



EU EXTERNAL COOPERATION & RIGHTS OF MIGRANTS AND REFUGEES WHAT LEVERAGE FOR CIVIL SOCIETY IN THE MAGHREB COUNTRIES?

Briefing 1 : Access to rights for people on the move

Migration policies are a pillar of the European Union's (EU) and its Member States' external relations with the Maghreb neighbour countries. However, the record of European cooperation is ambivalent, often associated with security considerations (see briefing 2 '[People on the move facing human rights violations at borders](#)): **can European cooperation be a useful tool for the effective respect of the rights of migrants and refugees in the Maghreb countries?** None of the Maghreb countries has enshrined in their domestic legislations the international obligations on asylum, as well as on the access to rights for migrants and refugees (see annex table entitled 'Main international legal frameworks applicable to migrants and refugees and their implementation in the Maghreb countries'). Many civil society initiatives have emerged in Algeria, Morocco and Tunisia in recent years to defend the rights of these people (trade union action, legal aid, mobilisation of migrant communities). However, the lack of effective channels for consulting independent civil society, which is too often thwarted in its activities, is compounded by the lack of adequate legal frameworks which does not make it possible to value the very expertise of such key players.

EUROPEAN UNION'S EXTERNAL COOPERATION

Unlike other cooperation policies, EU cooperation on migration falls within the **dual competence** of the European Commission's Directorate-General (DG) on external policies (Cooperation & Development - [DG DEVCO](#); Neighbourhood Policy - [DG NEAR](#)) and internal policies ([DG HOME](#)). The amounts dedicated to migration are variable and are not predefined. Some funding is provided by a single DG, others are mixed, such as for the [EU Emergency Trust Fund for Africa \(EUTF\)](#), and allocated to variable providers (cooperation agencies; NGOs; international organisations). Different objectives and actors are therefore combined on the EU's action on migration outside its territory. Sometimes the EU is only an intermediary: implementation depends on Member States and their own funding. This is the case for **Mobility Partnerships**, which are a political declarations signed between the EU, the interested Member States and the cooperating country, but whose implementation is mainly funded by EU Member States. Political orientations are discussed between EU institutions as well

as in intergovernmental regional discussion forums set up by the EU generally coordinated by the European External Action Service (EEAS), such as the [Rabat Process](#) since 2006 or the [Africa-EU Partnership](#) since 2007, which led to the adoption of the [Valletta Joint Action Plan](#).

EXTERNAL COOPERATION SPECIFIC TO EU MEMBER STATES

Some EU Member States have specific projects generally managed by their **public development agencies** [e.g. [the German agency for international cooperation \(GIZ\)](#); [Expertise France](#) and [the French development agency \(AFD\)](#); [the Spanish agency on international cooperation and development \(AECID\)](#); [the Belgian development agency \(ENABEL\)](#); the [Italian Agency for Development Cooperation \(AICS\)](#)] which often has offices in the countries concerned; some agencies work with local partners (administrations, municipalities, associations). These budgets and programmes are subject to the control of the competent authorities of the State concerned and meet objectives set at national level.

MAJOR REFERENCES

POLITICAL INSTRUMENTS

[EU-Morocco Mobility Partnership](#) (in FR only)

[EU-Tunisia Mobility Partnership](#) (political declaration, no implementation annexes adopted yet – in FR only) + [EU-Tunisia Strategic Priorities](#) (see [press release in EN](#))

[EU-Algeria Partnership Priorities](#) (in FR only – incl. items on migration)

FINANCIAL INSTRUMENTS

EU Emergency Trust Fund for Africa / North of Africa window : projects run in [Algeria](#), in [Morocco](#) and in [Tunisia](#)

Mobility Partnership Facility

Asylum, Migration and Integration Fund - AMIF (projects mostly geared towards return and reintegration to the Maghreb countries)

IN PROCESS

Draft readmission agreements : EU-Tunisia & EU-Morocco
Draft EU-Morocco Strategic Priorities

EUROPEAN COOPERATION IN FAVOUR OF THE RIGHTS OF MIGRANTS & REFUGEES?

EXAMPLES OF COOPERATION

Examples of programme	Funding (Administrations)	Implementation	Examples of projects aiming to facilitate access to their rights for migrants and refugees in the Maghreb countries
“Regional Protection and Development Programmes”	EU Emergency Trust Fund for Africa - EUTF (DG NEAR, DG HOME, DG DEVCO, EEAS)	IOM UNHCR Save the Children ICMPD Specific Member States (Italy, Belgium, France, Spain)	Examples in Morocco: Access to legal aid for migrants and refugees , implementation: Belgian cooperation ENABEL Fight against xenophobia and racism , implementation: Spanish cooperation (AECID)
Implementation of Mobility Partnerships (LEMMA project in Tunisia and SHARAKA project in Morocco)	Funding instrument for development cooperation (DG DEVCO) Facility for Mobility Partnerships EU Member States funding	Expertise France French office for immigration and integration	Example in Tunisia: Facilitate the implementation of the national migration strategy , Implementation: Expertise France, AFD, GIZ Example in Morocco: Promote integration of migrants in Morocco (especially Support to entrepreneurship and co-operatives by refugees) , implementation : UNHCR, Moroccan ministries

LIMITS IDENTIFIED BY CIVIL SOCIETY

Lack of effective consultation with civil society organisations undermines the understanding of implementation challenges.

In Morocco, Finland’s support for extending access to the Moroccan Medical Assistance Scheme (RAMED) to all regularised persons is not effective. In the absence of an implementation circular, practices vary considerably between health centres. According to local NGOs, no one has been able to assert their rights under RAMED.

EUTF: lack of transparency and democratic control criticised by civil society organisations, the European Parliament & the European Court of Auditors.

There is a high imbalance and a strengthening of tools for “return” and expulsion from the EU: more projects are being undertaken on assisted return to the country of origin than projects aimed at access to mobility or strengthening associations to assist in the implementation of effective public policies on access to the rights of migrants and refugees.

The restrictions imposed on civil society are not sufficiently taken into account by the European partners. For example:

In Algeria: interruption of a meeting of the Algerian Migrants Platform by order of the Wali (prefect) on the grounds that one of the European embassies had not informed the authorities of its presence at this meeting (December 2017).

In Morocco: the Ministry of Foreign Affairs & Cooperation asks embassies, international organisations and development agencies to be informed of “any interaction, agreement or financing to be concluded with Moroccan government agencies, public institutions or NGOs” (March 2017).

Example: The “Tamkine – Migrants” project (Morocco)

Co-funded by the EU within the framework of the Mobility Partnership, the [“Tamkine-Migrants” project](#) (2011 - 2014) aimed to **reduce the vulnerability of migrant women and children and improve their access to health, education and justice services**. This project has allowed for considerable progress. But it is also emblematic of the limits linked to the lack of consideration of the people first concerned - here migrant and refugee women. Local associations from migrant communities indeed reported a **lack of recognition of their specific situation and needs in project planning**, as particularly illustrated by the sudden termination of the programme without proposing alternatives.

CIVIL SOCIETY IN ACTION

The role of civil society organisations is highlighted in the official texts that structure Euro-Mediterranean cooperation on migration and mobility, including the [Marrakech Programme adopted in May 2018](#) (implementation of the Valletta Programme).

The contribution of independent civil society in the definition and implementation of cooperation programmes is essential to ensure the sustainability and coherence of the programmes, given the crucial role of associations in ensuring effective access to the rights of migrants and refugees. However, this expertise is not taken into account and many programmes have not only predefined lines of action but also predefined implementing partners without calls for projects being open to proposals from associations: these are often international organisations (ICMPD, IOM, UN agencies) or public development agencies. The case of Morocco is a notable exception in this respect (calls for project proposals open to associations).

Good practice: inter-NGO platforms

Inter-association platforms exist in the three Maghreb countries. The **Migration Platform Algeria (PMA)** brings together 20 associations with complementary expertise. The exchanges between the PMA and the **National Platform for Migrant Protection (Morocco)** - made up of 13 members – is illustrative of growing coordination in the Maghreb region, which makes it possible to promote access to the rights of migrants and refugees, as well as to fight against different forms of discrimination. In Tunisia, EuroMed Rights has coordinated several associations through a **Migration Working Group**, which participated, for example, in the initiative to propose a **draft law against racial discrimination** in June 2016, that led to the [adoption of a law in October 2018](#).

WHOM TO CONTACT?

EU delegation in [Algiers](#), in [Rabat](#) and in [Tunis](#)

EU Member States' embassies in Algeria, in Morocco, and in Tunisia

[EU contacts in Brussels and in its Mediterranean neighbouring countries](#)

International Organization for Migration (IOM) Offices in [Morocco](#), in [Tunisia](#) (no website for the office in Algeria)

Offices of the French development agency in [Algeria](#), in [Morocco](#) and in [Tunisia](#)

Offices of the Spanish cooperation in [Morocco](#)

Offices of the German cooperation in [Algeria](#), in [Morocco](#) and in [Tunisia](#)

RECOMMENDATIONS – VALUE THE EXPERTISE

MONITORING / FOLLOW-UP

Stay informed about background documents on migration cooperation and remind decision-makers of their commitments to consult civil society and ensure effective respect for human rights.

Stay in touch with civil society organisations facing similar challenges to exchange practices and identify opportunities for joint action.

INTERACT WITH POLICY ACTORS

Call on decision-makers to assess the limits of projects as defined and/or implemented on the basis of documented information from the “field” and on the real impact of projects in terms of access to economic, social, cultural, civic and political rights.

Request meetings with the EU delegation, with the embassies of the EU countries from which cooperation projects originate or even directly with the cooperation agencies or their representatives at the embassy. Approach local elected officials (municipalities) regarding the monitoring of cooperation projects, call on parliamentarians (national and European) who exercise a right of scrutiny or even control over these projects.

► See also the chapter [How to get the EU to act?](#) in [EuroMed Rights' Interactive Guide on EU advocacy](#).

Created in 1997 following the launch of the Barcelona Process, [EuroMed Rights](#) is a network of more than 80 independent civil society members across the Mediterranean (organisations and individuals). This publication is based on the results of the **regional seminar “The rights of migrants and refugees in the Maghreb countries - Supporting regional dynamics under construction” (July 2018)**, which brought together some 40 civil society organisations from Maghreb countries and some European countries. EuroMed Rights would like to thank all those who participated and contributed to this event, as well as the **Fondation de France** for its support to this project.

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