



EDUCATIONAL OBSERVATION DOSSIER. THE SPANISH-FRENCH BORDER

**Catalan Commission for Refugees and
SOS Racism Catalonia**

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EDUCATIONAL OBSERVATION DOSSIER – THE SPANISH-FRENCH BORDER

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1. What can we use to work with students through the analysis of the refugee situation on the Spanish-French border? The Example of La Jonquera.

Known by many as the place where the great Republican exodus took place in January and February of 1939, the border crossing zone between La Jonquera and El Pertús, together with that of Irun, is still one of the most important today on the dividing line that separates Spain and France. Although no official data exists in this respect, the intensification of readmission controls and processes during the summer of 2018 [1], especially on the Irún - Hendaya side of the Spanish-French border, has led us to focus on the situation of the Catalan and Basque border area. News on the arrival in Catalonia of people hiding in trucks who were trying to enter France from Italy or the return, under the readmission agreements of people who were trying to cross the border into France [2] are becoming more and more frequent.

In order to find out about this situation in person, and to inform secondary and high school students about it, a team of observers from the Catalan Commission for Refugees (CCAR) and SOS Racisme Catalunya carried out an Observation Mission in January 2019. An observation report and the following educational dossier resulted from the facts learned.

The following contents and basic skills required at secondary and baccalaureate level can be worked with using this educational dossier [3]:

Contents:

- The causes of forced displacements
- Human rights and needs
- The rights of refugees
- Empathy and dialogue
- Concepts: Migrants and refugees
- Vulnerable groups
- Empathy and dialogue
- Stereotypes, prejudice and rumours
- A critical vision of policies

Basic skills:

- Communication, language and audio visual
- Social and citizenship public awareness
- Knowledge and interaction with the physical world
- Independence, personal initiative and entrepreneurship

[1] Europa Press (25/09/2018). Podemos denuncia “devoluciones en caliente en la frontera de Irún y Marlaska habla de “readmisiones”. Recuperat de <http://www.europapress.es/epsocial/migracion/noticia-podemos-denuncia-devoluciones-caliente-frontera-irun-marlaska-habla-readmisiones-20180925180432.html>

[2] Soler, T. (31/05/2018). Retornen 33 immigrants interceptats al Voló. Recuperat de <https://www.elpuntavui.cat/punt-divers/article/4-divers/1403690-retornen-33-immigrants-interceptats-al-volo.html>

[3] For more teaching activities about refugees, see the Refugee Briefcase: www.maletarefugi.ccar.cat

2. What is happening on the Spanish-French border?

The Jihadist attacks of 2015 (in January against the magazine Charlie Hebdo, in November in the Bataclan and other points in Paris) set off alarms across France. The government justified the internal control of its borders by once again deploying police and setting up army checkpoints. As such, it may be considered that from then on, all internal borders were restored.

However, this is not the first time that this type of procedure had been implemented by the French authorities. From October 2006 to September 2018, the reestablishment of the country's internal borders has been reported 15 different times [4].

By 2016, coinciding with the celebration of sporting events such as the European Cup and the Tour de France, police controls had increased at border crossing points. Consequently, this also led to an increase in the number of returns and non-admissions of non-EU foreigners from Spain.

Until then, according to police sources, the procedure for returning unaccompanied people had been carried out in an appropriate and bilateral manner. However, under the pretext of the terrorist threat, France began to act unilaterally, by rejecting those migrants who did not meet the requirements for entering the country. This means, as demonstrated in both Irun and in La Jonquera, that people who are refused entry become trapped between these border crossings.

It must be said that France is not the only European state that has chosen to establish enhanced control mechanisms at its borders. The increased number of arrivals in Europe (especially in the Mediterranean) of refugees during the summer of 2015 led to unilateral decisions being made by several countries on the management and control of their dividing lines with other neighbouring countries. Austria was the first, in September 2015, but nowadays more Schengen Area countries apply border control procedures. These countries are France, Germany, Austria, Denmark, Sweden and Norway (the latter is not an EU member, but it is in the Schengen Area).

In October 2017, a debate on the modification of the conditions of application established by the Schengen Implementation Convention for the restoration of internal border controls took place at a meeting of several ministers from their respective Interior and Justice departments [5]. Two groups of countries were distinguished in these talks: those who wanted to reform Schengen in order to prolong these controls in the face of alleged threats, and those who defended the need to preserve a Europe without frontiers. While the discussion continued unresolved, many countries continued to request extensions in order to maintain control over their own borders. The last extension requested ended in May 2019.

[4] For more information: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/borders-and-visas/schengen/reintroduction-border-control/docs/ms_notifications_-_reintroduction_of_border_control_en.pdf

[5] For more information: <https://www.consilium.europa.eu/es/meetings/jha/2017/10/12-13/>

Unit 1. Borders, Policies and People

1) Concept

An increased numbers of police checkpoints by has led to a rise in identifications procedures being made at the border point of La Jonquera. As the team has been able to observe directly (and also thanks to conversations with staff at border stations), patrols carry out what amount to daily checks on trains travelling to France.

2) Situations:

• Border restoration.

Without losing sight of the fact that the starting point of the Schengen Borders Code is based on the absence of checkpoints, and that the restoration of internal borders is only planned in the event of determined events, the readmission agreement between France and Spain is an instrument that is now being used to return people back to Spain who are in an irregular administrative situation, and who have been intercepted in France. This agreement however does not justify the regular and constant monitoring of the border, either by the French authorities or by their Spanish counterparts, and it ignores individual rights to information, legal defence and appeals proceedings.

• The Readmission Agreement between Spain and France

The legal framework that regulates the numerous cases of returns between both countries is the Agreement on Readmission of Persons in an Irregular Situation between Spain and France, which was signed in Malaga on 26 November 2002, and which became applicable on 21 December 2003 [6]. The agreement deals with the readmission of nationals from the signatory countries and of third-country nationals who have been identified in one of the signatory countries and who came from the other signatory country [7].

In this agreement, both countries undertake to accept people who are returned, if they are in an irregular situation and have been intercepted by the police in a period of no more than 4 hours from when they crossed the border.

[6] Ministerio de Asuntos Exteriores (2002). Acuerdo entre la República Francesa y el Reino de España sobre la readmisión de personas en situación irregular: <https://www.boe.es/boe/dias/2003/12/26/pdfs/A46109-46117.pdf>

[7] For more information on exceptions and procedures, read Point 3.3 of the Observation Report

However, in reality it appears that there are a significant number of returns made without the application of any established procedure, and migrants and refugees are being intercepted on the French side of the border and returned by the French police to Irún or La Jonquera without the authorities providing communication of their actions to the Spanish police [8].

1) Activity. Would you leave your own home?

Explain the following news item to the pupils:

On 9 February 2018, four Tunisian men arrived in Girona hidden in a lorry trailer. Six days later, in Celrà, eight people (3 children and 5 adults) appeared in another truck from Italy. In total, between February and May 2018, at least seventy African people arrived in Catalonia in similar situations [9]. Most of them did not intend to arrive in Spain, but wanted to go to France, or other countries in northern Europe. While some of them (the adults) were returned to France within the framework of the Bilateral Readmission Agreement, the children were placed in the care of the Directorate General for Child and Adolescent Assistance (DGAIA). In these cases, those returns made of asylum seekers that had been done by the French police, and who were detected during their journeys from Spain to France were added to these figures. With regard to the other case, one of the most worrying points in recent years has been the lack of effective protocols involved in managing these types of returns. The consequences have been situations, such as that experienced by two Syrian families (10 people, 6 of them children), who after being intercepted on a bus, were found at a service station in La Jonquera at half past six in the morning, in early March 2017 [10].

Begin the game “Would you leave your own home?” from the CCAR educational briefcase that relates various experiences and stories in the lives of refugees, migrants and asylum seekers.

[8] In the case of Basque border crossings, the Joint Police Station of Biriartou is the delivery and reception point for these people, who are later transferred to the Irún police station, where expulsion proceedings are initiated for irregular stays in Spain.

[9] Soler, T. (29/05/2018). Refugiats en ruta. El Punt Avui. Recuperat de <http://www.elpuntavui.cat/punt-divers/article/4-divers/1400748-refugiats-en-ruta.html>

[10] Brujats, P. (09/03/2017) França retorna refugiats. Cadena Ser. Recuperat de https://cadenaser.com/emisora/2017/03/09/radio_girona/1489063318_423878.html

Unit 2. The Lack of Safe, Legal Channels and Clandestine Activities

1) Concept

Among others of its kind, what is considered to be the largest brothel in Europe is in La Jonquera, with almost 200 women on its books. Its low prices compared to its French counterparts on the other side of the border, health "guarantees" and the fact that the area is considered as a "safe" environment, in social terms, all attract sexual tourism. One of the consequences has been that the Spanish-French border is unfortunately linked to cases of people trafficking and sexual exploitation, either in brothels or in public areas.

With respect to the role of the local authorities, the municipal council of La Jonquera was one of the first in the state to penalise both prostitutes who were soliciting in public areas, and their clients. However, the policy was stopped, as it was ineffective, because the fines themselves increased the debts the victims already had with the criminal organisations [11] manipulating them, which together with the clandestine nature of their work [12] made it even more difficult for them to leave these criminal networks of exploitation [13].

2) Situation

The secrecy surrounding people trafficking and exploitation networks exposes migrants to serious risks. The fact that there are people in the area who are willing to transport migrants (among whom there are children) in private vehicles in exchange for unspecified prices, exposes the undesired side effects may arise from increased checkpoints and returns between the two countries. If these returns are not undertaken in a totally secure context for all those involved, migrants will be forced (as they are) to choose routes that are highly dangerous.

3) Activity. Class Debate

Explain the concept and the situation with respect to people trafficking for sexual exploitation in La Jonquera. Then watch a video from the Diari de Girona newspaper, which explains one of the latest operations that dismantled a criminal network dedicated to this type of crime in La Jonquera.

Then, start the debate with questions like:

- How did you feel during the video?
- Do you think that being a man or woman determines any reasons for fleeing a country and the chances of finding a safe haven?
- What other risks face those who are forced to travel in a clandestine manner?
- Have you confirmed your previous ideas or has something changed?

[11] Reguero, P. (03/11/2017). Las ordenanzas que sancionan la prostitución penalizan a las mujeres. El salto. Recuperat de <https://www.elsaltodiario.com/trabajo-sexual/encarna-bodelon-ordenanzas-prostitucion-mujeres-multas-derechos>

[12] Blázquez, B. (2017). La trata de personas con fines de explotación sexual en España: elementos para la reflexión.

[13] Martín-Arroyo, Javier. (03/09/2016). Denunciados un millar de prostitutas y clientes tres un año de la "ley mordaza". El País. Recuperat de https://elpais.com/politica/2016/09/02/actualidad/1472839814_078043.html

Unit 3. Anyone could be a Refugee

The secrecy that many applicants for international protection are forced to face makes it difficult to obtain representative data about their countries of origin and the reasons for their journeys. One of the sources we have used to obtain information is the Red Cross in La Jonquera, which attended to different several people of different nationalities in 2018:

The Nationality of the People attended to			
Syria	53	Eritrea	3
Morocco	9	Ivory Coast	2
Nigeria	9	Romania	2
Palestine	7	Ghana	1
Guinea Conakry	5	Comoros	1
Lebanon	5	Senegal	1
Yemen	4	Mai	1
Algeria	4		

Source: The Red Cross, La Jonquera

1) Concept

- **What is a refugee?**

Refugees have been forced to flee their country due to persecution suffered, usually due their ethnicity, religion, nationality, political opinion, gender or sexual orientation. Many are victims of people trafficking or armed conflicts.

2) Situation

In 2018 Spain received 54,065 applications for international protection. Some of them were from the following countries of origin; Venezuela, Colombia and Syria.

However, the main countries involved also included Central American countries (Honduras, El Salvador and Nicaragua), as well as Ukraine, Palestine, Morocco and Algeria [14].

[14] For more information, go to <https://www.masquecifras.org/#cifras-espana>

1) Activity. Class Debate

Explain what a refugee is, and the origin of the main applications for international protection in Spain. Then compare them with the numbers of people attended by the Red Cross on the border.

After this, start the debate with questions like:

- Do you think that all refugees want to reach Spain?
- Where might they want to get to? Why?
- What do you know about the situation in the countries of origin that appear on the list?

To help prepare for the session, it is recommended to read the country files of the different origins that you want to work with in the classroom. You will find them on the caminsderefugi.org [15] website.

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[15]Some of the country files may not be on the list. The list is continually being updated and extended over the duration of the project.