

Country : Spain_ evidences

Commission : ICJ

Case : Respect of International Obligations in the Protection of Migrants and in Maritime Border Control Operations

Evidence 1

Title: Spain's Search and Rescue Operations in the Mediterranean and Atlantic

Type: Official governmental and operational data

Description: Spanish maritime authorities have conducted thousands of rescue operations in recent years, saving migrants attempting dangerous crossings via the Mediterranean and Atlantic routes. These operations are carried out in accordance with obligations under UNCLOS and international maritime law.

Relevance: Demonstrates Spain's compliance with its duty to rescue persons in distress at sea, contradicting allegations of systematic disregard for humanitarian obligations.

Source: Spanish Ministry of the Interior+Frontex annual reports.

Evidence 2

Title: Legal Safeguards in Ceuta and Melilla

Type: National legislation and constitutional provisions

Description: Spanish law provides access to asylum procedures at official border posts in Ceuta and Melilla, including the possibility of lodging international protection claims. Judicial oversight mechanisms exist for return decisions.

Relevance: Shows that Spain guarantees access to asylum and individual assessment mechanisms in compliance with the 1951 Refugee Convention and European human rights law.

Source: Spanish Asylum Law (Law 12/2009); Spanish Constitutional Court jurisprudence.

Evidence 3

Title: Frontex Operational Structure and Attribution of Responsibility

Type: EU Regulation

Description: The Regulation governing Frontex specifies that operational control during joint operations remains primarily with the host Member State. Officers remain subject to national disciplinary systems.

Relevance: Supports Spain's argument that responsibility must be individually attributed and cannot automatically be imputed to Spain for all actions occurring within broader EU frameworks.

Source: Regulation (EU) 2019/1896 establishing Frontex.

Evidence 4

Title: Migration Pressure Data (2022)

Type: Statistical report

Description: Nearly 330,000 irregular crossings were recorded at EU external borders in 2022, with over 31,000 arrivals in Spain by sea and land.

Relevance: Demonstrates the extraordinary pressure faced by Spain as a frontline State, contextualizing its border management policies.

Source: Frontex Risk Analysis Report 2022.

Evidence 5

Title: Spain's Cooperation Agreements with Countries of Origin and Transit

Type: Bilateral agreements

Description: Spain has entered into migration cooperation agreements with North and West African States, aimed at combating smuggling networks and improving migration governance.

Relevance: Shows that Spain seeks cooperative and structured migration management rather than unilateral or abusive practices.

Source: Spanish Ministry of Foreign Affairs; EU external cooperation framework.