

# Institutional Violence and Neglect towards Migrants



A Territorial Analysis  
of Human Rights Violations

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NOVACT



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Laia Costa Gay, lawyer and co-author of the report by Casal dels Infants and FICAT Foundation, “Legal framework of the child protection system and unaccompanied migrant youth and its violations in Catalonia” (forthcoming).

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# 01. Context and rationale

Spanish and European Union migration policies primarily focus on controlling migratory flows through border externalisation and the criminalisation of migration. The reform of the Schengen Borders Code in 2024 and the adoption of the European Pact on Migration and Asylum further reinforced this approach by restricting access to asylum and making greater use of detention and deportation of individuals, including children.

Nevertheless, the number of arrivals in Spain via irregular routes increased by 12.5% compared to 2023, with the Canary Islands, Spanish territory off the coast of northwest Africa, remaining the main point of entry. These

The report aims to show how European and national migration policies (...) systematically create spaces of neglect and rights violations

policies have had severe consequences: over 10,000 people lost their lives en route to Spanish territory that year alone.

Furthermore, stricter migration controls and externalisation have shifted the main entry routes, leading to an increase in arrivals to the Balearic Islands, which are in the Mediterranean. At the same time, shortcomings in identifying minors at Spanish

entry points have allowed unaccompanied children to reach cities such as Barcelona. Many migrants then continue their journey to France, where they encounter reinforced border controls, even inland.

In this context, there is an urgent need to analyse the institutional responsibilities of the state, regional and local authorities regarding the arrival, reception, transit and living conditions of migrants.

This report provides a territorial analysis focusing on three (3) key areas linked to the Catalan borders: maritime arrivals to the Balearic Islands; the reception of unaccompanied children and young people in Barcelona; and migratory transit through the Catalan–French border. The objective is to demonstrate how European and Spanish migration policies, and their regional and local implementation, systematically create areas of neglect and human rights violations.

# 02. Objectives of the Report

- To publicly denounce the situation of rights violations and neglect faced by migrants upon arrival and during transit, with a particular focus on unaccompanied children and adolescents.
- Document shortcomings in identifying individuals with special protection needs.
- Highlight the need for effective transparency, oversight and accountability mechanisms regarding institutional actions at borders.

# 03. Methodology

Adopting a decolonial, antiracist and feminist perspective, the report uses a mixed methodology that incorporates direct observation, qualitative interviews, and the analysis of primary and secondary data.

This report forms part of ongoing work to monitor human rights in border contexts, carried out in collaboration with organisations, collectives, activists, and professionals.

# 04. Findings

## VULNERABILITY MANAGEMENT AND DETECTION POLICIES FOR ARRIVALS IN THE BALEARIC ISLANDS

- **Mallorca has become a key entry point on the Algerian migration route**, and is experiencing a sustained increase in arrivals and a change in migration patterns. While arrivals from the Maghreb have decreased, those from other African countries, particularly Somalia (which has a 98% asylum recognition rate), have increased.
- **Disembarkation in Mallorca is characterised by a police-centred approach involving practices that may violate human dignity.** In some cases, the Guardia Civil (Spain's national gendarmerie responsible for border protection, among other duties) marks individuals with identification numbers written on their arms or hands using permanent chalk or markers.
- **There is no coordination protocols between the parties involved in disembarkation, and initial medical or humanitarian assistance is not consistently provided.**
- **Insufficient human and material resources mean that vulnerable individuals**, such as children, LGBTIQ+ people, potential asylum seekers, survivors of trafficking, torture or other illtreatment, and those with medical conditions or specific mental health and protection needs, are not identified.
- **Conditions in CATEs (Temporary Reception Centres for Foreign Nationals managed by Spain's Ministry of the Interior) fail to meet minimum international standards** in terms of both infrastructure and basic services.
- **Serious violations of the right to seek asylum have been identified:** individuals detained in CATEs are not provided with effective access to information or a genuine opportunity to express their intention to request international protection.
- Humanitarian assistance, medical care and vulnerability detection **take place in police custody without privacy, adequate language interpretation services or the presence of qualified professionals.**
- **Legal assistance** is provided collectively and does not guarantee confidentiality or adaptation to individual needs. Interviews are conducted outdoors and standing up, and in spaces that do not ensure privacy for either individuals or their legal representatives.
- **Interviews without legal counsel are carried out to identify boat drivers.** Since 2022, 190 adults and 14 children have been detained in the Balearic Islands amid a concerning trend of criminalising migration and children.

- **Those with special protection needs do not have access to reception resources or guidance.**
- **After the detention period, most people are released at the ferry terminal,** where they can obtain a ticket by presenting their deportation order. This practice is carried out under a nonpublic agreement between the administration and the ferry company Baleària.

## RECEPTION AND PROTECTION OF UNACCOMPANIED MINORS IN BARCELONA

- The Catalan system for the protection of unaccompanied children and adolescents is based on a **sense of emergency and exceptionality. The temporary measures it provides do not guarantee continuity or stability once the individuals reach adulthood.** The system is influenced by an adult-centric, racist and colonial structure with discriminatory and assimilationist practices that have a negative impact on young people's socialisation and participation.
- **Structural dysfunctions and cumulative effects critically impact young people's development and social participation** across the three (3) phases of the system: **reception, stay, and personal autonomy.**
- There have been cases of **unaccompanied minors being housed in humanitarian reception facilities** for adults despite declaring their age and **without provisional guardianship cases being opened for them.**
- Age determination procedures are carried out without regard to individual circumstances, even when uncontested documentation is presented. The medical tests used are unreliable and violate children's right for their best interests to be protected.
- **Since 2023, there has been a notable increase in cases of young people who have been declared adults by the Public Prosecutor's Office despite having valid, uncontested documentation proving their age.** Such a declaration leads to them being expelled from the protection system and leaves them homeless with no access to information, legal aid or referral to suitable resources.
- In 2024, **59 court rulings overturned guardianship withdrawal decisions issued by the Directorate General for Prevention and the Protection of Children and Adolescents (DGPPIA, in Spanish)** following a majority-age declaration from the Public Prosecutor's Office. These court rulings found that the applicants were minors at the time and that the age determination tests had been conducted in violation of their best interests.
- There have been documented cases in which administrative regularisation is not initiated until the Public Prosecutor's Office issues a minority-age declaration, leaving young people in an irregular situation for extended periods. These practices have resulted in **many minors being ignored by institutions and falling into homelessness and extreme social vulnerability in recent years.** Without access to information or referral mechanisms, they can only be identified by local social services.
- **While mutual aid networks, activists and volunteers can partially compensate for systemic deficiencies,** they cannot replace institutional responsibility. **Municipal resources are overburdened and do not meet the specific needs of these children.**



- Living on the streets has severe consequences for young people's mental health, exposing them to violence, abuse, exploitation and other forms of extreme vulnerability. It also disrupts their educational development and life trajectories, sometimes with irreversible consequences.
- During their time in centres, **there is a striking lack of services relating to mental health, education, documentation and participation.** Young people often live in segregated environments with limited access to information and basic resources.
- In 2024, **only 3.6% of children and adolescents under guardianship applied for international protection.** This highlights a significant shortcoming in identifying and referring individuals who are eligible for asylum..

## MIGRATION CONTROL IN TRANSIT AREAS ALONG THE CATALAN-FRENCH BORDER

- **Since France suspended the Schengen Agreement in 2015, systematic border controls have been reinstated** along the Catalan-French border. This has restricted mobility, forcing migrants to take increasingly dangerous routes, such as crossing through railway tunnels.
- **There is an intense police presence in the area, but no effective monitoring or recording mechanisms.** This creates an **opaque environment in which actions are not traceable or accountable, facilitating practices such as pushbacks and abandonment.** These violate the right to asylum, the principle of non-refoulement, and the rights to life and physical and moral integrity.
- Migration control has led to racial profiling-based policing that disproportionately targets non-white individuals.
- This analysis identifies three interconnected areas within the border ecosystem:
  - The French border (Le Perthus and Portbou): Bilateral police controls, with returns carried out without safeguards or access to asylum rights.
  - Rejection spaces (La Jonquera): Detention conditions and violations of asylum rights have been documented in the local Spanish National Police office.
  - Internal controls in Catalonia (Figueres): There is routine racial profiling, obstacles to mobility before reaching the border and impediments to municipal registration (empadronamiento, the mandatory local census registration required to access basic services). People are also denied access to public services.
- Despite being located along a well-established transit route, **Catalonia has no public resources specifically for assisting people in transit.** This institutional void means that assistance falls entirely to **volunteer and community support networks**, which, though essential, are scarce and under-resourced.

# 05. Recommendations

## TO THE GOVERNMENT OF SPAIN:

- Establish safe and legal pathways for applying for international protection and promote equitable mobility.
- Provide specialised care upon disembarkation in Mallorca, including specific protocols, transcultural medical care and language interpreters.
- Deploy trained teams with an intersectional approach to detect vulnerabilities in private spaces without police being present.
- Avoid systematic deprivation of liberty through detention in CATEs (Temporary Reception Centres for Foreign Nationals) by opting for rights-based alternatives instead. Where this is not possible, develop specific regulations for CATEs to ensure that conditions are dignified and that there is an appropriate legal framework.
- Improve legal assistance and guarantee effective access to asylum with increased resources for attorneys appointed from the duty rolls.
- Eliminate unlawful police practices and prevent the criminalisation of migration.
- Ensure administrative traceability and continuity of protection following departure from the Balearic Islands.
- Implement a specific protocol to identify vulnerabilities and ensure essential resources for individuals in transit at all Spanish borders.

## TO THE MINISTRY OF THE INTERIOR

- Ensure that readmissions between France and Spain comply with domestic and international law.
- Set up an independent mechanism to monitor police practices in border areas, as set out in the European Pact on Migration and Asylum.
- Eliminate police checks based on racial or ethnic profiling, particularly in municipalities adjacent to the border.
- Prohibit railway companies from being involved in police operations.



## TO THE OFFICE OF THE ATTORNEY GENERAL:

- Apply the principle of the presumption of minority and ensure that specialised legal counsel is provided during age determination procedures.
- Do not initiate age determination procedures where valid official documentation confirming minority age status is available.
- Restrict the use of medical tests, particularly radiological tests, for age determination and prioritise holistic assessments instead.

## TO THE DIRECTORATE-GENERAL FOR PREVENTION AND THE PROTECTION OF CHILDREN AND ADOLESCENTS:

- Ensure compliance with the latest legislation on the protection of unaccompanied children, including Spanish Act 14/2010 on the Protection of Children and Adolescents, General Guideline 6/2020 on Managing Child Abandonment Cases for Unaccompanied Migrant Children, and Spanish Decree 63/2022 on the Rights, Responsibilities, and Protective Measures for Minors within the system.
- Prevent the irregular closure of child abandonment cases and unjustified discharges from care facilities.
- Process residence and work permit applications for young people under guardianship within the legal timeframe, regardless of the outcome of age determination proceedings.
- Improve conditions in care centres and ensure they are integrated with public services and the social environment.
- Ensure that all children and adolescents under guardianship are registered with the local census (empadronamiento), which is required to access basic public services.
- Increase the resources allocated to care leavers, particularly in the form of supervised flats and support for social and labour market integration.
- Incorporate a gender perspective into all interventions involving children, adolescents and young people.

## TO THE DIRECTORATE-GENERAL FOR MIGRATION AND REFUGE:

- Guarantee that young people with documentation proving minority age, but declared adults by the Public Prosecutor's Office, have access to food, housing, education, employment, and legal counsel.
- Ensure access to rights and social participation for care leavers, with specific support.

- Participate in the planning of services for young migrants, ensuring the availability of training and language learning opportunities.
- Activate a specific protocol to protect people in transit, detect vulnerabilities, and guarantee access to basic resources.

## TO THE HUMAN RIGHTS PROTECTION MECHANISMS (OFFICES FOR EQUAL TREATMENT AND NON-DISCRIMINATION, AND OMBUDSPERSON INSTITUTIONS):

- Ensure that whistleblower and complaint channels are accessible and useful for unaccompanied migrant youth, providing effective avenues for redress.

## TO THE COMMISSIONER FOR SOCIAL ACTION AND THE MUNICIPAL SERVICE FOR DETECTION AND INTERVENTION, BARCELONA CITY COUNCIL:

- Activate a specific plan for children living on the streets, providing them with basic services and protection.
- Officially register all young people with documentary proof of minority age as minors, specifying their legal status.
- Publish the figures for assistance provided and refer cases to the relevant authorities.
- Expand support resources, particularly in the areas of housing, mental health, education and legal advice.
- Support all young people without adult guardians in Barcelona in completing municipal registration (*empadronamiento*).

## TO THE CITY AND TOWN COUNCILS OF ALT EMPORDÀ:

- Strengthen social and reception services by providing them with adequate resources.
- Ensure access to the municipal register (*padrón*) to guarantee access to rights and public services.



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