



REFUGEE RIGHTS EUROPE

AT THE WESTERN DOORSTEP

**HIGHLIGHTING THE HUMAN RIGHTS VIOLATIONS EXPERIENCED
BY REFUGEES AND DISPLACED PEOPLE ARRIVING IN EUROPE
THROUGH THE WESTERN MEDITERRANEAN ROUTE**

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TABLE OF CONTENTS

INTRODUCTION	04
METHODOLOGY AND LIMITATIONS	05
EXTERNALISED BORDERS: EXPERIENCES IN MOROCCO	06
THE ENCLAVES OF CEUTA AND MELILLA	08
THE WESTERN MEDITERRANEAN SEA CROSSING	10
ARRIVING IN SOUTHERN SPAIN	11
SEEKING ASYLUM IN THE CAPITAL	12
THE FRENCH-SPANISH BORDER	14
CONCLUSIONS AND RECOMMENDATIONS	16

IN 2018, SPAIN BECAME THE COUNTRY TO WITNESS THE HIGHEST NUMBER OF ARRIVALS OF DISPLACED PEOPLE VIA MEDITERRANEAN SEA CROSSINGS;¹ REPRESENTING A SHIFT FROM THE TRENDS OF THE PAST 10 YEARS.²

Although the overall number of Mediterranean crossings decreased during 2018, the number of journeys into Spain has in fact been rising over the past two years.³ UNHCR reported 65,400 arrivals in Spain in 2018, compared to 28,300 during 2017. This is considerably more than the 23,400 that reached Italy (an enormous decrease from 2017) or the 50,500 displaced people arriving in Greece (an increase of almost 50% compared to 2017). Additionally, it should be noted that around 5,500 of these arrivals to Spain are thought to be unaccompanied minors, a particularly vulnerable group.⁴

UNHCR REPORTED 65,400 ARRIVALS IN SPAIN IN 2018, COMPARED TO 28,300 DURING 2017.

The “shift” might be the product of two situations: the increased closing of the Libya-Italy, Central Mediterranean route, and Morocco’s changing socio-political context.^{5,6} It is also important to note that the hostility towards refugees and displaced people in neighbouring Algeria is ever-increasing. Algeria has long been

a final destination for African migrant workers, however there are now campaigns to detain, harass and deport these individuals. The government has begun policies of mass arrests and house-to-house searches. Detainees include unaccompanied children, pregnant women, UN-registered asylum seekers, refugees, documented migrants and migrant workers. Since 2017, more than 15,000 nationals from different African countries have been expelled from Algeria. Additionally, the authorities have abandoned 10,690 displaced people at the border of Niger since May 2017.⁷

DETAINEES INCLUDE UNACCOMPANIED CHILDREN, PREGNANT WOMEN, UN-REGISTERED ASYLUM SEEKERS, REFUGEES, DOCUMENTED MIGRANTS AND MIGRANT WORKERS.

Meanwhile, the restrictions that are placed upon legal border crossings into Europe have resulted in illegal smuggling-related activities taking place on a considerable scale on the north coast of Morocco.⁸ EU aid towards restricting departures from northern Africa may only increase both the demand for the services of smugglers and the prices that they are able to charge. In turn, this is likely to have the effect of making the crossing itself even more dangerous for the people involved.

In February 2019, Spain and Morocco reached a new agreement on additional measures to halt arrivals into Spain, that authorises Spanish rescue services Salvamento Marítimo to take people rescued at sea back to Morocco for disembarkation, rather than to Spanish ports. This will purportedly apply when the nearest port is one that is located in Morocco, and follows on from Spain’s efforts to help release a further 140 million euro in EU funds towards Morocco’s efforts in controlling movement.⁹

A NEW AGREEMENT... AUTHORISES SPANISH RESCUE SERVICES SALVAMENTO MARÍTIMO TO TAKE PEOPLE RESCUED AT SEA BACK TO MOROCCO FOR DISEMBARKATION, RATHER THAN TO SPANISH PORTS.

As such, the externalisation of European borders was taken one step further, with insufficient attention being paid to the human rights infringements that continue to occur as a result of the European outsourcing of responsibility to non-EU countries. At the same time, the number of lives tragically lost in the Mediterranean Sea continues to increase, with the failure to prioritise saving lives in favour of a deeply deplorable objective of stemming the number of arrivals.¹⁰ A further development with regard to the situation in Spain is the harmful bottle-neck scenario building up at the French-Spanish border, which is addressed in a later section of this report.

THE NUMBER OF LIVES TRAGICALLY LOST IN THE MEDITERRANEAN SEA CONTINUES TO INCREASE, WITH THE FAILURE TO PRIORITISE SAVING LIVES IN FAVOUR OF A DEEPLY DEPLORABLE OBJECTIVE OF STEMMING THE NUMBER OF ARRIVALS.

Within this complex context, Refugee Rights Europe (RRE) set out to research and highlight the experiences facing refugees and displaced people arriving in Europe through Morocco and via the Western Mediterranean route; and following their arrival in Spain. In particular, we sought to look at their lived experiences on Moroccan soil, in the Spanish enclaves of Ceuta and Melilla, during the sea crossings, upon arrival in Spain and at the French-Spanish border.

The research findings are outlined in this brief overview report, followed by a set of policy recommendations in the final section. Overall, this report highlights the wide-ranging human rights violations that are faced by refugees and displaced people along the different stages of this experience; and calls upon the European Union and its Member States to take decisive action to counter these alarming developments.

1. Alberola et al. (2018).
2. Alberola et al. (2018), 13 ; Connor (2018) ; European Council (2019).
3. Alberola et al. (2018), 9.
4. UNHCR (2019).
5. Alberola et al. (2018).
6. Alberola et al. (2018) ; Harris (2018) ; Mekouar (2018).
7. Del Pistoia (2018).
8. Alberola et al. (2018), 14.
9. Martin, M. (2019).
10. Frelick, B. et al (2016).

METHODOLOGY AND LIMITATIONS

THE PURPOSE OF RRE'S RESEARCH REPORTS IS TO PROVIDE POLICYMAKERS, ADVOCACY GROUPS AND THE GENERAL PUBLIC WITH A CLEAR INSIGHT INTO THE HUMAN RIGHTS INFRINGEMENTS AND CONDITIONS FACED BY REFUGEES AND DISPLACED PEOPLE WITHIN EUROPEAN BORDERS.

In contrast to the United Nations Refugee Agency (UNHCR) and the International Organization for Migration (IOM) who conduct demographic data collection in many of the state-run camps across Europe, our data and research are independently collected, with the aim of prompting policy development rooted in the Universal Declaration of Human Rights. Our direct first-hand field research is typically complemented by thorough desk research.

OUR DATA AND RESEARCH ARE INDEPENDENTLY COLLECTED, WITH THE AIM OF PROMPTING POLICY DEVELOPMENT.

The research presented in this report is a combination of desk research and field interviews with displaced individuals in Spain, as well as interviews with volunteers and activists operating in the Spanish enclave of Ceuta, in Madrid, and in the Basque border town of Irun.

Each member of the Refugee Rights Europe research team had field experience of working with refugees and displaced people or similar groups. The team were recruited from RRE's pool of researchers and included native speakers of the respondents' key languages. The study was guided by ethical checklists that were underpinned by data protection



Photo credit: Livio Amingoni

policies, child safeguarding policies and a robust risk register, to ensure the security and dignity of all participants. Researchers were expected to observe strict adherence to all Refugee Rights Europe's data protection policies, referral policies, child safeguarding and principles of full and informed consent.

EACH MEMBER OF THE REFUGEE RIGHTS EUROPE RESEARCH TEAM HAD FIELD EXPERIENCE OF WORKING WITH REFUGEES AND DISPLACED PEOPLE OR SIMILAR GROUPS.

The reports from Ceuta are derived from field observations during February 2019, interactions with displaced individuals and interviews with several activists who are familiar with the area. The findings from Madrid are based on field observations, interviews and informal conversations with displaced people from 14 to 18 February 2019. In Madrid, the field research team reported a widespread mistrust of the researchers and a strong hesitance amongst respondents to tell their stories and participate in the interviews. There had moreover been a recent shift in the weeks leading up to the field research study, since there appeared to be fewer asylum seekers transiting via Madrid on their way to the northern Spanish border. The research team

nonetheless spent time carrying out participant observation in Lavapiés, a multicultural district in the centre of Madrid, where they spoke to displaced individuals, support organisations, political activists and public officials. The field reports from Irun were obtained through remote interviews with volunteers and activists operating in the area, with in-depth understanding of the situation there.

IN MADRID, THE FIELD RESEARCH TEAM REPORTED A WIDESPREAD MISTRUST OF THE RESEARCHERS AND A STRONG HESITANCE AMONGST RESPONDENTS TO TELL THEIR STORIES AND PARTICIPATE IN THE INTERVIEWS

The remainder of this report represents desk research findings and analysis conducted by Refugee Rights Europe team members and skilled volunteers with extensive experience of academic research and analysis. The aim of the report is to provide an overview of the situation experienced by displaced people on Moroccan soil, in the Spanish enclaves, during the sea crossing, upon arrival in Spain, in the Spanish capital of Madrid, and at the northern border, where individuals try to reach France.

EXTERNALISED BORDERS: EXPERIENCES IN MOROCCO

IN RESPONSE TO THE ARRIVAL OF ASYLUM SEEKERS VIA SEA ROUTES, THE EUROPEAN UNION AND ITS MEMBER STATES HAVE ON MANY FRONTS ATTEMPTED TO OUTSOURCE RESPONSIBILITY TO NON-EU COUNTRIES.

The consequences of the externalisation of responsibilities for asylum seekers arriving via the Central Mediterranean route are widely known: refugees and displaced people intercepted by the Libyan Coast Guard are being

returned to Libya, despite widespread reports of detention, torture and slavery.¹¹ According to reports by Médecins Sans Frontières (MSF),¹² individuals disembarked in Libya tend to be committed to arbitrary detention, with no due legal process. This front-line organisation, with unique insights into the situation, has strongly condemned the current European policies,¹³ suggesting that EU member states are abdicating their responsibilities to save lives and hence condemning vulnerable people to be trapped in Libya, or to die at sea.

REFUGEES AND DISPLACED PEOPLE INTERCEPTED BY THE LIBYAN COAST GUARD ARE BEING RETURNED TO LIBYA, DESPITE WIDESPREAD REPORTS OF DETENTION, TORTURE AND SLAVERY.

EUROPE HAS BEEN TURNING A BLIND EYE TO HUMAN RIGHTS VIOLATIONS AND ABUSES BEING COMMITTED AGAINST DISPLACED PEOPLE.

Meanwhile, the human rights-related consequences of the externalisation of responsibilities along the Western Mediterranean route are more seldom brought to light. However, attempts to 'stem' the number of arrivals from Morocco through the outsourcing of border control is nothing new, and have previously been called out by groups such as Human Rights Watch as "a recipe for abuse".¹⁴ Indeed, research and media reports unambiguously suggest that Europe has been turning a blind eye to human rights violations and abuses being committed against displaced people in Morocco for a long period of time.¹⁵

"ENHANCED COOPERATION HAS LED SPAIN, AND BY EXTENSION THE EU, INTO UNCERTAIN WATERS WHEN IT COMES TO HUMAN RIGHTS AND INTERNATIONAL LAW."

– EUROPEAN COUNCIL ON FOREIGN RELATIONS

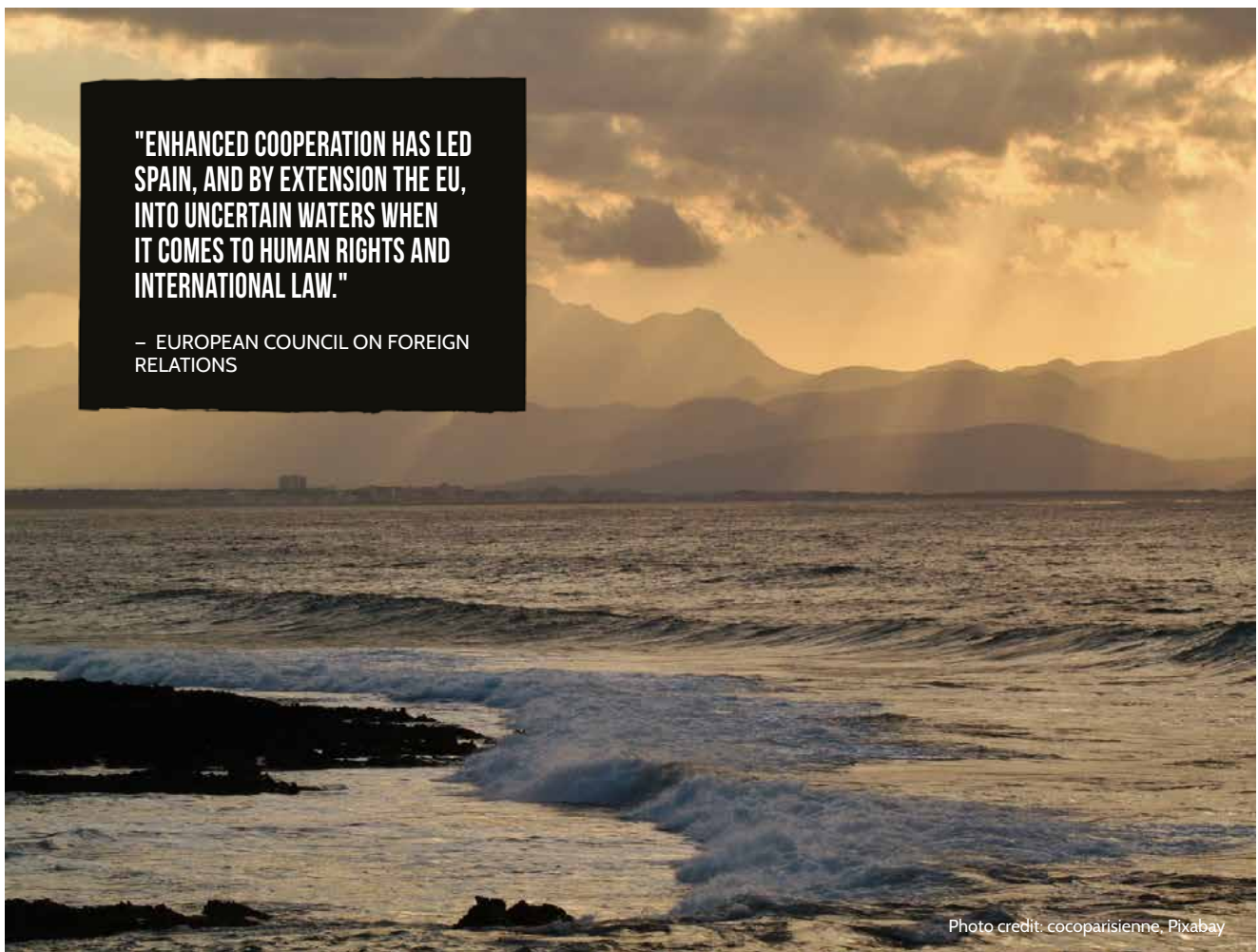
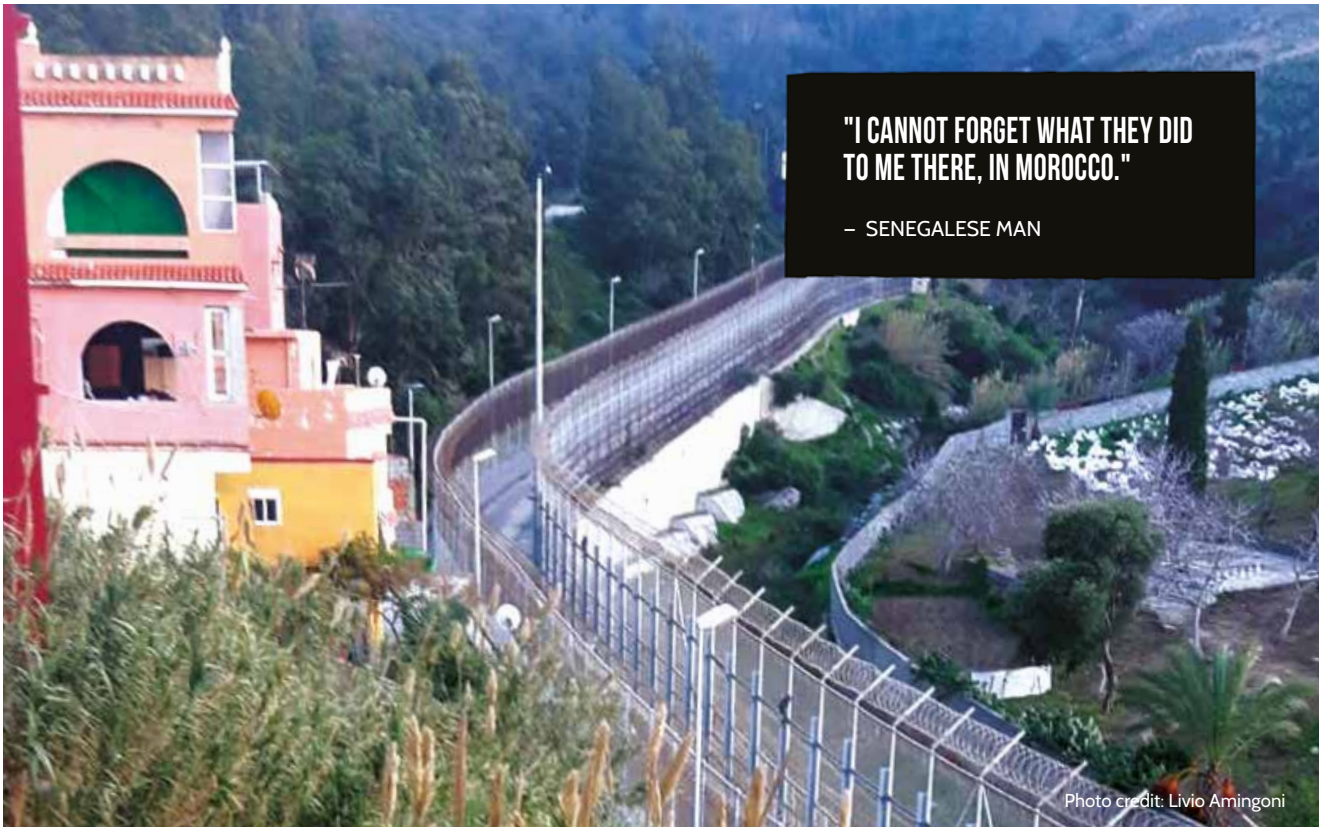


Photo credit: cocoparisienne, Pixabay

¹¹ See e.g. Amnesty (2018). <https://www.amnesty.org/en/latest/news/2018/05/libya-shameful-eu-policies-fuel-surge-in-detention-of-migrants-and-refugees/>
¹² Médecins Sans Frontières (2018).
¹³ Médecins Sans Frontières (2018).
¹⁴ Sunderland, J. (2017).
¹⁵ Wallen, J. (2017).



"I CANNOT FORGET WHAT THEY DID TO ME THERE, IN MOROCCO."
 – SENEGALESE MAN

Photo credit: Livio Amingoni

Similarly, in a recent publication, the European Council on Foreign Relations (ECFR) commented on the rights violations resulting from the European externalisation of borders: *"Morocco and Spain have sought to strengthen what has long been a close working relationship, including Spain recently advocating for Morocco to receive greater support from the European Union. However, enhanced cooperation has led Spain, and by extension the EU, into uncertain waters when it comes to human rights and international law."*¹⁶

In particular, the so-called 'hot returns' from Spanish to Moroccan soil – immediate removals without an opportunity to lodge an asylum application – have been highlighted as deeply concerning trends.¹⁷ This is often combined with the forced transfer of displaced individuals from the north to the south of Morocco, where even poorer conditions – reportedly often without any food or water – await them on the southern borders where they are told to go back to their country of origin. Due to this, displaced people are known to remain in hiding wherever possible, to avoid being removed to the south of the country. The reported disproportionate use of force by the authorities is another area of concern, a recent example having occurred in September 2018, when a Moroccan woman was killed after the Spanish navy opened fire on a boat carrying two-dozen displaced people, without provoking any noteworthy reaction from the EU.¹⁸

A MOROCCAN WOMAN WAS KILLED AFTER THE SPANISH NAVY OPENED FIRE ON A BOAT CARRYING TWO-DOZEN DISPLACED PEOPLE.

Despite the rights violations taking place against refugees and displaced people in Morocco, the European Council nonetheless expressed its continued commitment to supporting 'countries of

origin and transit' such as Morocco, as a means to 'stem' arrivals via the Western Mediterranean route. No mention of human rights conditionality was made.

HE HAD BEEN STALLED IN MOROCCO FOR AROUND NINE MONTHS AND EXPLAINED THAT HE HAD BEEN 'TREATED LIKE A SLAVE', WORKING NINE HOURS A DAY FOR A TOTAL OF EIGHT EURO.

Whilst Europe is thus externalising its border controls to Morocco, the conditions that are faced by displaced individuals hoping to leave the country continue to be unbearable. A Senegalese man interviewed by the RRE research team explained that his journey through Morocco had been very tough. He had been stalled in Morocco for around nine months and explained that he had been 'treated like a slave', working nine hours a day for a total of eight euro. He would be made to carry cement and building materials up and down a four-storey building all day long: *"I was basically a slave"*. He tried to leave Morocco eight times before he succeeded but was caught by Moroccan police and border guards on every previous occasion. On each attempt he paid smugglers an amount of 250-1,000 euro, however he was repeatedly caught and sent back. This meant that he had to continue working in the entirely exploitative job in Morocco, in order to raise the further funds he needed for the border crossing.

A 42-year-old Senegalese man reported that he had been detained and experienced violence in Morocco. His detention had lasted for two months and he described the situation as *"chaotic"*. When asked if he would consider going back to Morocco, his firm answer was 'no': *"Because I cannot forget what they did to me there, in Morocco."*

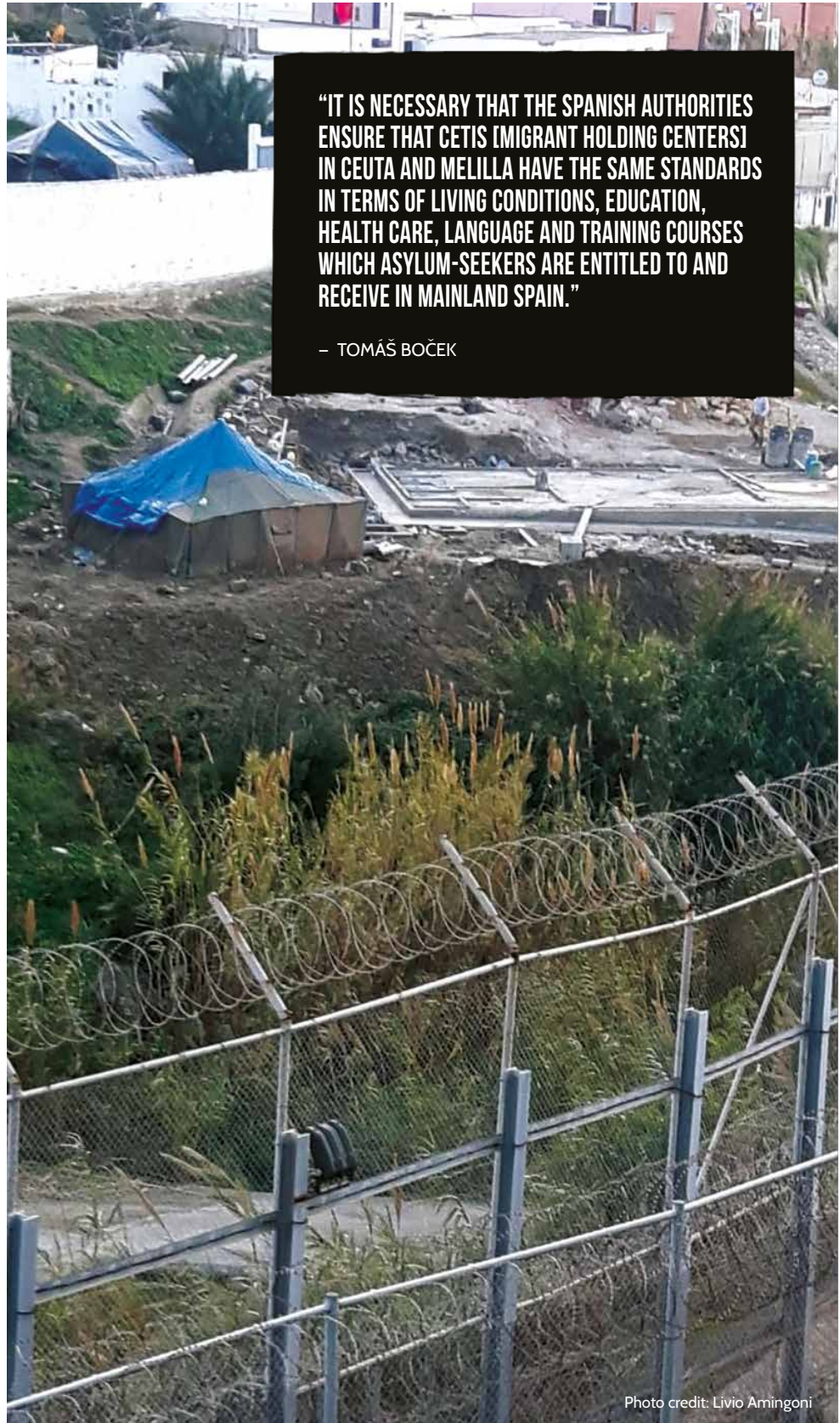
¹⁶ Teevan, C. (2018a).
¹⁷ Valdivia, A. G. (2018).
¹⁸ See e.g. The Guardian (2018). <https://www.theguardian.com/world/2018/sep/27/moroccan-woman-buried-after-navy-shoots-at-migrant-boat>

THE ENCLAVES OF CEUTA AND MELILLA

WHILST THE MAJORITY OF ASYLUM SEEKERS ARRIVE IN SPAIN BY SEA, A NUMBER OF PEOPLE MAKE IT ACROSS THE FENCES OF THE SPANISH ENCLAVES OF CEUTA AND MELILLA.¹⁹

This crossing involves a dangerous climb over the Spanish enclaves' border fence with Morocco, and injuries commonly occur, especially when individuals try to jump over the six-metre fences which are layered with barbed wire or even razor blades.²⁰ Our researcher reported that barbed wire is also found in various other places around the city and by the port. In mid-2018, The Spanish Red Cross reported having treated 25 people for barbed wire cuts during the first half of the year, with 10 requiring hospital treatment. RRE's researcher spoke to several individuals who had tied scarves around their hands and arms following such incidents, with detailed accounts of the accidents and the subsequent time spent in hospital as a result.

INDIVIDUALS TRY TO JUMP OVER THE SIX-METRE FENCES WHICH ARE LAYERED WITH BARBED WIRE OR EVEN RAZOR BLADES.



“IT IS NECESSARY THAT THE SPANISH AUTHORITIES ENSURE THAT CETIS (MIGRANT HOLDING CENTERS) IN CEUTA AND MELILLA HAVE THE SAME STANDARDS IN TERMS OF LIVING CONDITIONS, EDUCATION, HEALTH CARE, LANGUAGE AND TRAINING COURSES WHICH ASYLUM-SEEKERS ARE ENTITLED TO AND RECEIVE IN MAINLAND SPAIN.”

– TOMÁŠ BOČEK

Photo credit: Livio Amingoni

¹⁹. IOM (2018).

²⁰. See e.g. the BBC (2018). <https://www.bbc.co.uk/news/world-europe-44485995>

RRE's researcher reported that the Moroccan military has set up small camps around the border in order to patrol the area more easily. This is accompanied by the construction of additional fences aimed at preventing people from reach the Spanish fences. Moroccan military personnel carry out regular raids throughout the mountains and woodlands near Ceuta, where displaced individuals tend to hide and look for shelter as they wait for an opportunity to jump over the border fence.²¹ Other methods that people tend to use in order to reach Ceuta and Melilla include attempting to swim along the coast, or hiding in vehicles. Our researchers learned that significant numbers of minors would enter Ceuta during the day, and stay overnight to try to climb on lorries and ferries. At the time of RRE's study, a young minor lost his life trying to hide underneath a truck in Ceuta,²² and such tragedies are unfortunately not uncommon in the area.

MOROCCAN MILITARY PERSONNEL CARRY OUT REGULAR RAIDS THROUGHOUT THE MOUNTAINS AND WOODLANDS NEAR CEUTA, WHERE DISPLACED INDIVIDUALS TEND TO HIDE AND LOOK FOR SHELTER AS THEY WAIT FOR AN OPPORTUNITY TO JUMP OVER THE BORDER FENCE.

Volunteers operating in Ceuta explained to one of RRE's researchers that the Moroccan police patrol the border and make regular arrests, before taking people to the southern border close to Algeria. In a recent incident, several hundred people are reported to have been moved from the north of Morocco near Ceuta to the southern part of the country, where they were allegedly left in a desert region. In the process, instances of threats and verbal abuse have been reported, as well as the destruction of personal belongings. According to activists interviewed by Refugee Rights Europe's researchers, the same practices occur in Fez and Tangier, and there is a general perception that such dispersals and push backs are promoted by increased European funding towards 'migration control', which has been accompanied by the building of additional fences and securitisation measures.

IN A RECENT INCIDENT, SEVERAL HUNDRED PEOPLE ARE REPORTED TO HAVE BEEN MOVED FROM THE NORTH OF MOROCCO NEAR CEUTA TO THE SOUTHERN PART OF THE COUNTRY, WHERE THEY WERE ALLEGEDLY LEFT IN A DESERT REGION.

Whilst a great many individuals are routinely apprehended and returned to Morocco, 348 asylum applications were nonetheless lodged in Ceuta during 2018. The Spanish Commission for Refugees (CEAR) has explained that the vast majority of these claims were made by Moroccan and Algerian applicants, along with some people who had come from Tunisia and Syria. It is likely that more asylum applications would be filed in Ceuta, if it were not for the restriction upon movement that requires applicants to remain in an asylum centre in Ceuta, unable to move to the mainland.²³ During a visit to Ceuta and Melilla in 2018, The Council of Europe's Special Representative on Migration and Refugees, Tomáš Boček, criticised Spain due to the living standards in the enclaves, saying: "It is necessary that the Spanish authorities ensure that CETIs [migrant holding centers] in Ceuta and Melilla have the same standards in terms of living conditions, education, health care, language and training courses which asylum-seekers are entitled to and receive in mainland Spain." Specifically, he called for "immediate measures to ensure accommodation in appropriate conditions" for unaccompanied minors.²⁴

Similar criticism has been directed at the efforts in Melilla, where many people reportedly sleep in the streets or in caves, as they await an opportunity to reach mainland Europe.²⁵ Along similar lines, a legal expert interviewed by the RRE research team in Madrid reported that Melilla is sometimes referred to as the "city of minors," because there are so many young people under the age of eighteen who are attempting to escape by climbing onto trucks.



Photo credit: ddzphoto, Pixabay

²¹ Sakona, J. (2019).

²² See e.g. El Faro Ceuta (2019). https://elfarodeceuta.es/tragico-accidente-puerto-testimonios-investigaciones-muerte-menor-iliias/?fbclid=IwAR1oRhjCktd7IGy4dmyTlfyjPAEyCP_6OawuCXzOj6xfEm8iC8Gdenvl_A

²³ See e.g. El Faro Ceuta (2019). <https://elforodeceuta.es/ceuta-recibio-348-solicitudes-de-asilo-durante-el-2018-informe-cear-frontera-sur/?fbclid=IwAR0XajEt4oTlch3g9T3yjMBs2Pjbx|bkXhxbOSEvzpbH3yNOLFmu4qNBFjs>

²⁴ Council of Europe (2018).

²⁵ See e.g. Digital Journal (2018). <http://www.digitaljournal.com/news/world/10-000-unaccompanied-minor-migrants-in-spain-madrid/article/531206>

THE WESTERN MEDITERRANEAN SEA CROSSING

THE MOST COMMON SEA ROUTE TO SPAIN IS FROM TANGIER TO TARIFA AND MALAGA. THE NUMBERS TAKING THE “ATLANTIC” ROUTE FROM ASILAH TO BARBATE AND CADIZ HAVE ALSO INCREASED, DESPITE THE FACT THAT THIS ROUTE REPRESENTS THE MOST DANGEROUS JOURNEY.²⁶

Additionally, thousands have gone from Nador to Motril or Almeria, a route primarily taken by Moroccan and Algerian nationals.²⁷ Finally, although still in comparatively small numbers, there has been an increase in West African nationals taking rubber dinghies from Morocco or Mauritania to the Canary Islands, although this constitutes a life-threatening journey.²⁸

THERE HAS BEEN AN INCREASE IN WEST AFRICAN NATIONALS TAKING RUBBER DINGHIES FROM MOROCCO OR MAURITANIA TO THE CANARY ISLANDS.

Based on the testimonials of displaced people in Ceuta, one of RRE’s field researchers reported that individuals are currently paying around 1,000–2,000 euro to travel in a wooden vessel. The cost of travelling in an inflatable dinghy is around 300 euro; although these never actually manage to arrive in Spain, intended instead to reach Spanish national waters. Some people reported having paid 3,000 euro to travel on a jet ski at night.

The increased death rate surrounding Mediterranean Sea crossings is deeply deplorable; with the crossing now considered deadlier than it has been at any point since the peak of arrivals in 2015. This is regardless of the fact that the numbers of people attempting the crossing has actually decreased.²⁹ The first half of 2018 saw almost double the number of people dying in their attempt to reach Spain in comparison to the first half of 2017.³⁰

THE INCREASED DEATH RATE SURROUNDING MEDITERRANEAN SEA CROSSINGS IS DEEPLY DEPLORABLE; WITH THE CROSSING NOW CONSIDERED DEADLIER THAN IT HAS BEEN AT ANY POINT SINCE THE PEAK OF ARRIVALS IN 2015.

Spain notably allowed the Aquarius rescue ship to dock after both Italy and Malta denied it entry, carrying on board 630 people that it had rescued.³¹ This situation was used in the media to highlight Spain’s generosity to the forcibly displaced. Maritime Rescue Services rescued 1000 people from the Straits of Gibraltar during one weekend in July 2018 and another 265 on the following Monday. It is

clear that this crossing is extremely dangerous, and as more people attempt this; even more will be in potential need of rescue, as they put their lives at risk to seek a better future in Spain or in Europe.

A 40-year-old Senegalese man explained to the RRE research team that he had been on the sea for nine long days. He described his journey as follows: *“There was no water, it was very long. I had to navigate the boat for parts of the journey. We were 73 people, it was very difficult.”*

“THERE WAS NO WATER, IT WAS VERY LONG. I HAD TO NAVIGATE THE BOAT FOR PARTS OF THE JOURNEY. WE WERE 73 PEOPLE, IT WAS VERY DIFFICULT.”

– 40-YEAR-OLD SENEGALESE MAN

Another Senegalese man, aged 42, also described his experience of making the sea crossing: *“It was difficult. We were six people on the boat. The Moroccans were behind us and they tried to stop us but we arrived in Spanish waters already and they tried to make waves to drown us but The Red Cross came and took us”.* Meanwhile, a 20-year-old man from Mali recounted: *“It was cold, 124 people, men, women and children. But we all arrived at the port.”* The same man spoke of many close friends who had died in their attempts to cross the sea from Morocco to Spain.



Photo credit: dimitrisvetsikas1969; Pixabay

“THEY TRIED TO MAKE WAVES TO DROWN US BUT THE RED CROSS CAME AND TOOK US.”

– 42-YEAR-OLD SENEGALESE MAN

26. Alberola et al (2018).

27. Sanmartin (2018).

28. Alberola et al. (2018), 14; Cadena SER (2018).

29. Kingsley (2018).

30. Cañas & Sáiz (2018).

31. Jones (2018).

ARRIVING IN SOUTHERN SPAIN

THE MAJORITY OF THE PEOPLE IN DISPLACEMENT WHO ARRIVED IN SPAIN DURING 2018 WERE WEST AFRICAN NATIONALS.³²

However, the number of Moroccan people who made this crossing (11,670) in 2018 was nonetheless significant,³³ which raises serious concerns about the rights situation in Morocco itself. The next four most prevalent nationalities arriving in 2018 were: Guinea (5,377), Mali (4,650), Algeria (4,579) and Côte d'Ivoire (1,945).³⁴

The reception conditions for asylum seekers arriving in southern Spain have received considerable criticism over the years. In 2017, Human Rights Watch reported that individuals arriving on Spanish shores tend to be *"held in poor conditions and face obstacles in applying for asylum. They are held for days in dark, dank cells in police stations and almost certainly will then automatically be placed in longer-term immigration detention facilities pending deportation that may never happen."* The same report continued by arguing that: *"Spain is violating migrants' rights, and there is no evidence it serves as a deterrent to others."*³⁵

THE RECEPTION CONDITIONS FOR ASYLUM SEEKERS ARRIVING IN SOUTHERN SPAIN HAVE RECEIVED CONSIDERABLE CRITICISM OVER THE YEARS.

In July 2018, El País newspaper reported that the refugee centres and NGOs in southern Spain were unable to keep up with the numbers of arrivals, with many people sleeping in centres that were largely overcrowded.



The municipalities along the Andalusian coast are similarly described as being under great strain and town councils, police unions and NGOs complained that they did not have adequate resources to be able to handle the scale of new arrivals.³⁶

IN JULY 2018, EL PAÍS NEWSPAPER REPORTED THAT THE REFUGEE CENTRES AND NGOS IN SOUTHERN SPAIN WERE UNABLE TO KEEP UP WITH THE NUMBERS OF ARRIVALS, WITH MANY PEOPLE SLEEPING IN CENTRES THAT WERE LARGELY OVERCROWDED.

The secretary general of the United Police union in Cádiz, Carmen Velavos, said that the region's infrastructure was overwhelmed. She offered the example of a minors' reception centre that is intended to accommodate 30 people, however there were 200 children sleeping on the floor at the time. Some people were having to sleep on the decks of the rescue boats as there was nowhere on land for them to sleep.³⁷ On 25 and 26 July 2018, up to 260 individuals slept on the deck of a rescue ship and 50 slept in the courtyard of a police station, whilst a further 90 people had to sleep in the port of Barbate. After spending the maximum legal period of 72 hours in police custody, many are left to wander the streets. These situations are clearly problematic and dangerous; and are indicative of a lack of resources and preparedness. The Interior Minister, Fernando Grande-Marlaska, has

stated that an emergency military unit with beds to accommodate 500 people was being made available for new arrivals.

José Ignacio Landaluce, Mayor of Algeciras, has said that the city was having to divert funds and was acting as a humanitarian stop gap. As such, he called for the EU and the Spanish government to step up their role in order to prevent southern coastal towns from becoming the *"new Lampedusa"*. Susana Díaz, leader of the regional government of Andalusia, has asked the national government to *"distribute the immigration effort"* amongst all regions of Spain, particularly with regard to unaccompanied minors. The demonstrable strain upon resources has resulted in both local and regional actors being unable to provide the level of services required in order to assist and to process the numbers of new arrivals. This unsustainable situation inevitably leads to scenarios akin to that previously described, in which hundreds of people are left without a roof over their heads and forced to sleep in ad hoc locations.

THE DEMONSTRABLE STRAIN UPON RESOURCES HAS RESULTED IN BOTH LOCAL AND REGIONAL ACTORS BEING UNABLE TO PROVIDE THE LEVEL OF SERVICES REQUIRED.

32. IOM (2018).

33. European Council (2019).

34. European Council (2019).

35. Human Rights Watch (2017).

36. Jones (2018).

37. Jones (2018).

SEEKING ASYLUM IN THE CAPITAL

ACCORDING TO THE MOST RECENT OFFICIAL FIGURES MADE AVAILABLE BY THE SPANISH OFFICE ON ASYLUM AND REFUGE (OAR), AND PUBLISHED ON AN ANNUAL BASIS BY THE MINISTRY OF INTERIOR, THE TOTAL NUMBER OF ASYLUM SEEKERS HAVING SUBMITTED AN APPLICATION IN SPAIN IN 2018 REACHED 31,738 PEOPLE.

The main country groups seeking asylum within the country during 2017 were from: Venezuela (10,627), followed by Syria (4,277), Colombia (2,503) and Ukraine (2,312). Other asylum seekers came from Algeria, Palestine, El Salvador, Honduras, Cameroon and Morocco.³⁸

In order to seek asylum in the Spanish capital city of Madrid, individuals must present themselves to Aluche national police station, in order to obtain a document that serves as a “statement of intent to apply for international protection”. The requirement to attend in person is a relatively new development that was introduced in May 2018, that unfortunately coincided with a huge increase in the number of asylum applications. Before this change was implemented, the document could be requested over the telephone; which proved to be an easier system for many people.

IN ORDER TO SEEK ASYLUM IN THE SPANISH CAPITAL CITY OF MADRID, INDIVIDUALS MUST PRESENT THEMSELVES TO ALUCHE NATIONAL POLICE STATION.

This initial document protects an individual from deportation by



indicating that the asylum process has begun. By requesting asylum, the person is moreover given a temporary right to work and protection from deportation until the document's expiration date.

BY REQUESTING ASYLUM, THE PERSON IS MOREOVER GIVEN A TEMPORARY RIGHT TO WORK.

However, the police station only admits the first 99 individuals who stand in line every day. This means that people are now resorting to sleeping on the street outside the building in the cold, in the hope of being one of the first 99 in the queue the following

day. By 10pm at night there may already be 200 people lined up in the hope of making it until the morning, including pregnant women, young families and the sick. The closest place to get something to eat is half-a-kilometre away, but if you leave to wash or for a meal then you may lose your place in line.³⁹ Many of those who have experienced this makeshift queuing system have reported intimidation by the police, who have allegedly warned them that they are in no position to take risks, representing a further exploitation of the system. RRE's researchers noted, however that the lines were much shorter at the time of the research study. Whether this is a sign of permanent improvement, or a temporary shift, is difficult to say.

38. Asylum Information Database (AIDA) (2018).

39. Peinado (2018).

The next stage of the asylum process takes much longer. In order to work, you must receive a red identification card, and then book an appointment to request authorisation to work. Without the red card, an asylum seeker cannot access hospital treatment. However, this process generally takes more than a year, leaving many people in a significantly vulnerable state of limbo.

WITHOUT THE RED CARD, AN ASYLUM SEEKER CANNOT ACCESS HOSPITAL TREATMENT. HOWEVER, THIS PROCESS GENERALLY TAKES MORE THAN A YEAR.

Many asylum seekers have had to wait for long periods of time before being able to access accommodation and services. Others appeared confused and disoriented, and were struggling to access the system in the first place. A notable example was the situation of a man from Sierra Leone who was interviewed in Madrid by RRE's team of researchers. This man explained that he had recently been returned to Spain from the Netherlands, as his fingerprints were found in the EURODAC database. Having just arrived, he was staying at a night shelter and did not know anyone else; nor did he know his way around Madrid. He had been given the address of the Aluche police station but he did not know how to get there. Receiving no financial support from the shelter, he was moreover unable to travel by bus to the police station, which meant that he was forced to walk there, which took him approximately 1 hour and 20 minutes.

A legal expert interviewed by the RRE research team in Madrid reported that the asylum process is currently very slow as there are insufficient staff numbers to handle the case loads. She moreover reported the poor treatment of refugees occurring inside the registration office in Aluche and expressed further concerns that very sensitive interviews are being conducted in open rooms without any privacy. Meanwhile, representatives of a refugee support group highlighted a concerning number of gaps in the registration of minors and the lack of a standardised system for age assessment, as well as a lack of services for young male asylum seekers.

There are two ways in which asylum seekers can find housing: through asylum accommodation, which is known to be overstretched, and through the "Cold Project," which provides shelters for homeless people

during the winter. Some individuals, and women in particular, tend to sleep at Madrid airport at night, because it is safer there than in the existing shelters or in the streets. Indeed, support workers interviewed by the RRE research team reported that many asylum seekers in Madrid end up sleeping on the streets, including a large number of young people.

A mix of individuals with varying immigration statuses, including asylum seekers, appear to be gathering in Lavapiés and the surrounding areas. During the participant observation in Lavapiés, the RRE research team noted several police operations being carried out in the main square of the district. These appeared to be very violent in nature, and support workers in Madrid suggested that this was part of an attempt to discourage displaced individuals from coming to settle in this area. Indeed, most displaced people choose instead to stay in other parts of the city, where they can remain hidden and out of sight. Whilst some informal camps tend to take shape in suburban Madrid, these are regularly evicted.

THESE (POLICE OPERATIONS) APPEARED TO BE VERY VIOLENT IN NATURE, AND SUPPORT WORKERS IN MADRID SUGGESTED THAT THIS WAS PART OF AN ATTEMPT TO DISCOURAGE DISPLACED INDIVIDUALS FROM COMING TO SETTLE IN THIS AREA.

Most of the displaced people that RRE spoke to in the Madrid area said that they did not feel particularly safe there. Several people spoke of police violence, which included tear gas and physical violence, as well as verbal abuse. One group of Moroccan youngsters explained to the RRE research team that their 19-year-old friend had recently had his documents confiscated by the police.

RRE's researchers moreover heard accounts of citizen violence. A Senegalese respondent spoke of what he perceived to be racism, explaining that people would not sit next to him on the underground train. He said: *"I am clean and have shower. Why don't they want to sit next to me."* A 17-year-old Senegalese boy said that he has experienced a lot of verbal abuse by citizens. He stated that he feels safer in Lavapiés because of the presence of other individuals from Africa in the area.



Photo credit: José Manuel de Laa, Pixabay

THE FRENCH-SPANISH BORDER

MANY DISPLACED PEOPLE HAVE ALSO BEEN HEADING NORTH TO THE BORDER WITH FRANCE, WHICH HAS BECOME ONE OF THE MAIN CROSSING POINTS FOR ASYLUM SEEKERS IN EUROPE.⁴⁰

During August 2018, local NGOs and The Red Cross noted a particular increase in the numbers of displaced people in Irun, a Basque city on the border of France. They were coming to Irun in order to attempt to cross into France or Belgium, where many have friends and family. However, this crossing is not without its challenges, and is made difficult by the fact that France has an agreement in place with Spain that allows the French authorities to promptly return anyone they intercept at the border, or who has been in France for less than four hours.

FRANCE HAS AN AGREEMENT IN PLACE WITH SPAIN THAT ALLOWS THE FRENCH AUTHORITIES TO PROMPTLY RETURN ANYONE THEY INTERCEPT.

The Gendarmerie are patrolling crossing points such as highways, railways, bridges and bus lines. Individuals who are found to be without a passport or a visa is almost immediately returned to Spain, regardless of their personal situation or circumstances.⁴¹ Médecins Sans Frontières (MSF) has reported that the violations of human rights appear to be very similar to those occurring at the Italian border with France, which has previously been documented by RRE and other organisations.

If an individual has been in France for more than four hours, they are entitled to a lawyer and due process, which delays the course of forced return to Spain. This arrangement has been heavily criticised by groups defending the right to free movement.⁴² During an increase in border crossings, France resumed border checks with “non-admissions”, although the stated purpose was national security, in the light of the terror attacks of November 2015. Between January and October 2018, France had sent back almost 10,000 individuals; which represents three-times the official numbers released by the Spanish government. According to NGOs, these people are essentially abandoned in Spanish territory. They are brought back in unmarked vans and left on the Spanish side of the border, a phenomenon that has been captured by video footage. Such evidence forced the Spanish Interior Minister, Fernando Grande-Marlaska, to acknowledge the existence of these practices, although he continued to defend the operations as being legal. The majority of these expulsions take

place at the border with Irun. NGOs say that many of those returned are asylum seekers without police return orders.⁴³

BETWEEN JANUARY AND OCTOBER 2018, FRANCE HAD SENT BACK ALMOST 10,000 INDIVIDUALS; WHICH REPRESENTS THREE-TIMES THE OFFICIAL NUMBERS RELEASED BY THE SPANISH GOVERNMENT.

The issues occurring at the border appear to be particularly acute for minors, who are not treated as children but as adults,⁴⁴ which constitutes a violation of their rights. The Spanish police then generally release them at the foot of the bridge in Irun that leads to France, following an identity check. This has in turn led to a situation whereby people-smugglers have become their only remaining option for entering French territory.⁴⁵

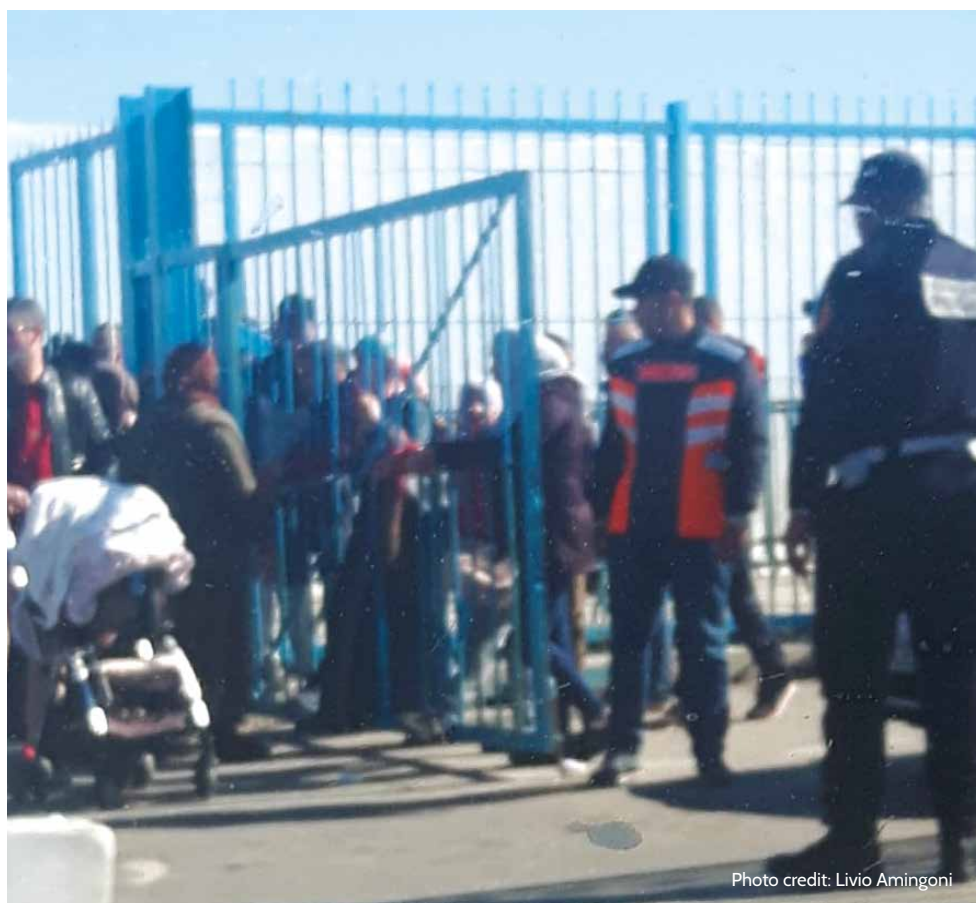


Photo credit: Livio Amingoni

40. MSF (2019).

41. Gorospe (2018).

42. EURACTIV.com with AFP. (2018).

43. ANSA. (2018)

44. MSF (2019).

45. MSF (2019).



"(HE) HAD HEART PROBLEMS AND WAS ON THE BRINK OF DYING WHEN HE WAS RETURNED FROM THE BORDER."

– TWO CYCLISTS IN IRUN WHO FOUND A MAN LYING ON THE ROAD

In August 2018, two cyclists in Irun found a man lying on the road; he *"had heart problems and was on the brink of dying when he was returned from the border"*.⁴⁶ This is a prime example of the human rights concerns associated with France's removal policy. The numbers of returns are further straining Spanish resources; with social services in Basque Country being described as 'at risk of collapse', according to a report from November 2018.⁴⁷ However, the Spanish government states that its relations with France are "excellent", although it is clear that the continued expulsions of irregular migrants may create tensions.⁴⁸ More importantly, it could continue to cause harm to the health and welfare of those attempting to cross into Spain, in some cases even posing a risk to life.

The official shelter in Irun can house up to 70 people for a maximum of five days only. After this five-day-period has elapsed, they are required to leave, and therefore often end up sleeping on the streets.⁴⁹ As a result, individuals, volunteers and activists similarly reported to RRE that an informal settlement took root during the summer of 2018, due to the overcrowding in the camp of The Red Cross.

INDIVIDUALS, VOLUNTEERS AND ACTIVISTS SIMILARLY REPORTED TO RRE THAT AN INFORMAL SETTLEMENT TOOK ROOT DURING THE SUMMER OF 2018, DUE TO THE OVERCROWDING IN THE CAMP OF THE RED CROSS.

Indeed, during June and July 2018, The Red Cross had reportedly attended to almost 1,600 people.⁵⁰ By November 2018 however, due to a lack of resources, many of these individuals were left to sleep rough. People are being placed in any shelter that has the space to

accommodate them, regardless of their personal circumstances; for example, even if they are unaccompanied minors or pregnant women.

In response to the gaps in service provision and the availability of adequate shelter, a community support and volunteer network has sprung up, to help people at the border with basic needs such as food and medicine.⁵¹ Without groups such as this, conditions would probably be unbearable for the individuals at the border.

A COMMUNITY SUPPORT AND VOLUNTEER NETWORK HAS SPRUNG UP, TO HELP PEOPLE AT THE BORDER WITH BASIC NEEDS SUCH AS FOOD AND MEDICINE.

During an interview with an activist operating in Irun, one of RRE's researchers learned that several thousand individuals had passed through this area throughout 2018. There appeared to be significantly fewer women than men making the crossing, although the activist's group had encountered at least 100 families and expected overall numbers to rise again with the spring season approaching. The most common nationalities reported were Guinean, Malian, Eritrean, Yemeni and people from The Cote d'Ivoire. The interviewee reported widespread cases of push backs occurring at the border. According to the Acuerdo de Malaga agreement, there are two kinds of authorised push backs. The first takes place within four hours of the passage and is entitled 'Devolución rápida' ('Rapid Return'). The second type occurs at a later stage, possibly even after several months spent in France, and usually under the Dublin III Regulation. Those arrested under the 'Devolución rápida' would typically spend a day or two in detention, before being handed over from the French to the Spanish police.

46. Gorospe (2018).

47. ANSA (2018).

48. NSA (2018).

49. Gorospe (2018).

50. EURACTIV.com with AFP (2018).

51. Gorospe (2018); MSF (2019).

CONCLUSIONS AND RECOMMENDATIONS

THIS REPORT HAS HIGHLIGHTED THE COMPLEX EXPERIENCES FACING REFUGEES AND DISPLACED PEOPLE ARRIVING IN EUROPE THROUGH MOROCCO AND VIA THE WESTERN MEDITERRANEAN ROUTE AND FOLLOWING THEIR ARRIVAL IN SPAIN.



Photo credit: Livio Amingoni

1

THE REPORT FINDINGS SUGGEST THAT THE TREND TOWARDS THE EXTERNALISATION OF EUROPEAN BORDERS TO NON-EU COUNTRIES, AS IN THE CASE OF MOROCCO, HAVE WIDE-RANGING REPERCUSSIONS ON THE ABILITIES OF REFUGEES AND DISPLACED PEOPLE TO ACCESS THEIR HUMAN RIGHTS.

Firstly, the report findings suggest that the trend towards the externalisation of European borders to non-EU countries, as in the case of Morocco, have wide-ranging repercussions on the abilities of refugees and displaced people to access their human rights as enshrined within international law. Individuals are faced with the prospect of being returned to harmful situations, or left trapped, unable to seek asylum in Europe. This calls for an increased onus on the European Union and its Member States to take decisive action to counter these alarming developments and uphold their moral and legal obligations under human rights law, including the right of all people to claim asylum.

As such, the externalisation of asylum and migration management to non-EU countries must come with guarantees and safeguards. Member States should refrain from externalising asylum and migration control to countries without a functioning asylum system adopted through national legislation, as well as to those that are not party to the 1951 Geneva Convention and the 1967 New York Protocol; and to states that do not comply in practice with international human rights law.

In particular, in the light of growing reports highlighting the human rights violations faced by displaced people in Morocco, increased financial support to Morocco must therefore be conditional upon the humane treatment of individuals, and should not preclude their right to seek asylum and have their claims assessed in an acceptable manner with due process. Financial support must also come with conditions on service provision for the victims of trafficking, sexual violence and other traumatic experiences, and the authorities responsible for the provision of these services must be held accountable.

In order to ensure that human rights are upheld for displaced individuals seeking asylum, RRE firmly believes that Member States must carry out human rights impact assessments before entering into cooperation agreements with third party states. Member States should include conditions in all such cooperation agreements concerning asylum and migration management, to ensure human rights protection for all individuals. Such conditions include, but are not limited to, the obligation of non-refoulement, access to a fair asylum procedure and the right to effective remedy, access to information and legal assistance, safe and adequate reception conditions, access to family reunification procedures and no risk of arbitrary detention. Member States must also ensure the independent monitoring of the implementation of their third country cooperation agreements, and duly suspend cooperation in cases where repeated human rights violations or other forms of gross misconduct have been identified.

2

THE REPORT HIGHLIGHTS THE NEED FOR A WELL-FUNCTIONING AND SUFFICIENTLY RESOURCED OPERATIONAL PLAN FOR SEARCH AND RESCUE MISSIONS IN THE MEDITERRANEAN SEA, WITH DISEMBARKATION WITHIN THE EU.

Secondly, the report highlights the need for a well-functioning and sufficiently resourced operational plan for search and rescue missions in the Mediterranean Sea, with disembarkation within the EU. Member States must coordinate rescue operations in order to make full use of available capacities, including civil society vessels, and ensure that civil society can carry out their aid operations without hindrance, criminalisation or harassment. Member States must moreover hold to account the coordinating authorities of rescue missions, ensuring that they consistently uphold the human rights of rescued people, and that no individuals are under any circumstances placed in situations where they would face torture, inhuman or degrading treatment or the arbitrary deprivation of liberty.

3

THE REPORT HAS HIGHLIGHTED THE HARMFUL, BOTTLE-NECK SCENARIO BUILDING UP AT THE FRENCH-SPANISH BORDER

Thirdly, the report has highlighted the harmful, bottle-neck scenario building up at the French-Spanish border, which leads to further suffering for the individuals seeking to continue their journey to reach another European country. The closure of the border appears to be creating a harmful environment in which people are denied basic shelter, healthcare and sanitation, and shares significant parallels with the French-Italian border situation in Ventimiglia only a few years ago. The problems occurring at the border appear to be particularly acute for minors, who are reportedly not treated as children upon arrival in France. The most recent agreement between Spain and France, which allows the French authorities to promptly return anyone whom they intercept at the border or who has been in France for less than four hours, raises concerns about the due process.



In summary, this report has outlined a number of key concerns relating to displaced individuals' lived experiences on Moroccan soil, in the Spanish enclaves of Ceuta and Melilla, during the sea crossings, upon arrival in Spain, and at the French-Spanish border. It highlights concrete areas where change can - and must - take place, in order to ensure that the human rights of refugees and displaced people are upheld.

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