



OHCHR - Migration

SG report
Human Rights of Migrants

Zarautz, 12 May 2023

Dear Sirs,

Thank you very much for considering our contributions to the Secretary General's report.

As you know, SMH is a humanitarian aid NGO that has been carrying out its work in three main projects:

- Humanitarian and medical assistance in the Vial hotspot (Chios-Greece)
- Humanitarian assistance and maritime rescue in the Central Mediterranean
- Education for social transformation in the Basque Country

Unfortunately, in the development of our two humanitarian assistance projects for migrants and refugees, we have been able to verify systematic breaches of the rights of migrants and refugees by the authorities of the EU and its member states (Greece, Italy and Malta).

Specifically, in our project in the Vial Hotspot, migrants do not have regular access to medical care unless it is provided by an NGO like ours.

The Greek government only provides assistance from nursing personnel and the only ambulance available on the island does not respond to emergency calls from the center.

People residing in the center must pay for the transfer by taxi (there are no other public transport services and the hospital is 25 km far away) to be able to go to their appointments at the hospital. Once in the hospital there is no translator service for proper communication with the doctors. Therefore, on many occasions, assistance is rejected. Women and mothers with infants do



not have adequate medical services for them and those available at the hospital often refuse to attend them or fail to keep scheduled appointments.

Since February 2023, our NGO has ceased its activity in the Hotspot by order of the Ministry of Migration despite the protest of the center's management (which has finally resigned due to the deterioration of living conditions in the field due to the new guidelines of the Greek migration ministry)

In addition, migrants and refugees residing in the camp suffer strict control when entering and leaving the center, which causes added psychological stress to the situation of vulnerability they suffer.

We have been able to verify that for fear of being push back (as reported by many of them) migrants and refugees once they reach a beach, they run to hide in the bush and remain living outdoors for days, some of them dying under those conditions.

In our maritime rescue project during the year 2022 we have been able to verify in one of our missions how the so-called Libyan Coast Guards (LCG) intercepted a boat and after embarking part of the migrants, they left the scene leaving five people in the water. These people were later rescued by our rescue ship Aita Mari, without receiving any assistance from the LCG.

During the course of the two rescue missions carried out by our ship, in the face of numerous rescue coordination calls for migrant boats in distress to the Libyan and Maltese authorities, we never received a positive response. The Maltese authorities avoid referring to the cases as distress cases, using the term “migrant boats attempting to enter the EU illegally”.

During our navigation we have been able to verify how the FRONTEX air assets collaborate with the LGC facilitating the interception and return of migrants and refugees to Libya.

The rescued people report arbitrary arrests and mistreatment, torture and rape in Libyan detention centers. Most of them report having had to pay to get out of said detention centers (different amounts of money between 500 and 1000 euros depending on the case) and have tried to leave the country by sea on several occasions, being returned by the LCG and directly detained in the same or similar detention centers.

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Our ship has had to remain for up to five days requesting a port of disembarkation off the Italian coastal waters waiting to be assigned a Place of Safety with minors, women and men who have denounced being victims of torture and who have been rescued on the high seas in distress. Currently, the Italian government has changed its strategy, assigning a place of destination immediately after the rescue (deliberately avoiding recognizing that it is a Place of Safety) in places very far away to the rescue site, forcing long journeys (up to four days) with the rescued people on board. Any delay in the route, even if it is caused by attending any other boat in distress could be cause of fine or administrative persecution in Italy to our ship and captain.

Although it is not directly linked to the situation of migrants and refugees in their transit, our NGO received in February 2023 a notification of the opening of a sanction file by the Spanish maritime authorities.

The file stems from the PSC Paris MoU carried out by the Italian authorities in 2020 in Palermo, which resulted in the detention of the Aita Mari ship for several months. The aforementioned inspection clearly had a political intention and was not carried out according to the precepts of the Paris MoU itself, with the only purpose of preventing the rescue of migrants and refugees on the high seas.

We understand the initiation of the file by the Spanish government with a threat of sanction of up to 1 million euros, as one more attempt to curtail our activity of providing humanitarian assistance to migrants and refugees in their transits and one more step towards the criminalization of humanitarian aid by the European authorities and its member states.

We can provide some additional documentation if necessary to document the mentioned cases.

Thanking you for your attention, we await your conclusions.

Very truly yours,

Iñigo Mijangos
President