



Monitoring the right to life on the western euro-african border

January – June 2023

#RightToLife2023

CA MINANDO
FRONTERAS

MONITORING RIGHT TO LIFE JANUARY - JUNE 2023

Despite the fact that the Spanish State has reported that in this first semester of the year 2023 the arrivals of migrants have been slightly reduced overall in the routes of the Euro-African Western Border, and almost twenty percent specifically in the Canary Islands route, our organisation has found that the number of deaths is similar to the same period of the year 2022. We can therefore affirm that on the migratory routes, especially on the Canary Islands route, the mortality linked to the denial of effective protection of the right to life of migrants has increased.

It is therefore important to analyse the causes that led to the victims during this period, and to this end we have investigated the 49 tragedies that occurred on the Strait of Gibraltar routes, the Algerian route in the Western Mediterranean, the Alboran Sea and the route to the Canary Islands. We found an increase in the causes linked to migration control policies, to the detriment of those related to the physical difficulties and risks of the routes themselves.

WHAT WERE THE CAUSES THAT INCREASED MORTALITY RATES?

- Search and rescue resources were not activated when there was sufficient information to do so. We highlight decisions on the non-activation of life-saving protocols that led to the omission of the duty to rescue.
- Increase in passive search methods, with low-efficiency, to the detriment of active searches.
- Discriminatory application of what is considered to be a vessel that does not meet nautical safety requirements. Rescue services unilaterally and discriminatorily interpret the obligations and recommendations of international conventions when it comes to vessels carrying migrants.
- The necessary search resources are not activated despite having exact positions where a shipwreck is occurring.
- The necessary search resources are not activated: insufficient sea resources and lack of air resources.
- Delay in activating of search and rescue resources.
- Delay in the activating of search and rescue resources due to negotiations between countries with a focus on migration control rather than a focus on defending the right to life.
- Lack of coordination between the countries that have to activate rescue services. In the case of Spain and Morocco, coordination is not based on the defence of the right to life, but on bilateral migration control between the two countries.
- Bad practices during rescues.

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- Arbitrariness in the activation of rescue services and in the decision on the means to be used to save the lives of people on the move.
- Violent actions to control the departure of boats:
 - By criminal networks
 - By security forces.
- Poor geographic conditions at boat of departures.
- Bad weather conditions.
- Long distances with insufficient means to cover them.
- Poor nautical safety conditions of vessels.

WHAT HAS BEEN THE TREATMENT OF BORDER VICTIMS AND THEIR FAMILIES BY STATES DURING THESE SIX MONTHS?

Our organisation has analysed the situation in which the dead, missing and surviving victims and their families found themselves after the shipwrecks and disappearances.

- The surviving victims suffered detention, forced displacement, physical attacks, and detention under the law on foreigners. On the other hand, as victims of multiple tragedies, they did not have access to adequate psychosocial care.
- The mortal victims whose bodies were found suffered burials in mass graves, lack of identification protocols with guarantees, lack of dignified burials that respected the beliefs they held during their lives. In the few identification processes with guarantees, the families have been key in reminding the public administrations of their democratic responsibilities.
- The missing were denied the right to be searched for. In at least nine of the shipwrecks, the conditions were in place to start searching for bodies in accordance with the protocols for the protection of life at sea.
- The families have been denied their right to know the truth, and it is still difficult for them to obtain information from the public administrations that would allow them to mourn and recover the bodies of their loved ones, if they have been found. During this time, no public administration has assumed any responsibility that could lead to reparation for the families and no investigation has been opened by the authorities to allow the families to obtain justice.

CORPSES IN FISHING NETS.

States deny rights to the dead and disappeared.

On 27 March 2023, families contacted our organisation informing that, since 21 March, they had no news of their loved ones who had left Cherchell (Algeria). Twelve Algerians and four people from sub-Saharan Africa were on board, including twelve men, two women, a teenager and a baby.

We activated our organisation's alert and search protocol and were able to correlate the appearance of the bodies of two young Algerian men on 23 and 24 March, off the coast of Denia with the missing boat.

One of the deceased, S.A., was found in the nets of a fishing boat about five miles - 8 kilometres - off the coast. The following day, 24th March, another fishing boat found the body of K.C. in its nets. With the information provided by the relatives and in collaboration with the Judicial Police of Jávea, it was possible to begin identification of the bodies.

Subsequently, other fishing boats continued to find bodies while fishing in the same area where the first bodies were found. On 12 April, the body of a young Guinean carrying identification documents was recovered, as well as that of a young Algerian, R.B., who was also identified.

Bodies continued to appear in the same area, the latest on 2 and 13 June, bringing the total number of deceased persons found to seven.

In this case we can highlight the good practices carried out by the judicial police of Jávea in terms of the speed of the process, the search for instruments to inform the families, and the approach to the dimension of the tragedy. Unfortunately, the processes of cooperation between countries for the identification of deaths at the border continue to be slow and painful for the families, and three months after three of the bodies were identified, the families of S.A., K.C. and R.B. are still waiting for the Algerian authorities to confirm the deaths so that they can begin procedures of repatriate their loved ones.

"What I want and what I am ask for is to see my brother's body, even if it is from a distance, to appease the fire that burns in my heart; that the Spanish authorities help us to take his body to Algeria as soon as possible, to hold a funeral according to tradition, so that his soul can rest in peace. We have been waiting for more than three months, sometimes we even doubt that he is dead, it cannot be a perpetual mourning. The authorities on both sides must take into account that this is a sensitive and urgent matter and must speed up the procedures. Waiting without knowing what is going to happen is hard," said S.A.'s brother.

"What I ask of the authorities (who have abandoned us, whether they are here or in Spain) is that they speed up the procedures and send us the bodies now, so that their souls and ours can rest. Since the identification until today we know nothing... I would have preferred not to know anything, to be honest, it would have been better", R.B.'s brother.

Nine people are still missing from the boat, and despite the fact that seven bodies have been found in the same area, the Spanish authorities have not launched a search, despite having sufficient information about the boat and indications of where the shipwreck may have occurred.

Analysis:

- It is possible for the authorities responsible for identification, to apply protocols of respect for the human rights of the deceased at the border, taking into account the special circumstances in which these deaths occur and the vulnerability of the families.
- We continue to lack transnational protocols that provide families a rapid response to the families so that they can access the truth with the greatest possible guarantees and begin to mourn. In this sense, bilateral relations are key, but they should not be affected by migration control processes and the rights of the deceased and their families should be prioritised.

BEING SHOT.

Death and discrimination as weapons of institutional racism.

On the afternoon of 25 May 2023, we received an alert in our border emergency system. Relatives told us that a inflatable boat was located to the south of Gran Canaria. Following our protocols, we informed the authorities responsible for safeguarding life at sea. A few hours later, the Canary Islands Regional Coordination Centre (CCRC) confirmed that the people on the boat had been rescued. There were a total of 43 people on board, including 10 women and 8 children.

Upon arrival, the EFE news agency reported that a survivor told medical staff and the sea rescue service that he had been shot at the beach. Despite the seriousness of this testimony, they were not treated as victims of a tragedy and the protocols of the law on foreigners were applied to them. It was only until the following day, at CATE (Temporary Foreigners' Assistance Centres), that one of the survivors complained of injuries and two people were finally hospitalised. The doctors were able to confirm gunshot wounds.

Our organisation, as part of its monitoring of shipwrecks and victims of tragedies, was able to contact one of the survivors of the boat that had arrived in the Canary Islands, which had remained on the African coast.

"They started shooting when we were in the dinghy, I counted up to four shots, it sounded pun, pun, pun, pun. It was terrible, there was a boy next to me, he grabbed hold of me, and then I fell with him into the water. We were still close to the beach, I don't know how I saved myself. On the shore I saw the boy who had clung to me, he was dead. Two other men beside me were still alive. I looked at the soldiers and said: "You have killed him", the three of us were angry, they had thrown us away as if we were nothing, as if our lives were worthless. Then the gendarmerie arrived and we started to tell them, to point out those who had shot. I

took the identity documents of the dead boy, he had a Malian passport, I took it to know who he was and to be able to tell his family, and I also took his phone, but the gendarmerie took everything from me. I was very angry and kept saying that I wanted to testify that they had killed him. The gendarmerie arrested us and ended up throwing us into the desert. I still can't sleep at night, I hear the gunshots, I see his (the deceased's) face, I wonder if his parents know he is dead and where his body is".

A few days later, we were able to confirm that the body of the deceased was in the Laayoune morgue. Later, in a process of reconstructing the events, we confirmed the deaths of three other people who were wounded by gunfire and were able to board the boat, but unfortunately died during the journey.

Analysis:

- The repression and violence suffered by migrants at the crossing points and the increasing use of military equipment to control migration. It shows how dangerous the Canary Islands route is compared to other routes along the Western Euro-African border.
- The discrimination suffered by migrants on arrival is evident, where they are always subject to migration control protocols to the detriment of the fundamental rights that should be recognised for them.

FAILURE TO PROVIDE ASSISTANCE.

Lives used as a bargaining chip in bilateral relations.

On 20 June 2023, at 15.15 UTC (Coordinated Universal Time), the families of 63 people, including 6 women and 3 children, contacted our organisation through our alert system to report a dinghy that had left the coast of Cape Boujdour bound for Gran Canaria. Following our protocol, we informed the rescue authorities.

By 18.00 UTC, the families manage to provide a position of the boat which had been adrift for several hours. The rescue services activated search resources, and at around 20.00 UTC the SASEMAR 101 aircraft located the vessel at the coordinates provided, as it was indeed adrift. Less than an hour away, at the same time, another rescue was taking place by a Spanish Salvamar. Despite having resources in the area, the Spanish rescue services withdrew them, diverted a vessel and tried to contact Morocco so that they could take charge of the boat. Two hours later, Morocco confirmed that they would coordinate the rescue operation.

The people in the dinghy spent the night without any help arriving.

"They are going to let them die, please, it's not the first time, we know it well, they are murderers, they murder our families. They don't care, they have no mercy, they have been there for hours, I feel they are going to die, my wife and my son are going to die".

On the morning of 21 June, the shipwreck occurred, the dinghy eventually burst and soon everyone began to sink into the sea. A Moroccan rescue boat was in the area but it was too late and they called for help to Spain, which sent an air force. Morocco managed to rescue 24 people alive, including two women, and the body of a dead man. The Spanish airlift brought the body of a four-year-old boy to Gran Canaria. What the relatives had feared so much

finally happened, resulting in 39 deaths, with the rest of the bodies left at sea.

The Spanish Maritime Rescue audios published after the shipwreck illustrate well the decisions that were taken and which failed to put the right to life of the people at risk at the centre.

Analysis:

- Spanish rescue authorities consider drifting precarious boats to be fit for nautical safety contrary to international conventions on the protection of life at sea. This only applies to migrants, but not when other groups (fishermen, people on pleasure yachts) are at risk.
- The Moroccan authorities delay rescues for hours at a time, endangering the lives of those at risk.
- Spain puts the burden of responsibility on Morocco over the protection of human life. The Spanish rescue services were closer, with more rescue resources, and despite having been able to prevent deaths, they withdrew so that Morocco could take over coordination.

RIGHT TO LIFE MONITORING DATA FIRST SEMESTER 2023

TOTAL NUMBER OF VICTIMS

951

victims on the acces routes
to Spain in the first semester
of 2023

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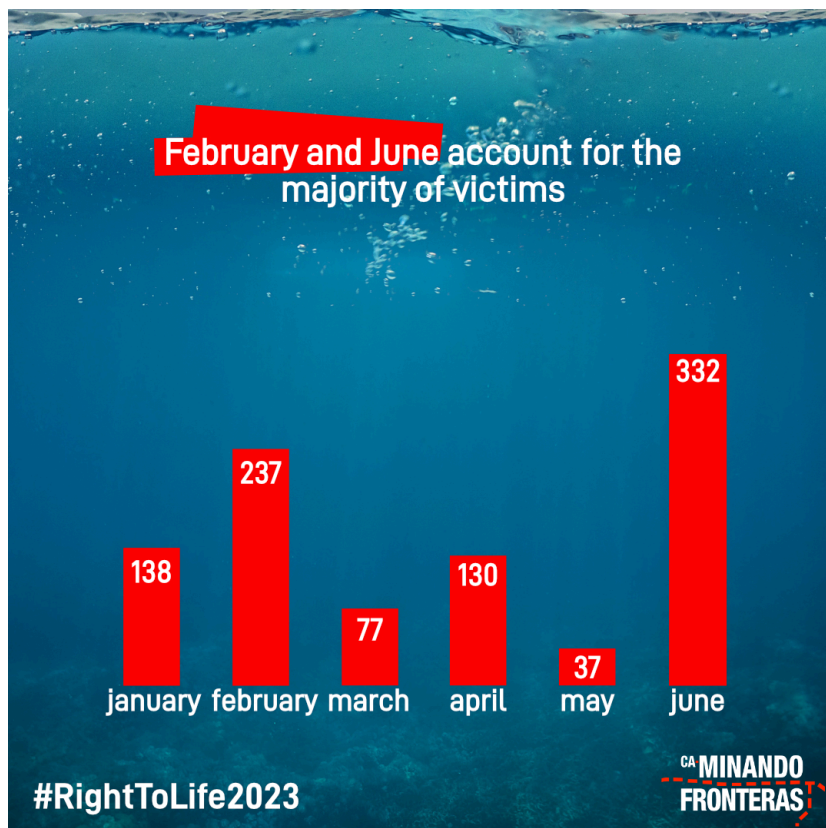
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WOMEN AND CHILDREN VICTIMS

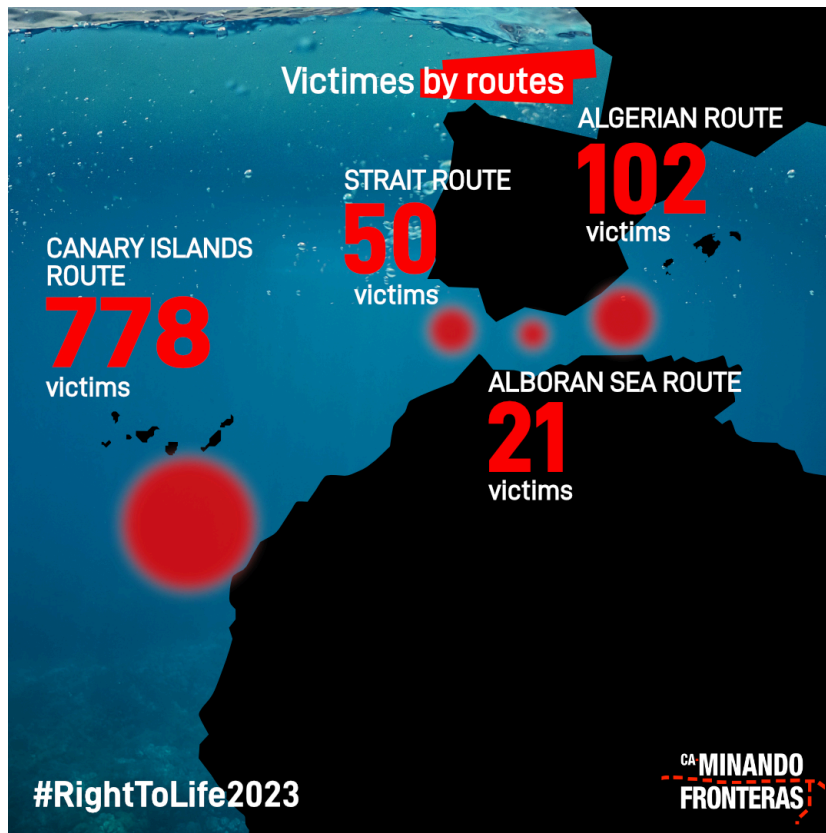


VICTIMS PER MONTH

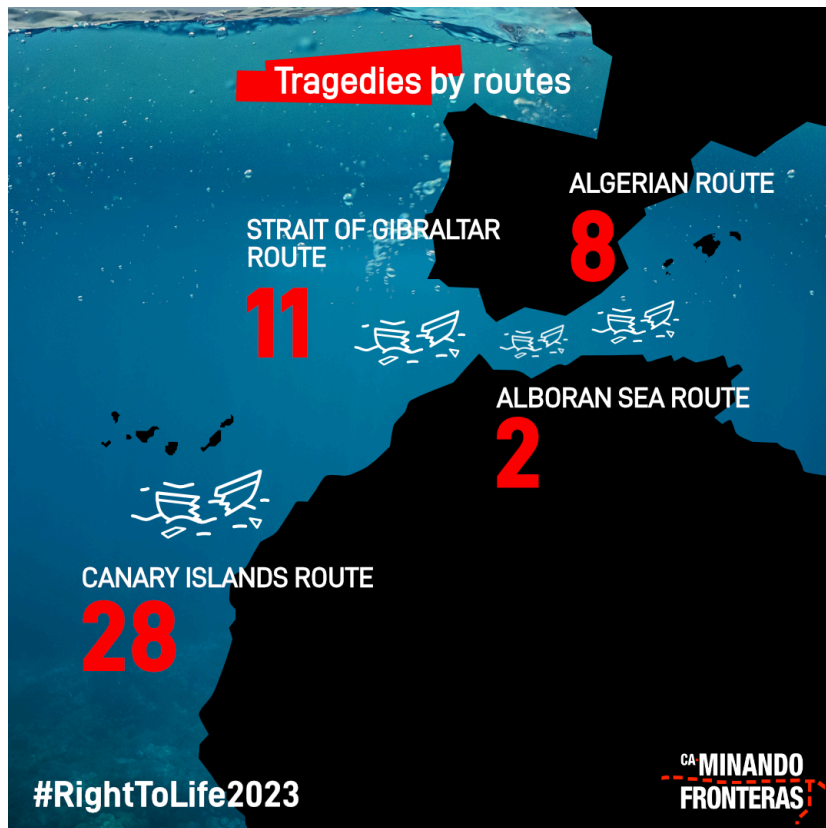


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VICTIMS BY ROUTE



TRAGEDIES BY ROUTE



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MISSING BOATS



NATIONALITY OF VICTIMS



THE PATH OF REPARATION AND JUSTICE.

The right to life of migrants must take precedence over migration control policies.

Apply the protocols for the care of victims of tragedies (in the case of Spain, the Protocol for Multiple Victims) in the event of shipwrecks and respect the human rights of the survivors.

Ensure that no political decision on border control leads to human rights violations.

Put an end to the instrumentalisation of democratic institutions that defend the right to life for the purposes of migration control.

Improve coordination and search systems for missing persons in the border context and analyse the causes of each shipwreck in order to work on prevention.

Improve protocols and increase transnational coordination in the process of identifying bodies of border victims.

Investigate cases of violations of the right to life at the border crossing and hold those responsible accountable.

A REPORT BY:

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WITH THE SUPPORT OF:



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