



Jesuit Refugee Service – Europe

Tuesday 6th December 2005

Ceuta and Melilla

– Briefing note for the Press –

The events

In October 2005, hundreds of migrants and asylum-seekers tried to enter the Spanish enclaves of Ceuta and Melilla. A dozen of them died under bullet fire from the frontier guards after trying to climb the barbed wire wall separating Spain from Morocco.

In spite of these human dramas, Spain expelled most of the migrants and asylum-seekers who had managed to enter the enclaves to Morocco, on the basis of a bilateral readmission agreement between the two countries. After that, Médecins sans Frontières announced that over 500 mostly Sub-Saharan immigrants deportees had been found "*in bad shape*" in the desert area of Auoina-Souatar near the Morocco-Algerian border. It is now clear that they had been abandoned there by the Moroccan authorities.

Responses from the European Commission and Spain

More than one month has passed since these dramatic events. During this month, the European Commission as well as the Spanish authorities have responded to these dramatic events, both by proposing measures to increase border control.

The European Commission promised 40 million euros to Morocco to reinforce border control by way of making equipment and training available. Actually, this amount of money has been promised since July 2002. In addition, it intends to conclude as quickly as possible a EU readmission agreement with Morocco.

Moreover, the Spanish Government has started to place another obstacle in front of migrants: a wide band of steel poles connected by thin steel cables which will cost around 19 million dollars. This measure comes in addition to the surveillance system, called CIVE, installed along the Andalusian coast in the beginning of 2005, which has led to a decrease in the number of *pateras* (boats full of immigrants) reaching Spain.

The visit of a LIBE delegation to Ceuta and Melilla

From December 7 to December 9 2005, a delegation of 18 MEPs of the LIBE Committee¹ of the European Parliament, headed by Jean Marie Cavada (president of the LIBE Committee), will visit Ceuta and Melilla.

They will first meet representatives of the Spanish authorities in Madrid as well as Mrs Virginia Alvarez from Amnesty International who participated in a recent inquiry mission to Morocco, Ceuta and Melilla². After they will fly to Melilla and Ceuta where they will meet Spanish authorities and representatives of NGOs as well as visit detention centres and inspect the borders with Morocco.

¹ Committee on Civil Liberties, Justice and Home Affairs

² Amnesty International, "*Spain: The southern border*", June 2005.

JRS positions

1) Regarding Ceuta and Melilla:

Regarding the situation in this Southern border of the European Union, **JRS is especially concerned about:**

1. **The fact that Spain did not provide access to asylum procedures to people who might have left their countries because they feared for their lives and may in fact have been refugees.** There is a risk of “*refoulement*” contrary to the 1951 Refugee Convention that Spain has signed.
2. **The fact that Spain has practised collective expulsion of foreign nationals** although it is prohibited by Protocol 4 of the European Convention on Human Rights³. In this respect, JRS urges the Spanish government to ratify and implement this Protocol.
3. **The fact that Spain has concluded a readmission agreement with Morocco, a country which clearly does not respect the basic human rights of migrants** as proven by the way it has abandoned hundreds of them without water and food near the Morocco-Algerian border. In light of this, **JRS is also concerned about the intention of the European Commission to sign, as quickly as possible, a readmission agreement with Moroccan authorities.**
4. **The way Spanish authorities are conducting the investigation into the dramatic events of Ceuta and Melilla.** JRS is still urging that an independent enquiry be established by the United Nations, the European Union and civil society to investigate this.

2) Regarding the EU policy on asylum and immigration in general:

More generally, JRS-Europe calls for a more ambitious and comprehensive European asylum and immigration policy. JRS-Europe regrets in particular that the “*balanced approach*” promoted by the EU in The Hague Program promotes the repressive side of the asylum and immigration policy more than the elements of the policy that protect the human rights of migrants and asylum seekers. The emphasis of the EU's policies in this respect has been on promoting stronger border controls.

In particular, **JRS-Europe requests that the EU Policy on asylum and immigration:**

1. **Provides a proper access to asylum procedures to those in need of international protection.** It should develop means by which asylum seekers can reach the territory other than by jumping barbed wires. In particular, the EU countries should not shift their responsibility to neighbouring countries, which may be unable to establish a proper process to identify refugees or treat rejected asylum seekers with dignity.
2. **Promotes responsibility-sharing among Member States to process the asylum claims.** The Southern or Eastern European countries cannot face alone the flows of migrants arriving in Europe without being in breach of Human Rights obligations. In this respect, the Dublin II regulation should be replaced with a system that shares responsibility equitably.
3. **Improves the level of protection in the region of origin and the countries of transit.** In this respect, JRS-Europe welcomes the Communication issued by the EU Commission on regional protection programmes. However, expectations must be limited given the

³ Article 4, Protocol 4: “*Collective expulsion of aliens is prohibited.*”

modest funding allocated to the pilot programmes and the short timescales envisaged. Moreover, JRS-Europe insists that these programmes must not be misused by hindering refugees from presenting an asylum claim within the European Union.

4. **Develops channels for legal immigration.** This will contribute to organise immigration to Europe in a more humane way, while responding to the need for qualified and unqualified labour in the EU.
5. **Fights the causes of forced migration by having a more ambitious development policy towards Sub-Saharan countries.** In this respect, JRS-Europe welcomes the Communication issued by the EU Commission on migration and development. It however regrets that some propositions made in this communication remain rather vague and that the Communication has not set out concrete actions.

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The Jesuit Refugee Service (JRS) is a global Catholic organization, which was founded in 1980 and whose mission is to accompany, serve and defend the rights of refugees and forcibly displaced people regardless of their religious affiliations. The regional office of JRS - Europe in Brussels networks with JRS staff in 22 European countries. JRS personnel in Europe accompany inter alia detained asylum seekers and former detainees.

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