

# Boat Charlie and the right to life<sup>1</sup>

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On the night of 23rd-24<sup>th</sup> of November 2021, at least 33 people set out from France toward England in a small inflatable boat. Some hours later, the boat began to sink and they desperately called for help from English and French authorities. No one came. The next day, 27 bodies were recovered, and at least four people remain missing. Only two people survived. The incident became known as ‘Boat Charlie’. The [Cranston Inquiry](#), which was set up to investigate the incident, recently published its findings, detailing how systemic failings and missed opportunities led to this tragedy.

## The right to life at border crossings

In November 2021, I was in the early stages of my research into the loss of life on the border of Ceuta and Melilla in North Africa, between Morocco and Spain. Boat Charlie was not something that was widely spoken about. Yet the news somehow reached me, and I was deeply struck by the fact that 31 people could die under the watch of two countries.

There is a link, I hold, between the right to life and what happens on borders. In law terms, the State has *positive obligations* related to the right to life. This means that authorities must prevent deaths when they are avoidable. The European Court of Human Rights has established that this is applicable in border incidents when the *authorities knew or ought to have known* about the risk of loss of life. It is well known that attempts to cross Spain’s borders occur almost every day, and that people die making these attempts.

The question, then, wherever attempts to cross borders are made, is whether the State could have acted to prevent deaths. To answer this question, it is essential to establish the facts.

## What happened to Boat Charlie

Following the Boat Charlie incident proceedings against smugglers and the French authorities have been initiated; however, due to the duty of confidentiality imposed by French criminal law, no information has been made public, not even to the Cranston Inquiry team. However, the evidence gathered as part of the inquiry has been published, and I consulted it to reconstruct the events and assess the possible link with the positive

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obligations arising from the right to life in this particular case. In short, this is how the incident unfolded:

The first call that night was made at 01:48 by a person whose name was not clear because of the audio quality, he is referenced as “Muman”, “Mumin”, “Momen”, “Mubin”, “Mamand” or “M...” in the transcripts. What followed was a night of confusion and miscommunication. At 02:27, the English authorities broadcast a Mayday Relay, this meant that any vessel in the area was obliged to render assistance. At that time, a French craft named Flamant was approximately 15 minutes from the coordinates that were broadcast, whereas the English ship Valiant was about 60 minutes away. The French vessel did not respond. The Valiant was provided with outdated co-ordinates and took two hours to arrive on the scene. Eventually, the search and rescue operation was terminated at 06:46 under the assumption that Incident Charlie had been resolved. This decision was based on errors in the logs recorded in the tracking system, which mistakenly identified Boat Charlie as a different boat and confused it with another separate incident.

An expert in cold water survival was instructed by the Inquiry. He gave a detailed explanation on the different effects of cold water on people taking into account the circumstances and personal variables and concluded that it was very likely that the majority of people would still be alive at the time in which the English vessel arrived at the Mayday relay position (03:24), that some of them were alive until 07:00, and a smaller number were still alive until the early afternoon.

### **Systemic failings that contributed to the tragedy**

The [conclusions](#) of the Inquiry, are that the loss of life was avoidable. Staff shortcomings at Dover contributed significantly, as only one of those on duty was fully qualified. This person was unable to take a break during his 12-hour shift, and he became exhausted and overwhelmed. Compounding the problem, there was a widely held belief within HM Coastguard that people on small boats tended to exaggerate the severity of their conditions. As a result, the staff did not take the distress calls seriously, failed to gather sufficient information, and made important omissions, in addition to their lack of specific training in small boat search and rescue operations.

The report frequently highlights the risks created by the authorities and concludes that ‘even where failings are potentially attributable to individuals, the underlying causes were systemic in nature’. I believe this gives rise to the positive obligations of the State in relation to the right to life, which I will discuss in detail in my work. For now, I would like to conclude this post by addressing the first of these systemic causes through a personal anecdote.

### **Recognising the human cost**

The final report of The Cranston Inquiry was presented in London on the 5<sup>th</sup> of February 2026. I had it with me when I met with a friend that same afternoon. “They look normal” she said, visibly surprised when she looked at the pictures of the deceased. “She looks as if she goes to work every day and he is a regular teenager” – she said, pointing from one to another – “and he is my age!”

Empathy is a product of identification. Without the opportunity, or willingness, to identify with someone on a small boat, it is impossible to fully confront the reality. Doing so would entail facing the thought of another human being drowning in cold waters at night, or acknowledging that families may be unable to mourn their loved ones because they are missing or their bodies remain unidentified. Nothing can render this reality bearable, but when people remain unaware they can keep a distance from the tragedy.

When I came back home and read the report, I saw the face of Mubin – that is his name. I somehow did not imagine that the person behind the transcripts of that first call I had read was a 16-year-old boy. He is pictured next to his mother, Kazhal, and sisters, Hadiya, aged 22, and Hasti, aged 7. They are smiling. None of them survived.