WRITTEN CONTRIBUTION ON THE PHENOMENON OF MISSING MIGRANTS IN THE MEDITERRANEAN TO THE SPECIAL RAPPORTEUR ON THE HUMAN RIGHTS OF MIGRANTS

November 29, 2024

























List of organizations involved in reporting

Organizations	Country / Region	Email
Association Marocaine d'Aides aux Migrants en Situation Vulnérable (AMSV)	Morocco	ammari_hassane1@yahoo.fr
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Cedar Centre for Legal Studies	Lebanon	info@ccls-lebanon.org
Collectifs des familles des jeunes marocains portés disparus et détenus aux frontières	Morocco	damoha1255@gmail.com
Defenders of the rights of migrants and refugees in Libya	Libya	lamloum.tr@gmail.com
EuroMed Rights	Mediterranean	mka@euromedrights.net eba@euromedrights.net yma@euromedrights.net
Last Rights	United Kingdom	methoria@icloud.com
OGLM-Guinée	Guinea	elhadjmohoglmi87@gmail.com
Missing Voices (REER)	Senegal	voicesmissing3@gmail.com
Mem Med: mémoire méditerranée	Mediterranean	Info.mem.med@gmail.com Mem.med@esiliati.org
The International association of revival of Nelson Mandela	Tunisia	taamallahjalila50@gmail.com
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Every year, civil society and international organizations highlight the number of persons missing in the course of migration. Organizations such as <u>United for Intercultural Action</u> have counted <u>60,620 migrants and refugees</u> trying to reach Europe between 1993 and 2024. Other international organizations such as IOM, through its "<u>Missing Migrants Project</u>", have identified more than <u>69,353</u> migrants missing between 2014 and 2024 worldwide, including <u>30,628</u>people in the Mediterranean basin. These figures are lower than the reality due to many undocumented disappearances and the constant non-involvement of States in identifying and searching for missing persons.

Behind these figures, which are somehow cold and mechanical, the objective of civil society is to highlight the disastrous security policies of States in terms of migration, which endanger human lives. For some states, however, this data is used to justify further border closures. In addition, States hold smugglers responsible for the disappearances that have occurred, naming them as the main culprits. Missing migrants are denied the right to a dignified death. Their families relentlessly search for their loved ones, sometimes for years, making mourning impossible and reunion increasingly unlikely.

In 2023, a boat carrying 85 migrants from Lebanon disappeared off the coast of Cyprus. The Cedar Centre for Legal Studies (CCLS), based in Tripoli, Lebanon, filed a complaint about their disappearance with the Lebanese authorities and submitted a communication to the UN Working Group on Enforced Disappearances. The complaint filed with the Lebanese authorities is still pending and the fate of these individuals remains unknown. The CCLS has been waiting in vain for news for more than a year.

Similar situations are occurring in Tunisia, where, despite numerous requests from civil society to the government regarding the disappeared in the <u>Mediterranean</u>, relatives or families remain without news. Since 2023, many Tunisian and foreign migrants, especially from sub-Saharan Africa, have been missing due to the EU-backed Tunisian security policy. Many migrants, after being intercepted at sea by the Tunisian coast guard, are deported to the desert, to the Libyan or Algerian border, or <u>worse yet</u>, sold to <u>Libyan militias</u>, according to several testimonies from migrants. The shrinking civic space in the country makes it difficult to document cases of disappearances, making it difficult to assess their extent.

During the last examination of Morocco's initial report by the Committee on Enforced Disappearances, on 24 September 2024, the expert Mr. Alban Alencastro, co-rapporteur of the Committee for the review of Morocco, reported on several worrying incidents involving missing migrants, which occurred during operations carried out by the Spanish and Moroccan police on 24 June 2022 in Melilla. In addition, the Moroccan Association for the Assistance of Migrants in Vulnerable Situations (AMSV), located in Oujda (north-eastern Morocco), is currently monitoring 400 cases of Moroccan and foreign migrants who have disappeared or are in detention, whether on the migratory routes or in Algeria. The association also makes every effort to support their families, loved ones and friends. This translates into the organization of open meetings and awareness-raising meetings, as well as legal support, while advocating for dignity, truth and justice during the various institutional meetings in Morocco and internationally.

In Libya, despite violations <u>of migrants' rights</u> that often lead to their disappearance, EU Member States continue to build the capacity of the Libyan authorities. As a result of this

support, hundreds of people attempting to flee Libya by boat each year are intercepted by the Libyan Coast Guard and returned to Libya, where they are held indefinitely in inhumane conditions, without giving any news to their families or loved ones.

Many disappearances result from the lack of clear national and regional legal instruments to support the authorities' efforts to search for and identify missing migrants. In addition, many associations deplore the lack of access to information about shipwrecks. Even when bodies are found, the lack of a legal framework and material means makes identification impossible in countries such as Morocco, Algeria, Italy, etc. In addition, States are struggling to translate their international commitments into legislation and concrete actions that can reduce the risk of migrants disappearing.

In authoritarian contexts, the population finds it difficult to express itself and organize itself politically to challenge the actions of governments. The demands of migrant communities and solidarity activists are being stifled before they have even been heard. In Algeria, for example, the Collective of Families of Migrants Missing at Sea has been confronted since 2019 with a regime that has drastically reduced the space for civil society to express itself.

The disappearance of migrants during their journey is caused by two major variables: the absence of safe and regular migration routes on the one hand, and the presence, on the migratory routes, of repressive measures massively financed by the States on the other hand. The deficient, incomplete or non-existent legal framework for the search for and identification of missing migrants – particularly in its medico-legal dimension – also goes to explain the disappearance of these people. In addition, this results in structural underfunding of search and rescue operations. The humanitarian solidarity of NGOs at sea and on land borders, which partially fills the gaps in state protection and assistance, is criminalized by these same states. The authorities are increasingly blocking these organisations that provide assistance to migrants and asylum seekers.

Civil society organisations also observe trends towards the restriction of visa and residence permits in the Euro-African region. Moreover, <u>policy</u> of the European Union and its Member States dominated by a <u>xenophobic approach</u> that profoundly erodes the right to asylum. The speeches and actions of the <u>European radical right</u>, which has become hegemonic, ultimately contribute to an exacerbated vulnerability of individuals, which accentuates the risk of disappearing.

The exponential increase in the budget of the <u>Frontex agency</u> attests, for example, to this desire to strengthen "Fortress Europe", even if it is to the detriment of the lives of migrants from the Global South. The inadequacies in terms of assistance to people in danger stand in stark contrast to the <u>massive investment</u> in <u>deadly</u> surveillance, control and punishment <u>technologies</u>. The <u>lack of assistance</u> from the European authorities costs many people their lives every year and contributes to their disappearance at sea. The North African Coast Guards, funded and equipped by the European Union to monitor its coasts, is also involved in <u>violent interception operations</u>, which expose migrants to death or disappearance.

The treatment reserved by the European authorities for racialized populations in the process of migration is a form of neocolonialism. Irregular migrants who are pushed back or deported to "third countries" face police repression from authoritarian regimes. Forced "returns" to these unsafe countries can result in imprisonment, torture and other forms of abuse.

<u>Necropolitics</u>, according to the concept of the philosopher Achille Mbembe, thus proceeds to the hierarchization of lives: the brutalization of bodies and the negation by states of individual rights linked to citizenship participate in the disappearance of migrants.

However, migratory movements are not fading,. Individuals from the Global South are pushed, for various reasons, towards the paths of exile and wandering. In order to bypass the police forces scattered along the migratory trajectories, these people resort to more dangerous routes and precarious travel equipment. The loss of a person or a group of people can also be due to climatic factors – such as extreme heat in the desert or freezing cold in mountainous regions – multiplied by <u>climate change</u>.

Finally, migrants may be exposed to racist and xenophobic attacks by national authorities and local populations. This can be the case for sub-Saharan communities in North Africa (<u>Libya</u>, <u>Tunisia</u>, <u>Algeria</u> and <u>Morocco</u> in particular) but also, more broadly, for populations of African, Asian or Latin American origin in Europe. Oppression and racial discrimination can result in the death and/or disappearance of migrants.

Among the recommendations of civil society organizations, it is important to mention the following:

- States should increase and facilitate coordination with civil society and ensure that civil society can access procedures for identifying authorities.
- States should recognize their responsibilities and strengthen coordination and collaboration among them to facilitate the identification and repatriation of bodies.
- States and international organizations should establish effective and permanent mechanisms to support the families of disappeared persons, facilitating contact with the authorities and offering psychological support in their search and mourning efforts.
- States should establish a coordinated, effective and transparent mechanism for search and rescue at sea, and redirect funding for border reinforcement and control to aid and rescue at sea.
- States should develop policies to combat all forms of discrimination and racism.