



EDUCATIONAL OBSERVATION DOSSIER: THE SOUTHERN BORDER

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

Barcelona, 2017

THE SOUTHERN BORDER

Contents

1. What can we use to work with students through the analysis of the refugee and migrant situation on the Southern Border?.....	4
2. The Refugee and Migrant Situation on the Southern Border	5
- Unit 1. Women.....	6
- Unit 2. Hot Returns	7
- Unit 3. Limitations on asylum rights.....	8

1. What can we use to work with students through the analysis of the refugee and migrant situation on the Southern Border?

The Southern Border is the third point of access to the Mediterranean region, after Italy and Greece. However, it is increasingly being used. In 2017, 28,587 people arrived in Ceuta, Melilla, the coasts of the Iberian Peninsula and the Canary Islands and the Balearic Islands together. Over three quarters of those who arrived during this period (22,419) did so by sea; three times more than the previous year (8,048). This is due to the protection deployed at land access points, which means that ever more people are forced to choose this alternative.

This area is the location of the only land border between the African continent and the European Union (EU). It is a Spanish border and therefore what happens there is the responsibility of Spain. Many people who arrive in Catalonia have crossed this border, one that is unfortunately well-known, due to the numerous, serious human rights violations suffered by refugees and immigrants, and which include children. Many of these abuses remain unpunished or are invisible to the eyes of the general public on the European continent.

In order to find out about this situation first hand, and to inform secondary and high school students about it, a team of observers from the Catalan Commission for Refugees (the CCAR) and SOS Racisme Catalunya carried out an **Observation Mission** in April 2017 in the Spanish cities of Melilla and Ceuta and in the Moroccan cities of Nador and Tanger. The following teaching dossier arose from the facts learned about the management of immigration control. This document aims to facilitate the teacher's work in class by covering the following issues:



- Te concept of a border
- Promoting a critical view of what occurs around us

- What does it mean to be a refugee or migrant?
- The causes of forced migration
- Human rights and migrations
- The gender perspective in migratory processes

In order to further conceptualise class-based work, visit www.maletarefugi.ccar.cat and read the report made afterwards by the Observation Mission on Human Rights on the Southern Border, here www.caminsderefugi.org

2. The Refugee and Migrant Situation on the Southern Border

Although in recent years several reports [1] have highlighted the serious situation faced by refugees and migrants at the Southern Border, and there is greater public awareness, violations of rights continue to occur. It is therefore necessary to publicise, document and report those violations that occur in the attempt of migrants to enter Spanish and European territory. And even more so, if one considers that, as several organisations [2] have reported, this approach is considered as a successful formula with respect to border management and a model to be exported to other frontiers.

The figures show its importance as a gateway to the EU: the total number of arrivals (28,587) was twice as much as that of the previous year [3], and of these, more than three quarters (22,419) were by sea, three times more than during the previous year (8,048).

As the number of arrivals increases, so does that of those who have lost their lives in the attempt to cross the Strait of Gibraltar or the Alboran Sea, due to the lack of legal and safe routes [4]. The number of deaths in the Western Mediterranean area reached a total of 224 in 2017, an increase of 75% with respect to the total figure for the previous year (128) and an upsurge of 280% with respect to the death toll registered three years earlier, in 2014 (59). At the termination of this report, data from 1 March 2018 indicated that this year is going to be the deadliest so far, with 100 deaths having been recorded in the first two months of the year (38% of those that occurred throughout the Mediterranean as a whole). This translates into an increase of 400% when compared to the same season during the previous year, when 20 people died in the Western Mediterranean during January and February 2017.

[1] Comisión Española de Ayuda al Refugiado (CEAR) (2017), Refugiados y Migrantes en España: Los muros invisibles tras la frontera sur: <https://www.cear.es/wp-content/uploads/2018/02/INFORME-FRONTERA-SUR.pdf>; Irídia (2017), La frontera sur: Accesos terrestres: <http://ddhhfronterasur2017.org/assets/frontera-sur.pdf>; Amnesty International (2006), Spain and Morocco: The Protection of Migrant Rights has failed: Ceuta and Melilla one year later: https://www.es.amnesty.org/uploads/media/Ceuta_y_Melilla_2006.pdf; Asociación Pro-Derechos Humanos de Andalucía (APDHA) (2017), Derechos Humanos en la Frontera Sur 2017: <https://www.apdha.org/media/informe-frontera-sur-2017-web.pdf>

[2] SOS Racism (2017), Annual Report.17: On Racism in Spain: <https://sosracismo.eu/wp-content/uploads/2017/09/Informe-Anual-2017-SOSweb.pdf>, Asociación Pro-Derechos Humanos de Andalucía (2017), Derechos Humanos en la Frontera Sur 2017. Op.cit.

[3] Asociación Pro-Derechos Humanos de Andalucía (APDHA) (2017), Balance Migratorio: Frontera Sur: <https://apdha.org/media/Balance-Migratorio-Frontera-Sur-2017-web.pdf>

[4] All data in this paragraph has been taken from the website of the International Organisation for Migrations (OIM), Missing Migrants: <https://missingmigrants.iom.int/region/mediterranean>

Unit 1. Women

1) General context

92.7% of those people who cross the Southern Border are men and only 7.3% are women, of whom 161 were pregnant [5]. It is important to note that women migrants are more vulnerable to danger, as they are exposed to many situations of sexual violence during their journeys. With respect to age, 86.7% were adults and 13.3% were minors, although these are estimates, as establishing a precise age is difficult. One of the worst issues found at the Southern Border is the lack of specific protection mechanisms for vulnerable groups, such as victims of human trafficking for sexual exploitation (HT), LGBT+ people, or foreign unaccompanied foreign minors (FUMs). This happens both on the border perimeter, in the Migrant Temporary Stay Centres for immigrants (CETI in Spanish) or in the centres for children. This therefore leads to a situation in which their vulnerability is heightened, as reported by several organisations [6].

2) Situations

With respect to women, many cross the Southern Border by sea in boats [7], and it would appear that only one woman has climbed over the fence and another has swum across the border, both of these events occurred in Melilla. Spain is noteworthy for the lack of specific measures that protect women victims of human trafficking for sexual exploitation or from gender violence, as shown by the case of a young Algerian woman who, after having reported her husband for assaulting her and making death threats, had to share a room with her aggressor and again suffered ill treatment when he was later readmitted to a CETI. An effective solution would have been to move her to Spain, where she would have been safe [8].

Victims of human trafficking for sexual exploitation (HT), are reluctant to acknowledge themselves as such, which when coupled with the lack of police diligence in terms of identifying this offence, explains why there are no asylum requests based on this reason. The fact is that, although protocols do exist for victims, they do not feel safe enough to collaborate with the authorities, as they are living in a CETI with their traffickers, and because if they request asylum their transfer to the Iberian Peninsula is delayed. This is especially serious in cases in which they are still in CETI centres with their traffickers and therefore if they denounce their abusers they are exposed to reprisals and even more violence. This lack of identification means that they then move on into the Spanish mainland as foreign women in an irregular situation, with an expulsion order, in a situation of vulnerability that leads them to continue within HT networks.

[5] Asociación Pro-Derechos Humanos de Andalucía (APDHA) (2017), Balance Migratorio: Frontera Sur. Op.cit.

[6] Comisión Española de Ayuda al Refugiado (CEAR) (2017). Op.cit. Ildia (2017). Op.cit.

[7] Comisión Española de Ayuda al Refugiado (CEAR) (2017). Op.cit.

[8] <https://www.es.amnesty.org/actua/acciones/refugiados-migrantes-ceuta-melilla-nov16/>

3) Activity. Class Debate (45-60 minutes)

Explain the general context and the two situations on the Southern Border. Next see the video made by CEAR-Euskadi #SeTrataDeRefugiadas [9] - It's about Refugees):

<https://www.youtube.com/watch?v=H8AMPGTss3c>

Create an atmosphere for debate and discussion in class:

- What are the differences and similarities between the risks facing men and those facing women in situations of forced migration? – What aspects for improvement do you believe could be applied to prevent the added dangers that women face?
- What do you think that we could do? Raising awareness, volunteer work, etc.

4) Extra activity: Women are Refugees too



[9] Spot Escapar para Vivir #SeTrataDeRefugiadas - CEAR Euskadi

Unit 2. Pushbacks

1) Concept

A pushback (also known as ‘hot return’ in Spain) consists in the immediate return with no legal guarantee of someone back to Morocco who has crossed the fence into Spain.

2) Situation

There are attempts to cross Morocco into Ceuta or Melilla by sea (by boat or swimming) or across the border checkpoints (in hidden compartments in vehicles, or with false documentation that is only accessible to people with an Arabic appearance). However, the barrier that creates greater moments of tension, and where the most technological and military resources are used to repress people from crossing Southern Border are the fences. These are imposing constructions fitted with expensive military-grade technology, such as anti-climbing nets, spools of barbed wire, camcorders or infrared sensors, which makes them a very lucrative business for many European companies. The Spanish government has even considered the use of water cannons and drones [10]. As the delegation has been able to prove, the Ceuta barrier consists of a double fence on the Spanish side and a lower fence on the Moroccan side, with a deep trench in the middle. These fences are also fitted with ‘concertina wire’ which is sharp, barbed wire that causes deep cuts.

One serious violation of human rights that occurs at the fence, and which is repeatedly denounced by many organisations, including the Ombudsman and the European Court of Human Rights is what is known as "hot returns", which violates the principle of "non-refoulement", which is a fundamental principle of the right to asylum.

This practice has been carried out for years and in 2015 the Spanish government tried to legalize it with the reform of the Organic Law on the Protection of Public Security (otherwise known as the “Gag Law”) [i]. International law prohibits the expulsion or return of a person to a third country in which their life and liberty is not guaranteed, and where there are well-founded reasons to believe that they may suffer torture, inhuman or degrading treatment or violations of their human rights (Article 33.1 of the Geneva Convention and Article 3.1 of the Convention against Torture and Other Cruel, Inhuman or degrading treatment or violations of their

[10] <http://www.europapress.es/ceuta-y-melilla/noticia-interior-estudia-usar-vehiculo-antidisturbios-canon-agua-control-fronterizo-ceuta-20170404130107.html>

[11] Boletín Oficial del Estado (2015), Llei Orgànica 4/2015, de 30 de març, de Protecció de la Seguretat Ciutadana: https://boe.es/boe_catalan/dias/2015/03/31/pdfs/BOE-A-2015-3442-C.pdf

human rights (Article 33.1 of the Geneva Convention and Article 3.1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatments or Punishments, both treaties have been signed by Morocco and Spain [12])

Hot returns also violate international law regarding the protection of children (the children whom the state is obliged to protect are not identified) and international protection (they are not allowed to apply for international protection). In short, collective expulsions are prohibited under international law.

This completely illegal practice has been carried out for years and in 2015 the Spanish government tried to legalize it with the reform of the Organic Law on the Protection of Public Security (otherwise known as the “Gag Law”), including a special regime in Ceuta and Melilla and by providing legal coverage to this practice.



[12] United Nations (1951), Convention on Refugee Status: <http://www.ohchr.org/SP/ProfessionalInterest/Pages/StatusOfRefugees.aspx>
United Nations (1984), Convention on Torture and Other Cruel, Inhuman or Degrading Treatments and Punishments:
<http://www.ohchr.org/SP/ProfessionalInterest/Pages/CAT.aspx>

3) Activity. Would you leave your own home? (40-60 minutes)

Explain the concept and the situation surrounding hot returns. Next, watch the following video, with the eye-witness account from one of the survivors of the events at El Tarajal, where the Civil Guard shot rubber bullets at to a group of people trying to access Ceuta through the Tarajal, when 15 of them were drowned (February 2014) [13].

https://www.youtube.com/watch?v=_P2ir_yqtyw

Then begin the game “Would you leave your own home?”

[13] CEAR (2018). Un superviviente de El Tarajal cuenta por primera vez lo que vivió. [video] Available at: https://www.youtube.com/watch?v=_P2ir_yqtyw [Accessed 17 May 2018].

Unit 3. Limitations on Asylum Rights

1) Concept and situation

The right to asylum is one of the rights most flagrantly violated on the Southern Border, and it has been for years, mainly due to the lack of safe, legal ways to enter Spain. Despite the existence of asylum offices at the land border crossings in Ceuta and Melilla, migrants find it almost impossible to get to them, as they first need to pass the Moroccan border, where they are sent back. As many organisations [14] have reported, and as we found out for ourselves, it is totally impossible for people from sub-Saharan Africa to be allowed to get through those checkpoints operated by Moroccan authorities, and therefore their access to asylum rights is nullified. People with an Arabic appearance however are able to pass through these border controls when holding Moroccan documentation. This means that only people from countries like Morocco or Syria have any real possibility of requesting international protection, and, in the latter case, Syrians need to buy fake Moroccan passports and pay off the security forces at the border controls. This explains why in Ceuta no single asylum application has been received at the asylum office at the border crossing since it was authorized in 2015, and why asylum application at the Melilla checkpoint has only been officially requested from Moroccans, Palestinians or Syrians (in 2016 2,038 applications were received, of which 1,829 were from Syria, 173 from Palestine and 161 from Morocco [15]).

This means that applicants for international protection from sub-Saharan Africa have no choice but to try and cross the fence or enter to Ceuta or Melilla by sea. However, in these cases, access to this right is not guaranteed either because, as explained earlier, hot returns at the fence are commonplace, collective expulsions, which are prohibited by international law negate the possibility of applying for international protection.

Added to all these impediments, is the fact that many migrants and refugees do not know that they can request international protection, or the reasons they could cite for requesting it. If they manage to reach a Temporary Refuge Centre for Immigrants (CETI), CEAR lawyers are on hand to help them submit their applications. Nonetheless, many who could apply choose not to: as of October 2017, in the CETI at Ceuta, only 11.6% of its residents had requested asylum, the majority of whom were from Algeria, none were from “Black Africa” and only 9 were women [16]. This is explained by the fact that requesting asylum in Ceuta or Melilla will delay transfer to the Spanish mainland, as asylum seekers in these cities have their freedom of movement restricted outside of them by a convention applied to the Schengen Agreement.

[14] Comisión Española de Ayuda al Refugiado (CEAR) (2017). Op.cit., Irídia (2017). Op.cit, Asociación Pro-Derechos Humanos de Andalucía (2017). Op.cit.

[15] Comisión Española de Ayuda al Refugiado (CEAR) (2017), Informe Anual 2017: Las personas refugiadas en España y Europa: <https://www.pear.es/wp-content/uploads/2017/06/Informe-Anual-CEAR-2017.pdf>

[16] Comisión Española de Ayuda al Refugiado (CEAR) (2017). Op.cit.

2) Activity. Could you get in? (40-60 minutes)

View the short video entitled “They will not enter” with the group, and carry out the activity It could be you.

3) Additional Material:

Salvados - "Hay que decirles que no tengan miedo porque no somos monstruos" (They need to be told not to be afraid, because we are not monsters). [17]

<https://www.youtube.com/watch?v=B-ZvMXZKoKY>



[17] La Sexta (2014). Salvados - "Hay que decirles que no tengan miedo porque no somos monstruos". [video] Available at: <https://www.youtube.com/watch?v=B-ZvMXZKoKY> [Accessed 17 May 2018].

Created by:



With the support of:



The information in this document does not reflect the position or the opinion of the Catalan Government, nor that of Barcelona City Council