practicable** (MSC resolution no. 153(178)) and a ship should not be subject to **undue delay, financial burden or other related difficulties** after assisting people at sea (MSC resolution no. 167(78)).

In accordance with international law, Italy must make every effort to facilitate that **rescued people disembark as soon as possible**. Taking a long, unwarranted journey to reach a distant port:

- exposes rescued people to poor weather and sailing conditions, which risk traumatising them once more and worsening their already fragile psychological and physical health;
- delays access to essential services, like medical treatment and psychological support, for people who have just been rescued and are therefore in an extremely vulnerable state, including children, both accompanied and unaccompanied, and pregnant women;
- diverts financial resources toward unnecessary sailing costs, rather than search and rescue operations that save lives at sea.

The Italian government justifies its assignment of distant ports on the grounds of distributing migrants more evenly around the country, since reception centres in the south have reached capacity. Yet, it is implausible that there are not more easily accessible ports or facilities along the Italian coast suited to receive the rescued people on NGO ships. The ulterior motives behind the assignments are confirmed by the fact that **many of the distant ports are not equipped** to handle the disembarkation or initial reception of migrants; in several cases, migrants were transferred to other regions after disembarkation. Redistributing migrants to reception centres through **land transfers** would certainly be more efficient and effective.

Notably, in 2023, NGO ships rescued 12,523 people - just **8% of the total**³⁹ - and the ships of the Italian Coast Guard and Financial Guard, who conduct most of the rescues, continued to receive port assignments in Southern Italy. Consequently, the assignment of distant ports can only be interpreted as arbitrary and an unwarranted sanction on NGOs.

*return trip to and from a distant port than a closer one, e.g., Augusta



Compared to reaching a nearer port in Sicily, getting to Ortona took an extra two days of sailing. That means *Life Support* could already have been on its way to international waters to save more lives.

To reach the port we had to deal with particularly adverse weather conditions. Last night, the waves were four metres high and conditions were difficult for both the crew and the rescued people on board, who suffered a great deal, even though international law states they must be brought back to a place of safety as soon as possible. There were three pregnant women and 61 children on board.

Emanuele Nannini – *Head of Mission on Life Support*





3.3

EXTERNALISATION OF BORDERS

For many years, the externalisation of borders - or the “external dimension” of migration - has been the main strategy in EU migration policy to **prevent departures**. Since the agreement with Turkey in 2016, the countries in which these measures are enacted have multiplied. The **Trust Fund for Africa** has been instrumental for this. Though its stated aim is to help stabilise the continent, tackle the causes of illegal migration and refugee flight, and control borders,⁴⁰ **almost half the funding has been spent managing migration flows** into Europe.⁴¹ Among the top recipients is **Libya**, which received 459 million euros through this fund alone to manage migration, despite countless reports from international institutions describing the country’s systematic violation of migrants’ human rights.

This approach to international cooperation continued with the **Neighbourhood, Development and International Cooperation Instrument (NDICI)** in March 2021, which replaces previous EU funds and will finance the EU’s external action with a budget of 79.5 billion euros between 2021-2027.

In November 2022, the European Commission presented its **action plan for the central Mediterranean**. The core of the strategy is preventing illegal crossings and strengthening search and rescue capacity not in Europe but in Tunisia, Egypt and Libya. Not by coincidence, in July 2023 the Commission signed an **agreement with Tunisia**; **Libya** declared a **contiguous zone** to enforce its national laws on security and migration, among other things;⁴² and work is underway to formalise and expand a **partnership with Egypt**.

Border externalisation has already proven to be a failed policy that is detrimental to the lives and rights of people on the move. Libya and Turkey have not become safer countries than before from the perspective of respect for human rights, and reaching Europe has been made more dangerous. Meanwhile, the **trafficking business has flourished**. In just a few months, Tunisia has seen **living conditions deteriorate for migrants**, and more and more Tunisians are leaving their country to get to Europe.

LIBYA

There has been a deluge of reports in the last few years from international and non-governmental organisations describing the inhumane conditions migrants suffer in Libya. They describe what has become a **system of violence, abuse and torture**. In March 2023, an independent fact-finding mission by the United Nations stated the violations committed in Libya qualify as **“crimes against humanity ... against migrants in places of detention** under the actual or nominal control of Libya’s Directorate for Combating Illegal Migration, the Libyan Coast Guard and the Stability Support Apparatus. These entities received **technical, logistical and monetary support from the European Union and its member States** for, inter alia, the interception and return of migrants.”⁴³ Because of this, the mission called on the international community to cease any direct or indirect support to Libyan actors involved in these crimes.

In 2023, however, the EU and Italy continued to be complicit in these appalling violations. Instead of answering the call to “re-examine policies that support

ITALIAN-ALBANIAN MEMORANDUM

On 6 November 2023 the Italian government signed a Memorandum of Understanding with Albania to build migrant reception centres on Albanian territory. The agreement provides for two facilities with a maximum capacity of 3,000 people, one for **identification** and the other for **detention and eventual repatriation** of migrants. The Memorandum will apply only to people saved in the Mediterranean Sea by Italian naval vessels and not by NGO ships. It will not apply to vulnerable people, such as pregnant women and children, but it is not clear how and where **screening for vulnerability** will occur. The agreement raises several concerns over its legitimacy, among them the **normalisation of distant port assignments and of selective disembarkation**, in violation of international law, which requires that all people rescued at sea reach a place of safety in the least time possible, on the basis that they are rescued people before they are migrants.

It is estimated that costs from the agreement could exceed **600 million euros by 2028**. Italy has once again chosen to allocate vast resources on **ineffective measures that are harmful to human rights in third countries**, rather than on improving the system for reception and inclusion of migrants in Italy.





interception at sea and return of refugees and migrants to Libya,⁴⁴ they increased funds and resources that support human trafficking. There is a **“direct causal link between Italy’s cooperation activities** with the Libyan coastguard and the exposure of people intercepted at sea to **serious human rights violations.**⁴⁵

Between 2017 (when the Italy-Libya Memorandum was signed) and 2021, **Italian contributions** to the Libyan Coast Guard **totalled 32.6 million euros**, while naval missions in the Mediterranean and off the Libyan coast cost **960 million euros.**⁴⁶ When the Memorandum was renewed in 2023, and indirectly confirmed for subsequent years with the vote of the **international military missions decree**, Italian aid further increased: with a budget of 104 million euros, the air and naval mission in the Mediterranean, **“Mare Sicuro”, is Italy’s costliest yet in Africa.** Support for Libya’s so-called coastguard is part of this collaboration. In 2023, the Italian aid package incorporated a new activity of consultation and training for integrated border management in Libyan state structures.⁴⁷

The EU provides similar funding. In October 2023, President of the European Commission Ursula von der Leyen addressed a letter to Member States with precise updates on the strengthening of border management in partner states. Among the achieved objectives was the delivery of **five new search and rescue assets** to Libya, and the **interception and disembarkation of 10,900 people** along the Libyan coast.⁴⁸

All this continues to occur despite Libya never having signed the Geneva Convention on the Status of Refugees, and in no way qualifying as a place of safety for disembarking migrants under international law.⁴⁹ Operations that end in Libya cannot be considered search and rescue; rather, they are interceptions and pushbacks, and **violate the principle of non-refoulement.** This position has been confirmed in **rulings by Italian courts**, including the Court of Cassation, and was remarked on in the **European Parliament resolution** of 11 July 2023, which called on the European Commission, Member States and Frontex to ensure that disembarkations occur only in places of safety and to provide comprehensive information

and data on the support provided to Libya.⁵⁰ Unfortunately, the resolution was not followed by a change of strategy or policy.

Many survivors reported the abuse and violence that they suffered in Libya. They were often victims of arbitrary detention, extortion and exploitation. Some struggled to stand and some were pregnant, including in their seventh month of pregnancy.



“I left Egypt because life there had become untenable: I couldn’t find work, everything is too expensive, it was difficult even to afford food. Sometimes I couldn’t even buy bread for my brothers and sisters... I left Egypt to look for work and send money home.

I was in Libya for three months. Enough time for me to see horrible things. They kept us in a very small house, treated us like animals. They beat us every day, sometimes for no reason, sometimes to get our family members to send them more money. It was terrible.

When I saw Life Support, I thought you were Libyans. I was going to jump into the sea, I would have rather drowned than return to prison in Libya. I still can’t believe I was brought to safety.”

F., 26 years old, from Egypt | rescued August 2023



© Francesco Pistilli



On board *Life Support*, the consequences of the securitised approach to migration and the conduct of Libyan actors at sea are witnessed first-hand.

During its second mission, *Life Support* was approached by a fast-moving vessel making risky, intimidating manoeuvres that would not identify itself nor communicate with our Bridge, despite repeated requests over the radio.

Life Support was conducting search and rescue activities outside of Libyan territorial waters, after having informed both Italian and Libyan authorities and without receiving coordination. It was later discovered that the boat belonged to the Stability Support Apparatus, a body employed by the Libyan Ministry of the Interior. During its fifth mission, an unidentified vessel approached *Life Support* at the end of rescue activities in the Libyan SAR region. On board were four armed men in plain clothes, who ordered *Life Support* to leave the area.





"Sometimes, while we were in Libya, I thought about going back. We were living in poor hygienic conditions, especially for such a small child, who needs constant attention. But the only chance we had to give him a better life was across the sea. To leave, we had to sell the family home. Only my husband stayed in Syria, taking care of his parents. They are elderly and cannot move. Now, I hope to reach Germany, where my brother has been living for several years."

N., 28 years old, from Syria | rescued August 2023 with her 7-month-old son



© Francesco Pistilli



"There is no peace in Libya. They were entering our homes with guns, looking for money and valuables to steal. We wanted to rescue our son from that hell, but we did not have the money to pay for three people to take the trip. We told ourselves that our son should study and not live in a country where people are killed in the streets. My love sacrificed himself. Now I am afraid we will never see each other again."

G., 22 years old, from Eritrea | rescued June 2023 with her 2-year-old son



© Francesco De Scisciolo



"I am from sub-Saharan Africa, I left because of the war and the ongoing conflicts in my region. I ended up working in a gold mine in the desert near the border with Libya. We slept on pieces of cardboard on the ground, we were in a state of slavery: they forced us to work by threatening us with weapons, and we could not leave."

After just three months, armed Libyans took us away: we found ourselves in a prison and had to pay a ransom to be freed. I had no money and no family or friends to contact. I only got out because they sold me to a Libyan farmer who took me to his farm to watch his animals, where I stayed for a few months without being paid. Until, as a 'reward' for my work, other armed Libyans arrived and took me with them. They told me they would take me to Europe."

I thought I would go on a ferry and I was happy. Then I saw what boat I would have to cross the sea in: a small, overloaded dinghy with no protection. I was very scared, but they forced me on."

A., 25 years old, from Côte d'Ivoire | rescued November 2023



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TUNISIA

In 2023, Tunisia became the leading country of departure for sea crossings to Italy. Of the more than 157,000 people who arrived that year, 97,000 left from the Tunisian coast. The increase is due to several factors, including the **worsening of socio-economic conditions** in a country with an unemployment rate of 16%⁵¹ and inflation at 10%,⁵² the **limiting of civic space and freedom of expression**,⁵³ and increasing **instances of racism and xenophobia**. In addition, although it is party to the Geneva Convention on the Status of Refugees, Tunisia has no nationwide asylum system. Migrants who enter the country irregularly are exposed to the risk of human rights violations like detention, although authorities deny that this occurs.⁵⁴

While these elements created “push factors” before, living conditions for foreigners in Tunisia rapidly declined in 2023. On 21 February, at a meeting of the National Security Council, President Saied declared that “hordes of illegal migrants from Sub-Saharan Africa” had arrived in Tunisia, “with all the violence, crime and unacceptable behaviour that this entails”; it was an “unnatural” state of affairs, part of a criminal plot to “change the demographic make-up” and transform Tunisia into “another African country that no longer belongs to the Arab, Islamic nations.” This unleashed a **wave of racist violence against Black people**, with mobs taking to the streets to attack Sub-Saharan migrants.

The tensions peaked in July, when a Tunisian citizen was allegedly killed by two Cameroonians in Sfax, followed by **violence and protests against migrants**, including: evictions, intimidation, extortion, loss of work, arrests, detentions, and even **forced expulsions** across the Algerian and Libyan borders.⁵⁵ Before being abandoned in the desert without food or water, migrants’ identity documents were stolen and their mobile phones were broken.⁵⁶ Living conditions in the desert regions along the borders are so harsh that, according to a recent report by the World Organisation Against Torture, they could be **considered a form of torture and inhuman and degrading treatment**. Many of these areas are still **inaccessible for humanitarian agencies** and, despite appeals by international organisations,⁵⁷ the abuses have continued in the months since.

As with Libya, Italy and the EU have responded to the violation of migrants’ rights with **more funding to stop irregular departures** and to detain people on the other side of the Mediterranean Sea. On 16 July 2023, President Saied of Tunisia signed a **Memorandum of Understanding** with the EU, which rests on **five pillars**: macro-economic stability, economy and commerce, the green transition, the rapprochement of peoples, and migration. It allocates 150 million euros for fiscal support to Tunisia and a further 105 million euros for border management.⁵⁸ As of September, **67 million euros were disbursed for operational assistance**,⁵⁹ aimed at repairing the search and rescue assets and other equipment of the Tunisian Coast Guard for the protection of migrants within Tunisia and for repatriation programmes.⁶⁰

This European aid follows and extends the Libyan model. In a 2021 document entitled “EU Support to Border Management Institutions in Libya and Tunisia,” the European Commission announced its plan to set up a maritime Rescue Coordination Centre (RCC) and coastguard training academies in Libya and Tunisia.⁶¹ **Strengthening the Tunisian RCC** and declaring a

Tunisian SAR region are the EU’s ultimate goals, which they appear ever closer to achieving: in November 2023, the Tunisian Council of Ministers adopted a draft law regulating search and rescue within the Tunisian jurisdictional area.⁶²

While appearing like an investment in the country’s capacities, this aid will inevitably have the effect of **increasing interception and pushbacks to Tunisia**, making the EU further complicit in the violations of migrants’ human rights. **Tunisia cannot be considered a safe place** for people rescued at sea.⁶³ With the new Memorandum, the expansion of European border externalisation policies, and the erosion of the right to seek asylum, there has been no lack of warnings from respected international institutions that human rights must return to the centre of the EU’s foreign policy.^{64,65} Unfortunately, the compromise reached in December 2023 in the EU Pact on Migration and Asylum does not provide hope for a change of direction.

The year 2023 provides another important figure: 17,322 people declared themselves to be Tunisian upon disembarking in Italy, making it the second most-common country of origin after Guinea⁶⁶ and maintaining a record it has held almost constantly in recent years. During its thirteenth mission, *Life Support* rescued 27 people in the Maltese SAR region who had left Sfax. All were Tunisian, including seven unaccompanied children.



“In Libya there are no rights for migrants, they can kill you in the street and nobody cares. But Tunisia was not a good place for me either. There is a lot of racism now. In Sfax, Tunisians often attacked us Black Africans. They would come to the houses where we lived and steal our money, our phones; they would beat us for hours if we didn’t have money. I still have many scars on my body.”

I am from Sierra Leone. In 2020 the government killed many members of my family because they were political opponents. I had to flee to Morocco to save myself, I spent a lot of time in the desert.”

C., 24 years old, from Sierra Leone | rescued July 2023



© Davide Preti



© Davide Preti



"I left Cameroon in 2021 alone, leaving behind friends and family because in the country there is a lot of violence and abuse. To get to Tunisia I had to pass through the desert in Algeria: on the way I was raped by eight Algerian men, the ones I had paid to take me to Tunisia. This happens to many women who undertake this journey. I spent several months in Tunisia to collect the money to pay for the sea voyage, during this time I was never able to have medical checks because I was undocumented. Only now on Life Support was I able to take a pregnancy test and I found out I was three months pregnant."

L., 28 years old, from Cameroon | rescued July 2023



© Davide Preti



"I was held prisoner for 18 months in Libya before I escaped. In Tunisia, I experienced racism and violence. If you are Black in Tunisia, they don't sell you food or water, they don't rent houses to you, they steal your money and beat you. Eleven of my friends were killed because they were accused of theft. There is no possibility of living there. People like me are treated terribly, and no one faces any consequences. Today I am happy because I am alive, but it was not easy."

Y., 27 years old, from Cameroon | rescued July 2023



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4

Advocacy, Communications and Legal Action





Advocacy and communications work are closely connected with search and rescue operations at sea. In the face of **serious violations of international law and the increasing criminalisation of NGOs**, a fundamental part of the work is to record and share the testimonies of survivors, to stimulate public debate and reflection on the issues, to raise awareness among the public, authorities and international institutions of the humanitarian mandate for search and rescue, to denounce abuses, and to propose **human rights-based policies**.

Thanks to a dedicated Communications Officer on board *Life Support*, EMERGENCY is able to **gather material on board** and work across many levels to **share each mission and the stories of the rescued people**, involving the **press**, publishing posts, reels or videos on EMERGENCY's **digital channels**, and creating **events or products for the public**. The range of multimedia material led to "*Come onde del mare*" ("Like waves on the sea"), an immersive exhibition with 360° headsets for the public to virtually experience a search and rescue operation.

At the end of every mission, press releases are issued, detailing the rescue activities, the port assigned by the Italian authorities, and disembarkation operations. In 2023, *Life Support* was mentioned in the **media 3,335 times**: 787 in the press, 1,711 on the internet, 547 on television and 226 on radio. Five journalists, from Italian, British and Swedish media, embedded on board the ship.

Over the course of the year, EMERGENCY has had a range of **meetings**, formal and informal, with political decision-makers, legislators, representatives of international organisations, lawyers and experts.

These are important opportunities to **inform the political debate and present EMERGENCY's demands**, aiming to change the approach to migration from security-focused to one based on humanity, dignity and solidarity.

Laws and practices that jeopardise humanitarian work at sea have forced EMERGENCY to use **judicial channels** to protect its role as a defender of human rights.

EMERGENCY has asked the Ministries of Transport and of the Interior, the General Command of Port Authorities and the local port authorities to provide the documents that determined each distant port assignment. The authorities have justified their **failure to share these documents on the grounds of public order and national security**. The legitimacy of their decision has been confirmed by the regional court of Lazio in three cases, one of which is now being examined by the Council of State.

EMERGENCY, together with the *Associazione per gli Studi Giuridici sull'Immigrazione* (ASGI), Médecins Sans Frontières, Oxfam Italia and SOS Humanity, has submitted a **complaint to the European Commission** to request an assessment of whether the **Piantedosi decree and the practice of allocating distant ports are compatible** with both EU law and the obligations of Member States under international law concerning search and rescue at sea. The Commission will have to decide whether to open an infringement procedure against Italy.



2022

DECEMBER

15

Daniele Silvestri sings "*Le navi*" - dedicated to the Mediterranean crossings - and shows video and images from on board *Life Support* as part of his tours

2023

JANUARY

16

Rome: Hearing at Italian Chamber of Deputies on Piantedosi decree

24

Milan: Complaint to Public Prosecutor's Office against Panorama for defamation of NGOs

30

Rome: Meeting with UN High Commissioner for Refugees

FEBRUARY

16

Brussels: Hearing at European Economic and Social Committee on revision of anti-trafficking directive

MARCH

9

Crotone: Collective complaint to Public Prosecutor's Office following the Cutro shipwreck

APRIL

24

Brussels: Hearing at European Parliament held by delegation to Parliamentary Assembly of the Union for the Mediterranean and the LIBE Committee on the Mediterranean

MAY

30

Berlin: Participation in event on search and rescue in the central Mediterranean, held by German Ministry of Foreign Affairs

JUNE

7

Rome: Hearing at Italian Chamber of Deputies on international military missions decree





2023

JUNE

20

Lampedusa: Meeting with Commissioner for Human Rights of the Council of Europe on search and rescue activities in the Mediterranean Sea

21

Lampedusa: Meeting with European Parliament's LIBE Committee on search and rescue activities in the Mediterranean Sea

JULY

5

Rome: Hearing at Lazio regional court regarding request for access to documents assigning the distant port of Brindisi

12

Complaint to European Commission of potential violation of EU law regarding Piantedosi decree and assignment of distant ports

SEPTEMBER

1-3

Reggio Emilia: EMERGENCY festival "*Il confine*" ("The Border")

1-24

Reggio Emilia: Photo exhibition "*Come onde del mare*" ("Like Waves of the Sea") with 360° virtual reality headsets at Palazzo dei Musei

NOVEMBER

8

Rome: Hearing at Lazio regional court regarding request for access to documents assigning the distant ports of Livorno and Ortona

DECEMBER

12

Rome: Hearing at Italian Council of State regarding request for access to documents assigning the distant port of Brindisi

11-24

Life Support 360° virtual reality headsets on display at EMERGENCY's Christmas shops

21

21 December 2023-21 January 2024
Rome: Photo exhibition "*Come onde del mare*" ("Like Waves on the Sea") with 360° virtual reality headsets at Auditorium Parco della Musica Ennio Morricone

28

Publication of video "*Uomo in mare*" ("Man at Sea"), produced in collaboration with Ogilvy



5

Conclusions and Recommendations





5.1 CONCLUSIONS

During its first year of activities, *Life Support* rescued **1,219 people** crossing the Mediterranean to escape war, persecution, human rights violations, the effects of climate change and poverty, or in search of better living conditions. These are people who are extremely vulnerable and have made arduous journeys, often suffering **violence and torture**. For years now, there has been an ongoing **humanitarian crisis** in the Mediterranean lacking international recognition. Continuous violations of human rights and international law, at sea and on land, have worsened the consequences of this crisis, widening the so-called “rescue gap” and contributing to the loss of life.

EMERGENCY decided to make its own contribution to **protecting the right to life of people in distress at sea**, on the belief that saving such people is an inarguable duty. In 2023, the *Life Support* crew witnessed the direct consequences of European political choices: continuous, unjustified failure to rescue distress cases, **interceptions and collective refoulement** to countries where human rights are repeatedly violated, and a curtailment of the **humanitarian space for NGOs** operating in the central Mediterranean.

Following the example of its long-standing collaboration with Libya, in July 2023 the EU signed a new Memorandum with Tunisia. This agreement joins the **policies of**

externalising borders and **containing migration**, which outsource migration management to non-EU countries. Funding the Tunisian authorities will strengthen collective pushbacks. Thus, as in Libya, migrants are intercepted at sea and brought back to Tunisia, where they are increasingly the victims of **discrimination and violence**. Libya and Tunisia cannot be considered Places of Safety for the disembarkation of rescued people, given the systematic violence and repeated human rights violations against migrants.

At the same time, Italy has seen a surge in the **criminalisation of NGOs**, through new measures and practices that impede search and rescue activities. The space left for **humanitarian assistance** at sea has been reduced by the Piantedosi decree, which has made it very difficult, among other things, to perform **multiple rescues** within one voyage, contrary to international maritime law. The new practice of assigning **distant ports** has also limited NGOs’ ability to save lives at sea by forcing them to spend excess days sailing. EMERGENCY has spent almost half of the days sailing to reach a distant port and return to the central Mediterranean, subjecting the rescued people to unjustifiably long journeys and delaying their access to essential services. The political choices made in Italy harm not only NGOs, but above all those who attempt the crossing and risk losing their lives at sea.





5.2 RECOMMENDATIONS

To save lives at sea and promote a human rights-based approach to migration, EMERGENCY asks **Italy, Malta, the EU** and its **institutions**, and the other **relevant international organisations**, to implement these urgent recommendations:

- 1 Place the protection of lives at sea at the centre** of every decision concerning the Mediterranean migration route, making a distinction between humanitarian emergencies at sea - which require fast, life-saving interventions - and migration - which can and must be handled on dry land - in keeping with international law and guidelines.
- 2 Strengthen capacity and dedicate the resources necessary for search and rescue activities at sea**, launching an **EU-led search and rescue mission** to fulfil the international obligation of states to act, both individually and in cooperation, to guarantee assistance to people in distress at sea.
- 3 Ensure cooperation between coastal and neighbouring states** in order to effectively coordinate and carry out search and rescue activities, which must conclude at a "Place of Safety" as defined under international law and guidelines.
- 4 Recognise the life-saving role NGOs play** in the Mediterranean Sea and **view humanitarian vessels as assets** for search and rescue activities, ensuring the exchange of information and coordination of operations at sea, in line with European Commission recommendation no. 2020/1365.
- 5 Revoke and abandon all practices that discriminate against or criminalise NGOs**, which have contributed to the increasing loss of life at sea, beginning with Italian Law no. 15/23.

- 6 Ensure the assignment of the nearest available port of disembarkation** to limit further suffering for the survivors and ensure their prompt access to basic services, but also to prevent ships from facing undue delays or financial burdens.
- 7 Cease any action that contributes to the interception and refoulement of migrants to Libya and Tunisia**, which cannot be considered safe places to disembark survivors and which continue to make Italy and the EU complicit in crimes against humanity and serious human rights violations.
- 8 Revoke the Memorandum of Understanding between Italy and Libya and all other agreements that delegate the management of migration to governments or other actors that are known for their poor or non-existent respect for human rights**, which make Italy and the EU partly responsible for the crimes and human rights violations committed against migrants in countries of origin and transit.
- 9 Do not replicate the border externalisation policies in other North or Sub-Saharan African countries**, which are proven to be seriously dangerous to the lives and dignity of migrants, and to make migration routes more dangerous.
- 10 Invest in long-term aid programmes in countries of origin and transit**, following the triple-nexus approach (humanitarian aid, development and peace) and aim not to contain migration but to strengthen the essential services, resources and resilience of local economies and communities.
- 11 Guarantee and expand legal, safe channels for migration**, ensuring access to European territory so that people may apply for international protection, and **establish effective relocation and reception mechanisms** while respecting the human rights and dignity of migrants, to foster a suitable path to inclusion and the development of fair, cohesive societies.



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EMERGENCY is also present in Belgium, the United Kingdom, Switzerland and the United States, and has a network of volunteers in Berlin, Brussels, Heidelberg and Vienna.



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MEDICINE, HUMAN RIGHTS AND EQUALITY