


---

EXECUTIVE SUMMARY

---

# Human Rights Violations on Spain's Southern Border 2021 - 2022



Institutional racism, borders  
and migration policy

## Credits and Acknowledgements

We wish to show our gratitude for the collective efforts contributed by migrants, anti-racist activists, human rights activists, rights defenders on the borders, those affected by human rights violations, and those who spend time day after day observing and documenting these violations and speaking out against them. In other words, we would like to thank all those that have contributed throughout the year to the preparation of this report.

**Publication date:** May 2023

Report by Irídia and Novact

**Irídia** **NOVACT**

**Coordinators:** Maite Daniela Lo Coco, Clara Calderó Delgado and Andrés García Berrio

**Authors:**

**Irídia i Novact:** Andrés García Berrio, Clara Calderó Delgado, Irene Urango Montilla, Irina Samy Cucurull, Maite Daniela Lo Coco, Siham Jessica Korriche, Aina Estarellas Roca

**GAC:** Andrea Galán Santamarina and Gabriela López Neyra

**ODHE:** Carlos Díaz Bodoque and Nora Miralles Crespo

**In collaboration with:** Algeciras Acoge, APDHA, Aquí Estamos Tenerife, Asociación Elín, Coordinadora de Barrios, Geum Dudou, M.D.L.R, No Name Kitchen, Oxfam Intermón, Plataforma CIEs no Algeciras, Programa Ödos (Fundación EMET), Proyecto Frontera Sur, Red de Solidaridad con las Personas Migrantes en Lanzarote, Red Interlavapies, Servicio Jesuita a Migrantes, SIR[a], Solidary Wheels, Valiente Bangla

**Layout:** María Conill Hernández

**Photography:** Valentina Lazo Escudero

**Graphs:** María Conill Hernández

**Design:** María Conill Hernández

**Cover photo:** Valentina Lazo Escudero

**Graphic design coordinator:** Valentina Lazo Escudero

**Editing and correction:** Raquel M. Martínez



This work is licensed under the  
Attribution-NonCommercial 4.0  
International of Creative Commons



# Introduction

---

Against a backdrop of increasing violence and human rights abuses in migration management, particularly in border regions<sup>1</sup>, Spain's southern border stands as a paradigmatic case of human rights violations, legal exceptionalism and institutional impunity in the face of failure to uphold the law.

This report<sup>2</sup> **highlights the principal human rights violations faced by migrants who entered Spanish national territory by irregular means in 2021 and 2022**, with a particular focus on Ceuta, Melilla, the Canary Islands, the Balearic Islands, Andalusia and Murcia, as well as Morocco.

It is the result of the collective monitoring of human rights violations and a desire to coalesce efforts to provide oversight of undocumented crossings on Spain's southern border. As such, the objective of this report is to complement the human rights monitoring work being done across the country by a wide range of individuals, groups and organisations, as well as to contribute to ending human rights violations on the border.

Many obstacles can emerge when carrying out human rights research into the institutional violence suffered by migrants in border regions. The fundamental challenge is attempting to access information on institutional violence, given the lack of political appetite – despite professed democratic ideals – for bringing such cases into the public spotlight. **Official, publicly accessible information on irregular crossings is hard to come by, and official data is fragmented and incomplete. Moreover, any such data is not broken down according to nationality, gender, age or place of arrival, making intersectional analysis difficult.**

---

<sup>1</sup> UNHCR, "News Comment: UNHCR warns of increasing violence and human rights violations at European borders", 21 February 2022, <https://www.unhcr.org/news/press/2022/2/62137a284/news-comment-unhcr-warns-increasing-violence-human-rights-violations-european.html>

<sup>2</sup> The present document is an executive summary of the full report, which can be accessed via the QR code and link provided.

In 2022, the United Nations High Commissioner for Refugees (UNHCR) publicly expressed their concern about the increase in violence and human rights violations in the EU and the growth of “dehumanising tactics” in migration governance. **Human rights violations on borders are a direct consequence of the action or inaction of state authorities**, given that border control and management is their responsibility. It is the authorities themselves – in exercising physical and psychological force, with the attendant consequences these can have on the physical and psychological wellbeing and fundamental rights of migrants – who create the conditions for human rights violations on borders. **Without states which act to prevent people’s movement, there are no migratory crises.**

Restrictive migration control measures and the daily litany of deaths and disappearances along border can only be understood by applying a post-colonial analysis which links migration policies with the racist structures and history of colonial domination that precede them. As part of this worldview, some lives are worth more than others, and racialised bodies, classed as inferior, are at the mercy of disproportionate levels of violence and exceptionalism. Spanish immigration law encourages disenfranchisement and the detention and deportation of groups it racialises, and who often have as their point of origin countries historically subject to colonial domination.

Likewise, human rights violations and deaths at borders have become a fundamental part of migration management. Despite the fact that access to truth, justice and reparation are basic principles of a democratic and law-abiding country, **there is no political will in Spain to investigate and facilitate access to information on these matters.** On the contrary, with serious cases of human rights violations along its borders, intolerable levels of impunity and exceptionality are the order of the day. **EU migration policy has deepened a drive towards outsourcing and containment on its external borders, creating areas where people are virtually immobilised** or, at the least, see their movement significantly hindered. This hinderance or containment of movement is the result of the restrictions made on them, in the form of bureaucratic measures as well as arrest, detention, deportation and blockades. Such phenomena can be found both within Spanish territory - usually at border crossings - and in transit countries, as is the case of Morocco.

# 1. An overview of Spain's southern border: containment

Containment facilities are characterised by opacity in terms of the legislation that governs them, as well as their internal protocols and practices. **In Spain, these facilities include Immigration Detention Centres (CIE, in Spanish), Temporary Stay Centres for Immigrants (CETI), Temporary Reception Centres (CATE) and other migration centres.** Together, they form a complex bureaucratic web that makes it very difficult for migrants to know where they stand legally, who their lawyers are and where to find them, how long they might remain in the facility, when they might be deported, and how to communicate with their relatives. **The opacity surrounding these centres underpins arbitrary conduct by the authorities and causes migrants feelings of uncertainty, distress and loss of control.** Case backlogs have a significant impact on the mental health of migrants who are subject to inhumane conditions and high levels of uncertainty for up to years at a time.

*Retention of people in “las Naves del Tarajal” during May entries (Ceuta, 2021).*

Irina Samy



**Human rights organisations and reports by Spain’s national ombudsman, acting the country’s National Preventive Mechanism against torture (hereinafter, NPM), have repeatedly pointed to CATEs as spaces in which human rights violations occur.** To mention only a few such examples, the 2017 NPM report highlights shortcomings in facilities, overcrowding and inappropriate cells for reception. In 2018, the NPM reiterated the “need to implement joined-up facility management that guarantees fundamental rights”. Separately but also in 2018, the NPM reported “an absence of suitable space for legal visits, which were carried out in a few minutes and without the possibility of confidential conversation between the lawyer and those to whom assistance was provided”. This forms part of a pattern which must be addressed in order to ensure that human rights violations are not repeated. Indeed, **in 2021 the NPM signalled that “the detention of migrants should be exceptional and proportionate” and that “it should only be used as a last resort, after a thorough examination of each case on an individual basis”**, adding that the use of detention should be periodically examined and alternative non-custodial measures considered and adopted, particularly given that “those rescued at sea or detained on the coast require specific and differentiated attention”.

## 2. Ceuta and Melilla

Ceuta and Melilla share similar characteristics in terms of migration control measures and facilities: technology, fences, surveillance systems and police presence along the border perimeter. These territories form the only land border between the African continent and the European Union. **This has seen the two cities become the focal point of repeated human rights violations, with express deportation practices, lack of clarity regarding access to asylum, shortcomings in reception, lack of protocols and transparency in CETIs and repeated, disproportionate and – on occasion – unauthorised use of force by state security forces all having been identified.** For decades, these two cities have been singled out as an example of continuous exceptionalism, and for the recurrent violations of migrants’ rights that occur within their boundaries.

In 2021, 2,588 people entered Ceuta and Melilla by non-official and unsafe channels. In 2022, this figure was 2,582, according to data from the Ministry of the Interior. In addition, 3,157 asylum applications were made in Ceuta and 3,277 in Melilla in 2021. There is no homogeneous, nationwide asylum procedure in Spain. While in the rest of the country people face great difficulties in accessing asylum services, in Ceuta and Melilla there are no delays. **In terms of claiming asylum, the principal difficulty for people in Morocco, and in particular for non-nationals and black people, is crossing the border itself.** As such, “there is no genuine and effective access to asylum at the border, unless life is put at risk [by] swimming or jumping the fence”, as the Council of Europe’s Human Rights Commissioner pointed out on their last visit. Secondly, there is a degree of arbitrary application both at the border and within Spanish territory of asylum protocols established in Act 12/2009, of 30 October, which sets out the right to asylum and subsidiary protection.

**Both in Ceuta and Melilla, summary or express deportations are carried out without an individualised analysis of cases and without a thorough identification of possible vulnerable persons such as children, victims of trafficking or applicants for international protection.** This represents a failure to uphold international agreements, as well as the jurisprudence of Spain’s Constitutional Court (TC) and the European Court of Human Rights (ECHR).



Moreover, such actions could be construed as a violation of the rights to life, physical wellbeing and protection from degrading treatment, as well as the right to asylum and the right to effective judicial protection. Despite two years having passed, the Ministry of the Interior has still not adapted the protocols governing state security forces' operations to the Constitutional Court ruling STC 172/2020, of 19 November 2020. This has given rise to a situation of overwhelming legal uncertainty, with potentially unconstitutional border pushbacks and expression deportations such as those identified by the ombudsman in relation to events on 24 June 2022, when 470 people were deported. It should be noted that **express deportations do not only occur at land borders: the practice has also been detected at sea.** One example of this occurred in August 2021, when 41 people arrived on Isla de la Tierra, in the Alhucemas archipelago. Of these, 20 were women (3 of them pregnant), and 6 were children. A Guardia Civil Underwater Activities Group (GEAS) was deployed and transferred by helicopter to the island to proceed with their deportation, with the aid of the Gendarmerie of the Kingdom of Morocco (GRM).

**It should be noted that Moroccan nationals are not generally admitted to CETIs in Spain. In addition, there is evidence of recurrence to expulsion as a punitive measure against centre residents.** It has been found that residents expelled from these centres have been left homeless for varying periods of time. It should also be noted that at least three cases of unlawful violence carried out by private security guards in the CETI located in Melilla have been identified.

Ceuta and Melilla are the two autonomous communities of Spain with the highest rate of children in the care system in relation to their overall population. Shortcomings in temporary resettlement centres for non-adults in these cities causes many children in care to leave them, leading to situations of neglect. **Despite the existence of police action protocols for dealing with non-adults who have disappeared, organisations working in Ceuta and Melilla claim that these are not applied when children abandon their assigned resettlement centre. This results in child and adolescent homelessness, without any measures being taken to locate them for their protection.** Another significant risk for children and adolescents is the phenomenon known locally as “*risky*”, denoting any attempt to cross the Strait of Gibraltar by stowing away in the undercarriage of a transport vehicle. **Attempts to deal with this phenomenon have turned the ports of Ceuta and Melilla into hot spots of violence against children and adolescents by the National Police, the Civil Guard and port authorities.**

**The deaths of at least 40 people, the disappearance of about 80, the extrajudicial deportation of a further 470, added to the several dozen injured who attempted to access the autonomous city of Melilla on 24 June 2022 constitute, without a doubt, the most serious mass human rights violation in which Spain has been involved in the last decade,** as well as the greatest tragedy in terms of number of deaths at a European Union land border. The magnitude of events contrasts, however, with the responses from Spanish, Moroccan and European authorities, all of whom have failed to carry out prompt, thorough and exhaustive investigations.

The actions of state security forces centred on the containment of those who had managed to cross the initial checkpoint and who, once through the enclosure, attempted to climb the fence surrounding Melilla's border facilities. Officers did not focus their attention at any time on trying to rescue people who were initially in danger and subsequently at risk of death as a result of the surge caused when a gate was torn down during baton charges by Moroccan security forces. **The serious consequences of the joint police intervention by forces from both countries may fall under the offences of injury, degrading treatment, obstruction of justice, failure in the duty to assist and even manslaughter, and must be investigated by the courts.** Without precedent, the Prosecutor's Office has failed to transfer its investigation proceedings to the Investigating Court of Melilla, which is undoubtedly aware of the case as a result of public interest in it, as well the medical records it has handled. This court is also responsible for opening a judicial inquiry into the case, yet there is no evidence that such action has been taken. Similarly, the police have the obligation to inform and initiate the corresponding internal investigations into events which may constitute an offence. It is likewise unknown whether any such information has been passed to the competent investigating courts.

# 3. Canary Islands

---

**In 2021 and 2022, more deaths occurred in attempts to reach Spanish territory via the Canary Islands than any other route.** A total of 7,692 people have lost their lives on this route in the last five years, according to a report by Caminando Fronteras. In 2022, 1,784 people died on this route, a figure which represents 74.6% of the total 2,390 people who lost their lives attempted to reach Spanish territory. In 2021, 3,939 people lost their lives on the Canary Islands route alone. It should be noted that multiple actors are involved in dealing with boat crossings, including police forces, the Red Cross, the Canary Islands Emergency Service (SUC) and Maritime Rescue. This entails challenges in coordination. Nevertheless, **only the islands of Gran Canaria and Tenerife have a joint port action protocol** agreed to by the different stakeholders involved, with the aim of pooling health care resources for new arrivals.

In terms of health care for arrivals by sea, it should be noted that in most cases only Basic Life Support is provided for. As a consequence, initial emergency response is carried out exclusively by the Red Cross personnel, most of them volunteers. The **initial response team deployed by the Red Cross cannot guarantee the presence of medical or nursing professionals, nor professionals specialised in childcare.** Failure to ensure the presence of health personnel upon arrival may constitute a violation of the right to health. In terms of mental health, it should be noted that there is currently no active psychological care protocol for shipwreck survivors.

Upon arrival in the Canary Islands, people who are not transferred to hospital are detained and transferred to the CATEs from the port where they have disembarked. **2021 and 2022 saw numerous human rights violations in these short-term detention centres, the paradigmatic case being the CATE that was constructed in a bus company warehouse on Lanzarote, known colloquially as “the warehouse of shame”.** Many of the violations which occur in CATEs relate to the right to defence and legal aid, the right to access information and the right to asylum. Cases of mass legal assistance provided to groups by an interpreter on the basis of a shared language – which is to say, assistance without the possibility of privacy – have been detected at these centres. It has also been found that

arrivals are not always informed of their right to international protection. In addition, as **part of the criminalisation of migration, new arrivals detained in CATEs are being interrogated without legal assistance** by officers of the National Police Corps and Frontex agents in order to obtain information about people trafficking, modern slavery and terrorism.

Additionally, and despite rulings by the tribunals of Las Palmas and Santa Cruz de Tenerife in April and March 2021 that a deportation order cannot be acted upon after 72 hours following its issue – or after 60 days, in the case of those interned in a CIE – it has been found that **internments in CIE and deportations by police without the appropriate documentary justification continue to occur. These deportations have occurred on the basis of months-old orders, and after the person affected has already been freed from custody.**

Regarding the right to asylum, organisations on the ground in Tenerife and Lanzarote indicate that there is a wait of between 3 and 11 months for an appointment to claim asylum, and that the chances of obtaining an appointment vary depending on whether or not the individual resides in an official Plan Canarias centre. In Tenerife, the digitalisation of the asylum appointment process within the wider non-nationals appointments system obstructs the right to asylum. According to those consulted, police engage in the express deportations of individuals who have manifested their intention to seek asylum, demonstrating inadequacies in the safeguarding of rights such as the right to asylum, legal assistance or effective remedy.

*CATE “Barranco Seco” modules, Gran Canaria (2022).*

Valentina Lazo



**Since 2019, a considerable percentage of displaced people in the Canary Islands are children and adolescents, who have either migrated with relatives or in the care of other adults, or who have done so unaccompanied.** Emergency accommodation centres for non-nationals under adult age act as shelters. In addition to obstacles in accessing the asylum system faced by non-adults in need of international protection, the presence of non-adults in adult centres and adults in juvenile centres has been identified, despite official documentation verifying their age. Additionally, the ombudsman has raised concerns regarding the delay in receiving results of age testing; moreover, this testing is not always accurate. The ombudsman also drew attention in a 2022 report to the worrying practice of the refusal to issue a registration card to unaccompanied non-national children and young people who are unable to obtain official identification documents before reaching adulthood.

# 4. Western Mediterranean Route

The so-called Western Mediterranean route refers to the routes through the Strait of Gibraltar and the Alboran Sea (extending from the coasts of Morocco and Algeria to Andalusia), as well as to those reaching the Spanish Levante and departing from the coasts of Algeria, with boats arriving in Andalusia, Murcia, Valencia and the Balearic Islands. In 2022, there were 12,955 arrivals to the peninsula and the Balearic Islands by sea, 25% less than in 2021, when the figure was 17,341. In turn, Frontex indicates that arrivals to Spain via the Western Mediterranean route increased in 2021 compared to previous years, reaching 18,466 people, with Algeria being the principal country of departure.

In terms of mortality on the Western Mediterranean route, Caminando Fronteras has documented 564 fatalities: 464 on crossings in the Levante area, 75 in the Alboran sea and 25 in the Strait of Gibraltar. In 2021 there were also 388 fatalities on the Western Mediterranean sea route: 191 in the Levante, 95 in the Alboran Sea, and 102 in the Strait of Gibraltar. **In the last five years, the Levante route has become the second deadliest access route to Spanish territory (the first being the Canary Islands)**, with figures showing at least 1,562 deaths and disappearances on this route between 2018 and 2022. Between 2021 and 2022, there was a two-fold increase in reported mortality on the Levante route, increasing from 3.7% of arrivals in 2021 to 7.3% in 2022.

**Strict policing of migration in the area has forced people who undertake journeys to Spain via these routes to leave from points of departure which are increasingly further away from the Iberian peninsula, with increased distances resulting in greater risks in making crossings.** Boats which leave from Algeria no longer do so exclusively from Oran or from the cities closest to the Iberian peninsula. Crossings are now also being made from Tipasa and Dellys, points further to the east of the country and therefore at a greater distance from any point on the peninsula or the Balearic Islands, the latter being a more direct crossing.

In terms of CIEs, the Algeciras centre in Andalusia is currently operational. **In April 2022, the grassroots organisations Algeciras Acoge, Asociación Pro Derechos Humanos de Andalucía and Asociación Claver reported to the ombudsman that CIE officials had engaged in blackmail of asylum-seeking internees, allegedly offering release in exchange for the waiver of their application for international protection.** There has been an increase in investment in CIEs covering the period 2021-23, with €27,170,000 set aside in successive National Budgets for the construction of a new CIE in Algeciras which will replace the current centre in the same city and the centre previously located in Tarifa which closed in June 2020. The new CIE will have a capacity of 500 internees and will be the largest in Spain, and one of the largest in Europe.

# 5. Psychosocial impacts on the Southern Spanish-Northern African border. The psychological harm of the southern border

**After having suffered severe violations of their human rights, migrants arrive at Spain's southern border in vulnerable conditions.** In addition to the damage caused by experiences in their country of origin and in migratory transit, they also face specific issues at border crossings – with risks to their wellbeing and their lives – and upon reception. **The reception process is an opportunity for restitution and rehabilitation. States not only have an ethical responsibility to offer comprehensive support as a means of harm reduction, but also a legal responsibility in accordance with international law.** Issues arising at reception can be grouped according to three main factors: perceived risk of physical and psychological harm, loss of control (due to disinformation), and inhumane conditions and degrading treatment.

**The inhuman, cruel and degrading treatment received upon reception at Spain's southern border is embedded rather than exceptional, and causes significant psychological harm,**



**frequently resulting in apathy and demotivation, anger, hopelessness, fear and – in at least one in four cases – self-harm or ideas of suicide.** Severe suffering, as defined by the United Nations Convention on torture, arises from conditions upon reception, as well as from the actions taken by the authorities directly responsible for these conditions. In addition, there are indications that a punitive and discriminatory approach is being taken for the purposes of deterring migration. This would appear intentionally so, given that various indicators and data have attested to severe suffering having continued to take place without any effort to revert the situation.

From a psychosocial standpoint, there is a need to offer greater clarity and flexibility upon reception to those arriving on our shores, as well as to understand the impact of migratory processes and **ensure harm reduction resources are in place in order to guarantee human rights and justice at the border, and to work to build an inclusive and humanist outlook shared by society as a whole.**

*X March for  
Dignity in Ceuta  
(2023).*

Caleidoscopia  
Proyectos



# 6. Surveillance technologies on Spain's southern border

Nearly 1,000 police and dozens of video surveillance cameras guard the crossing between Morocco and the cities of Ceuta and Melilla. **The technologisation of Spain's southern border, begun in the mid-1990s, has become a central part of the European Union's fortification of its external borders, with sophisticated video surveillance systems, artificial intelligence and biometric technology in place to close down migration routes and control population inflow and outflow from non-member states.** The progressive fortification of the southern border has led to enforced changes in routes, with increasingly riskier and more costly options (both in economic and human terms) being taken. The technologisation of the fence which separates Moroccan and Spanish territory is, additionally, a multi-million euro business. Investments of more than 100 million euros have been made, benefitting some twenty companies, many of them also involved in the arms industry. Three of these stand out: Indra, Dragados (ACS) and Ferrovial.

In January 2019, the Council of Ministers approved measures for the reinforcement and modernisation of the land border protection system in the autonomous cities of Ceuta and Melilla. Since February 2021, the more than 8 kilometre of border fence with Morocco are no longer topped by concertina wire on the Spanish side (such wiring does remain on the Moroccan side). In its place, so-called "inverted combs" now crown most of the fence on Spanish soil, where work is being done to increase the height of the fence to 10 metres. **These elements make scaling the fence extremely difficult, increasing the risks to the physical wellbeing and life of those who attempt to do so.**

The centrepiece commitment of EU-LISA (European Agency for the Operational Management of Large-Magnitude Computer Systems in the Area of Freedom, Security and Justice) for the coming years is **the Entry/Exit System (EES), which will use biometric technologies to register all third-country residents entering the EU, recording the entries and exits of each person.** The system will automatically calculate the length of stay to facilitate deportations when this period has expired. The EES will enter into force at the end of 2023 and will be connected to the Visa Information System (VIS), allowing Frontex and law enforcement officials access to this information. At Spain's southern border, the introduction of the EES will see the deployment of facial recognition controls for people crossing the border both by regular and irregular means.

# 7. The migration situation in Morocco

The human rights of migrants in Morocco is a matter of significant concern. The repression of migration has materialised in surveillance measures which are especially applied to black migrants. **Extra-legal raids, arrests and deportations or forced displacements have become a constant practice in the last decade, affecting women, children and asylum seekers.** In addition, the human rights situation in Morocco has also led to the forced displacement of nationals beyond the country's borders.

*Belyounech (Morocco) seen from Ceuta (2022).*

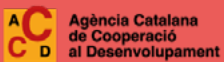
Valentina Lazo





With the collaboration of:

You can read the complete report at:



Supported by:

